

**VILLAGE OF BELMONT
ZONING BY-LAW 91-21**

OFFICE CONSOLIDATION to September, 2025

**VILLAGE OF BELMONT
ZONING BY-LAW**

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**BY-LAW No. 91-21
RESTRICTED AREA BY-LAW
VILLAGE OF BELMONT**

SECTION 1 - INTRODUCTION & ADMINISTRATION

A By-Law to regulate the use of land, the character, location and use of buildings and structures in the Village of Belmont.

WHEREAS the Council of the Corporation of the Village of Belmont deems it expedient to implement the Official Plan of the Village of Belmont, and

WHEREAS authority is granted under Section 34 of the Planning Act R.S.O. 1983, as amended, subject to the approval of the Ontario Municipal Board to pass this By-Law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE VILLAGE OF BELMONT ENACTS AS FOLLOWS:

- 1.1 SHORT TITLE** This By-Law shall be known as the "Zoning By-Law" of the Corporation of the Village of Belmont.
- 1.2 APPLICATION** The provisions of this By-Law shall apply to all lands within the boundaries of the Corporation of the Village of Belmont hereinafter referred to as the Corporation.
- 1.3 SCOPE** No lands shall be used and no buildings or structures shall be erected, altered, enlarged or used within the Village of Belmont except in conformity with the provisions of this By-Law and except as permitted by this By-Law.
- 1.4 REPEAL OF EXISTING BY-LAWS** The following Restricted Area (Zoning) By-Law is hereby repealed: 79-6 and amendments thereto.
- 1.5 VALIDITY** Should any section, clause or provision of this By-Law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-Law shall not be affected.
- 1.6 EFFECTIVE DATE** This By-Law shall take effect on the date of its passing by Council and comes into force in accordance with Section 34 of the Planning Act, 1983, or upon approval of the Ontario Municipal Board.
- 1.7 ADMINISTRATION** This By-Law shall be administered by the Central Elgin Planning Office.
- 1.8 INSPECTION OF PREMISES**
- (a) Subject to Clause (b) of this Subsection, the Chief Building Official or any employee of the Municipality acting under his direction, may, at any reasonable hour, enter and inspect a property or premises where there is a reason to believe that any land has been used or any building or structure has been erected, or used in violation of any of the provisions of this By-Law.
 - (b) Notwithstanding anything to the contrary in Clause (a) of this

Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under Section 142 of the Provincial Offences Act (R.S.O. 1980), Chapter 400, or any successors thereto.

1.9 LICENCES AND PERMITS

No municipal permit, certificate or licence shall be issued where the said permit is required for a proposed use of land or a proposed construction, or use of any building or structure that is in violation of any provisions of this By-Law.

1.10 APPLICATION FOR BUILDING PERMITS

In addition to all of the requirements of the Building Code and this By-Law or any other by-law of the Corporation, no building permit shall be issued in respect of the erection or alteration of a building or structure until the following have been submitted to and approved by the Chief Building Official:

- (a) two copies of a site plan, one copy of which shall be retained by the Zoning Administrator, drawn to scale and showing,
 - (i) the true dimensions of the lot to be built upon or otherwise used;
 - (ii) the location of all existing buildings, structures or uses on the lot;
 - (iii) the proposed location, grade, height and dimensions of any building, structure or use proposed for such lot; and
 - (iv) the proposed location and dimensions of yards, landscaped open spaces, parking areas and loading spaces;
- (b) a statement, signed by the owner, disclosing the specific existing or proposed use for each existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-Law; and
- (c) two copies of a plan showing the ground level and contour lines on the lot as of the date of the application and as same will be upon completion of the proposed erection or alterations and when the final grading has been completed.

1.11 ISSUANCE OF BUILDING PERMITS

Notwithstanding the provisions of the Building Code Act, the Building Code, or any by-law of the Corporation to the contrary, no building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way, one or more of the provisions of this By-Law.

**1.12 REQUESTS
AMENDMENTS**

Every request for an amendment to this By-Law shall be accompanied by a completed copy of the appropriate application form provided by the Corporation.

**1.13 RISK, EXPENSE AND
COMPLIANCE**

The facilities, yard or other matters required by this By-Law shall be provided and maintained at the sole risk and expense of the owner of the lands in respect of which such matters are required hereby, and the said owner and/or user shall at all times bear full responsibility for ensuring compliance in all respects with this By-Law.

**1.14 VIOLATIONS AND
PENALTIES**

Every person

- (a) Who contravenes any of the provisions of this By-Law, or
- (b) Who is the owner of any land used or of any building or structure erected, altered, enlarged or used in contravention of this By-Law, or
- (c) Who causes or permits any land used or of any building or structure erected, altered, enlarged or used in contravention of this By-Law, or
- (d) Who is the occupant or owner of any land used or of any building or structure erected, altered, enlarged or used in contravention of this By-Law is guilty of an offense and on conviction is liable,
- (e) on a first conviction to a fine of not more than \$20,000.00, and
- (f) on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof during which the contravention has continued after the day upon which there was a first conviction;

provided that if a corporation is convicted under this Section 1 (1.14), the maximum penalty that may be imposed is,

- (g) on the first conviction, a fine of not more than \$50,000.00, and
- (h) on a subsequent conviction, to a fine of not more than \$25,000.00 for each day or part thereof during which the contravention has continued after the day upon which the corporation was first convicted.

**1.15 ORDER OF
PROHIBITION**

When a conviction is entered under Section 1 (1.14), in addition to any other remedy or any penalty provided by law, the Court in which the conviction has been entered and any Court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offense by the person convicted.

APPLICATION OF OTHER BY-LAWS

Nothing in this By-Law shall operate to relieve any person from any obligation to comply with the requirements of the Building Code Act, of the Building Code or of any By-Law of the Corporation in force from time to time or the obligations to obtain any license, permit, authority or approval required under this or any other By-Law of the Corporation.

OTHER BY-LAWS

If the provisions of this By-Law are inconsistent with the provisions of any other By-Law of the Corporation, then the provisions establishing the higher or more demanding, or more onerous, or more strict standard shall prevail and if there is a conflict of provisions, then the provisions of this By-Law shall prevail.

1.16 REMEDIES

- (a) Where a building or structure is erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is used, or any lot is used, in contravention of any requirements or other provisions of this By-Law, such contravention may be restrained by action at the insistence of any ratepayer or of the Corporation pursuant to the relevant provisions of the Municipal Act, R.S.O. 1980, or the Courts of Justice Act, 1984, in that behalf.
- (b) Where a person guilty of a violation against this By-Law has been directed to remedy such violation and is in default of doing any work thus required, then such work may be done at his expense by the Corporation, at its sole discretion, and the Corporation shall have the unlimited right to recover any expenses thus incurred by action or in like manner as municipal taxes, and such expenses shall be in addition to and not in derogation of any remedy by way of mandamus, injunction or otherwise.

1.17 SEVERABILITY PROVISIONS

A decision of a Court that one or more of the provisions of this By-Law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this By-Law.

1.18 REPEAL OF EXISTING BY-LAWS

From the coming into force of this By-Law, all previous By-Laws passed under Section 34 of the Planning Act, 1983, or any predecessor thereof, shall be repealed except to the extent that any of the said previous By-Laws prohibit the use of any land, building or structure for a purpose that is also prohibited by this By-Law.

1.19 EFFECTIVE DATE

This By-Law shall become effective from the date of its passing by Council and comes into force in accordance with Section 34 of the Planning Act, 1983, or upon approval of the Ontario Municipal Board.

SECTION 2 – DEFINITIONS

GENERAL

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

ACCESSORY, when used to describe a use, building or structure, shall mean a use, a building or structure that is normally incidental, subordinate and secondary to a main use, building or structure and that is located on the same lot therewith.

ADULT ENTERTAINMENT PARLOUR means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations;

- (i) 'to provide' when used in relation to services includes to furnish, perform, solicit, or give such services and 'providing' and 'provision' have corresponding meanings;
- (ii) 'services' includes activities, facilities, performances, exhibitions, viewing and encounters but does not include the exhibition of film approved under the Theatres Act;
- (iii) 'services designed to appeal to erotic or sexual appetites or inclinations' includes,
 - (a) services of which a principle feature or characteristic is nudity or partial nudity of any person;
 - (b) services in respect of which the words 'nude', 'naked', 'topless', 'bottomless', 'sexy', 'erotic', 'nu' or 'exotic' or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.¹

AGRICULTURAL USE, means the cultivation of the land the production of field nursery and greenhouse crops, the processing of such products on a lot and the breeding and care of such livestock or product of such livestock raised on the lot and the sale of such livestock, the product raised on the premises or produce grown on the property.²

ALTER, when used in reference to a building or structure or part thereof, means to change any one or more of the internal or external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word "alter" means to decrease or increase the width, depth or area or change the grade thereof or to decrease the width, depth or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise.

APARTMENT BUILDING, shall mean the whole of a building that contain four (4) or more dwelling units which have a common entrance from street level and are served by a common corridor and the occupants of which units have the right to use in common the corridors, stairs, elevators, yards or one or more of them.

ATTACHED, shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with an adjacent building or buildings.

AUTOMOBILE BODY SHOP, shall mean a building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing service, but shall not include any other establishment otherwise defined or classified in the By-Law.

AUTOMOBILE SALES ESTABLISHMENT, shall mean a building and/or lot used for the display and sale of new and/or used motor vehicles and may include the servicing, repair, cleaning, polishing and greasing of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles.

¹ Added new subsection by Clause 1 to By-law 308, April 17th, 2001.

² Added new subsection by Clause 4(a) to By-law 97-8, April 22nd, 1997.

BASEMENT, shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above the adjacent finished ground surface (grade).

BOARDING HOUSE, Means a housekeeping unit within a detached building in which the maximum number of persons residing in the unit, exclusive of supervisory personnel, employees, or their dependents, shall be as specified in the various zoning categories of the By-Law and in which unit persons are lodged for gain. Such a unit shall not include the following:

- (a) A Community Resource Centre of a Correctional Institution as defined or designated under the Ministry of Correctional Services Act, R.S.O. 1980, C.279 as amended.
- (b) A place of open custody, a place of open temporary detention, a place of secure custody, a place of secure temporary detention or a place of temporary detention as defined or designated under the Young Offenders Implementation Act, R.S.O. 1984, C.19.
- (c) A Charitable Institution or a Hostel as defined under the Charitable Institutions Act, R.S.O. 1980, C.64.
- (d) A Nursing Home as defined under the Nursing Home Act, R.S.O. 1980, C.320.
- (e) A Home for the Aged as defined under the Homes for the Aged and Rest Homes Act, R.S.O. 1980, C.203.
- (f) A Residential Care Facility.
- (g) A Domiciliary Hostel
- (h) A tent, cabin, travel trailer or mobile home.
- (i) A hotel, motel, motor hotel or tourist home.
- (j) A Foster Home.

BUFFER STRIP AREA, shall mean an area used for no other purpose than the planting and maintaining of a continuous row of trees and the remainder of which is used for landscaping and the planting of ornamental shrubs, flowering shrubs, flower beds and grass or a combination thereof.

BUILDING, means a structure, whether permanent or temporary, having a roof supported by columns or walls or supported directly on the foundation, greater than 10 square metres in size and used for the accommodation, shelter or storage of persons, animals or goods but such a structure shall not include a fence.

BUILDING BY-LAW, Means any By-Law of the Corporation passed pursuant to the Building Code Act, R.S.O. 1980, C.51.

BUILDING PERMIT, Means a permit required by the Building By-Law.

BUSINESS OFFICE, Means a building or part thereof in which one or more persons is employed in administering, managing, directing or conducting a public or private agency, a business, a brokerage or a labour or fraternal organization, and includes, without limiting the generality of the foregoing, an office accessory to a permitted non-residential use, a bank or other financial institution, a data processing establishment, printing shop, real estate or insurance agent, but does not include a retail store, professional office or veterinarian's clinic.

BY-LAW ENFORCEMENT OFFICER, Means a person duly appointed by Council as a By-Law Enforcement Officer and charged with the duty of enforcing the By-Laws of the Village.

CELLAR, shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to ceiling below the adjacent finished ground surface (grade).

CEMETERY, Means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.

BUILDING OFFICIAL, shall mean the officer or employee of the Municipality for the time being charged with the duty of enforcing the provisions of this By-Law, the Building Code Act, or any other building code or building by-law of the Municipality.

CHURCH, Means a building owned or occupied by a bona fide religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall, auditorium, convent, monastery, cemetery, Sunday school, religious bookstore, vestry, vicarage or parsonage as accessory uses.

CLUB, Means a building or part thereof primarily used for the regular gathering of persons who are members of an organization and where access to a use of that organization's facilities is generally limited to its membership only. This includes any athletic, social service, cultural or recreational club located on privately owned lands but not operated for profit.

COMMERCIAL, shall mean the use of land, building or structure for the purpose of buying and selling goods and commodities, and supplying of services for remuneration as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

COMMERCIAL RECREATION, Means an establishment or premises where any recreational, social or cultural uses are operated commercially for profit such as health clubs, golf courses, open or covered swimming pools, open or covered skating or curling rinks, open or covered badminton or tennis courts, squash courts, bandshell and other similar uses.

COMMERCIAL USE, GENERAL, Means the use of land, structure of building for the purposes of buying and selling of commodities and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing and construction.

CONFORMING, Means "conforming to all applicable provisions or requirements of this By-Law".

CONVENIENCE FOOD STORE, Means a retail store wherein various convenience goods and items of day-to-day personal or household use or necessity including, without limiting the generality of the foregoing, food, beverages, pharmaceutical drugs, light hardware products, tobacco products and periodicals, are offered for sale.

CORPORATION, Means the Corporation of the Village of Belmont.

COVERAGE, shall mean in the case of a residential building or structure that portion or percentage of the area of any lot upon which buildings or structures are erected or permitted to be erected on the lot (not including an outdoor swimming pool) measured at the level of the lowest storey containing habitable rooms, and in the case of a non-residential building or structure that portion or percentage of the area of buildings or structures erected or permitted to be erected on the lot (not including an outdoor swimming pool) measured at the level of the lowest storey above grade, including in both cases all porches and verandas, steps, cornices, eaves, bay windows, chimneys.

DECK, Means a structure open to the sky supported directly by piers and which structure is used for outdoor activities.

DENSITY - RESIDENTIAL, Means the number of dwelling units per hectare of lot area on a lot containing a dwelling.

DRY CLEANING OR LAUNDERING ESTABLISHMENT, Means a building or part thereof used for the purpose of dry cleaning, dyeing, cleaning, laundering or pressing articles, goods or fabrics, with or without a dry cleaning depot as an accessory use.

DWELLING, shall mean a building or part of a building occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding or rooming houses, motels, institutions or living quarters for a caretaker, watchman or other person or persons using living quarter which are accessory to a non-residential building or structure.

DWELLING CONVERTED, shall mean a dwelling altered to contain a greater number of dwelling units.

DWELLING - MOBILE HOME, Means a freestanding single dwelling designed to be made mobile and constructed or manufactured to provide a permanent resident for one or more persons.

DWELLING - MULTIPLE ATTACHED, Means a building consisting of a series of one family dwellings units each having direct access from the outside.

DWELLING - STREET TOWNHOUSE, Means a building containing not less than three and not more than eight dwelling units, each unit of which is located on a separate lot with frontage on a public street and is separated from each adjoining unit by a common or party wall above grade for a minimum height of one storey above grade. Such common or party wall may enclose a heated or unheated part of dwelling unit or private garage or a combination thereof.

DWELLING - TOWNHOUSE, Means a building containing not less than three and not more than eight dwelling units with each unit separated by a common or party wall or walls, with a separate outside entrance to each unit.

DWELLING- TRIPLEX, Means a building containing three dwelling units.

DWELLING UNIT, shall mean one or more habitable rooms occupied or capable of being occupied by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or family, with a private entrance from outside the building or from a common hallway or stairway inside the building.

DWELLING UNIT - ACCESSORY, Means a dwelling unit accessory to a permitted non-residential use on the same lot and occupied either by the owner of such lot or by a person employed thereon.

DWELLING - APARTMENT, Means a multiple dwelling containing five or more dwelling units, other than a group dwelling, and includes any such dwelling wherein furnished or unfinished dwelling unit accommodation is provided on a weekly or monthly basis.

DWELLING - BOARDING HOUSE, Means a single detached dwelling containing three or more accessory guest rooms.

DWELLING UNIT, BACHELOR, shall mean a dwelling unit without a standard bedroom, but providing therein living, sleeping, eating, food preparation and sanitary facilities for one or two adults.

DWELLING, DETACHED, shall mean a separate building, containing not more than one dwelling unit and used by not more than one family.

***DWELLING, DUPLEX**, means a building containing two dwelling units that are separated horizontally and each of which has an independent entrance or an entrance through a common vestibule.³*

DWELLING, SEMI-DETACHED, shall mean a building that is divided vertically into two (2) dwelling units each of which has an independent entrance either directly or through a common vestibule, and which building is not used by more than two families.

***DWELLING, SINGLE DETACHED**, means a building containing one dwelling unit used, designed, or intended to be used for occupancy as one-dwelling unit.⁴*

DWELLING UNIT- SENIOR CITIZENS, Means a dwelling unit:

- (a) which has a dwelling unit area not exceeding 51 square metres
- (b) which is erected on land which is the subject of a mortgage or charge made pursuant to The National Housing Act, R.S.C. 1970, C.N-10, and
- (c) the maintenance, operation and other costs of the development of which are the subject of an agreement made pursuant to The Housing Development Act, R.S.O. 19080, C.209 or The Ontario Housing Corporation Act, R.S.O. 1980, C.339, under which grants in aid are to be paid and under which such dwelling unit is to be leased to persons whose age is not below the minimum age specified in such agreement.

EATING ESTABLISHMENT, shall mean a building or part of a building where food is offered for sale or sold to the public for immediate consumption therein and includes a restaurant, cafe, tea or lunch room, dairy bar, and refreshment room or stand, but does not include a boarding or lodging house.

ERECT, shall mean build, construct, reconstruct, alter and relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

EXISTING, shall mean existing as of the date of the passing of this By-Law.

***FARM USE**, means a lot, or part of a lot used or intended for the purpose of an agricultural use, together with or without its main buildings including one single detached dwelling, and barns, sheds, pens and other similar accessory buildings.⁵*

FLOOR AREA, shall mean the sum of the area of all floors of a building measured from the outside of all exterior walls, exclusive of any attic, basement, cellar, garage, verandah porch, or sunroom, unless such enclosed porch or sunroom is an integral part of the building and habitable in all seasons and excluding any floor area with a ceiling height of less than two (2) metres.

FLOOR AREA RATIOS, shall mean the floor area in (square metres) of all buildings and other structures on a lot divided by the area of the lot in (square metres).

FENCE, Includes a hedge, free standing wall, structure, or partition constructed of any material or combination of materials, enclosing, partly enclosing, or dividing land or being used for decorative purposes.

FLOOR AREA - RESIDENTIAL, Means the total floor area within a dwelling unit exclusively devoted to such dwelling unit which area is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, but excluding a garage, breezeway, porch, veranda, balcony, attic, basement, or cellar, elevator shaft area and boiler room

³ Added new subsection by Clause 4(b) to By-law 97-8, April 22nd, 1997.

⁴ Added new subsection by Clause 4(c) to By-law 97-8, April 22nd, 1997.

⁵ Added new subsection by Clause 4(d) to By-law 97-8, April 22nd, 1997.

FLOOR AREA - GROSS - COMMERCIAL AND INDUSTRIAL, Means the total floor area of all the storeys of a building or structure including the floor area of any basement but not of any cellar or sub-cellar, which floor areas are measured between the exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building or structure. For the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls.

FLOOR AREA - NET - COMMERCIAL AND INDUSTRIAL, Means the total of all floor area of the storeys of a building or structure used for commercial or industrial purpose on a lot; such areas to be measured from the exterior faces of the exterior walls, or from centre lines of party walls but excluding the area of any floor used for the following purposes:

- (a) parking of motor vehicles
- (b) storage rooms in basements or cellars
- (c) mechanical equipment rooms for serving and maintaining the building
- (d) common walkways, hallways, enclosed malls and service areas

GARAGE (PRIVATE) OR CARPORT, shall mean a building or portion of a building designed for the storage of not more than three (3) private passenger motor vehicles and the storage of household equipment incidental to residential occupancy wherein no service for profit is rendered; where such structure is attached to the main building it shall be deemed to be part of the main building and not an accessory building.

GARAGE, PUBLIC, shall mean a building or structure where motor vehicles are kept or stored for remuneration or repair, but does not include an automatic car washing establishment, a motor vehicles sales lot or an automobile service station.

GRADE, Means the average level of the proposed or finished ground adjoining a building at all exterior walls.

GASOLINE BAR, Means a place for one or more pump islands each consisting of one or more gasoline pumps or motor fuel pumps and which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and which shall not be used for repairs, oil changes or greasing of motor vehicles.

GROUND FLOOR AREA, shall mean the area of a building or structure measured from the outside of all exterior walls at grade, exclusive of any accessory building, garage, verandah, open or enclosed porch or sunroom, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons.

GROUP HOME, Means a housekeeping unit within a building, in which the maximum number of persons residing in the unit, exclusive of supervisory personnel employees or their dependents, shall be specified in the various zoning categories of this By-Law and which unit shall be licenced pursuant to a Provincial Statute. Such a unit shall not include the following:

- (a) A Community Resource Centre or Correctional Institution as defined or designated under the Ministry of Correctional Services Act, R.S.O. 1980, C.279 as amended.
- (b) A place of open custody, a place of open temporary detention, a place of secure custody, a place of secure temporary detention or a place of temporary detention as defined or designated under the Young Offenders Implementation Act, R.S.O. 1984, C.19.
- (c) A Charitable Institution or Hostel as defined under the Charitable Institutions Act, R.S.O. 1980, C.64.
- (d) A Nursing Home as defined under the Nursing Home Act, R.S.O. 1980, C.320.
- (e) A Home for the Aged as defined under the Homes for the Aged and Rest Homes Act, R.S.O. 1980, C.203.
- (f) A Residential Care Facility.
- (g) A Domiciliary Hostel.
- (h) A tent, cabin, trailer or mobile home.
- (i) A hotel, motel, motor hotel or tourist home.
- (j) A Boarding House.
- (k) A Foster Home.

HARDWARE STORE, Means a retail store engaged primarily in the indoor sale of hardware and home maintenance and improvement supplies.

HEIGHT- BUILDING, Means the average vertical distance measured from the finished grade level at the four corners of the building to the highest point of the roof structure or the parapet.

In calculating the height of a building, the highest point does not include any clock tower, chimney tower, cupola, steeple, church spire, electrical apparatus, television antenna or structural work for mechanical equipment required for operation of the building or structure. Where the height is designated in terms of storeys, it shall mean the designated number of stories including the first storey.

HEIGHT, when used with, reference to a building or structure shall mean the vertical distance in metres between the horizontal plane through grade level and a horizontal plane through;

- (i) the highest point of the roof assembly in the case of a building with a falt roof or a deck roof;
- (ii) the average level of a one-slope roof, between the ridge and the eaves provided that such roof having a slope less than twenty degrees with the horizontal shall be considered a flat roof;
- (iii) the deck roof line, in the case of a mansard roof;
- (iv) the average level between eaves and ridges in the case of a roof type not mentioned in subsections (i), (ii) and (iii) immediately preceding. The height regulations shall not apply to any ornamental dome, chimney, tower, storage silo, barn, cupola, steeple, church spire or water storage tank.⁶

HOME FOR THE AGED, Means a building for the aged as defined under the Home of the Aged and Rest Home Act, R.S.O. 1980, C.203, or a rest home established and maintained under the said Act.

HIGHWAY, Means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of motor vehicles and which has been assumed for public use as a public highway.

HOME OCCUPATION, Means the use of a dwelling unit for the making, treating, assembling or provisioning conducted in a dwelling unit by one or more members of the family residing within the dwelling unit provided that in connection with such use no person, other than a family member residing in the dwelling unit, is:

- (a) employed,
- (b) retained,
- (c) having their services made use of, or
- (d) reporting to work at or upon the lands or premises upon which the dwelling unit is located.

HOTEL, shall mean any hotel, tavern, inn, lounge or public house in one main building or in two or more buildings used mainly for the purposes of catering to the needs of the travelling public by supplying food and furnishing sleeping accommodation of not less than six (6) guest rooms, which guest rooms contain no provisions for cooking.

INDUSTRIAL USE, Means a building, structure, use or activity pertaining to:

- (a) the manufacturing, assembling, making, producing, blending, roasting, preparing, milling, inspecting, grading, sorting, classifying, screening, ornamenting, finishing, treating, cleaning, drying, altering, repairing, restoring, polishing, refinishing, packing, adapting, sawing, warehousing, stockpiling, storing, distributing, shipping, or any part or parts thereof; or
- (b) the production or storage of building or construction equipment or materials, but does not include an extractive use, a salvage yard or any activity primarily associated with a commercial use or with the supplying of personal services.

INDUSTRIAL-COMMERCIAL USES, shall mean any establishment involved primarily in repairing, servicing, processing or manufacturing activities, excluding those trades or businesses referred to in Section 97 of The Public Health Act, R.S.O., 1970, C321, as offensive trades and the following as accessory uses only: transportation, wholesaling and shipping.

INSTITUTIONAL USE, shall mean the use of land, building or other structures for some public or social purpose but not for commercial purposes. These uses may include governmental, religious, educational, charitable, philanthropic, hospital or other similar but non-commercial uses and notwithstanding the generality of the foregoing institutional uses may include: schools, churches, municipal offices and hospitals.

⁶ Added new subsection by Clause 4(e) to By-law 97-8, April 22nd, 1997.

LOADING AREA, shall mean:

- a) an area shown on a Zoning Map or Zoning Map Schedule as "Loading Area" which defines the area of a lot which shall be available and maintained at all times for off-street loading facilities, together with a way of access to and from a public highway or road under all conditions of use.
- b) an area shown on a Zoning Map or Zoning Map Schedule within "Parking Area" as "Loading Area" which defines the area of a lot as a space within a parking area which is available and maintained for off-street loading facilities, together with a way of access to and from a public highway or road under all conditions of use.

LOADING SPACE, shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise or materials used in connection with the main use of the lot or any building thereon, and which has unobstructed access to a street or lane.

LOT, Means:

- (a) a whole lot as shown on a Registered Plan of Subdivision, or
- (b) a parcel of land which fronts on a public highway which has been assumed for public use as a public highway and:
 - (i) is a parcel of land which existed as a separate parcel of land without any adjoining lands between owned by the same owner or owners as of the date of the passing of this By-Law, or,
 - (ii) is a parcel of land created pursuant to the provision of section 52 of the Planning Act, R.S.O. 1983, C.I as amended, or,
 - (iii) is a parcel of land created pursuant to the provisions of section 49(7) of the Planning Act, R.S.O., 1983, C.I as amended.

For the purpose of this definition, a "Registered Plan of Subdivision" shall not include a registered plan of subdivision which has been deemed NOT to be a registered plan of subdivision in a By-Law pursuant to Section 49(4) of the Planning Act, R.S.O. 1983, C.I as amended.

LOT AREA, shall mean the total horizontal area within the lot lines of a lot.

LOT, CORNER, shall mean a lot situated at the intersection of and abutting upon two (2) streets which intersect at an angle of less than one hundred and thirty-five (135) degrees.

LOT FRONTAGE, means the horizontal distance between the side lot lines of a lot measured at right angles, but where the side lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the midpoint of the front and midpoint of the rear lot lines at a point within the lot which is 7.5 metres from the front lot line, and where such side lot lines meet, the lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines and the midpoint of the front lot line at a point within the lot which is 7.5 metres from the front lot line.⁷

LOT DEPTH, shall mean the horizontal distance between the front and rear lot lines. If these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines. When there is no rear lot line, lot depth means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

LOT LINE, shall mean any boundary of a lot.

LOT, THROUGH, shall mean a lot other than a corner lot, bounded on two sides by a street or streets.

LANDSCAPED OPEN SPACE, Means any uncovered area of land including lawn and ornamental shrubs located in any yard, or in any inner or outer court, and includes paths, patios, decks or walkways but shall not include any parking spaces, parking areas, parking lots, driveways, or ramps.

LANDSCAPING AREA OR STRIP, Means an area of land, located within a required yard, to act as a buffer which area is devoted solely to the growing of grass, ornamental shrubs or trees and may include fences.

LEGAL EXISTING, When used in reference to a use, lot, building or structure, means:

- (a) a use, lot, building or structure existing lawfully as of the date of passing of this By-Law; or
- (b) a building or structure the plans for which were approved prior to the passing of this By-Law in the manner described in Subsection 4(3) of Part II hereof.
- (c) a lot which is or has been held under distinct and separate ownership from abutting registered lots continuously from the date of passing of this By-Law or is located in a plan of subdivision registered prior to the date of passing thereof.

⁷ Added new subsection by Clause 4(f) to By-law 97-8, April 22nd, 1997.

LOT COVERAGE, means the combined area of all buildings or structures on a lot measured at the level of the lowest floor above grade in relation to the area of the lot expressed as a percentage and includes the area of any of the following which have a roof and are enclosed on all sides: a porch, breezeway, pool, patio, deck or carport but excludes the area of any steps, cornices, eaves, bay windows, chimney breasts, corbelling and similar projections and also excludes the area of any terrace, patio, pool or deck, porch, breezeway or carport which are not enclosed on all sides and does not include areas used for septic tanks or leaching beds.⁸

LOT - END, Means a lot other than an interior lot or a corner lot situated at the end of a row of street townhouses.

LOT LINE - REAR, Means the lot line or lines opposite a front lot line.

LOT LINE - SIDE, Means a lot line other than a front or rear lot line.

LOT - INTERIOR, Means a lot other than a corner lot or end lot.

LOT LINE - EXTERIOR, Means a lot line other than a front or rear lot line which divides a lot from a street.

LOT LINE FRONT, means:

- (i) in the case of an interior lot, the lot line dividing the lot from the street;
- (ii) in the case of a corner lot the shorter lot line abutting the street unless each abutting lotline is of equal length in which case the front lot line shall be the lot line where the principle access to the main building is provided, and
- (iii) in the case of a through lot the front lot line shall be the lot where the principle access to the main building is provided.⁹

MAIN BUILDING, shall mean the building in which is carried on the principal purpose for which the lot is used.

MAIN WALL, shall mean the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.

MEDICAL CLINIC, Means a building or part thereof, where members of the medical profession, dentists, chiropractors, osteopaths and physiotherapists or occupational therapists, either singly or as a group provide diagnosis and treatment to the general public, without overnight accommodation, and may include such uses as reception areas, offices, consultation rooms, minor operating rooms and any other customarily related uses such as X-ray facilities, pharmacies, opticians and medical laboratories provided that all such uses have access only from the interior of the building.

MOTOR VEHICLE REPAIR GARAGE, Means a place where motor vehicles are repaired including mechanical and body repairs and painting; and includes such businesses as alignment shops, muffler shops, rustproofing shops, auto glass shops, radiator specialists, car stereo equipment and a towing service, sales or rentals of motor vehicle ancillary to the permitted use.

MOTEL, shall mean one building, or two (2) or more detached buildings for the purpose of catering to the needs of the public travelling by motor vehicle by furnishing temporary sleeping accommodations with or without supplying food and shall include a motor court, auto court, and all such buildings, operating under the Liquor License Act and the Tourist Establishments Act.

MOTOR VEHICLE, Means an automobile, or any other vehicle designed to be propelled or driven other than by muscular power, but does not include the cars of electric or diesel railways, or other motor vehicles running only upon rails, or a traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of The Highway Traffic Act, R.S.O. 1980, C.198 as amended.

MUNICIPALITY, shall mean the Corporation of the Village of Belmont.

NON-COMPLYING, shall mean that which does not conform, comply, or agree with the regulations of this By-Law as of the date of final passing thereof.

NON-CONFORMING, shall mean a use, building, or structure which is not a use, building or structure permitted in the zone in which the said use, building or structure is situated.

NURSING HOME, Means a Nursing Home licensed under the Nursing Home Act, 1980 as from time to time amended or succeeded.

OFFICE, Means a business office or professional office.

⁸ Added new subsection by Clause 4(g) to By-law 97-8, April 22nd, 1997.

⁹ Added new subsection by Clause 4(h) to By-law 97-8, April 22nd, 1997.

PARKING AREA, Means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area:

- a) comprises all parking spaces of at least the minimum number required according to the provisions of this By-Law, and all driveways, aisles, maneuvering areas, entrances, exits and similar areas used for the purpose of gaining access to or egress from the said parking spaces, and
- b) is provided and maintained in accordance with all applicable provisions of this By-Law.

PARKING LOT, shall mean an area provided for the parking of motor vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a public street.

PARKING SPACE, Means an area of land either enclosed or unenclosed which is provided and maintained upon the same lot or lots upon which the principal use is located and which area:

- (a) is provided for the temporary parking or storage of one motor vehicle for other than the purpose of sale or display,
- (b) is suitable for the temporary parking or storage of one motor vehicle.
- (c) is of a size in accordance with the requirements of this By-Law.
- (d) has adequate access to permit ingress and egress of a motor vehicle from the street by way of driveway systems in accordance with the regulations of this By-Law.

PERMITTED, shall mean permitted by this By-Law.

PERSON, Includes a corporation and their heirs, executors, administrators or other legal representatives of a person to whom the context can apply according to law.

PERSONAL SERVICE SHOP, Means a building or part thereof wherein a personal service is performed, including, but not necessarily restricted to, a barber shop, a beauty salon, a shoe repair shop, a tailor or dressmaking shop, a dry cleaning depot, a laundromat, a photographic studio or the premises of an optician.

PLACE OF ENTERTAINMENT, shall include a motion picture or other theatre, arena, auditorium, public dance hall, public hall (including premises for wedding receptions, banquets, and other social gatherings), music hall, billiard or pool room, bowling alley, ice or rollerskating rink.

PLACE OF WORSHIP, Means a building set aside by any religious organization for public worship.

PORCH, shall mean a roofed, open gallery or portico attached to the exterior of a building.

PRIVACY AREA, Means an outdoor area exclusively used by the occupants of a dwelling unit located adjacent to the dwelling unit and separated from communal areas by a privacy screen.

PUBLIC AUTHORITY, Means Federal, Provincial, or Municipal corporations and includes any commission, board, authority agency or department established by or for any of them.

PUBLIC UTILITY, "public utility" as defined in The Public Utilities Corporation Act, R.S.O. 1980, Chapter 424, and any railway company subject to The Railway Act, R.S.C. 1970.

RESIDENTIAL USE, means the use of a building or structure or parts thereof as a private dwelling.

RETAIL CATALOGUE STORE, shall mean a building in which the retail storage area exceeds 70 percent of the floor area and where all sales are at retail and by written order taken by employees of the store or placed by customers for goods, wares, merchandise, substances, articles and things normally stored in such building.

RETAIL STORE, Means a building, structure or lot, or part thereof, where goods, wares, merchandise, commodities, substances, foodstuffs, articles or things of any kind are stored, kept, offered or displayed for retail sale or rental to the general public and includes any use defined herein as a form of retail store.

RESTAURANT, Means any establishment located in a building or structure or part thereof where food or refreshments are sold in a ready to consume state for consumption on the premises.

RESIDENTIAL CARE FACILITY, Means a housekeeping unit within a separate building in which the maximum number of persons residing in the unit, exclusive of supervisory personnel, shall be as specified in the various zoning categories of this By-Law. Such a unit shall be a facility that receives funding based on the number of persons residing in the unit, which funding may be from any source, and which funding is not for capital purposes. Such a unit shall also be a facility that is licenced pursuant to a Provincial statute. Such a unit shall be a facility that is supervised by on-site personnel. Such a unit shall not include the following:

- (a) A Community Resource Centre or an Open Custody Residence as defined and as licenced under the Ministry of Correctional Services Act;

- (b) A Halfway House for ex-offenders as defined and as licenced under the Charitable Institution Act;
- (c) A Nursing Home;
- (d) A Home for the Aged;
- (e) A Boarding House;
- (f) A domiciliary Hostel;
- (g) A tent, cabin, travel trailer or mobile home;
- (h) A hotel, motel, motor hotel, or tourist home;
- (i) A Foster Home.

RECREATIONAL VEHICLE, Means any vehicle including a boat, that is mobile either by itself or when attached to a motor vehicle and that is capable of being used for the living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed, for seasonal or temporary occupancy only.

RURAL RESIDENTIAL USE, means the use of land, buildings, and other structures for residential purposes in rural or agricultural areas where public water supply and public sewage disposal facilities are not available, farms excepted, and including a lot of not less than 1858 square metres but no parcel of land of more than four hectares in area and

- (1). which lot exists on the day of the passing of this by-law; or
- (2). which lot has been created by Consent to Register under the provisions of Section 32(b) of the Planning Act, R.S.O. 1960, Chapter 296, and has been specifically designated for rural-residential use under the provisions of subsection 13 of Section 26 of the Planning Act, R.S.O. 1960; or
- (3). which is a lot within a Registered Plan of Subdivision.¹⁰

SENIOR CITIZEN HOUSING, shall mean multiple unit housing for the aged erected under the auspices of the Ontario Housing Corporation or a comparable government agency or a local service club.

SERVICE OR REPAIR SHOP, Means an establishment which provides a non-personal service or trade including but not restricted to a merchandise service outlet, print shop, business premises of a tradesman, or the repair or service of household goods. This definition specifically excludes any manufacturing operation and automotive use.

SERVICE STATION OR AUTOMOBILE SERVICE STATION, shall mean a building or part of a building or a clearly defined space on a lot for the retail sale of lubricating oils and gasolines and may include the sale of automobile accessories where servicing and minor repairing essential to the operation of motor vehicles are executed or performed. It may also include the washing of motor vehicles by the operator or the employee of the station with or without the aid of semi-automatic equipment.

STORAGE, shall mean the temporary placing of goods or materials normally associated with or incidental to the principal use of the land, building or structure, carried on the same lot or lots on which the principal use, building or structure is located but does not include the parking of any inoperative motor vehicle.

STOREY, shall mean the portion of the building, other than the basement or cellar, which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it.

STOREY, FIRST, shall mean the lowest storey of a building, excluding the basement or cellar.

STOREY, HALF, shall mean the portion of a building located wholly or partly within a sloping roof, having side walls not less than one (1) metre in height and the ceiling with a minimum height of two (2) metres over an area equal to at least fifty (50) percent of the area of the floor next below.

STREET OR ROAD, shall mean a highway as defined by "The Highway Traffic Act" and "The Municipal Act".

STREET LINE, shall mean the limit of the street allowance and is the dividing line between a lot and a street.

STRUCTURE, Means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway or any paved surface located directly on the ground.

TAVERN, shall mean an establishment where alcoholic beverages are sold to be consumed on the premises.

¹⁰ Added new subsection by Clause 4(i) to By-law 97-8, April 22nd, 1997.

TRAVEL TRAILER, shall mean any vehicle including a camping trailer, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, but not including any vehicle unless it is used or intended for the living, sleeping or eating accommodation of persons therein for seasonal recreational activity.

TRUCK CAMPER, shall mean a portable structure, designed, to be loaded onto, or affixed to the bed or chassis of a truck, constructed to provide temporary living quarters for reconstruction, camping or travel use.

UNITARY EQUIPMENT, means and shall include any apparatus used for the purpose of heating, cooling, changing of air, refrigeration, pumping or filtering of water or any other similar type of equipment used for these purposes, except for an air conditioning unit located in a window opening.

USE, (when used as a noun), shall mean the purpose for which any land, building or structure is designed, arranged or intended to be occupied, or used, or for which it is occupied, used or maintained.

VEHICLE, Means any carriage, conveyance or other device capable of being propelled, driven or drawn by any kind of power, including motor power or wind power, and includes, without limiting the generality of the foregoing, a passenger automobile, trailer, truck, boat, aircraft, tractor, farm implement, mobile crane or shovel, snowmobile or motorcycle, but does not include a pedal bicycle, canoe or other device powered solely by means of human effort, or a mobile home dwelling.

VEHICLE - COMMERCIAL, Means a vehicle licensed by the Province of Ontario:

- i) As a public vehicle pursuant to the provisions of The Public Vehicles Act, R.S.O. 1980, Chapter 425; or
- ii) As a public commercial vehicle, pursuant to the provisions of The Public Commercial Vehicles Act, R.S.O. 1980, Chapter 407.

VEHICLE - NON-COMMERCIAL, Means a vehicle having a specified capacity of not more than 1 tonne or, in the case of a passenger vehicle, 12 persons, but does not include a commercial vehicle or farm vehicle.

VEHICLE - RECREATION, Means a non-commercial vehicle used primarily for recreational or vacation purposes, including, but not necessarily restricted to, a trailer, a boat, a snowmobile, a motorcycle or any trailer or other vehicle capable of being used for the temporary vacation living accommodation of one or more persons.

YARD, shall mean a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except as specifically permitted elsewhere in this By-Law.

YARD, FRONT, shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot. "FRONT YARD DEPTH" means the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.

YARD, REAR, shall mean a yard extending across the full width of the lot between the rear lot line of the lot and nearest part of any building or structure on the lot, or the nearest open storage use on the lot. "REAR YARD DEPTH" means the least horizontal dimension between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.

YARD, SIDE, shall mean a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of any building or structure on the lot, or the nearest open storage use on the lot. "SIDE YARD WIDTH" means the least horizontal dimension between the side lot line of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.

YARD, SIDE, EXTERIOR, shall mean a side yard abutting a public street.

YARD, SIDE, INTERIOR, shall mean a side yard other than an exterior side yard.

SECTION 3 - ZONES AND ZONING MAP

3.1 ESTABLISHMENT OF ZONE BOUNDARIES

For the purpose of this By-law, the maps attached hereto as Schedule "A" and Schedule "B" shall be referred to as the "Zoning Maps" for the Village of Belmont and the Zoning Maps shall be divided into the following zones:

Zones	Symbol
<i>Single Residential Zone</i>	<i>R1</i>
<i>Single Residential Zone</i>	<i>R2</i>
<i>Multiple Residential Zone</i>	<i>RMI</i>
<i>General Commercial Zone</i>	<i>GC</i>
<i>Highway Commercial Zone</i>	<i>HC</i>
<i>General Industrial Zone</i>	<i>M</i>
<i>Industrial Commercial Zone</i>	<i>MC</i>
<i>Institutional Zone</i>	<i>I</i>
<i>General Agricultural Zone</i>	<i>A1</i>
<i>Buffer Agricultural Zone</i>	<i>A2</i>
<i>Park Zone</i>	<i>P</i>
<i>Open Space Zone</i>	<i>OS</i>
<i>Neighbourhood Development Zone</i>	<i>ND</i>

Where this By-law is to be amended in respect to any lands and such lands cannot be conveniently shown on the Zoning Map, such lands may be shown on a Special Zoning Map.

Each Special Zoning Map shall be appropriately numbered.¹¹

3.2 USE OF ZONE SYMBOLS

The symbol listed in Subsection 3.1, shall be used to refer to land, buildings, and structures and the uses thereof permitted by this By-Law in the said zones, and wherever in this By-Law the work "Zone" is used, preceded by any of the said symbols, such zones shall mean any area within the Village of Belmont delineated on the Zoning Map and designated thereon by the said symbol.

3.3 SPECIAL ZONING STANDARDS

A symbol followed by a number (e.g. R1) refers to particular or special zoning standards within the respective zone indicated by the zone symbol.

3.4 APPLICATION OF REGULATIONS

No person shall within any of the zones of the municipality use any land, or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with this By-Law for the zone in which such land, building, structure or use is located.

3.5 INTERPRETATION OF ZONE BOUNDARIES

In determining the boundaries of Zones as shown on the Zoning Map and Schedule thereto, the following provisions shall apply:

- a) unless otherwise shown, the boundary of the zones as shown on the Zoning Maps are the center lines of the road allowance or lot lines and the production thereof;
- (b) A boundary indicated as following a watercourse, creek, stream, or the right-of-way of a railway shall be the centre line of such watercourse, creek, stream or right-of-way.
- (c) A boundary indicated as approximately following lot lines shown on a registered plan of subdivision or geographic Township lot lines shall follow such lot lines.

¹¹ Added new subsection by Clause 5 to By-law 97-8, April 22nd, 1997.

- (d) Where a boundary is indicated as approximately parallel to a street line or other feature indicated in Clauses (a) or (b) of this subsection, and the distance from such street line or other features is not indicated, and clause (c) above does not apply, such boundary shall be construed as being parallel to such street line or other feature, and the distance therefrom shall be determined according to its scale shown on the Zoning Schedule.
- (e) In the event a dedicated street, road allowance or lane in the Defined Area shall be closed, and if such closed street, road allowance or lane formerly formed the boundary between two or more different zones, the new zone boundaries shall be the former centre line of any such closed street, road allowance or lane.

SECTION 4 - GENERAL PROVISIONS FOR ALL ZONES

4.1 SCOPE AND EFFECT

No person shall within the Defined Area use any land or erect or use any building or structure except in conformity with the provisions of this By-Law respecting the zone in which such land, building or structure is located or respecting the zone in which it is proposed to erect the building or structure.

4.2 REQUIREMENT FOR A LOT

Except as otherwise provided in this By-Law, no building or structure shall be erected, altered, extended or enlarged except upon a lot nor shall any land be used for any permitted use unless it comprises a lot; but this provision shall not preclude the use of any parcel or tract of land for agricultural purposes excluding the erection or enlargement of any building or structure except a fence.

4.3 COMPLIANCE WITH OTHER BY-LAWS, REGULATIONS, LICENCES AND PERMITS

Nothing in this By-Law shall operate to relieve any person from the obligation to comply with any requirement or any By-Law of the Village of Belmont in force from time to time, or the obligation to obtain any licence, permit, authority, or approval required under any By-Law of the Corporation under any regulation or By-Law of any other authority having competent jurisdiction.

4.4 EXISTING USES AND LOTS

4.4.1 - Continuation of Use

Nothing in this By-Law shall prevent the continued use or maintenance of any lot, building or structure for any purpose prohibited by this By-Law if such lot, building or structure was lawfully used for such purpose on the date of the passing of this By-Law provided such lot, building or structure continues to be used for the same purpose.

4.4.2 - Approvals Prior to the By-Law

Nothing in this By-Law shall prevent the erection, maintenance or use for a purpose prohibited by the By-Law of any building or structure, the plans of which have, prior to the date of passing of the By-Law, been approved by the Chief Building Official of the Corporation, provided the building or structure is commenced within six (6) months after the date of the passing of the By-Law and further provided that any such building permit has not been revoked under Section 6 of the Building Code Act S.O. 1989, Chapter 51.

4.4.3 - Restriction on Change

The purpose for which any lot or building is used shall not be changed, no new building or addition to any existing building shall be erected and no land shall be severed from a lot, if the effect of such change, erection or severance is to create a situation in which any of the requirements of this By-Law in regard to each individual remaining building, accessory building or lot is contravened.

4.4.4 - Restoration to a Safe Condition

Nothing in this By-Law shall prevent the strengthening or restoration to a safe condition of any existing non-conforming building or structure, provided that such strengthening or restoration will not increase the height, area, or volume or result in the change of the use of such building or structure so as to contravene the provisions of this By-Law.

4.4.5 - Addition to Existing Building or Structure

Nothing in this By-Law shall prevent an extension or an addition to a building or structure which is used for a purpose specifically permitted within the zone in which such building or structure is located and which building or structure existed at the date of passing of this By-Law but which building or structure does not comply with one or more of the zone requirements of this By-Law provided such extension or addition does not contravene any of the provisions of this By-Law.

4.4.6 - Exception from Frontage and Area Requirements

Notwithstanding the provisions of this By-Law, a parcel of land which lacks either the required frontage or area or both shall be deemed to be a lot provided that:

- (a) Such parcel could have been conveyed legally on the date of the passing of this By-Law by way of deed, transfer, mortgage, charge or agreement of sale and purchase without consent in accordance with the relevant section of the Planning Act R.S.O. 1983 as amended; and

- (b) All relevant regulations under the Public Health Act and all relevant requirements of the Health Unit are satisfied.

4.4.7 - Existing Lots of Record

Except as specifically provided elsewhere in this By-Law, any legal existing registered lot which does not conform to the minimum area or frontage requirements may be used for any use in conformity with the Zone provided all other requirements can be met.

4.4.8 - Plot Comprised of Two or More Lots

Nothing in this By-Law shall prevent the erection, alteration, extension or enlargement of a building or structure upon a plot comprised of two or more continuous lots but in that event all requirements of the appropriate zone shall be complied with as though the said plot were a lot as defined in Part 2 of this By-Law.

4.4.9 - Reduction of Lots

No lot shall be reduced in area, either by conveyance, mortgage, or other alienation of any portion thereof or otherwise so that any existing building or structure on such lot or the lot itself does not conform with any or all requirements of this By-Law for the zone in which such lot is located.

4.4.10 - Conveyance to a Public Authority

Notwithstanding the foregoing provisions of this Section, no person shall be deemed to have contravened any provisions of this By-Law by reason only of the fact that a part or parts of any lot or parcel has or have been conveyed to or acquired by the Village, Central Elgin County, her Majesty in the right of Ontario, or Her Majesty in the right of Canada.

4.4.11 - Existing Violations in Effect

No building or structure illegally erected, no use illegally established nor any lot illegally created prior to the date of passing of this By-Law shall become or be made legal solely by reason of the passing of this By-Law and where any such building, structure, use or lot is in conflict with one or more provisions hereof, such building, structure, use or lot shall remain illegal.

4.5 ACCESSORY BUILDINGS AND STRUCTURES

4.5.1 - General Application

Accessory buildings and structures shall only be located and erected in compliance with all applicable yard and setback requirements and provisions of the Zone in which the lot is located except as specifically provided elsewhere in this By-Law.

4.5.2 - Exception During Construction

No accessory building shall be erected prior to the erection of the main permitted use or building on the same lot except where it is necessary for the storage of tools and materials for use in connection with, the construction of such main use or building for which a building permit has been issued. No accessory building shall be used prior to the erection of such main use or building for any purpose other than temporary storage.

4.6 ACCESS

4.6.1 No person shall erect any building or structure on a lot or use any lot in any zone unless such lot has frontage on a street as defined herein except as provided in Subsections 4.6.2 and 4.6.3.

4.6.2 Nothing in this Section shall apply to prevent the use of an existing dwelling on a lot having access to a public road via a private road subject to the provisions of the existing zone in which the lot is located.

4.6.3 Nothing in this Section shall apply to prevent the erection or use of a building on a registered lot in a plan of subdivision where such lot is subject to a subdivision agreement requiring the construction and dedication of the roadway to the Village.

4.7 HEIGHT REGULATIONS

4.7.1 - General Application

Except as provided elsewhere in this By-Law, the following structures shall not be included in the determination of the building height as specified for the zone in which the building is located.

- i) barn, silo or other accessory farm building
- ii) chimney
- iii) church spire or belfry
- iv) clock tower
- v) cupola
- vi) elevator housing
- vii) flag pole
- viii) lightning rod
- ix) mechanical and service equipment penthouse
- x) ornamental dome
- xi) power transmission tower
- xii) radio or television antennae
- xiii) roof stairway
- xiv) skylight
- xv) solar apparatus
- xvi) water storage tank
- xvii) weather monitor

4.8 LANDSCAPING

4.8.1 - General Application

In any zone, all vacant areas not occupied by driveways, parking areas, loading facilities, and permitted uses, buildings and structures shall be landscaped and maintained so as to present a clean and orderly appearance.

4.8.2 - Landscaping Adjacent to Residential Zones

Where the lot line of any commercial, industrial or institutional use abuts a Residential Zone, a planting strip along the full length of the abutting lot line shall be provided in accordance with the following provisions.

- | | | |
|------|--------------------|------------|
| i) | Commercial uses | 1.0 metres |
| ii) | Industrial uses | 3.0 metres |
| iii) | Institutional uses | 1.0 metres |
| iv) | Recreation uses | 1.0 metres |

4.9 LOADING REGULATIONS

4.9.1 - General Application

In addition to any specific requirements contained elsewhere in this By-Law every building or structure erected for a multiple unit dwelling, industrial use, commercial use, recreational use, public use, institutional use or use involving the frequent loading or unloading of persons or merchandise shall provide and maintain loading facilities in accordance with the following requirements;

i) Location

All loading spaces required for any use permitted by this By-Law shall be provided on the same lot on which the use is located and shall not be located within a front yard or a required exterior side yard.

ii) Adjacent to Residential Use or Zone

Where a loading space is located in a yard which abuts a Residential Zone, such loading space shall be screened from such Residential Zone in a manner and to the extent required under Subsection 4.8.2 of this By-Law or as required according to the provisions of the Zone, whichever is greater.

iii) Dimensions

Each loading space shall not be less than 10.0 metres long and 3.6 metres wide and have a vertical clearance of not less than 4.2 metres.

iv) *Access to Loading Spaces*

Access directly to and from loading spaces shall be provided by means of a driveway, lane or aisle having a minimum unobstructed width of 5.0 metres and a minimum vertical clearance of 4.2 metres, and be designed to permit the maneuvering of vehicles on the lot so as not to obstruct, or otherwise cause a traffic hazard on adjacent roads.

4.9.2 - Surfacing of Loading Spaces

The loading space shall be constructed of the same hard-surfaced material as that of the parking lot provided.

4.9.3 - Schedule of Required Loading Spaces

Use	Size	Minimum Required Spaces
Multiple Unit Dwelling	Greater than 4,000 m ²	1
Commercial Uses	2,000- 5,000 m ²	1
	1,000-2,000 m ²	2
Industrial	0-3,000 m ²	1
	3,000-7,500 m ²	2
Institutional	Greater than 4,500 m ²	1

4.10 PARKING REGULATIONS

4.10.1 - General Application

In addition to any specific requirements provided elsewhere in this By-Law, for every building or structure or use permitted by this By-Law, there shall be provided and maintained parking area or parking facilities in accordance with the following requirements.

4.10.2 - Required Parking to be on Same Lot

- i) Unless specifically provided elsewhere in this By-Law, all parking spaces required for any use permitted in this By-Law shall be provided on the same lot as that on which the use is located.
- ii) Notwithstanding Paragraph (i) of this- Subsection, or any provisions contained in this By-Law to the contrary the location of required parking spaces shall be permitted on a distinct and separate lot from the lot occupied by the building, structure or use for which they are required, provided that:
 - (a) both such lots are registered lots located not more than 50 metres apart and located within a Commercial, Industrial or Institutional Zone and held under the same ownership; and
 - (b) an agreement with the Corporation is registered against the title of both such registered lots binding and requiring the owner thereof to maintain such parking spaces for the duration of the building, structure or use for which they are required.

4.10.3 - Dimensions of Parking Spaces

Required parking spaces shall have minimum rectangular dimensions of 2.75 metres by 5.8 metres except where the principal access to a required parking space is located on its longest side, when such parking space shall have minimum rectangular dimensions of 2.5 metres by 6.5 metres.

4.10.4 - Requirement for Parking Designated For Vehicles of Handicapped Persons

At least 1 percent of the parking spaces required on any lot providing greater than 10 parking spaces, shall:

- i) Have minimum rectangular dimensions of 4.0 metres by 6.0 metres;
- ii) Be located on level ground readily accessible to an entrance to such building; and
- iii) Be clearly identified and reserved for the exclusive use of physically disabled persons.

4.10.5 - Access to Parking Spaces

- i) Direct - Ingress and egress directly to and from every parking space shall be by means of a driveway, lane or aisle having a width of at least 6.0 metres.
- ii) Indirect - A driveway or lane which does not provide ingress and egress directly to a parking space, shall have a minimum width of 4.5 metres where designed for one-way vehicular circulation or 6.0 metres where designed for two-way vehicular circulation.

4.10.6 - Maintenance of Parking Spaces

Any parking area, parking space, loading space, driveway, maneuvering area, or aisle required to be provided or permitted according to the provisions of this By-Law for any use in any Zone other than parking facilities for a single detached, semi-detached and/or duplex dwelling shall be provided and maintained with a paved surface and adequate drainage facilities, both of which shall comply with the requirements of the Corporation. All parking spaces, loading areas or driveways must be clearly delineated. Any parking area provided for dwellings in excess of four (4) or any use permitted in a commercial and industrial zone shall be provided with suitable lighting facilities.

4.10.7 - Parking Structure as a Main Use

Where a parking structure constitutes a main use on a lot, such structure shall conform to the Zone requirements for the zone where it is located.

4.10.8 - Calculation of Required Spaces

- i) Rounding

Where the calculation of parking space requirements in accordance with this By-Law results in a fraction of a parking space being required for a lot, any fraction in excess of 0.49 shall be rounded up to the next whole number.

- ii) More than one use

Except as expressly provided elsewhere in this By-Law, where more than one type of use is located on a lot, the total number of parking spaces required for such lot shall be the sum of the parking space requirements for such separate uses.

- iii) Where the number of parking spaces required in accordance with this By-Law is based upon the "capacity" of a use, such capacity shall be equal to the maximum capacity of any building or structure pertaining to such use, as determined by the Ontario Building Code Act.

4.10.9 - Schedule of Minimum Parking Requirements

Except as specifically provided elsewhere in this By-Law the parking standards as set out in the attached Schedule shall be held to be the minimum.

Use	Minimum Parking Spaces Required
APARTMENT BUILDING	1.00 OCCUPANT PARKING SPACE FOR EACH DWELLING UNIT AND 0.25 VISITOR PARKING SPACES FOR EACH DWELLING UNIT
BANK AND FINANCIAL INSTITUTION	10 PARKING SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF
BUSINESS AND PROFESSIONAL OFFICES (EXCEPT MEDICAL OFFICES)	1 PARKING SPACE FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF EXCEPT IN SHOPPING CENTRES WHERE PARKING SHALL BE IN ACCORDANCE WITH THE SHOPPING CENTRE REQUIREMENT
CAR WASH (MANUAL OR SELF SERVE)	1.2 SPACE FOR EACH CAR WASH BAY PLUS 3 CAR STORAGE SPACES PER BAY
CAR WASH (MECHANICAL)	5.0 SPACES PLUS 20 CAR STORAGE SPACES
COMMUNITY CENTRES	1 SPACE FOR EACH 10m ² OF GROSS FLOOR AREA OR PART THEREOF
CUSTOM WORK SHOPS	5.0 SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF
DAY NURSERY	2.0 SPACES FOR EACH STAFF MEMBER

Use	Minimum Parking Spaces Required
DRY CLEANING ESTABLISHMENTS	ONE SPACE FOR EACH 25m ² OF GROSS FLOOR AREA OR PART THEREOF WITH A MINIMUM OF 6 SPACES
DWELLING UNITS IN A MIXED USE RESIDENTIAL/COMMERCIAL BUILDING	1.25 PARKING SPACES FOR EACH DWELLING UNIT
FOOD STORE SUPERMARKET (NOT IN A SHOPPING CENTRE)	6 PARKING SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF
FREESTANDING RETAIL STORE NOT OTHERWISE SPECIFIED WITHIN THIS BY-LAW WITH LESS THEN 500m ² OF GROSS FLOOR AREA	6 PARKING SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF
FREESTANDING RETAIL STORE NOT OTHERWISE SPECIFIED WITHIN THIS BY-LAW WITH 500m ² OR MORE OF GROSS FLOOR AREA	5.4 SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF
FUNERAL HOME	4 PARKING SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF WITH A MINIMUM OF 15 SPACES
HOMES FOR THE AGED	1 PARKING SPACE FOR EACH 2 DWELLING UNITS
INDUSTRIAL BUILDING	1 PARKING SPACE FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF
LIBRARIES, MUSEUMS, POST OFFICES	4 PARKING SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF
LODGES, LABOUR UNION HALLS, AND OTHER PLACES OF ASSEMBLY	1 PARKING SPACE FOR EACH 4m ² OF GROSS FLOOR AREA OR PART THEREOF
MEDICAL OFFICE OR CLINIC	10 PARKING SPACES FOR EACH 100m ² OF GROSS FLOOR AREA EXCEPT IN SHOPPING CENTRES WHERE PARKING SHALL BE IN ACCORDANCE WITH THE SHOPPING CENTRE REQUIREMENT
MOTOR VEHICLE DEALERSHIP	8.0 SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF
MOTOR VEHICLE REPAIR GARAGE	5.5 SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF OF WHICH 50 PERCENT OF THE REQUIRED SPACES MAY BE TANDUM PARKING SPACES
MOTOR VEHICLE SERVICE STATION	4.3 SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF
NURSING HOMES	1 PARKING SPACES FOR EACH 4 BEDS
PERSONAL SERVICE SHOP	5.4 SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF
PLACE OF WORSHIP	1 PARKING SPACES FOR EACH 5m ² OF GROSS FLOOR AREA OR PART THEREOF
RESTURANT EXCEPT WHEN LOCATED IN MAIN BUILDING OF A SHOPPING CENTRE	1 PARKING SPACES FOR EACH 4 SEATS
RETAIL LUMBER AND BUILDING SUPPLIES OUTLET	3 PARKING SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF WITH A MINIMUM OF 15 PARKING SPACES
SHOPPING CENTRE	6 PARKING SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF
SINGLE DETACHED, DUPLEX, AND SEMI-DETACHED DWELLING UNITS	2 PARKING SPACES FOR EACH DWELLING, TANDEM PARKING IS PERMITTED
TOWNHOUSE, MAISONETTE, TRIPLEX, FOURFLEX	2 OCCUPANT PARKING SPACES AND 0.50 VISITOR PARKING SPACES FOR EACH DWELLING UNIT (TANDEM PARKING IS PERMITTED FOR OCCUPANT SPACES)
RENTAL OUTLETS	5 SPACES FOR EACH 100m ² OF GROSS FLOOR AREA OR PART THEREOF

4.11 STORAGE

4.11.1 - General Application

Outside storage, including the outdoor display or sale of goods, materials and/or vehicles except as specified elsewhere in this By-Law is not permitted.

4.11.2 – Location

Where outside storage areas are permitted, such areas must be specifically designed and fully integrated with the main use of the lot. In no instance shall outside storage be located on lands specifically provided as landscaped open space, required parking or loading spaces.

4.11.3 – Garbage

- i) The storage of garbage outside a building may be permitted in a rear yard only, provided it is housed in a totally enclosed structure in a manner considered environmentally acceptable to the Village.

4.12 SWIMMING POOLS

4.12.1 - Permitted Locations

No swimming pool shall be placed or located anywhere within the defined area except in accordance with the following provisions.

- i) An outdoor swimming pool may be located in any yard except the front yard.
- ii) An outdoor swimming pool accessory to a permitted institutional use or commercial recreation centre, or as part of an outdoor recreation area or public park, may be located in any yard other than a front yard or a required rear or side yard.

4.12.2 - Setback Requirements from Side and Rear Lot Lines

Above ground pool	1.25 metres from the outside wall of the pool deck
In-ground pool	1.25 metres from the edge of the interior wall surface

4.12.3 - Height Regulations

No part of any inground or above ground swimming pool or related structure shall exceed 2.5 metres in height.

4.12.4 - Fencing Requirement

Outside swimming pools shall be enclosed with fencing in accordance with regulations or By-Laws established by the Village.

4.13 TEMPORARY USES

4.13.1 - Construction - Related Uses

Nothing in this By-Law shall prevent the use of any land or the erection or use of any building or structure within the Defined Area for a construction camp, work camp, tool shed, scaffold, or other building or structure incidental to and necessary for construction work on the premises, but only for so long as may be reasonably necessary to complete such construction work.

4.13.2 - Other Temporary Uses

Nothing in this By-Law shall prevent the use of land within the Defined Area for a temporary real estate sales pavilion located on or abutting the lands which are for sale.

4.14 YARD ENCROACHMENTS

4.14.1 - General Application

Every part of any required yard shall be open and unobstructed by any structure from the ground to the sky, except for:

- i) Sills, belt courses, cornices, chimney breasts, bay windows, or pilasters, which may project into any required yard a distance of not more than 0.5 metres.

- ii) Eaves or gutters, for other than an accessory building, which may project into any required yard a distance of not more than 0.5 metres.
- iii) Balconies, canopies, unenclosed porches and decks including a cold cellar underneath same may project into any required front or rear yard a distance of not more than 1.5 metres.
- iv) Fire escapes which may project into any required side or rear yard a distance of not more than 1.5 metres.
- v) Accessory buildings erected in accordance with the provision of this By-Law.
- vi) Light standards, fuel pump islands and fuel pumps of automobile service stations, erected in accordance with the provisions of this By-Law.

4.15 UNITARY EQUIPMENT

4.15.1 – Location

Unless otherwise provided in any other provisions of this Zoning By-Law, the following regulations shall apply to the location of any unitary equipment within the Defined Area:

- | | | |
|-----|--|--|
| (a) | Minimum distance to any side lot line | 2.5 metres |
| (b) | Minimum distance to any flankage lot line | 1.8 metres |
| (c) | Minimum distance to any front or rear lot line | 5.0 metres, but on a lot where the side yard along its entire length is adjacent to a rear lot line(s), unitary equipment may be located within the side yard adjacent to a rear yard. |

4.16 USES PERMITTED IN ALL ZONES

4.16.1 - Public Uses

Nothing in this By-Law shall prevent the use of any land within the Defined Area for the use of the following:

- i) fire detection device
- ii) foster home, in any zone which permits a dwelling unit
- iii) highway
- iv) public lighting fixture public memorial or ornamental structure
- v) public railway
- vi) public street
- vii) traffic sign, signal or any sign or notice of any local or other government department or authority.
- viii) utilities including the erection of buildings or structures or the installation of other facilities essential to the operation of public utilities as defined in the Public Utilities Corporation Act, provided that any such use or building or structure shall be in substantial compliance with the relevant provisions of this By-Law and shall not adversely affect the character or amenity of the neighbourhood in which same is located.

4.17 USES PROHIBITED IN ALL ZONES

4.17.1 - General Prohibition

All uses of land and the erection or use of any building or structure for a purpose not included within the provisions of the "Permitted Uses" sub-section of each zone established in this By-Law are prohibited in said zone, save and except for those uses of land and the erection or use of any building for a purpose permitted in accordance with any of the applicable provisions of this By-Law.

4.17 .2 - More Than One Dwelling

Except as specifically provided elsewhere in this By-Law, no person shall use for residential purposes any building during the course of construction for which a building permit has been issued by the Village. While a residential dwelling is being constructed, no other building or structure on the lot may be used for residential purposes.

4.17.3 - Vehicles

No truck, bus, coach, street car body or vehicle, air and water crafts of any kind shall be used as a dwelling unit within the Defined Area, whether or not the same is mounted on wheels. In addition, the locating or storing on any land for any purpose whatsoever of any disused railroad or, street car body, truck body, or trailer without wheels, whether or not the same is situated on a foundation is strictly prohibited.

4.17.4 - Obnoxious Uses

Notwithstanding any other provision in this By-Law, uses which are or may become obnoxious or offensive by reason of emission of odour, smoke, dust, noise, gas, fumes, cinders, vibration, refuse matter or water carried matter are expressly prohibited.

4.17 .5 - Agricultural Uses

Notwithstanding any other provision in this By-Law, the following uses and uses similar in nature are expressly prohibited throughout the Defined Area:

- i) Boiling of blood, bone, soap, tripe or similar products
- ii) Commercial composting
- iii) Stockyard
- iv) Tannery or related storage
- v) Abattoir

4.17.6 - Manufacturing Uses

Notwithstanding any other provision in this By-Law, the following uses and uses similar in nature are expressly prohibited in the Defined Area.

- i) Cement batching or asphalt plant.
- ii) Extraction, refining, smelting or manufacturing related to primary industries including pulp and paper, sugar, asbestos, metals, oil and petroleum, glue and fertilizers.
- iii) The refining, and bulk storage of combustible, inflammable, volatile, explosive or otherwise dangerous solids, liquids or gases.

4.17.7 - Other Restricted Uses

- i) In addition to the prohibited uses specified in other sections of this By-Law, any use is prohibited within the Defined Area which from its nature or the materials used therein is defined under The Public Health Act or regulations thereunder to be a noxious trade, business or manufacture.
- ii) A junk yard, salvage yard or automobile wrecking yard, or the collection, storage or sale of junk, salvage, partially or completely dismantled motor vehicles or trailers, or parts of motor vehicles, trailers or motors.

4.17.8 - Adult Entertainment Parlour.

An adult entertainment parlour is prohibited as an accessory use in any zone.¹²

4.18 MINIMUM DISTANCE SEPARATION

4.18.1 *Notwithstanding any other provisions of Zoning By-law 91-21, no building or structure for residential, institutional, business, commercial, industrial or recreational purposes, with the exception of a permitted fence or sign, located on a lot within the MDS Area as shown on "Schedule A-5", shall be erected or enlarged unless it complies with the Minimum Distance Separation (MDS I) calculated in accordance with subsection 4.18.5, MDS -Calculation Form, to this By-law.*

4.18.2 *Notwithstanding any other provisions of Zoning By-law 91-21, no livestock/poultry facility located on a lot within the MDS Area as shown on "Schedule A-5", shall be erected or enlarged unless it complies with the Minimum Distance Separation (MDS II) calculated in accordance with subsection 4.18.6, MDS 11-Calculation Form, to this By-law.*

4.18.3 *In the calculation of the Minimum Distance Separation, MDS I and MDS II all measurements shall be taken as the shortest distance along a continuous straight line path.*

¹² Added new subsection by Clause 2 to By-law 308 , April 17th, 2001.

4.18.4 *The following definitions apply when utilizing the minimum distance separation formulae:*

- (i) **AGRICULTURALLY RELATED COMMERCIAL INDUSTRIAL USE** means uses directly related to agriculture and necessary in close proximity to farm operations, such as animal husbandry services, produce or grain storage facilities or farm machinery sales and service outlets.
- (ii) **ANIMAL GROUP** means livestock and poultry grouped according to their manure production.
- (iii) **HOUSING CAPACITY** means the total maximum livestock/poultry capacity for the facility at any one time.
- (iv) **LIVESTOCK HOUSING CAPACITY** means the total maximum number of livestock I poultry that can be accommodated in a livestock I poultry facility at any one time.
- (v) **LIVESTOCK/POULTRY FACILITY** means barns, buildings or structures which are structurally sound and reasonably capable of housing animals or poultry, including beef feedlots, and includes the associated manure storage facilities and without limiting the generality of the foregoing shall include all the types of animals and poultry identified in Table 1. Animal Groups of subsection 7.5.5 of this By-law.
- (vi) **LIVESTOCK UNIT** means the equivalent values for various types of animals and poultry based on manure production and production cycles.
- (vii) **MANURE STORAGE FACILITIES** means a containment system, with or without a roof or covering, used for the storage of liquid or solid livestock/poultry manure.
- (viii) **MINIMUM DISTANCE SEPARATION (MDS I and MDS II)** means the formulae used for the purpose of determining in the case of MDS I, the minimum distance to be maintained between new dwelling units and existing livestock/poultry facilities or manure storage facilities and, in the case of MDS II, the minimum distance to be maintained between new or expanding livestock/poultry facilities or manure storage facilities and non agricultural uses located on a separate lot.
- (ix) **MULTIPLE RESIDENTIAL** means a residential building or structure containing three or more dwelling units.
- (x) **RECREATIONAL USE-ACTIVE** means a recreational use or activity usually with buildings or requires alteration of soil or topography and includes such activities as golf courses, playing fields, trailer parks, campgrounds and conservation areas involving built structures.
- (xi) **RECREATIONAL USE-PASSIVE** means an activity or use of land carried out for recreational purposes which does not require the construction of buildings or the alteration of soil or topography and includes open space and environmental areas
- (xii) **TILLABLE HECTARES** means the total area of land including pasture that can be worked or cultivated.
- (xiii) **URBAN AREA** means lands located within a non-agricultural designation of the Official Plan and includes a Hamlet, Urban Development Area, Rural Development Area, Highway Commercial or Major Industrial designation.
- (xiv) **URBAN EXPANSION** means the outward expansion of an urban area.

4.18.5 MDS I - Calculation Form

STEP 1. TOTAL LIVESTOCK UNITS

Column 1 TYPE OF LIVESTOCK	Column 2 HOUSING CAPACITY	Column 3 NUMBER OF ANIMALS PER LIVESTOCK UNIT	Column 4 NUMBER OF LIVESTOCK UNITS (Col. 2/Col. 3)
(A) = TOTAL LIVESTOCK UNITS (sum of Column 4)			(A)

If there are more than 300 livestock units, reference must be made to a full set of tables available from the Ontario Ministry of Agriculture, Food and Rural Affairs.

TABLE 1: ANIMAL GROUPS

ANIMAL GROUP 1	ANIMAL GROUP 2	ANIMAL GROUP 3	ANIMAL GROUP 4	ANIMAL GROUP 5
1 Livestock Unit equals	1 Livestock Unit equals	1 Livestock Unit equals	1 Livestock Unit equals	1 Livestock Unit equals
200..Chicken Broilers 1.....Horse ³	4.....Adult Sheep ³ 1.....Beef Cow ¹ confinement 10...Feeder Lambs 100...Ducks 5.....Emu 4.....Adult Goats ³ 10...Feeder Goats 3.....Ostrich 500..Pullets 50...Turkeys (> 10kg) 75...Turkeys (5-10kg) 100..Turkeys (<5kg)	1...Beef Cow ¹ Yard/Barn 2...Beef Feeder Yard/Barn 1...Dairy Cow ^{1,2} 2..Dairy Heifer Yard/Barn 40..Adult Rabbits ⁴ 3...Red Veal <300kg 125..Chicken Breeder Layers 75....Turkey Breeder Layers	80....Adult Mlnk ⁴ 40....Adult Fox ⁴ 125...Caged Flyers	4....Feeder Hogs 5....Sows/Boars 20...Weaners 4-30kg 6....White Veal

¹Includes calf to 150 kg. ²Multiply the number of milking cows by 1.5 to account for dry cows, heifers and calves on the same farm. ³Includes offspring until weaned. ⁴Includes offspring to market size.

Select Animal Group 1 2 3 4 or 5. depending on type of animals on farm. If there are animals from different groups, select the highest group number. The group number is used when referring to Table 2.

STEP 2. LAND BASE ASSESSMENT (B)

Number of tillable hectares* on site _____ x 5 = _____ (B) Potential Livestock Units
*Maximum (B) is 150 Livestock Units.

STEP 3.

Enter the GREATER OF (A) Total Livestock Units OR (B) Potential Livestock Units _____

Use this figure to enter Column 1 of Table 2.

STEP 4. TABLE 2: MINIMUM DISTANCE SEPARATION FROM LIVESTOCK FACILITY

Read across appropriate line from Column 1 to respective Animal Group and Land Use Type. This the Minimum Distance Separation requirement in metres from a livestock facility.

COLUMN 1 Greater of Livestock Units (A) or Potential Livestock Units (B)	TYPE "A" LAND USE To permit:					TYPE "B" LAND USE To permit:				
	<ul style="list-style-type: none"> • up to 3 rural residential lots, either by consent or by plan of subdivision • the severance of an existing dwelling • passive recreational • the building of a dwelling on an existing lot of record • agriculturally related commercial • industrial 					<ul style="list-style-type: none"> • residential subdivision • active recreational • institutional • commercial • urban expansion • multiple residential • or result in a Rural Residential Cluster 				
	Animal Group					Animal Group				
	(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
1-5	39	42	48	60	85	73	78	90	112	160
10	55	60	68	85	98	104	112	128	160	183
15	65	70	80	100	115	122	132	151	188	215
20	72	78	89	111	127	135	146	167	208	238
25	78	84	95	119	136	146	157	179	224	256
30	82	88	101	126	144	154	166	189	237	271
35	86	92	106	132	151	161	173	198	247	283
40	89	96	110	137	157	167	180	206	257	294
45	92	99	113	142	162	173	186	213	266	304
50	95	102	117	146	167	178	192	219	274	313
55	98	105	120	150	172	183	197	225	282	322
60	100	108	123	154	176	188	202	231	289	330
65	102	110	126	158	180	192	207	236	295	338
70	105	113	129	161	184	196	211	241	302	345
75	107	115	131	164	188	200	215	246	308	352
80	109	117	134	167	191	204	219	251	313	358
85	111	119	136	170	194	207	223	255	319	364
90	112	121	138	173	198	211	227	259	324	370
95	114	123	140	176	201	214	230	263	329	376
100	116	125	143	178	204	217	234	267	334	382
110	119	128	146	183	209	223	240	275	343	392
120	122	131	150	188	214	229	246	281	352	402
130	125	134	154	192	219	234	252	288	360	411
140	127	137	157	196	224	239	257	294	368	420
150	130	140	160	200	228	244	262	300	375	428
160	133	143	164	205	234	250	269	307	384	439
170	136	147	168	210	240	256	275	314	393	449
180	139	150	172	214	245	262	282	322	402	460
190	143	154	175	219	251	268	288	329	411	470
200	146	157	179	224	256	273	294	336	420	480
210	149	160	183	229	262	279	301	344	429	491
220	152	164	187	234	267	285	307	351	439	501
230	155	167	194	239	273	291	313	358	448	512
240	158	171	195	244	278	297	320	365	457	522
250	162	174	199	248	284	303	326	373	466	532
260	165	177	203	253	290	309	332	380	475	543
270	168	181	207	258	295	315	339	387	484	553
280	171	184	210	263	301	321	345	395	493	564
290	174	188	214	268	306	327	352	402	502	574
300	177	191	218	273	312	333	358	409	511	584

Continue to TABLE 3 (next page).

STEP 5. TABLE 3: MINIMUM DISTANCE SEPARATION FROM MANURE STORAGE

The following table is used to calculate MDS requirements in metres from manure storages associated with livestock facilities.

Using the resulting MDS distance from Table 2, read across the appropriate line to Column 1, 2, 3 or 4. Select the distance under the appropriate Land Use Type.

This is the **MINIMUM DISTANCE SEPARATION REQUIREMENT** from the manure storage of a livestock facility for the establishment of a non-farm use.

Column 1: Roofed or covered storages for manure, runoff, and milkhouse washwater. Includes any covered or roofed concrete, steel or earthen storages, in-bam solid manure packs, and storages under fully slatted floors.

Column 2: Open solid manure pile on concrete slab. Includes the runoff storages (concrete or earthen) used for capturing seepage liquids from solid manure storage or runoff liquids from yards. If yards are scraped into runoff storage, use column 3 when runoff storage is a concrete or steel tank and column 4 when runoff storage is earthen. Milkhouse washwater may be added to runoff storage.

Column 3: Open concrete or steel tanks used for storing liquid manure, milkhouse washwater, or yard runoff where yard is scraped into storage.

Column 4: Open earth-sided or earth-sided storage with concrete floor to be used for storing liquid manure or yard runoff when yard is scraped into storage or milkhouse washwater.

MANURE STORAGE DISTANCE

Distance for Livestock Facility from Table 2 (Step 4). (m)	Column 1		Column 2		Column 3		Column 4	
	Covered Storage Systems (m)		Open Solid and Runoff Storage Systems (m)		Open Liquid Tank and Runoff Storage Systems (m)		Earthen Liquid and Runoff Storage Systems(m)	
	Type "A" Land Use	Type "B" Land Use	Type "A" Land Use	Type "B" Land Use	Type "A" Land Use	Type "B" Land Use	Type "A" Land Use	Type "B" Land Use
40	40	-	55	-	119	-	324	-
45	45	-	60	-	123	-	326	-
50	50	-	65	-	127	-	328	-
55	55	-	70	-	132	-	331	-
60	60	-	74	-	136	-	333	-
65	65	-	79	-	140	-	335	-
70	70	70	84	103	144	241	337	686
75	75	75	89	107	149	246	339	689
80	80	80	94	112	153	250	342	691
85	85	85	99	117	157	254	344	693
90	90	90	103	122	161	258	346	695
95	95	95	108	127	165	263	348	698
100	100	100	113	132	170	267	351	700
110	110	110	123	141	178	275	355	704
120	120	120	133	151	187	284	359	709
130	130	130	142	161	195	292	364	713
140	140	140	152	171	203	301	368	717
150	150	150	162	180	212	309	373	722
160	160	160	172	190	220	318	377	726
170	170	170	181	200	229	326	382	731
180	180	180	191	209	237	335	386	735
190	190	190	201	219	246	343	390	740
200	200	200	210	229	254	351	395	744
210	210	210	220	239	263	360	399	749
220	220	220	230	248	271	368	404	753
230	230	230	239	258	280	377	408	757
240	240	240	249	268	288	385	413	762
260	260	260	268	287	305	402	421	771
280	280	280	288	307	322	419	430	780
300	300	300	307	326	339	436	439	788
320	320	320	327	346	356	453	448	797
340	340	340	346	365	372	470	457	806
360	360	360	366	385	389	487	466	815
380	380	380	385	404	406	504	475	825
400	400	400	404	423	423	521	483	833
450	450	450	453	472	465	563	506	855
500	500	500	501	520	508	605	528	877
550	550	550	550	569	550	648	550	899

4.18.6 MDS II - Calculation Form

Type of Livestock/Poultry	Existing Barn Capacity	Livestock Units	Additional Barn Capacity	Livestock Units	Total Barn Capacity	Livestock Units	
Total 1			Total 2			Total 3	

Calculation of Percentage Increase $\frac{\text{Total 2} \rightarrow [\quad]}{\text{Total 1} \rightarrow [\quad]} \times 100 = [\quad]\%$

Factor A: Livestock/poultry to be added. Table 1 Factor A: [_____]
 Factor B: Total number of livestock units. Table 2 Factor B: [_____]
 Factor C: Percentage increase. Table 3 Factor C: [_____]
 Factor D: Type of manure system (Solid = 0.7. Liquid = 0.8) .. Factor D: [_____]

Building Base Distance (A x B x C x D) Base Distance 'F': [_____]

Manure Storage Base Distance (from Table 4) Base Distance 'S': [_____]

MINIMUM DISTANCE SEPARATION SUMMARY:		BUILDING: 'F' Base Distance [_____] metres		MANURE STORAGE: 'S' Base Distance [_____] metres	
Column 1	Col.2	Col. 3	Col. 4	Col. 5	Col. 6
Neighbouring land use or Boundary	Factor	Distance "F" x Col. 2 (m)	Actual Distance (m)	Distance "S" x Col. 2 (m)	Actual Distance (m)
Nearest Neighbour's Dwelling	1.0				
Area zoned or designated Agriculturally Related Commercial Use, Passive Recreational or Industrial	1.0				
Areas zoned or designated Residential, Institutional, Active Recreational or Commercial. Urban Areas	2.0				
Nearest Side or Rear Lot Line	0.2				
Nearest Road Allowance (Side or Front Lot Line)	0.25				

TABLE 1: FACTOR 'A' (Barn Odour Potential).
and Animals per Livestock Unit (based on housing capacity).

Animals per Livestock Unit		Factor A:	
BEEF	1	Beef Cow ¹ (barn	0.7
	1	confinement).....	0.8
	2	" " (barn with yard).....	0.7
	2	Beef Feeders (barn	0.8
CHICKEN	125	confinement).....	
	125	" " (barn with	1.0
	125	yard).....	0.8
	200	Caged Layers..... (manure stored in	0.65
	500	barn).....	0.7
DAIRY	1	Caged Layers..... (daily manure	
	1	removal).....	0.65
	2	Chicken Breeder Layers	0.7
	2	Chicken Broilers/Roasters	0.7
DUCK	100	Pullets (replacement layers)	0.8
	5	Milking Cow ^{1,2} (tie stall).....	0.7
EMU	5	" " (free-stall).....	0.7
FOX	40	Dairy Heifers (barn	1.1
GOAT	4	confinement).....	
	10	" " (barn with	0.7
HORSE	1	yard).....	0.7
	80	Ducks.....	0.65
MINK	80	Emu.....	1.1
OSTRICH	3	Adult Fox ⁴	0.7
RABBIT	40	Adult Goats ³	0.8
SHEEP	4	Feeder Goats (>20 kg).....	0.7
	10	Horse ³	0.7
	5	Adult Mink ⁴	1.0
SWINE	20	Ostrich.....	1.0
	4	Adult Rabbits ⁴	1.0
	50	Adult Sheep ³	0.7
	75	Feeder Lambs (>20	0.7
TURKEY	75	kg).....	0.8
	100	Sows/Boars.....	0.7
	500	Weaners (4-30 kg) ⁵	0.7
	6	Feeder Hogs (30-120 kg).....	1.0
	3	Meat Turkeys (>10 kg).....	0.8
VEAL		Meat Turkeys (5-10 kg).....	
		Turkey Breeder Layers.....	
		Meat Turkeys «5 kg).....	
		Pullets (replacement	
		breeders).....	
		White Veal.....	
		Red Veal (<300 kg).....	

Notes: For all other animals/poultry use 1 livestock unit per 450 kg housed at one time (A =0.8).

¹Includes calf to 150 kg.

²A dairy farm usually has milking cows, dry cows, heifers and calves. Multiply the number of milking cows by 1.5 to account for the followers when they are all kept on the same farm.

³Includes offspring until weaned.

⁴Includes offspring to market size.

⁵Multiply number of sows by 2.4 to determine the number of weaners.

TABLE 2: FACTOR 'B' (Final Livestock Units).

Livestock Units	Factor B	Livestock Units	Factor B	Livestock Units	Factor B	Livestock Units	Factor B				
5	-	107	95	-	313	500	-	578	1600	-	821
6	-	119	100	-	318	520	-	585	1650	-	829
7	-	129	110	-	327	540	-	592	1700	-	836
8	-	138	120	-	335	560	-	598	1750	-	844
9	-	145	130	-	343	580	-	605	1800	-	851
10	-	152	140	-	350	600	-	611	1850	-	858
12	-	164	150	-	357	620	-	617	1900	-	865
14	-	175	160	-	366	640	-	623	1950	-	872
16	-	183	170	-	374	660	-	629	2000	-	879
18	-	191	180	-	383	680	-	635	2100	-	892
20	-	198	190	-	392	700	-	640	2200	-	905
22	-	205	200	-	400	720	-	646	2300	-	917
24	-	210	210	-	409	740	-	651	2400	-	929
26	-	216	220	-	418	760	-	656	2500	-	941
28	-	221	230	-	426	780	-	661	2600	-	952
30	-	225	240	-	435	800	-	666	2700	-	963
32	-	230	250	-	444	850	-	679	2800	-	974
34	-	234	260	-	452	900	-	690	2900	-	985
38	-	241	280	-	470	1000	-	713	3200	-	1015
40	-	245	290	-	478	1050	-	723	3400	-	1034
45	-	253	300	-	487	1100	-	733	3600	-	1053
50	-	261	320	-	501	1150	-	743	3800	-	1071
60	-	275	360	-	522	1250	-	762	4200	-	1105
65	-	281	380	-	531	1300	-	771	4400	-	1121
70	-	287	400	-	540	1350	-	780	4600	-	1136
75	-	293	420	-	548	1400	-	789	4800	-	1152
80	-	298	440	-	556	1450	-	797	5000	-	1166
85	-	304	460	-	564	1500	-	805	7500	-	1326
90	-	309	480	-	571	1550	-	813	10000	-	1455

TABLE 3: FACTOR 'C' (Percentage Increase).

Percentage Increase	Factor C	Percentage Increase	Factor C	Percentage Increase	Factor C			
0-50	-	0.70	120	-	0.86	280	-	1.03
55	-	0.72	130	-	0.88	300	-	1.04
60	-	0.73	140	-	0.90	325	-	1.05
65	-	0.75	150	-	0.91	350	-	1.06
70	-	0.76	160	-	0.92	375	-	1.07
75	-	0.77	170	-	0.94	400	-	1.08
80	-	0.78	180	-	0.95	425	-	1.09
85	-	0.79	190	-	0.96	450	-	1.10
90	-	0.81	200	-	0.97	500	-	1.11
95	-	0.82	220	-	0.99	550	-	1.12
100	-	0.83	240	-	1.00	650	-	1.13
110	-	0.85	260	-	1.02	700	-	1.14

Note: For new livestock farms or if the % increase is greater than 700 percent, use Factor C = 1.14.

TABLE 4: SITING DISTANCES FOR MANURE STORAGE (metres).

Column 1: Roofed or covered storages for manure, runoff, and milkhouse washwater. Includes any covered or roofed concrete, steel or earthen storages, in-bam solid manure packs, and storages under fully slatted floors.

Column 2: Open solid manure pile on concrete slab. Includes the runoff storages (concrete or earthen) used for capturing seepage liquids from solid manure storage or runoff liquids from yards. If yards are scraped into runoff storage, use column 3 when runoff storage is a concrete or steel tank and column 4 when runoff storage is earthen. Milkhouse washwater may be added to runoff storage.

Column 3: Open concrete or steel tanks used for storing liquid manure, milkhouse washwater, or yard runoff where yard is scraped into storage.

Column 4: Open earth-sided or earth-sided storage with concrete floor to be used for storing liquid manure or yard runoff when yard is scraped into storage or milkhouse washwater.

MANURE STORAGE BASIC DISTANCE 'S'

Minimum Base Distance 'F' for the Building (m)	Column 1	Column 2	Column 3	Column 4
	Covered Storage Systems (m)	Open Solid and Runoff Storage Systems (m)	Open Liquid Tank and Runoff Storage Systems (m)	Earthen Liquid and Runoff Storage Systems (m)
40	40	55	119	324
45	45	60	123	326
50	50	65	128	328
55	55	70	132	331
60	60	74	136	333
65	65	79	140	335
70	70	84	144	337
75	75	89	149	340
80	80	94	153	342
85	85	99	157	344
90	90	104	161	346
95	95	108	166	348
100	100	113	170	351
105	105	118	174	353
110	110	123	178	355
115	115	128	182	357
120	120	133	187	360
125	125	138	191	362
130	130	142	195	364
135	135	147	199	366
140	140	152	204	368
145	145	157	208	371
150	150	162	212	373
160	160	172	220	377
170	170	181	229	382
180	180	191	237	386
190	190	201	246	391
200	200	210	254	395
210	210	220	263	399
220	220	230	271	404
230	230	239	280	408
240	240	249	288	413
260	260	269	305	422
280	280	288	322	430
300	300	307	339	439
320	320	327	356	448
360	360	366	389	466
380	380	385	406	475
400	400	404	423	484
420	420	424	440	492
440	440	443	457	501
480	480	482	491	519
500	500	502	508	528
550	550	550	550	550

¹³ New subsection added by Clause 2. of By-law 237, September 18th, 2000.

SECTION 5 - RESIDENTIAL ZONES

5.1 GENERAL PROVISIONS FOR ALL RESIDENTIAL ZONES

5.1.1 - General Requirements for Residential Uses

- (a) Nothing in this By-Law shall prevent the division of any lot which is zoned for a semi-detached dwelling into two separate parts divided by the centre line of the common or party wall separating the two dwelling units in such dwelling, provided that each part created meets the appropriate regulations of this By-Law.
- (b) No person shall erect or use any building for residential purposes in any Zone unless such building is erected upon a lot or unless authorized elsewhere in this By-Law.
- (c) For the purposes of subsection (b) above, the word "Building" shall be deemed not to include an accessory building.

5.1.2 - Accessory Buildings On Residential Lots

- (a) No accessory building shall be erected prior to the erection of the dwelling on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such building, and no accessory building shall be used prior to the erection of such dwelling for any purpose other than such storage.
- (b) An accessory building with a maximum height of 4.0 metres will only be allowed in a required side yard or rear yard and at a minimum distance of 8.0 metres from the front lot line and 0.5 metres from any other lot line.
- (c) On a corner lot an accessory building shall be set back a minimum of 6.0 metres from the exterior lot line.

5.1.3 - Home Occupations

In addition to the permitted uses specified within Residential Zones, a home occupation may be conducted in a single detached dwelling subject to the following regulations.

- (a) The Home Occupation shall not alter the appearance of the dwelling nor shall the home occupation be conducted in such a manner as to cause the dwelling to differ from its residential character.
- (b) The Home Occupation shall be conducted solely within the dwelling unit and any sign associated with the home occupation shall be limited to one half metre square in size.
- (c) The maximum usable floor area for the Home Occupation shall not exceed 25 percent of the floor area of the dwelling unit. In addition to the foregoing, the home occupation may also be conducted within any part of the basement or cellar.
- (d) Outside storage, outside operations or display of any kind related to the home occupation are prohibited.
- (e) In addition to the parking requirements for the residential use, one additional parking space shall be provided for a home occupation involving teaching, tutoring or instructing of any type.

5.1.4 - Residential Care Facilities

- (a) Where any residential zone permits a one family detached dwelling, a duplex dwelling, a semi-detached dwelling or a triplex dwelling, such dwelling may be converted to a Group Home, a Residential Care Facility or a Domiciliary Hostel for a maximum of six (6) residents provided that:
 - i) the entire dwelling is so converted and wholly occupied by such use;
 - ii) such dwelling shall not be located within 400 metres of any other lot upon which is situated any other Group Home, Residential Care Facility or a Domiciliary Hostel which distance is to be measured as a radius from the perimeter of the lot upon which the dwelling is located;
 - iii) a minimum of three parking spaces shall be provided in other than the front yard; and
 - iv) the dwelling complies with all regulations of the Zone in which it is located.

5.1.5 - Foster Homes

Any dwelling unit may be used as a Foster Home.

5.1.6 - Residential Conversions

No dwelling in any Residential Zone shall be converted in order to provide a greater number of dwelling units, except as hereafter provided.

- (a) That the building or structure is structurally suitable for the proposed conversion.
- (b) That the basic external appearance of the building or structure shall not be altered.
- (c) That no outside stairway shall be used or erected except an unenclosed fire escape.
- (d) That such dwelling units are situated in a Residential R2 Zone and that all the applicable requirements of this By-Law and of the Zone in which such dwelling unit is situated shall be complied with.

5.1.7 - Parking Restrictions in Residential Zones

- (a) No land, building or structure in any Residential Zone shall be used for the storage of any motor vehicle.
- (b) Notwithstanding any other provisions of this By-Law, nothing shall prevent the location of parking spaces for vehicles used for transporting physically disabled persons in the required front yard.
- (c) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.5 metre to any lot line or closer than 5.0 metres to any dwelling unit located on a lot other than the said lot except that the provisions of this clause shall not apply to any parking space located within a private garage or underground garage.
- (d) Parking spaces shall have a width of not less than 2.75 metres and a length of not less than 5.8 metres and spaces for disabled parking shall have a width of not less than 4.0 metres and a length of not less than 6.0 metres, exclusive of any land used to gain access or egress to said parking spaces, maneuvering, driveways or aisles.
- (e) Adequate access to a residential parking area shall be provided to permit ingress and egress of a motor vehicle from the street by means of a one-way driveway of at least 4.5 metres in width, or by means of a two-way driveway of at least 6.0 metres in width and have maneuvering or similar areas for access thereto of at least 7.5 metres in width. Aisle width in parking areas shall be a minimum of 7.5 metres.
- (f) Any parking area, parking space, loading space, driveway, maneuvering area, or aisle required to be provided or permitted according to the provisions of the Zone in which the use is permitted shall be provided and maintained with a paved surface and adequate drainage facilities, both of which shall comply with the requirements of the Village. All parking spaces, loading areas or driveways must be clearly delineated. Any parking area shall be provided with suitable lighting facilities.

5.1.8 - Residential Zones

For the purpose of this By-Law the following Residential Zones are established within the Defined Area and such Zones may be referred to by the appropriate symbol.

ZONE	SYMBOL"
Single Residential – One	"R1"
Single Residential – Two	"R2"
Multiple Residential – One	"RM1"

5.1.9 *Fencing*

- 5.1.9.1** *Subject to 5.1.9.2, no fence shall be erected or used in any yard if the height of any part of the fence exceeds two metres.*
- 5.1.9.2** *No fence shall be erected or used in a front yard if the height of any part of the fence exceeds one metre.*
- 5.1.9.3** *Except as provided in clauses 5.1.9.6 and 5.1.9.8, within a corner lot, no fence in excess of 1 metre in height shall be erected or used within 2 metres of the intersection of the rear lot line and the exterior lot line of such lot.*
- 5.1.9.4** *Within a corner lot, the lands within 2 metres of the intersection of the rear lot line and the exterior lot line shall not be used except for the growing of grass.*

- 5.1.9.5** *Within a corner lot, no building or structure except a fence which complies with this By-law shall be erected or used within 2 metres of the intersection of the rear lot line and the exterior lot line of such lot.*
- 5.1.9.6** *The provisions of clause 5.1.9.3 shall not apply where the rear yards of two corner lots abut and a garage or residential driveway is located within each of such lots and there is access for an automobile from the street to such garage or residential driveway through the front yard of the lot on which the garage or driveway is situate.*
- 5.1.9.7** *Where a fence is erected which is permitted by clause 5.1.9.6, no part of the exterior yard of the corner lot or the exterior side yard of such lot shall be used as a parking space or residential driveway if the parking space or driveway connects to a street through the exterior lot line of such lot.*
- 5.1.9.8** *The provisions of clause 5.1.9.3 shall not apply where the closest part of any residential driveway or parking space on a lot that abuts a corner lot is at least 3 metres from any part of the corner lot.*
- 5.1.9.9** *Where the provisions of clause 5.1.9.8 apply, no residential driveway or parking space or part thereof shall be located on the lot abutting the corner lot within 3 metres of any part of the corner lot.*
- 5.1.9.10** *Within a corner lot, no fence in excess of 1 metre in height shall be erected or used within 2 metres of the intersection of:*
- (i) the exterior lot line of the lot, and*
 - (ii) the closest limit of any residential driveway or parking space within such lot which connects to a street through the exterior lot line of such lot.*
- 5.1.9.11** *Within a corner lot, no residential driveway or parking space shall be erected or used if any fence which is in excess of one metre in height is located within 2 metres of the intersection of:*
- (i) the exterior lot line of such lot, and*
 - (ii) the limit of such residential driveway or parking space within such lot which connects to a street through the exterior lot line of such lot.*
- 5.1.9.12** *Where a residential driveway or parking space within a corner lot connects to a street through the exterior lot line of such lot, the lands within 2 metres of the intersection of the exterior lot line and the limits of such residential driveway or parking space shall not be used except for the growing of grass.*
- 5.1.9.13** *Within a through lot, no fence shall be erected or used within 6 metres of the intersection of either street lot line within either interior lot line of such lot if any part of the fence exceeds 1 metre in height.¹⁴*

5.1.9.13 ADDITIONAL RESIDENTIAL UNITS

The provisions of this section shall apply to all additional residential units, unless specified by type directly herein.

- 5.1.9.13.1** *Additional residential units shall be permitted within any zone in association with the following uses:*

- (a) Single detached dwelling*
- (b) Semi-detached dwelling*
- (c) Townhouse dwelling*

Single detached dwellings, semi-detached dwellings or townhouse dwellings containing an additional residential unit on the date of the passing of this by-law, may continue to be used for that purpose if a building permit has been issued under sections 8 or 10 of the Building Code Act, 1992, S.O. 1992, c.23 permitting the erection, alteration, occupancy or use for the additional residential unit, and if the additional residential unit complies with the regulations of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4.

- 5.1.9.13.2** *No building or structure shall be erected or used for any purpose permitted by subsection 5.1.9.13 unless a municipal water supply system and a municipal sanitary supply system are available to service the use.*

¹⁴ Added new subsection by Clause 1 to By-law 1969, January 25th, 2016.

- 5.1.9.13.3** *A maximum of two (2) additional residential units shall be permitted per lot; including a maximum of one (1) additional residential unit in the main dwelling and a maximum of one (1) additional residential unit in an accessory structure.*
- 5.1.9.13.4** (a) *An additional residential unit shall not be permitted on a separate lot from the primary dwelling unit that it is accessory to.*
- (b) *An additional residential unit or part thereof shall not be permitted in a basement where the finished floor level of such basement is below the level of any sanitary sewer servicing the building or structure in which the basement is located.*
- (c) *An additional residential unit shall not be permitted within or upon hazardous lands that are subject to flooding, erosion and/or dynamic beach hazards as regulated by the associated Conservation Authority having jurisdiction for that area;*
- (d) *Despite policy 5.1.9.13.4 c) an additional residential unit may be permitted within the flood fringe portion of the flooding hazard where a two-zone concept for floodplains is applied and subject to appropriate floodproofing standards.*
- 5.1.9.13.5** (a) *An additional residential unit may be permitted in an accessory structure on the same lot as the primary dwelling.*
- (b) *An additional residential unit in an accessory structure shall be required to meet the regulations of the zone which apply to accessory structures, with exception to the following:*
- 1) *Minimum Rear Yard Setback – 1.2 metres*
 - 2) *Minimum Side Yard Setback – 1.2 metres*
 - 3) *Maximum Height – 4 metres*
- (c) *An additional residential unit within an accessory structure may only be permitted in the rear yard or interior side yard.*
- 5.1.9.13.6** *The floor area of additional residential unit(s) shall not be greater than 40% of the combined total floor area of the primary dwelling unit and the additional residential units. For the purposes of calculating gross floor area requirements for additional residential units the following shall not be included:*
- (a) *additions to dwelling units completed after the date of passage of this by-law; and,*
- (b) *the floor area of accessory structures, where an accessory structure does not include an additional residential unit.*
- 5.1.9.13.7** *Exterior alterations to provide for entrances to the additional residential unit within interior or rear yards of the primary dwelling unit may be permitted.*
- 5.1.9.13.8** *The minimum of 1 parking space is required for each additional residential unit. Notwithstanding the provisions of subsection 5.1.7, a parking space for an additional residential unit may be located in tandem with parking spaces provided for the main residential unit.*
- 5.1.9.13.9** *Additional Residential Units shall be required to conform to all Ontario Building Code and Ontario Fire Code regulations.¹⁵*

¹⁵ Added new subsection by Clause 1 to By-law 2620, August 16th, 2021.

5.2 SINGLE RESIDENTIAL "R1" ZONE

5.2.1 - Scope

No person shall within any Single Residential "R1" Zone, use any land, or erect alter or use any building or structure, except in accordance with the following provisions.

5.2.2 - Permitted Uses

- (a) One single detached dwelling per lot
- (b) Uses, buildings and structures accessory to the foregoing permitted use
- (c) Home occupation

5.2.3 - Regulations for Dwellings

- (a) Minimum Lot Area

Interior Lot	464.5 square metres
Corner Lot	558.0 square metres
- (b) Minimum Lot Frontage

Interior Lot	15.0 metres
Corner Lot	18.0 metres
- (c) Minimum Front Yard

	10.5 metres on fronting on Highway #74
	6.0 metres in other locations
- (d) Minimum Side Yard Width
 - (i) Attached Garage or Carport
 - the minimum width of the yard on each side of the building shall be 1 metre plus 0.5 metres for each additional or partial storey above the first storey.
 - (ii) No Attached Garage or Carport
 - the minimum width of the yard on one side of the main building shall be 1 metre plus 0.5 metres for each additional or partial storey above the first storey.
 - the minimum width of the yard on the other side of the building shall be 3.5 metres.
 - (iii) Corner Lot
 - the minimum width of the side yard abutting a public street shall be 4-.5.metres
 - the minimum width of the yard on the other side of the main building shall be 1 metre plus 0.5 metres for each additional or partial storey above the first storey.
- (e) Minimum Rear Yard

	10.5 metres
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 - (i) Exception: the minimum rear yard depth on the lots abutting the north side of Washburn Street from the extension of Dufferin Street westerly 127 metres shall be 30.5 metres.
 - (ii) Exception: the minimum rear yard depth on Lots 3, 4, 7 and 8, Registered Plan No. M-33 shall be 9.0 metres.
- (f) Maximum Building Height

	10.5 metres
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- (g) Maximum Lot Coverage

	40.0 percent
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5.2.4 - Regulations for Parking

- (a) Minimum number of parking spaces

	2 per dwelling unit, one of which may be provided in the required front yard.
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5.2.5- Special Provisions

The provisions of subsections 5.2.1 to 5.2.4 inclusive and all other applicable provisions of this by-law shall apply to the use of land and to the erection and use of buildings and structures in each special zone in this subsection except that where there is a conflict between the provisions of the special zone and the provisions of the subsections 5.2.1 to 5.2.4 inclusive, or any other applicable provisions in this by-law, the provisions of the special zone shall prevail.

In addition, the provisions of each special zone shall, unless otherwise provided in such special zone, apply only to the use of land permitted in the special zone and to the erection and use of buildings and structures permitted in the special zone.

5.2.5.1- Special Zone

(a) *Area Affected*

R1-1 as shown on Schedule "A-3".

(b) *Applicable Provisions*

The provisions of subsections 5.2.1, 5.2.2, 5.2.3 and 5.2.4, and all other provisions of this by-law applicable to lands, buildings and structures within the R1 zone shall apply to the area affected.

(c) *Special Setback Requirement*

No building or structure, other than a fence, shall be erected between the line designated "Min. 3.0m Setback from 251 Contour" and the "Building Setback Line" as shown on the Plan by R.H. Krays, O.L.S., completed on February 22, 2005, which Plan is marked as Schedule "A-9" to this by-law and is filed with the Clerk.

(d) *Holding Zone*

(i) *Use of Zone Symbol:*

Notwithstanding any other provisions of Zoning By-law 91-21, where the symbol "h" appears on Schedule "1" as a prefix to the R1-1 Zone applying to the area affected, the provisions of the R1-1 Zone shall apply, subject to the requirements of (ii) and (iii) below.

(ii) *Holding Zone Provisions:*

To ensure the orderly development of lands and the adequate provision of Municipal Services, the "h" symbol shall not be removed until the applicant and/or landowner has:

- a) *filed an application for a draft plan of subdivision and received draft plan of subdivision approval from the appropriate approval authority pursuant to Section 51 of the Planning Act, R.S.O. 1990, as amended;*

and,

- b) *entered into a subdivision agreement with the Municipality pursuant to Section 51(26) of the Planning Act, R.S.O. 1990, as amended, with respect to municipal servicing, financial, administrative and other matters related thereto.*

The removal of the "h" symbol requires an amendment to this by-law pursuant to Section 36 of the Planning Act, R.S.O. 1990, as amended.

(iii) *Permitted Interim Uses:*

Uses existing as of the date of the passing of this by-law.^{16 17}

5.2.5.2 - Special Zone

(a) *Area Affected*

R1-2 as shown on Schedule "B".

(b) *Holding Zone*

¹⁶ Added new subsection by Clause 3 to By-law 846, February 13th, 2006, as ordered approved by the OMB on January 26, 2006, OMB Order No. 0268.

¹⁷ "h" symbol removed by Clause 1 to By-law 2195, November 13th, 2017.

(i) Use of Symbol

Notwithstanding any other provisions of this by-law, where the symbol "h" appears on Schedule "B" as a prefix to the R1-2 zone applying to the area affected, the provisions of the R1-2 zone shall apply, subject to the requirements of (ii) and (iii) below.

(ii) Holding Zone Provisions:

To ensure the orderly development of lands and the adequate provision of municipal services, the "h" symbol shall not be removed until the applicant and/or landowner has:

- (a) filed an application for a draft plan of subdivision and received draft plan of subdivision approval from the appropriate approval authority pursuant to Section 51 of the Planning Act, R.S.O. 1990, as amended;*
and
- (b) entered into a subdivision agreement with the Village of Belmont pursuant to Section 51(26) of the Planning Act, R.S.O. 1990, as amended, with respect to municipal servicing, financial, administrative and other matters related thereto;*
and
- (c) submitted a geotechnical report, prepared by a qualified consultant, establishing the limits of development adjacent to environmentally significant lands which are zoned Open Space (OS).*

The removal of the "h" symbol requires an amendment to this by-law pursuant to Section 36 of the Planning Act, R.S.O. 1990, as amended.

(iii) Interim Uses:

Uses existing as of the date of the passing of this by-law.¹⁸

5.2.5.3 - Special Zone*(a) Area Affected*

R1-3 as shown on Schedule "A" and Schedule "B".

*(b) Holding Zone**(i) Use of Symbol*

Notwithstanding any other provisions of this by-law, where the symbol "h" appears on Schedules "A" and "B" as a prefix to the R1-3 zone applying to the area affected, the provisions of the R1-3 zone shall apply, subject to the requirements of (ii) and (iii) below.

(ii) Holding Zone Provisions:

To ensure the orderly development of lands and the adequate provision of municipal services, the "h" symbol shall not be removed until the applicant and/or landowner has:

- (a) filed an application for a draft plan of subdivision and received draft plan of subdivision approval from the appropriate approval authority pursuant to Section 51 of the Planning Act, R.S.O. 1990, as amended;*
and
- (b) entered into a subdivision agreement with the Village of Belmont pursuant to Section 51(26) of the Planning Act, R.S.O. 1990, as amended, with respect to municipal servicing, financial, administrative and other matters related thereto;*
and
- (c) submitted a geotechnical report, prepared by a qualified consultant, establishing the limits of development adjacent to environmentally significant lands which are zoned Open Space (OS).*

The removal of the "h" symbol requires an amendment to this by-law pursuant to Section 36 of the Planning Act, R.S.O. 1990, as amended.

(iii) Interim Uses:

¹⁸ Added new subsection by Clause 13 to By-law 97-8, April 22nd, 1997.

Uses existing as of the date of the passing of this by-law.¹⁹

5.2.5.4 - Special Zone

(a) *Area Affected*

R1-4, as shown on Schedules "A-8" and "B-2".

(b) *Applicable Provisions*

The provisions of subsections 5.2.1, 5.2.2, 5.2.3 and 5.2.4 and all other provisions of this by-law applicable to lands, buildings and structures within the R1 Zone shall apply to the area affected.

(c) *Holding Zone*

(i) *Use of Zone Symbol*

Where the symbol "h" appears on Schedules "A" or "B", or on Schedule "A-8" or "B-2" as a prefix to a Zone Symbol or to a Special Zone Symbol, notwithstanding the provisions of that zone, unless this by-law has been amended to remove the relevant "h" symbol, those lands shall not be developed or used except for the permitted interim uses set forth below.

(ii) *Holding Zone Provisions*

(a) *Plan of Subdivision - to ensure the orderly development of the subject lands, the "h" symbol shall not be deleted until such time as:*

- *an application for a draft plan of subdivision has been filed and draft plan of subdivision approval has been given by the appropriate approval authority pursuant to Section 51 of the Planning Act, R.S.O 1990, as amended; and,*
- *a subdivision agreement has been entered into with the municipality pursuant to Section 51(26) of the Planning Act, R.S.O. 1990, as amended, with respect to municipal servicing, financial, administrative and other matters related thereto.*

(b) *Municipal Services - to ensure that there is sewage capacity for the lands in question, the "h" symbol shall not be deleted until the Director of Physical Services certifies that in his opinion the Municipal Corporation has adequate uncommitted reserve sewage capacity for the orderly development of the subject lands*

(c) *Survey Requirements - where the limits of development abutting or in the vicinity of an Open Space (OS) Zone have not been surveyed based on a geotechnical assessment which is satisfactory to the Municipal Corporation and the Kettle Creek Conservation Authority, to ensure that such limits are adequately defined, the "h" symbol shall not be deleted until each lot or parcel within the subject lands that has been surveyed and the limits of development established by an amendment to By-law No. 91-21 in relation to a line surveyed to the satisfaction of the Municipal Corporation and the location of such line shall be satisfactory to the Municipal Corporation and the Kettle Creek Conservation Authority and shall be based on a geotechnical assessment which is also satisfactory to each of them.*

The removal of the "h" symbol requires an amendment to this by-law pursuant to Section 36 of the Planning Act, R.S.O. 1990, as amended.

(iii) *Permitted Interim Uses*

Uses existing as of the date of the passing of this by-law.²⁰

(Note: The following zone designation was duplicated in error and will be corrected in a future consolidation of the By-law.)

5.2.5.4 - Special Zone

The provisions of subsections 5.2.1 to 5.2.4 inclusive and any other applicable provisions of Bylaw 91-21 as amended shall apply to the use of land and to the erection and use of buildings and structures in this special zone except that where there is a conflict between the provisions of this special zone and the provisions of the subsections 5.2.1 to 5.2.4 inclusive, or any other applicable provisions of By-law 91-21 then the provisions of this special zone shall prevail.

¹⁹ Added new subsection by Clause 14 to By-law 97-8, April 22nd, 1997.

²⁰ Added new subsection by Clause 3 to By-law 709, October 18th, 2004.

In addition, the provisions of this special zone shall, unless otherwise provided in such special zone, apply only to the use of land permitted in this special zone and to the erection and use of buildings and structures permitted in this special zone.

(a) *Area Affected*

R1-4 as shown on Schedule "A-9".

(b) *Holding Zone*

(i) *Use of Zone Symbol:*

Notwithstanding any other provisions of Zoning By-law 91-21, where the symbol "h" appears on Schedule 1 as a prefix to the R1-4 Zone applying to the area affected, the provisions of the R1-4 Zone shall apply, subject to the requirements of (ii) and (iii) below.

(ii) *Holding Zone Provisions:*

To ensure the orderly development of lands and the adequate provision of Municipal Services, the "h" symbol shall not be removed until the applicant and/or landowner has:

(a) *filed an application for a draft plan of subdivision and received draft plan of subdivision approval from the appropriate approval authority pursuant to Section 51 of the Planning Act, R.S.O. 1990, as amended;*

and

b) *entered into a subdivision agreement with the Municipality pursuant to Section 51(26) of the Planning Act, R.S.O. 1990, as amended, with respect to municipal servicing, financial, administrative and other matters related thereto;*

The removal of the "h" symbol requires an amendment to this by-law pursuant to Section 36 of the Planning Act, R.S.O. 1990, as amended.

(iii) *Permitted Interim Uses:*

Uses existing as of the date of the passing of this by-law.²¹

5.2.5.5 - Special Zone

(a) *Area Affected*

R1-5, as shown on Schedule "B-2".

(b) *Only Permitted Uses*

Single detached dwelling.

Townhouse dwelling.

Uses accessory to the foregoing.

(c) *Only Permitted Buildings and Structures*

Buildings and structures for the uses permitted by 5.2.5.5(b).

(d) *Minimum Lot Area*

1.9 hectares

(e) *Minimum Dwelling Unit Ground Floor Area*

Dwelling Unit Type
*Single detached dwelling
dwelling*

Minimum Ground Floor Area
74m² for a 1 storey dwelling or a split level

60m² for a 2 storey dwelling

(f) *Maximum Number of Dwelling Units*

32

²¹ Added new subsection by Clause 2 to a By-law ordered approved by the OMB on March 9, 2004, OMB Order No. 0542.

*(g) Maximum Building Height**11 metres**(h) Maximum Lot Coverage**40%**(i) Required Minimum Number of Parking Spaces**2 spaces for each dwelling**16 spaces for visitor parking**(j) Building Setback- Vacant Land Condominium**All buildings and structures which form part of a unit within a Vacant Land Condominium shall maintain a 1 metre setback from the unit boundaries. An air conditioning unit may be located within the 1 metre setback between two adjacent dwellings provided a 6 metre separation distance is maintained between the air conditioning units.**(k) Definitions*

- 1. For the purposes of paragraph 5.3.5.5(e), "split level dwelling" means a dwelling unit in which the first floor above the finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being always less than the full storey.*
- 2. For the purposes of paragraph 5.3.5.5(j), "Vacant Land Condominium" means, a declaration and description registered by a declarant, pursuant to the Condominium Act 1998, that create a corporation in which, at the time of the registration,*
 - (a) one or more units are not part of a building or structure and do not include any part of a building or structure; and*
 - (b) none of the units are located above or below any other unit.*
- 3. For the purposes of paragraph 5.3.5.5(j), "unit" means a part of the property designated as a unit by the description and includes the space enclosed by its boundaries and all, of the land, structures and fixtures within this space in accordance with the declaration and description.*
- 4. For the purposes of paragraph 5.3.5.5(b), "townhouse dwelling" means a building containing three or more attached dwelling units in a single row, each of which dwelling unit has an independent entrance from the outside and is vertically separated from any abutting dwelling unit.*

*(1) Holding Zone**(i) Use of Zone Symbol**Where the symbol "h" appears on Schedules "B" or on Schedule "B-2" as a prefix to a Zone Symbol or to a Special Zone Symbol, notwithstanding the provisions of that zone, unless this by-law has been amended to remove the relevant "h" symbol, those lands shall not be developed or used except for the permitted interim uses set forth below.**(ii) Holding Zone Provisions*

- (a) Plan of Subdivision - to ensure the orderly development of the subject lands, the "h" symbol shall not be deleted until such time as:*
 - an application for a draft plan of subdivision has been filed and draft plan of subdivision approval has been given by the appropriate approval authority pursuant to Section 51 of the Planning Act, R.S.O. 1990, as amended; and,*
 - a subdivision agreement has been entered into with the municipality pursuant to Section 51(26) of the Planning Act, R.S.O. 1990, as amended, with respect to municipal servicing, financial, administrative and other matters related thereto.*
- (b) Municipal Services - to ensure that there is sewage capacity for the lands in question, the "h" symbol shall not be deleted until the Director of Physical Services certifies that in*

his opinion the Municipal Corporation has adequate uncommitted reserve sewage capacity for the orderly development of the subject lands

- (c) *Survey Requirements - where the limits of development abutting or in the vicinity of an Open Space (OS) Zone have not been surveyed based on a geotechnical assessment which is satisfactory to the Municipal Corporation and the Kettle Creek Conservation Authority, to ensure that such limits are adequately defined, the "h" symbol shall not be deleted until each lot or parcel within the subject lands that has been surveyed and the limits of development established by an amendment to By-law No. 91-21 in relation to a line surveyed to the satisfaction of the Municipal Corporation and the location of such line shall be satisfactory to the Municipal Corporation and the Kettle Creek Conservation Authority and shall be based on a geotechnical assessment which is also satisfactory to each of them.*

The removal of the "h" symbol requires an amendment to this by-law pursuant to Section 36 of the Planning Act, R.S.O. 1990, as amended.

(iii) *Permitted Interim Uses*

Uses existing as of the date of the passing of this by-law.

(m) *Exceptions*

The provisions of subsections 5.2 shall not apply to the area affected.²²

5.2.5.6 - Special Zone

(a) *Area Affected:*

R1-6, as shown on Schedule "A-13".

(b) *Applicable Provisions:*

The provisions of subsection 5.2.1, 5.2.2, 5.2.3 and 5.2.4 and all other provisions of this by-law applicable to lands, buildings and structures within the R1 zone shall apply to the area affected.²³

R1-7 zone deleted through repeal of By-law 1625 by Clause 2 to By-law 2885, April 18th, 2024.

5.2.5.8 - Special Zone

(a) *Area Affected*

R1-8, as shown on Schedule "B-5".

(b) *Only Permitted Use:*

*Single detached dwelling.
Accessory uses.*

(c) *Permitted Buildings and Structures:*

Buildings and structures for the uses permitted by Subsection 5.2.5.8(b).

(d) *Minimum Lot Area:*

30,000 square metres.

(e) *Minimum Dwelling Unit Ground Floor Area:*

74m² for a 1 storey dwelling or a split level dwelling.

(f) *Maximum Number of Dwelling Units:*

40.

(g) *Maximum Building Height:*

²² Added new subsection by Clause 4 to By-law 709, October 18th, 2004.

²³ Added new subsection by Clause 2 to By-law 1016, November 26th, 2013.

1 storey.

(h) *Maximum Lot Coverage:*

40%.

(i) *Required Minimum Number of Parking Spaces:*

2 spaces for each dwelling.
20 spaces for visitor parking.

(j) *Building Setback - Vacant Land Condominium:*

All buildings and structures which form part of a unit within a Vacant Land Condominium shall maintain a 1 metre setback from the unit boundaries. An air conditioning unit may be located within the 1 metre setback between two adjacent dwellings provided a 6 metre separation distance is maintained between the air conditioning units.

(k) *Definitions:*

1. *For the purposes of paragraph 5.2.5.8(e), "split level dwelling" means a dwelling unit in which the first floor above the finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being always less than the full storey.*
2. *For the purposes of paragraph 5.2.5.8(j), "Vacant Land Condominium" means, a declaration and description registered by a declarant, pursuant to the Condominium Act 1998, that create a corporation in which, at the time of the registration,*
 - (i) *one or more units are not part of a building or structure and do not include any part of a building or structure; and*
 - (ii) *none of the units are located above or below any other unit.*
3. *For the purposes of paragraph 5.2.5.8(j), "unit" means a part of the property designated as a unit by the description and includes the space enclosed by its boundaries and all of the land, structures and fixtures within this space in accordance with the declaration and description.*

(l) *Exceptions:*

The provisions of subsection 5.2 shall not apply to the area affected.²⁴

(Note: The R1-9 zone was deleted after By-law 2738 repealed By-law 2190, October 11th, 2022.)

5.2.5.10 Special Zone

(b) *Area Affected*

R1-10, as shown on Schedule "A-19".

(b) *Applicable Provisions:*

The provisions of Sections 5.2.1, 5.2.2, 5.2.3 and 5.2.4 of by-law 91-21 as amended and all other applicable provisions of such by-law shall apply to the lands designated "R1-10" on Schedule A-19 to By-law 91-21 as amended.

(c) *Holding Zone Provisions:*

Notwithstanding any other provision of this By-law, where the Symbol "h" appears on Schedule A-19 as a prefix to the R1-10 zone, unless this by-law has been amended to remove the relevant "h" symbol, those lands shall not be developed or used except for uses permitted by paragraph c). The removal of the "h" symbol from a Zoning Schedule is subject to the following requirements:

Holding Zone Provisions:

- a) *Defined Area: R1-10 as shown on Schedule A-19.*
- b) *To ensure the orderly development of lands and the provision of municipal services, the "h" symbol shall not be deleted until the following requirements have been satisfied:*

²⁴ Added new subsection by Clause 2 to By-law 2189, October 23rd, 2017.

- i. *a subdivision agreement is entered into for the lands in question with the Municipality of Central Elgin pursuant to Section 51(26) of the Planning Act, R.S.O. 1990, as amended, with respect to municipal servicing, financial, administrative and other matters thereto.*
- ii. *the Municipality of Central Elgin certifies that there is adequate uncommitted reserve sewage capacity available for the development of the lands in question.*
- c) *Interim Permitted Uses: Uses existing as of the date of the passing of this By-law.^{25 26}*

5.2.5.11 Special Zone

(a) *Area Affected*

R1-11, as shown on Schedule "A-19".

(b) *Minimum Lot Frontage:*

17 metres.

(c) *Holding Zone Provisions:*

Notwithstanding any other provision of this By-law, where the Symbol "h" appears on Schedule A-19 as a prefix to the R1-11 zone, unless this by-law has been amended to remove the relevant "h" symbol, those lands shall not be developed or used except for uses permitted by paragraph c). The removal of the "h" symbol from a Zoning Schedule is subject to the following requirements:

Holding Zone Provisions:

- a) *Defined Area: R1-11 as shown on Schedule A-19.*
- b) *To ensure the orderly development of lands and the provision of municipal services, the "h" symbol shall not be deleted until the following requirements have been satisfied:*
 - i) *a subdivision agreement is entered into for the lands in question with the Municipality of Central Elgin pursuant to Section 51(26) of the Planning Act, R.S.O. 1990, as amended, with respect to municipal servicing, financial, administrative and other matters thereto.*
 - ii) *the Municipality of Central Elgin certifies that there is adequate uncommitted reserve sewage capacity available for the development of the lands in question.*
- c) *Interim Permitted Uses: Uses existing as of the date of the passing of this By-law.^{27 28}*

5.2.5.12 Special Zone

(a) *Area Affected*

R1-12, as shown on Schedule "A-19".

(b) *Minimum Lot Frontage:*

12 metres.

(c) *Holding Zone Provisions:*

Notwithstanding any other provision of this By-law, where the Symbol "h" appears on Schedule A-19 as a prefix to the R1-12 zone, unless this by-law has been amended to remove the relevant "h" symbol, those lands shall not be developed or used except for uses permitted by paragraph c). The removal of the "h" symbol from a Zoning Schedule is subject to the following requirements:

Holding Zone Provisions:

- a) *Defined Area: R1-12 as shown on Schedule A-19.*

²⁵ Added new subsection by Clause 2 to By-law 2287, October 9th, 2018.

²⁶ "h" symbol deleted by Clause 1 to By-law 2391, July 22nd, 2019.

²⁷ Added new subsection by Clause 3 to By-law 2287, October 9th, 2018.

²⁸ "h" symbol deleted by Clause 2 to By-law 2391, July 22nd, 2019.

- b) *To ensure the orderly development of lands and the provision of municipal services, the “h” symbol shall not be deleted until the following requirements have been satisfied:*
- i) *a subdivision agreement is entered into for the lands in question with the Municipality of Central Elgin pursuant to Section 51(26) of the Planning Act, R.S.O. 1990, as amended, with respect to municipal servicing, financial, administrative and other matters thereto.*
 - ii) *the Municipality of Central Elgin certifies that there is adequate uncommitted reserve sewage capacity available for the development of the lands in question.*
- c) *Interim Permitted Uses: Uses existing as of the date of the passing of this By-law.^{29 30}*

5.2.5.13 Special Zone

- (a) *Area Affected*

R1-13, as shown on Schedule “A-19”.

- (b) *Minimum Front Yard:*

Notwithstanding the provisions of Subsection 5.2.3(c) to By-law 91-21, a minimum front yard depth of 4.5 metres is permitted for the dwelling at the time of the passing of this by-law.³¹

5.2.5.14 - Special Zone

- (a) *Area Affected*

R1-14, as shown on Schedule “A-21”.

- (b) *Additional Permitted Use*

Semi-Detached Dwelling

- (c) *Minimum Lot Area*

*380 square metres – Single detached
250 square metres – Semi-detached*

- (d) *Minimum Lot Frontage*

*12 metres – Single detached
9 metres per unit – Semi-detached*

- (e) *Minimum Front Yard*

6 metres

- (f) *Minimum Side Yard*

Interior Side Yard – 1 metre, except where a common vertical wall separates one dwelling unit from the adjoining dwelling unit, no side yard is required.

Exterior Side Yard – 3.5 metres

- (g) *Minimum Rear Yard*

7.5 metres

- (h) *Maximum Lot Coverage*

50%

- (i) *Permitted Deck Encroachment*

5 metres

²⁹ Added new subsection by Clause 4 to By-law 2287, October 9th, 2018.

³⁰ “h” symbol deleted by Clause 3 to By-law 2391, July 22nd, 2019.

³¹ Added new subsection by Clause 5 to By-law 2287, October 9th, 2018.

(j) *Holding Zone*

Where the symbol "h" appears on Schedules "B", or on Schedule "A-21" as a prefix to a Zone Symbol or to a Special Zone Symbol, notwithstanding the provisions of that zone or special zone, unless this by-law has been amended to remove the relevant "h" symbol, those lands shall not be developed or used except in compliance with the provisions of the applicable zone, or for such other uses set out in the relevant Holding Provisions below.

(a) *Holding Provisions:*

- i. Plan of subdivision - to ensure the orderly development of lands, the "h" symbol shall not be deleted until a subdivision agreement is entered into for the lands in question with the Municipality.*
- ii. Municipal Services - to ensure that there is sewage capacity for the lands in question, the "h" symbol shall not be deleted until the Director of Physical Services certifies that in his opinion the Municipality has adequate uncommitted reserve sewage capacity for the orderly development of the lands in question.*

(b) *Permitted Interim Uses: Existing uses.³²*

5.2.5.15 - Special Zone

(a) *Area Affected*

R1-15, as shown on Schedule "A-21".

(b) *Additional Permitted Use*

Semi-Detached Dwelling

(c) *Minimum Lot Area*

*380 square metres – Single detached
250 square metres – Semi-detached*

(d) *Minimum Lot Frontage*

*12 metres – Single detached
9 metres per unit – Semi-detached*

(e) *Minimum Front Yard*

6 metres

(f) *Minimum Side Yard*

Interior Side Yard – 1 metre, except where a common vertical wall separates one dwelling unit from the adjoining dwelling unit, no side yard is required.

Exterior Side Yard – 3.5 metres

(g) *Minimum Rear Yard*

7.5 metres

(h) *Maximum Lot Coverage*

50%

(i) *Permitted Deck Encroachment*

5 metres

(j) *Holding Zone*

Where the symbol "h" appears on Schedules "B", or on Schedule "A-21" as a prefix to a Zone Symbol or to a Special Zone Symbol, notwithstanding the provisions of that zone or special zone, unless this by-law has been amended to remove the relevant "h" symbol, those lands

³² Added new subsection by Clause 2 to By-law 2648, October 12th, 2021.

shall not be developed or used except in compliance with the provisions of the applicable zone, or for such other uses set out in the relevant Holding Provisions below.

(a) *Holding Provisions:*

- i. Plan of subdivision - to ensure the orderly development of lands, the "h" symbol shall not be deleted until a subdivision agreement is entered into for the lands in question with the Municipality.*
- ii. Municipal Services - to ensure that there is sewage capacity for the lands in question, the "h" symbol shall not be deleted until the Director of Physical Services certifies that in his opinion the Municipality has adequate uncommitted reserve sewage capacity for the orderly development of the lands in question.*

(b) *Permitted Interim Uses: Existing uses.*³³

5.2.5.16 - Special Zone

(a) *Area Affected*

R1-16, as shown on Schedule "A-22".

(b) *Minimum Lot Area*

*Interior Lot - 380 square metres
Corner Lot - 495 square metres*

(c) *Minimum Lot Frontage*

*Interior Lot - 12 metres
Corner Lot - 14 metres*

(f) *Minimum Side Yard*

*Attached Garage or Carport – 1.2 metres
No Attached Garage or Carport – 1.2 metres and 3.5 metres on the other side
Corner Lot – 1.2 metres and 3.5 metres abutting a public street*

(g) *Minimum Rear Yard*

7.0 metres

(h) *Maximum Lot Coverage*

45%

(i) *Yard Encroachments*

Notwithstanding Section 4.14.1 iii), decks may project into the required rear yard a distance of not more than 3.0 metres.

(j) *Exceptions*

*The provisions 5.2.3 a), 5.2.3 b), 5.2.3 d), 5.2.3 e) and 5.2.3 g) shall not apply to the area affected in 5.2.5.16.*³⁴

³³ Added new subsection by Clause 3 to By-law 2648, October 12th, 2021.

³⁴ Added new subsection by Clause 3 to By-law 2738, October 11th, 2022.

5.3 SINGLE RESIDENTIAL "R2" ZONE

5.3.1 - Scope

No person shall within any Single Residential "R2" Zone, use any land, or erect alter or use any building or structure, except in accordance with the following provisions.

5.3.2 - Permitted Uses

- (a) One single detached dwelling per lot
- (b) One semi-detached dwelling per lot one duplex dwelling per lot
- (c) Uses, buildings and structures accessory to the foregoing permitted use
- (d) Converted dwellings
- (e) Home occupation within a single detached dwelling

5.3.3 - Regulations for Dwellings

	Single Dwelling	Semi Detached Dwelling	Duplex Dwelling
(a) Minimum Lot Area			
Interior Lot	464.5m ²	670m ² (335.0 m ² per unit)	650m ²
Corner Lot	558.0m ²	770.5m ² (335.0 m ² for interior unit) (435.0 m ² flankage unit)	650m ²
(b) Maximum Lot Coverage	40.0%	45.0%	40.0%
(c) Minimum Lot Frontage			
Interior Lot	15.0m	21.0m 10.0 m per unit	20.0m
Corner Lot	18.0m	23.0m (13.0 m for flankage unit) (10.0 m for interior unit)	
(d) Minimum Front Yard	6.0m	6.0m	6.0m
(e) Minimum Side Yard			
(i) Single Detached or Duplex Dwelling with an Attached Garage or Carport			
-			the minimum width of the yard on each side of the combined building shall be 1 metre plus 0.5 metres for each additional or partial storey above the first storey.
(ii) Single Detached or Duplex Dwelling with No Attached Garage or Carport			
-			the minimum width of the yard on one side of the main building shall be 1 metre plus 0.5 metres for each additional or partial storey above the first storey.
-			the minimum width of the yard on the other side of the building shall be 3.5 metres.
(iii) Semi-Detached Dwellings			
-			where a common vertical wall separates one dwelling unit from the adjoining dwelling unit, no side yard is required.
-			the minimum width of the yard on the other side of the dwelling unit shall be 1.5 metres.
(iv) Corner Lot			
-			the minimum width of the side yard abutting a public street shall be 4.5 metres.
-			the minimum width of the yard on the other side of the main building shall be 1 metre plus 0.5 metres for each additional or partial storey above the first storey.
(f) Minimum Rear Yard	10.5 metres		
(g) Maximum Building Height	10.5 metres		

5.3.4 - Regulations for Parking

- (a) Minimum number of parking spaces - 2 spaces per dwelling unit, one of which may be provided in the required front yard.

Explanatory Note

The following uses,

- a) Medway Metalwork Company Limited, located on Part Lot 16, Registered Plan No. 292.
- b) P & T Heating and Cooling, located on Part Lot 12, Registered Plan No. 29: are existing uses located within the Residential "R2" Zone, at the time of the passing of this By-Law and thus have status as legal non-conforming uses.

The above explanatory note is included here for clarification only, and does not form part of this By-Law.

5.3.5 - Special Provisions

The provisions of subsections 5.3.1 to 5.3.4 inclusive and all other applicable provisions of this by-law shall apply to the use of the land and to the erection and use of buildings and structures in each special zone in this subsection except that where there is a conflict between the provisions of the special zone and the provisions of subsections 5.3.1 to 5.3.4 inclusive, or any other applicable provisions, those of the special zone shall prevail.

In addition, the provisions of each special zone shall, unless otherwise provided in such special zone, apply only to the use of land permitted in the special zone and to the erection and use of buildings and structures permitted in the special zone.

5.3.5.1 - Special Zone

(a) *Area Affected*

R2-1 as shown on Schedule "A-1".

(b) *Additional Permitted Uses*

Sale and rental of videos and accessories.

Uses accessory to the foregoing additional permitted uses.

(c) *Additional Permitted Buildings and Structures*

Buildings and structures for the additional uses permitted by 5.3.5.1 (b) above.

(d) *Location of Additional Permitted Buildings and Structures*

Within the area shown hatched on Schedule A-1.

(e) *Maximum Floor Area*

The floor area for the additional uses permitted by 5.3.5.1 (b) above shall not exceed 60 square metres.

(f) *Required Minimum Number of Parking Spaces*

(i) *3 located within the area shown cross-hatched on Schedule A-1 for the additional uses permitted by 5.3.5.1 (b) above.*

(ii) *1 located within the area shown cross-hatched on Schedule A-1 for the existing single-detached dwelling.³⁵*

5.3.5.2 – Special Zone

(a) *Area Affected*

R2-2, as shown on Schedule "A-21".

(b) *Additional Permitted Use*

Townhouse Dwelling

(c) *Minimum Lot Area*

200 square metres per dwelling unit

³⁵ Added new subsection by Clause 2 to By-law 93-15, June 22nd, 1993.

(d) *Minimum Lot Frontage*

9 metres

(e) *Minimum Front Yard*

6 metres

(f) *Minimum Side Yard*

Interior Side Yard – 1 metre, no side yard requirement where townhouse dwelling units share a common wall

Exterior Side Yard – 3.5 metres

(g) *Minimum Rear Yard*

7.5 metres

(h) *Maximum Lot Coverage*

50%

(i) *Permitted Deck Encroachment*

5 metres

(j) *Parking within Front Yard*

The area of all parking spaces and residential driveways within a front yard shall not exceed 65% of the area of such yard and the total width of all such driveways and parking spaces where they intersect the front lot line shall not exceed 65% of the length of the front lot line.

(k) *Front Lot Line*

In all cases, the front lot line shall be that lot line fronting on the street oriented north/south.

(l) *Holding Zone*

Where the symbol “h” appears on Schedules “B”, or on Schedule “A-21” as a prefix to a Zone Symbol or to a Special Zone Symbol, notwithstanding the provisions of that zone or special zone, unless this by-law has been amended to remove the relevant “h” symbol, those lands shall not be developed or used except in compliance with the provisions of the applicable zone, or for such other uses set out in the relevant Holding Provisions below.

(a) *Holding Provisions:*

- i. Plan of subdivision - to ensure the orderly development of lands, the “h” symbol shall not be deleted until a subdivision agreement is entered into for the lands in question with the Municipality.*
- ii. Municipal Services - to ensure that there is sewage capacity for the lands in question, the “h” symbol shall not be deleted until the Director of Physical Services certifies that in his opinion the Municipality has adequate uncommitted reserve sewage capacity for the orderly development of the lands in question.*

(b) *Permitted Interim Uses: Existing uses.³⁶*

³⁶ Added new subsection by Clause 4 to By-law 2648, October 12th, 2021.

5.4 MULTIPLE RESIDENTIAL "RM1" ZONE

5.4.1 – Scope

No person shall within any Residential "RM1" Zone, use any land, or erect alter or use any building or structure, except in accordance with the following provisions.

5.4.2 - Permitted Uses

- (a) Apartment Building
- (b) Uses, buildings and structures accessory to the foregoing permitted use

5.4.3 - Regulations for Dwellings

- | | | |
|-----|----------------------------------|---------------------|
| (a) | Minimum Lot Area | 800.0 square metres |
| (b) | Minimum Lot Frontage | 20.0 metres |
| (c) | Minimum Front Yard | 6.0 metres |
| (d) | Minimum Side Yard | |
| | Interior Side Yard | 1.0 metres |
| | Exterior Side Yard | 6.0 metres |
| (e) | Minimum Rear Yard | 9.0 metres |
| (f) | Maximum Building Height | 9.0 metres |
| (g) | Maximum Lot Coverage | 50.0 percent |
| (h) | Maximum Number of Dwelling Units | 5 per lot |

5.4.4 - Regulations for Parking

- | | | |
|-----|--|------------------------|
| (a) | Minimum number of parking spaces per dwelling unit | 1.25 per dwelling unit |
|-----|--|------------------------|

5.4.5 - Special Provisions

The provisions of subsection 5.4.1 to 5.4.4 inclusive and all other applicable provisions of this by-law shall apply to the use of the land and to the erection and use of buildings and structures in each special zone in this subsection except that where there is a conflict between the provisions of the special zone and the provisions of subsections 5.4.1 to 5.4.4 inclusive, or any other applicable provisions, those of the special zone shall prevail.

In addition, the provisions of each special zone shall, unless otherwise provided in such special zone, apply to the use of land permitted in the special zone and to the erection and use of buildings and structures permitted in the special zone.

5.4.5.2 - Special Zone

- | | | |
|-----|---|--------------------------|
| (a) | Area Affected | |
| | | RM1-2 as shown on Map 1. |
| (b) | Minimum Lot Area | |
| | | 0.34 acres |
| (c) | Minimum Lot Frontage | |
| | | 26 metres |
| (d) | Maximum Number of Dwelling Units | |
| | | 20 |
| (e) | Required Minimum Number of Parking Spaces | |
| | | 14 |
| (f) | Exceptions | |

The provisions of subsections 5.4.3 (a), (b), (g), (h) and 5.4.4 (a) shall not apply to the area affected.

5.4.5.3 – Special Zone

(a) *Area Affected*

RM1-3, as shown on Schedule "B-2".

(b) *Applicable Provisions*

The provisions of subsections 5.4.1, 5.4.2, 5.4.3 and 5.4.4 and all other provisions of this by-law applicable to lands, buildings and structures within the RM1 Zone shall apply to the area affected.

(c) *Holding Zone*

(i) *Use of Zone Symbol*

Where the symbol "h" appears on Schedules 'B' or on Schedule "B-2" as a prefix to a Zone Symbol or to a Special Zone Symbol, notwithstanding the provisions of that zone, unless this by-law has been amended to remove the relevant "h" symbol, those lands shall not be developed or used except for the permitted interim uses set forth below.

(ii) *Holding Zone Provisions*

(a) *Plan of Subdivision-* to ensure the orderly development of the subject lands, the "h" symbol shall not be deleted until such time as:

- *an application for a draft plan of subdivision has been filed and draft plan of subdivision approval has been given by the appropriate approval authority pursuant to Section 51 of the Planning Act, R.S.O. 1990, as amended; and,*
- *a subdivision agreement has been entered into with the municipality pursuant to Section 51(26) of the Planning Act, R.S.O. 1990, as amended, with respect to municipal servicing, financial, administrative and other matters related thereto.*

(b) *Municipal Services - to ensure that there is sewage capacity for the lands in question, the "h" symbol shall not-be deleted until- the Director of Physical Services certifies that in his opinion the Municipal Corporation has adequate uncommitted reserve sewage capacity for the orderly development of the subject lands*

The removal of the "h" symbol requires an amendment to this by-law pursuant to Section 36 of the Planning Act, R.S.O. 1990, as amended.

(iii) *Permitted Interim Uses*

Uses existing as of the date of the passing of this by-law.³⁷

5.4.5.4 - Special Zone

(a) *Area Affected*

RM1-4, as shown on Schedule "B-6".

(b) *Minimum Lot Area*

5,800 square metres

(c) *Minimum Lot Frontage*

50.0 metres

(d) *Minimum Front Yard*

55.0 metres

(e) *Minimum Side Yard*

Interior Side Yard – 6.0 metres

Exterior Side Yard – 23.0 metres

³⁷ Added new subsection by Clause 5 to By-law 709, October 18th, 2004.

Setback from Centreline of Belmont Road – 26.0 metres

(f) Minimum Building Height

9.0 metres

(g) Minimum Rear Yard

4.5 metres

(h) Maximum Lot Coverage

20%

(i) Maximum Number of Dwelling Units

16 per lot

(j) Required Parking Spaces

20

(k) Exceptions

The provisions 5.4.3 and 5.4.4 shall not apply to the area affected in 5.4.5.4 (a).³⁸

³⁸ Added new subsection by Clause 4 to By-law 2885, April 18th, 2024.

SECTION 6 - COMMERCIAL ZONES

6.1 GENERAL PROVISIONS FOR COMMERCIAL ZONES

6.1.1 - Scope

In any Commercial Zone, no person shall use any land or erect, alter or use any building or structure, except in accordance with the following provisions which, in addition to other requirements of this By-Law, shall apply to all Commercial Zones.

6.1.2 - Special Provisions for Uses Adjacent to Residential Zones

- a) Unless otherwise specified in the By-Law and except for points of ingress and egress, where a commercial zone abuts a residential zone a strip of land 1.0 metres in width immediately adjoining such residential zones shall be used for a planting strip only.
- b) Where a lot having one or more restaurants abuts a Residential Zone, the following additional regulations apply:
 - i) 1.0 metres minimum planting strip abutting a residential zone;
 - ii) 3.0 metres minimum yard abutting a residential zone.

6.1.3 - Outside Storage

- a) Except as specifically provided in the regulations of the Zone in which the lot is located, the following regulations shall apply to Open Storage areas in all Commercial Zones
 - i) Open storage for other than temporary display purposes shall not be permitted in any front yard.
 - ii) Open storage for other than temporary display purposes shall not be permitted less than 7.5 metres from any public highway, or less than 4.5 metres from the boundary of any Residential Zone.

6.1.4 - Accessory Buildings

- i) Location - Accessory buildings shall be located only in the rear yard, except that no accessory building shall be located in the rear yard of a corner lot.
- ii) Yard Requirements - No accessory building shall be located on any lot closer to a public highway than 7.5 metres or closer to the boundary of any Residential Zone than 4.5 metres or closer to the rear or side lot lines not abutting a public highway than 0.5 metres.

6.1.5 - Unitary Equipment

No unitary equipment shall be located within 20.0 metres of any abutting residential zone and any such equipment shall be equipped with noise baffles and screened from view.

6.1.6 - Commercial Zones

For the purpose of this By-Law, the following Commercial Zones are established within the Defined Area and such Zones may be referred to by the appropriate symbol.

ZONE	SYMBOL
General Commercial	GC
Highway Commercial	HC

6.2 GENERAL COMMERCIAL "GC" ZONE

6.2.1 - Scope

No person shall within any General Commercial "GC" Zone use any land or erect, alter or use any building or structure, except in accordance with the following provisions.

6.2.2 - Permitted Uses

- a) Auctioneer's premises
- b) Animal hospital only if wholly enclosed within a building
- c) Barber Shop &. Hairdressing Establishments
- d) Banks
- e) Banquet hall
- f) Boarding house
- g) Bus depot
- h) Convenience food store
- i) Drug store
- j) Dry cleaning depot
- k) Equipment rental, sales and repairs
- l) Financial institution
- m) Hardware store
- n) Hotel
- o) Medical office or clinic
- p) Offices, business and professional
- q) Parking Lot
- r) Personal service shop
- s) Places of Entertainment
- t) Private or commercial clubs
- u) Retail food stores
- v) Retail stores
- w) Restaurants or Snack Bars
- x) Tavern
- y) An accessory dwelling unit provided such unit is located together with a permitted non-residential use within the same building
- "z) *Single detached dwellings existing at the date of the passing of this by-law.*"³⁹

6.2.3 - Zone Regulations

- | | | |
|-----|-------------------------------|---|
| (a) | Minimum Lot Area | 464.5 square metres |
| (b) | Minimum Lot Frontage | 15.0 metres |
| (c) | Maximum Lot Coverage | 40.0 percent |
| (d) | Minimum Front Yard | 1.0 metres |
| (e) | Minimum Side Yard | 3.0 metres - except when the lot abuts a Residential Zone when the minimum side yard shall be 4.5 metres. |
| (f) | Minimum Rear Yard | 6.0 metres |
| (g) | Maximum Building Height | 12.5 metres |
| (h) | Maximum Gross Floor Area | 100.0 percent |
| (i) | Minimum Landscaped Open Space | 10.0 percent of which a portion may be required as provided |

³⁹ ³⁹ Added new subsection by Clause 1 to By-law 123, 1999.

- i) A landscaping strip having a minimum width of 1.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street and/or Residential Zone except for points of access and egress.
- (j) Storage - No open storage areas shall be permitted in a GC Zone except for the display or sale of goods and materials in any yard other than a required yard and provided such display is in conjunction with a similar commercial use carried on in an enclosed building on the same lot.
- (k) Minimum Parking Requirements
 - i) Parking shall be provided in accordance with the provisions of Section 4.10. For uses not specified in Section 4.10, a minimum of one parking space per 28.0 square metres of gross floor area or fraction thereof shall be required.
- (l) *Existing Single Detached Dwellings*
 - i) *A single detached dwelling existing at the date of the passing of this by-law may be enlarged subject to the Single Residential "R2" Zone Regulations contained in subsection 5.3.3 - Regulations for Single Dwellings (b), (d), (e), (f) and (g).*
 - ii) *The minimum lot area shall be the existing lot area.*
 - iii) *The minimum lot frontage shall be the existing lot frontage.*
 - iv) *Minimum number of parking spaces - 2 spaces.*
 - v) *Reconstruction, Rebuilding or Repair Permitted:*
Where an existing single detached dwelling is located on a lot having less than the minimum lot frontage, lot area, front yard, side yard or rear yard required by this by-law, the said dwelling may be reconstructed, rebuilt or repaired provided the reconstruction, rebuilding or repair does not further reduce any front yard, side yard or rear yard which is less than the minimum required by this by-law and all other applicable provisions of this by-law are complied with.⁴⁰

6.2.4- Special Provisions

The provisions of subsections 6.2.1 to 6.2.3 inclusive and all other applicable provisions of this by-law shall apply to the use of the land and to the erection and use of buildings and structures in each special zone in this subsection except that where there is a conflict between the provisions of the special zone and the provisions of subsections 6.2.1 to 6.2.3 inclusive, or any other applicable provisions, those of the special zone shall prevail.

In addition, the provisions of each special zone shall, unless otherwise provided in such special zone, apply only to the use of land permitted in the special zone and to the erection and use of buildings and structures permitted in the special zone.

6.2.4.1 - Special Zone

(a) *Area Affected*

GC-1 as shown on Schedule "A-2".

(b) *Applicable Provisions*

The provisions of subsections 6.2.1, 6.2.2 and 6.2.3 and all other applicable provisions shall apply to the area affected.⁴¹

6.2.4.2 - Special Zone

(a) *Area Affected:*

GC-2 as shown on Schedule "A-4".

(b) *Additional Permitted Uses:*

- (i) *motor vehicle repair garage existing at the date of the passing of this zoning by-law;*
- (ii) *motor vehicle inspection station;*
- (iii) *automobile sales establishment.*

⁴⁰ Added new subsection by Clause 2 to By-law 123, 1999.

⁴¹ Added new subsection by Clause 2 to By-law 94-14, December 6th, 1994.

(c) *Applicable Provisions:*

The provisions of subsections 6.2.1, 6.2.2 and 6.2.3 and all other applicable provisions shall apply to the area affected.⁴²

6.2.4.4 - Special Zone(a) *Area Affected:*

GC-4, as shown on Schedule "A-7".

(b) *Additional Permitted Uses:*

- i) Motor vehicle repair garage existing at the date of passing of this zoning by-law;*
- ii) Automobile sales establishment;*
- iii) Accessory Uses.*

(c) *Permitted Buildings and Structures:*

Buildings and structures existing on the date of passing of this by-law for the uses permitted by subsection 6.2.4.4(b).

(d) *Outdoor Display Area:*

The outdoor display of goods for the use permitted by subsection 6.2.4.4(b)(ii) shall be restricted to the front yard within the area defined in subsection 6.2.4.4(a) of this By-law.

(e) *Minimum Lot Area:*

820 square metres.

(f) *Minimum Lot Frontage:*

14 metres.

(g) *Exceptions:*

The provisions of subsection 6.2.3(a) and 6.2.3(b) shall not apply to the area defined in subsection 6.2.4.4(a) of this By-law.⁴³

6.2.4.5 - Special Zone(a) *Area Affected:*

GC-5, as shown on Schedule "A-10".

(b) *Additional Permitted Uses:*

- i) Institutional use;*
- ii) Day nursery,*
- iii) Accessory Uses.*

(c) *Definition:*

The following definition shall apply to the area defined in subsection 6.2.4.5(a):

DAY NURSERY means a building or part thereof that receives more than five (5) children who are not of common parentage, 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, where the children are:

- (i) under eighteen years of age in the case of a day nursery for children with a developmental handicap,*
- (ii) up to and including ten years of age in all other cases, or*
- (iii) as licenced by the Ministry of Community, Family and Children's Services, or its successors, to provide specific programming to children up to and including age 12,*

⁴² Added new subsection by Clause 2 to By-law 109, May 25th, 1999.

⁴³ Added new subsection by Clause 2 to By-law 652, May 10th 2004.

but does not include:

- (i) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act,
- (ii) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 12(f) of the Ministry of Tourism and Recreation Act, as amended, or
- (iii) a children's mental health centre under the Child and Family Services Act, 1990, as amended.

(d) *Applicable Provisions:*

The provisions of subsection 6.2.1, 6.2.2 and 6.2.3 and all other applicable provisions shall apply to the area affected."⁴⁴

6.2.4.6 - Special Zone

(b) *Area Affected:*

GC-6, as shown on Schedule "A-14".

(b) *Additional Permitted Uses:*

- i) Commercial printing business;*
- ii) Institutional use;*
- iii) Accessory Uses.*

(c) *Definition:*

The following definition shall apply to the area defined in subsection 6.2.4.6(a):

COMMERCIAL PRINTING BUSINESS means a building or part thereof that is used for the primary purpose of printing, lithographing and publishing, and may include the reproduction of drawings, plans, maps or other copy by blueprinting, photocopying or small offset process.

(d) *Applicable Provisions:*

*The provisions of subsection 6.2.1, 6.2.2 and 6.2.3 and all other applicable provisions shall apply to the area affected.*⁴⁵

⁴⁴ Added new subsection by Clause 3 to By-law 833, January 16th, 2006.

⁴⁵ Added new subsection by Clause 2 to By-law 1253, May 25th, 2010.

6.3 HIGHWAY COMMERCIAL "HC" ZONE

6.3.1 - Scope

No person shall within any Highway Commercial "HC" Zone use any land or erect, alter or use any building or structure, except in accordance with the following provisions.

6.3.2 - Permitted Uses

- a) Building supply establishment
- b) Farm supply establishment
- c) Fraternal Organization
- d) Machine shops
- e) Medical office
- f) Motor vehicle parts and accessories
- g) Motor vehicle repair garage
- h) Motor vehicle sales and service
- i) Personal Service shop
- j) Restaurant
- k) Service shop of a convenience nature
- l) Service station
- m) Offices accessory to the foregoing uses
- n) *Single detached dwellings existing at the date of the passing of this by-law.*

6.3.3 - Zone Regulations for all Uses Other Than Those Specified in Sections 6.3.4, 6.3.5 and 6.3.6

- (a) Minimum Lot Area 800 square metres
- (b) Minimum Lot Frontage 20.0 metres
- (c) Maximum Lot Coverage 40.0 percent
- (d) Minimum Front Yard 1.0 metres
- (e) Minimum Side Yard 3.0 metres - except where the lot abuts a Residential Zone where the minimum side yard shall be 4.5 metres
- (f) Minimum Rear Yard 7.5 metres
- (g) Maximum Gross Floor Area 100.0 percent of lot area
- (h) Maximum Building Height 10.5 metres
- (i) Minimum Landscaped Open Space 10 percent of which a portion may be required as provided in sub-sections (i) and (ii)
 - i) A landscaping strip having a minimum width of 5.0 metres shall be provided and thereafter maintained along the boundary of any Provincial highway except for points of ingress and egress.
 - ii) A landscaping strip having a minimum width of 4.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street or Residential Zone.
- (j) Storage - No outside storage shall be permitted on any lot in the "HC" Zone except where such storage is temporary and accessory to the main use is located in any yard other than a required yard and is screened.
- (k) Minimum Parking requirements
 - i) Parking shall be provided in accordance with the provisions of Section 4.10. for uses not specified in Section 4.10, a minimum of one parking space per 28.0 square metres of ground floor area or fraction thereof shall be required.
 - ii) No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 1.5 metres from any rear lot line or any street line, or less than 7.5 metres from the boundary of any Residential Zone.

(l) Existing Single Detached Dwellings

- (i) *A single detached dwelling existing at the date of the passing of this by-law may be enlarged subject to the Single Residential "R2" Zone Regulations contained in subsection 5.3.3- Regulations for Single Dwellings (b), (d), (e), (f) and (g).*
- (ii) *The minimum lot area shall be the existing lot area.*
- (iii) *The minimum lot frontage shall be the existing lot frontage.*
- (iv) *Minimum number of parking spaces - 2 spaces.*
- (v) *Reconstruction, Rebuilding or Repair Permitted:*
Where an existing single detached dwelling is located on a lot having less than .the minimum lot frontage, lot area, front yard, rear yard or side yard required by this by-law, the said dwelling may be reconstructed, rebuilt or repaired provided the reconstruction, rebuilding or repair does not further reduce any front yard, side yard or rear yard which is less than the minimum required by this by-law and all other applicable provisions of this by-law are complied with.⁴⁶

6.3.4 - Regulations for Motor Vehicle Service Stations

- | | | |
|-----|-------------------------|---|
| (a) | Minimum Lot Frontage | 18.0 metres for an interior lot
25.0 metres for a corner lot |
| (b) | Minimum Lot Depth | 38.0 metres |
| (c) | Maximum Lot Coverage | 30.0 percent of the lot area |
| (d) | Minimum Front Yard | 12.0 metres |
| (e) | Minimum Side Yard | 7.5 metres |
| (f) | Minimum Rear Yard | 7.5 metres |
| (g) | Maximum Building Height | 11.0 metres |
| (h) | Minimum Landscaping | |

A landscaping area in the form of a planting strip having a minimum width of 9.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts any Residential Zone.

- (i) Other Provisions
 - (i) On a corner lot a daylighting triangle of 15.0 metres shall be provided.
 - (ii) No pump island shall be erected nearer to the boundary of any public highway than 4.5 metres
 - (iii) Light standards, signs, fuel pump islands, and fuel pumps may be located in any required minimum yard at a distance of not less than 4.5 metres from any street line but no part of the required daylighting triangle shall be construed to be part of a required minimum yard for the purpose of this clause.
 - (iv) The width of an entrance or exit ramp shall be not less than 7.5 metres or more than 10.5 metres measured along the street line.
 - (v) No entrance or exit ramp shall be located within 1.5 metres of the side or rear lot line that abuts an adjoining lot.
 - (vi) No entrance or exit ramp shall be located within 7.5 metres of any other ramp measured along the street line.
 - (vii) On a corner lot no entrance or exit ramp shall be located within 15.0 metres of the point of intersection of the intersecting street lines of such lot, except as provided in sub-clause (1) of this clause
 - (1) on a near-side lot no entrance or exit ramp shall be located along the lot line abutting a Provincial Highway within 18.0 metres of the point of intersection of the intersecting street lines of such lot.

6.3.5- Regulations For Motor Vehicle Repair Garage

- | | | |
|-----|----------------------|--------------|
| (a) | Minimum Lot Frontage | 18.0 metres |
| (b) | Minimum Lot Depth | 25.0 metres |
| (c) | Maximum Lot Coverage | 25.0 percent |
| (d) | Minimum Front Yard | 9.0 metres |

⁴⁶ Added new subsection by Clause 4 to By-law 123, 1999.

- | | | |
|-----|-------------------------|-------------|
| (e) | Minimum Side Yard | 7.5 metres |
| (f) | Minimum Rear Yard | 7.5 metres |
| (g) | Maximum Building Height | 11.0 metres |
| (h) | Minimum Landscaping | |

A landscaping area in the form of a planting strip having a minimum width of 9.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts any Residential Zone.

6.3.6 - Regulations For Motor Vehicle Sales and Service

- | | | |
|-----|-------------------------|--------------|
| (a) | Minimum Lot Frontage | 18.0 metres |
| (b) | Minimum Lot Depth | 25.0 metres |
| (c) | Maximum Lot Coverage | 25.0 percent |
| (d) | Minimum Front Yard | 9.0 metres |
| (e) | Minimum Side Yard | 7.5 metres |
| (f) | Minimum Rear Yard | 7.5 metres |
| (g) | Maximum Building Height | 11.0 metres |
| (h) | Minimum Landscaping | |

A landscaping area in the form of a planting strip having a minimum width of 9.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts any Residential Zone.

6.3.7 - Special Provisions

The provisions of subsections 6.3.1 to 6.3.6 inclusive and all other applicable provisions of this by-law shall apply to the use of land and to the erection and use of buildings and structures in each special zone in this subsection except that where there is a conflict between the provisions of the special zone and the provisions of the subsections 6.3.1 to 6.3.6 inclusive, or any other applicable provisions in this by-law, the provisions of the special zone shall prevail.

In addition, the provisions of each special zone shall, unless otherwise provided in such special zone, apply only to the use of land permitted in the special zone and to the erection and use of buildings and structures permitted in the special zone.

6.3.7.1 - Special Zone

- (a) *Area Affected*

HC-2 as shown on Schedule "A-20".

- (b) *Additional Permitted Use*

Convenience Food Store.

- (c) *Minimum Interior Side Yard*

5.42 metres.⁴⁷

⁴⁷ Added new subsection by Clause 3 to By-law 2390, July 22nd, 2019.

SECTION 7 - INDUSTRIAL ZONES

7.1 GENERAL PROVISIONS FOR INDUSTRIAL ZONES

7.1.1 - Scope

In any Industrial "M" Zone, no person shall use any land or erect, alter or use any building or structure, except in accordance with the following provisions which, in addition to other requirements of this By-Law, shall apply to all Industrial Zones.

7.1.2 - Restrictions Adjacent to Residential Zones

a) Notwithstanding the provisions of any Zone, where any Industrial Zone abuts a Residential Zone the minimum setbacks shall be as follows:

- | | | |
|------|--------------------|-------------|
| i) | Minimum Front Yard | 7.5 metres |
| ii) | Minimum Side Yard | 9.0 metres |
| iii) | Minimum Rear Yard | 15.0 metres |

7.1.3 - Industrial Development Adjacent to Railway Right-of-Way

Where any lot line of an Industrial Zone abuts a railway right-of-way no minimum setback is required.

7.1.4 - Screening Provisions For Open Storage

When open storage is permitted under the applicable provisions of the Zone in which the lot is located, such storage is to be fully screened from the view from adjacent streets and lots in accordance the By-Law to regulate fences.

7.1.5 - Industrial Zones

For the purpose of this By-Law, the following Industrial Zones are established within the Defined Area and such Zones may be referred to by the appropriate symbol.

ZONE	SYMBOL
Industrial	M
Industrial - Commercial	MC

7.2 GENERAL INDUSTRIAL "M" ZONE

7.2.1 - Scope

No person shall within any General Industrial "M" Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions.

7.2.2 - Permitted Uses

- (i) Any use related to the manufacturing, warehousing and/or storage of goods and materials contained in the following list or similar use provided such uses are conducted within a wholly enclosed building or within an uncovered area which is fully screened by means of fencing and/or landscaping features.
- (ii) Body shop
- (iii) Building supply yard
- (iv) Business office accessory to a permitted use
- (v) Fuel depot
- (vi) Industrial uses
- (vii) Motor vehicle repair garage
- (viii) Municipal works yards
- (ix) Warehouses
- (x) *an adult entertainment parlour*.⁴⁸

7.2.3 - Zone Regulations

- (a) Minimum Lot Area 1,000.0 square metres
- (b) Minimum Lot Frontage 30.5 metres
- (c) Maximum Lot Coverage 40.0 percent
- (d) Maximum Floor Area Ratio 0.40
- (e) Minimum Front Yard 9.0 metres
- (f) Minimum Side Yards 4.5 metres
Flankage Yard 9.0 metres
- (g) Minimum Rear Yard 7.5 metres
- (h) Minimum Landscape Open Space
 - i) A landscaped area in the form of a planting strip, having a minimum width of 3.0 metres, shall be provided and thereafter maintained adjacent to every portion of any lot line which abuts a street and/or Residential Zone.
- (i) Storage - Open storage areas solely for the accessory storage or display of goods or materials may be permitted in any yard other than a required yard provided that such storage is fully screened from streets or adjacent residential uses by means of fencing and/or landscaping features.

7.2.4 - Regulations For Parking

- a) 1 parking space shall be provided for every 3 employees.

7.2.5 Adult Entertainment Parlour:

1. *In this zone, no building or structure shall be erected or used for the purposes of an Adult Entertainment Parlour if the lot on which such Adult Entertainment Parlour is located is within 500 metres, measured in a continuous path over the shortest distance, of a residence, a school, a church, a day nursery or a public park in this zone or any other zone, or a Residential, Neighbourhood Development or General Agricultural Zone.*
2. *An Adult Entertainment Parlour shall be permitted only in a freestanding, single use building or structure.*⁴⁹

⁴⁸ Added new subsection by Clause 3 to By-law 308 , April 17th, 2001.

⁴⁹ Added new subsection by Clause 4 to By-law 308 , April 17th, 2001.

7.2.6 Special Provisions

The provisions of subsections 7.2.1 to 7.2.5 inclusive and all other applicable provisions of this by-law shall apply to the use of land and to the erection and use of buildings and structures in each special zone in this subsection except that where there is a conflict between the provisions of the special zone and the provisions of the subsections 7.2.1 to 7.2.5 inclusive, or any other applicable provisions in this by-law, the provisions of the special zone shall prevail.

In addition, the provisions of each special zone shall, unless otherwise provided in such special zone, apply only to the use of land permitted in the special zone and to the erection and use of buildings and structures permitted in the special zone.

7.2.6.1 Special Zone

(b) *Area Affected*

M-1, as shown on Schedule "A-18".

(b) *Minimum Side Yard – North Side:*

1.5 metres.

7.2.6.2 - Special Zone

(a) *Area Affected*

M-2, as shown on Schedule "A-21".

(b) *Minimum Side Yard – North Side:*

1.5 metres.⁵⁰

⁵⁰ Added new subsection by Clause 3 to By-law 2887, April 18th, 2024.

7.3 INDUSTRIAL COMMERCIAL "MC" ZONE

7.3.1 – Scope

No person within any Industrial Commercial "MC" Zone shall use any land or erect, alter or use any building or structure except in accordance with the following provisions.

7.3.2 - Permitted Uses

- i) Any use permitted in the General Industries "M" Zone.
- ii) Business and professional offices.
- iii) Printing shop.
- iv) Custom workshops.
- v) Sample or showrooms.
- vi) Personal service shops.
- (vii) *Adult entertainment parlour.*⁵¹

7.3.3 - Zone Regulations

- (a) Minimum Lot Area 1,000.0 square metres
- (b) Minimum Lot Frontage 30.5 metres
- (c) Maximum Lot Coverage 40.0 percent
- (d) Maximum Floor Area Ratio 0.40
- (e) Minimum Front Yard 9.0 metres
- (f) Minimum Side Yards 4.5 metres
Flankage Yard 9.0 metres
- (g) Minimum Rear Yard 7.5 metres
- (h) Minimum Landscape Open Space
 - i) A landscaped area in the form of a planting strip, having a minimum width of 3.0 metres, shall be provided and thereafter maintained adjacent to every portion of any lot line which abuts a street and/or Residential Zone.
- (i) Storage - Open storage areas solely for the accessory storage or display of goods or materials may be permitted in any yard other than a required yard provided that such storage is fully screened from streets or adjacent residential uses by means of fencing and/or landscaping features.

7.3.4 Adult Entertainment Parlour:

1. *In this zone, no building or structure shall be erected or used for the purposes of an Adult Entertainment Parlour if the lot on which such Adult Entertainment Parlour is located is within 500 metres, measured in a continuous path over the shortest distance, of a residence, a school, a church, a day nursery or a public park in this zone or any other zone, or a Residential, Neighbourhood Development or General Agricultural Zone.*
2. *An Adult Entertainment Parlour shall be permitted only in a freestanding, single use building or structure.*⁵²

7.3.5.1 - Special Zone

- (a) *Area Affected:*
MC-1 as shown on Schedule "A-15"
- (b) *Only Permitted Uses:*
 - (i) *Light industrial use.*
 - (ii) *Motor vehicle repair garage.*
 - (iii) *Municipal works yard.*
 - (iv) *Warehouse.*

⁵¹ Added new subsection by Clause 5 to By-law 308 , April 17th, 2001.

⁵² Added new subsection by Clause 6 to By-law 308 , April 17th, 2001.

- (v) *Business and Professional offices.*
 - (vi) *Printing shop.*
 - (vii) *Custom workshop.*
 - (viii) *Sample or showrooms*
 - (ix) *Personal service shops*
- (c) *Permitted Buildings and Structures:*
- (i) *Buildings and structures for the uses permitted by subsection 7.3.5.1(a).*
 - (ii) *Accessory buildings and structures*

(d) *Maximum Gross Floor Area*

3,500 square metres.

(e) *Maximum Building Height*

10 metres.

(f) *Definition:*

The following Definition shall apply to the area in subsection 7.3.5.1(a):

LIGHT INDUSTRIAL USE means the use of a building or part thereof designed, used or intended for the purpose of manufacturing, assembling or process of component parts to produce finished products suitable for retail, wholesale or service trade and including repairing, servicing, distributing, warehousing, storing or adapting for sale any goods, substance, article or thing, but excluding any operation which creates a nuisance as a result of the emission of any noise or air pollution that can be smelled, heard or otherwise detected 30 metres from the outside of the building in which the operation is conducted and also excluding any operation which creates vibration that can be detected 30 metres from the outside of the building in which the operation is conducted.

(g) *Holding Zone:*

(i) *Use of Zone Symbol:*

Notwithstanding any other provisions of Zoning By-law 91-21, where the symbol "h" appears on Schedule "1" as a prefix to the MC-1 Zone applying to the area affected, the provisions of the MC-1 Zone shall apply, subject to the requirements of (ii) below. The relevant holding provisions are denoted by the number (if any) immediately following the symbol "h" on the Schedule.

(ii) *Holding Zone Provisions:*

1. *Stormwater Management - to ensure that the quality and quantity of stormwater discharged from the subject lands meets with the standards of the Municipality and the applicable regulatory agencies, the "h1" symbol shall not be removed until the Municipality is provided with a Stormwater Management Report, satisfactory to the Director of Physical Services and the Conservation Authority, to demonstrate that stormwater quantity and quality will be controlled to applicable standards.*
2. *Site Plan- to ensure the orderly development of the lands, the "h1" symbol shall not be removed until the proponent provides the Municipality with a site plan, satisfactory to the Municipality.*
3. *Gross Floor Area - Interim Limit: To ensure that the uncommitted reserve sewage treatment capacity of the Belmont Sewage Treatment Facility is not prematurely allocated ahead of the market demand for development of the subject lands, the total gross floor area shall be limited to a maximum of 1,750 square metres while the "h2" symbol applies. The "h2" symbol shall not be deleted from the zone until:*
 - *The Director of Physical Services certifies that in his opinion the Municipality has adequate uncommitted reserve sewage capacity for the orderly development of the additional gross floor area; and*
 - *The proponent provides the Municipality with an update to the site plan, satisfactory to the Municipality.*

The removal of the "h" symbol requires an amendment to this by-law pursuant to Section 36 of the Planning Act, R.S.O. 1990, as amended.⁵³

⁵³ Added new subsection by Clause 2 to By-law 1770 , August 25th, 2014.

SECTION 8 - INSTITUTIONAL "I" ZONE

8.1.1 - Scope

No person shall within any Institutional "I" Zone use any land or erect, alter or use any building or structure, except in accordance with the following provisions.

8.1.2 - Permitted Uses

- i) Cemetery
- ii) Day nursery
- iii) Home for the aged
- iv) Fraternal Halls
- v) Funeral parlor
- vi) Library
- vii) Municipal Offices
- viii) Place of worship and accessory dwelling
- ix) Police and/or fire station
- x) Nursing home
- xi) Public Utility
- xii) Accessory dwelling unit to a permitted use
- xiii) Uses, buildings and structures clearly accessory and incidental to a permitted use but specifically excluding any commercial or retail uses

8.1.3 - Regulations for Permitted Uses

- | | |
|---|---------------------|
| (a) Minimum Lot Area | 600.0 square metres |
| (b) Minimum Lot Frontage | 15.0 metres |
| (c) Maximum Lot Coverage | 35.0 percent |
| (d) Minimum Front Yard | 7.5 metres |
| (e) Minimum Side Yards | 3.0 metres |
| (f) Minimum Rear Yard | 7.5 metres |
| (g) Maximum Building Height | 12.0 metres |
| (h) Minimum Landscaped
Open Space | 10.0 percent |
| (i) Storage - No open storage areas shall be permitted. | |

8.1.4 - Regulations For Parking

- a) Parking spaces shall be provided in accordance with the provisions of Section 4.10.
- b) For those uses not specified, a minimum of one parking space per 28.0 square metres of gross floor area shall be required.

8.1.5 – Exceptions

Notwithstanding the provisions of Section 8.1.2 on those lands known as Part of Lot 29, Plan 231 three apartment dwelling units shall be permitted in addition to the uses permitted under Section 8.1.2.

8.1.6 - Special Provisions

The provisions of subsection 8.1.1 to 8.1.5 inclusive and all other applicable provisions of his by-law shall apply to the use of the land and to the erection and use of buildings and structures in each special zone in this subsection except that where there is a conflict between the provisions of the special zone and the provisions of subsections 8.1.1 to 8.1.5 inclusive, or any other applicable provision, those of the special zone shall prevail.

In addition, the provisions of each special zone shall, unless otherwise provided in such special zone, apply to the use of land permitted in the special zone and to the erection and use of buildings and structures permitted in the special zone.

I-1 zone deleted by the repeal of By-law 1625 through Clause 2 of By-law 2885, April 18th, 2024.

8.1.6.2 – Special Zone

(a) Area Affected

I-2, as shown on Schedule "A-21".

(b) Permitted Uses

Institutional

Accessory uses to the foregoing

(c) Permitted Building and Structures

School

Uses, buildings and structures accessory to the foregoing permitted use

(d) Minimum Front Yard

20 metres

(e) Minimum Side Yard

6 metres

(f) Minimum Rear Yard

6 metres

(g) Maximum Lot Coverage

50%

(h) Maximum Building Height

12 metres

(i) Parking

3 spaces plus 2 spaces per classroom⁵⁴

⁵⁴ Added new subsection by Clause 5 to By-law 2648, October 12th, 2021.

SECTION 9 - OPEN SPACE ZONES

9.1 OPEN SPACE "OS" ZONE

9.1.1 - Scope

No person shall within any Open Space "OS" Zone use any land or erect, alter or use any building or structure, except in accordance with the following provisions.

9.1.2 - Permitted Uses

- i) Conservation uses
- ii) Drainage uses
- iii) Hazard lands
- iv) Nature trails
- v) Woodlots
- vi) Uses, buildings and structures clearly accessory and incidental to a permitted use and located on the same lot.

9.1.3 - Zone Regulations

- (a) Minimum Lot Area none
- (b) Minimum Lot Frontage none
- (c) Maximum Lot Coverage 10.0 percent
- (d) Minimum Front Yard 15.0 metres
- (e) Minimum Side Yard 15.0 metres
- (f) Minimum Rear Yard 15.0 metres
- (g) Minimum Landscaped Open Space 75.0 percent
- (h) Storage- No open storage shall be permitted in any "OS" Zone.

9.1.4 - Regulations For Parking

- a) No parking space or part thereof shall be located and no land shall be used for the parking or storage of vehicles within 7.5 metres of any lot line.

9.1.5 - Special Provisions

The provisions of subsections 9.1.1 to 9.1.4 inclusive and all other applicable provisions of this by-law shall apply to the use of land and to the erection and use of buildings and structures in each special zone in this subsection except that where there is a conflict between the provisions of subsections 9.1.1 and 9.1.4 inclusive, or any other applicable provisions, the provisions of the special zone shall prevail.

In addition, the provisions of each special zone shall, unless otherwise provided in such special zone, apply to the use of land permitted in the special zone and to the erection and use of buildings and structures permitted in the special zone.

9.1.5.1 - Special Zone

- (a) *Area Affected*

OS-1 as shown on Schedule "A-3".⁵⁵

9.1.5.1 - Special Zone

- (a) *Area Affected*

OS-2, as shown on Schedule "B-2".

- (b) *Applicable Provisions*

The provisions of subsections 9.1.1, 9.1.2, 9.1.3 and 9.1.4 and all other provisions of this by-law applicable to lands, buildings and structures within the OS Zone shall apply to the area affected.⁵⁶

⁵⁵ Added new subsection by Clause 4 to By-law 846, February 13th, 2006, as ordered approved by the OMB on January 26, 2006, OMB Order No. 0268.

9.2 PARK "P" ZONE

9.2.1 - Scope

No person shall within any Park "P" Zone use any land or erect, alter or use any building or structure, except in accordance with the following provisions.

9.2.2 - Permitted Uses

- i) Park
- ii) Arenas
- iii) Ball Diamonds
- iv) Playing fields
- v) Playgrounds
- vi) Picnic facilities
- vii) Community halls
- viii) Public building
- ix) Parking areas accessory to the above uses
- x) Uses, buildings and structures accessory and incidental thereto

9.2.3 - Regulations for Permitted Uses

- (a) No minimums
- (b) Maximum Lot Coverage 10.0 percent
- (c) Storage- No open storage areas shall be permitted on any lot in a "P" Zone

9.2.4 - Parking Regulations For Parking

- a) No parking space shall be located and no land shall be used for the parking or storing of any motor vehicle within 7.5 metres of any lot line.

9.2.5 - Special Provisions

The provisions of subsections 9.2.1 to 9.2.4 inclusive and all other applicable provisions of this by-law shall apply to the use of land and to the erection and use of buildings and structures in each special zone in this subsection except that where there is a conflict between the provisions of subsections 9.2.1 and 9.2.4 inclusive, or any other applicable provisions, the provisions of the special zone shall prevail.

In addition, the provisions of each special zone shall, unless otherwise provided in such special zone, apply to the use of land permitted in the special zone and to the erection and use of buildings and structures permitted in the special zone.

9.2.5.1 - Special Zone

- (a) *Area Affected*
P-1 as shown on Schedule "A-3".⁵⁷

9.2.5.2 - Special Zone

- (b) *Area Affected:*
P-2, as shown on Schedule "A-11".
- (b) *Only Permitted Uses:*
 - (i) *Park;*
 - (ii) *Picnic facilities;*
 - (iii) *Accessory Uses.*
- (c) *Exceptions:*

⁵⁶Added new subsection by Clause 7 to By-law 709, October 18th, 2004.

⁵⁷ Added new subsection by Clause 5 to By-law 846, February 13th, 2006, as ordered approved by the OMB on January 26, 2006, OMB Order No. 0268.

*The provisions of subsection 9.2.2 shall not apply to the area affected.*⁵⁸

⁵⁸ Added new subsection by Clause 2 to By-law 835, January 16th, 2006.

SECTION 10 - NEIGHBOURHOOD DEVELOPMENT "ND" ZONE

10.1 NEIGHBOURHOOD DEVELOPMENT "ND" ZONE

10.1.1 - Scope

In any Neighbourhood Development Zone - ND, no person shall use any building, structure or land for any purpose other than that for which it was used on the date that this By-Law was passed or erect any building or structure until such land has been rezoned by a By-Law, which has been approved in accordance with Subsection 34 of the Planning Act, 1983.

10.1.2 - Permitted Uses

- (a) Agricultural field crop uses.
- (b) One single detached dwelling per lot existing at the date of the passing of this By-Law.

10.1.3 - Zone Regulations

- (a) Minimum Front Yard 12.0 metres
- (b) Minimum Side Yard 12.0 metres

10.1.4 - Special Provisions

The provisions of subsections 10.1.1 to 10.1.3 inclusive and all other applicable provisions of this by-law shall apply to the use of land and to the erection and use of buildings and structures in each special zone in this subsection except that where there is a conflict between the provisions of subsections 10.1.1 and 10.1.3 inclusive, or any other applicable provisions, the provisions of the special zone shall prevail.

In addition, the provisions of each special zone shall, unless otherwise provided in such special zone, apply to the use of land permitted in the special zone and to the erection and use of buildings and structures permitted in the special zone.

10.1.4.1 - Special Zone

- (a) *Area Affected*

ND-1, as shown on Schedule "B-2".

- (b) *Applicable Provisions*

The provisions of subsections 10.1.1, 10.1.2 and 10.1.3 and all other provisions of this by-law applicable to lands, buildings and structures within the ND Zone shall apply to the area affected.⁵⁹

⁵⁹ Added new subsection by Clause 6 to By-law 709, October 18th, 2004.

SECTION 11 - AGRICULTURAL ZONES**11.1 GENERAL PROVISIONS FOR ALL AGRICULTURAL ZONES**

11.1.1 *The height, floor area and location of any buildings and other structures, the floor area ratio, the size, frontage and depth of the lot on which the buildings and other structures are located, the front, side and rear yards on such lots, the maximum coverage and the number and location of off-street parking spaces, shall remain as they lawfully exist on the day of the passing of this by-law.*

11.1.2 *Subsection 11.1.1 shall not prohibit the erection of accessory buildings or the enlargement or extension of buildings and other structures which are permitted under the provisions of subsections 11.2 and 11.3 provided the erection, enlargement or extension is in conformity with the applicable provisions of this by-law other than subsection 11.1.1.*

11.1.3 *Where the frontage and area of a lot on which buildings and other structures are located is less than that required in subsections 11.2 and 11.3, the lot frontage and lot area which lawfully exist on the day of the passing of this by-law shall be the maximum lot area of such lot for the purposes of this by-law.⁶⁰*

⁶⁰ Added new subsection by Clause 9 to By-law 97-8, April 22nd, 1997.

11.2 GENERAL AGRICULTURAL "A1" ZONE

11.2.1 Scope

No person shall within any General Agricultural "A1" Zone, use any land, or erect, alter or use any building or structure, except in accordance with the following provisions.

11.2.2 Permitted Uses

- (a) *Farm Uses*
- (b) *Rural Residential Uses*
- (b) *Home Occupations*
- (c) *Accessory Uses*

11.2.3 Permitted Buildings and Structures

- (a) *Farm buildings including one farm dwelling*
- (b) *One single detached dwelling on a Rural Residential lot*
- (c) *Accessory Buildings and Structures*

11.2.4 Lot Area

40 hectares

11.2.5 Lot Frontage

150 metres

11.2.6 Ground Floor Area of Dwellings

- (a) *75 square metres for a one storey dwelling*
- (b) *89 square metres for a split level dwelling*
- (c) *70 square metres for a dwelling having more than one storey*

11.2.7 Coverage

- (a) *5% maximum for farm uses*
- (b) *20% maximum for rural residential uses*

11.2.8 Location of Buildings and Structures

- (a) *Front Yard: 20metres*
- (b) *Side Yard: 7.5 metres*
- (c) *Rear Yard: 15 metres*

11.2.9 Height

10.5 metres maximum for. a farm dwelling or a single detached dwelling on a rural residential lot.

11.2.10 – Off-Street Parking

- (a) *In the case of rural residential uses:
1 parking space per dwelling unit;*
- (b) *In the case of a farm use
4 parking spaces per farm.⁶¹*

⁶¹ Added new subsection by Clause 9 to By-law 97-8, April 22nd, 1997.

11.2.11 - Special Provisions

The provisions of subsections 11.2.1 to 11.2.10 inclusive and all other applicable provisions of this by-law shall apply to the use of the land and to the erection and use of buildings and structures in each special zone in this subsection except that where there is a conflict between the provisions of the special zone and the provisions of subsections 11.2.1 to 11.2.10 inclusive, or any other applicable provisions, those of the special zone shall prevail.

In addition, the provisions of each special zone shall, unless otherwise provided in such special zone, apply only to the use of land permitted in the special zone and to the erection and use of buildings and structures permitted in the special zone.

11.2.11.1 - Special Zone

(a) *Area Affected:*

A1-1, as shown on Schedule "B-1".

(b) *Only Permitted Uses:*

i) Rural-residential Use

ii) Home Occupations

iii) Accessory Uses

(c) *Permitted Buildings and Structures:*

i) Two single detached dwelling existing on the date of passing of this by-law.

ii) Accessory buildings and structures.

(d) *Minimum Lot Area:*

15,000 square metres

(e) *Minimum Lot Frontage:*

100 metres

(f) *Exceptions:*

The provisions of subsection 11.2.2(a), 11.2.3, 11.2.4 and 11.2.5 shall not apply to the area defined in subsection 11.2.11.1 (a) of this By-law.⁶²

(Note: The following zone designation was duplicated in error and will be corrected in a future consolidation of the By-law.)

11.2.12 - Special Provisions

The provisions of subsections 11.2.1 to 11.2.11 inclusive and all other applicable provisions of this by-law shall apply to the use of land and to the erection and use of buildings and structures in each special zone in this subsection except that where there is a conflict between the provisions of the special zone and the provisions of the subsections 11.2.1 to 11.2.11 inclusive, or any other applicable provisions in this by-law, the provisions of the special zone shall prevail.

In addition, the provisions of each special zone shall, unless otherwise provided in such special zone, apply only to the use of land permitted in the special zone and to the erection and use of buildings and structures permitted in the special zone.

11.2.12.1 - Special Zone

(a) *Area Affected:*

A1-1, as shown on Schedule "B-3".

(b) *Only Permitted Uses:*

⁶² Added new subsection by Clause 2 to By-law 589, August 25th, 2003.

- (i) *Rural Residential Use.*
 - (ii) *Home Occupations.*
 - (iii) *Accessory Uses.*
- (c) *Only Permitted Buildings and Structures:*
- (i) *Two single detached dwelling units existing as of the date of passing of this by-law.*
 - (ii) *Accessory buildings and structures.*
- (d) *Minimum Lot Frontage:*
- 100 metres.*
- (e) *Minimum Lot Area:*
- 0.70 hectares.*
- (f) *Minimum Front Yard:*
- 19 metres.*
- (g) *Location of Buildings and Structures:*
- A detached accessory building existing at the time of passing of this by-law may be located 0.5 metres from the rear (northerly) lot line.*
- (h) *Exceptions:*
- The provisions of subsection 11.2.2, 11.2.3, 11.2.4, 11.2.5 and 11.2.8(a) shall not apply to the area affected.⁶³*

⁶³ Added new subsection by Clause 2 to By-law 1251, May 25th, 2010.

11.3 BUFFER AGRICULTURAL "A2" ZONE

11.3.1 - Scope

No person shall within any Buffer Agricultural "A2" Zone, use any land or erect, alter or use any building or structure, except in accordance with the following provisions.

11.3.2 - Permitted Uses

- (a) Farm Uses
- (b) Rural Residential Uses
- (c) Home Occupations
- (d) Accessory Uses

11.3.3 - Prohibited Uses

Notwithstanding the definition of FARM USE and subsection 11.3.2 (a) of this By-law, livestock farms, poultry farms, piggeries, mushroom farms, furbearing animal farms, livestock sales barns and marketing yards shall be prohibited. No new liquid manure storage facilities are permitted in the A2 zone.

11.3.4 - Permitted Buildings and Structures:

- (a) Farm buildings including one farm dwelling
- (b) One single detached dwelling on a Rural Residential lot
- (c) Accessory Buildings and Structures

11.3.5 - Lot Area

40 hectares

11.3.6 - Lot Frontage

150 metres

11.3.7 - Ground Floor Area of Dwellings

- (a) 75 square metres for a one storey dwelling
- (b) 89 square metres for a split level dwelling
- (c) 70 square metres for a dwelling having more than one storey

11.3.8 - Coverage

- (a) 5% maximum for farm uses
- (b) 20% maximum for rural residential uses

11.3.9 - Height

10.5 metres maximum for a farm dwelling or a single detached dwelling on a rural residential lot

11.3.10 - Location of Buildings and Structures

- (a) Front Yard: 20 metres
- (b) Side Yard: 1.5 metres
- (c) Rear Yard: 15 metres.

11.3.11 - Off-Street Parking

- (a) In the case of rural residential uses:
1 parking space per dwelling unit;
- (b) In the case of a farm use:
4 parking spaces per farm.⁶⁴

⁶⁴ Added new subsection by Clause 9 to By-law 97-8, April 22nd, 1997.

SECTION 12 - INTERPRETATION OF ZONE BOUNDARIES

- 12.1 *Where any uncertainty exists as to the location of the boundary of any zone shown on a zoning map, the provisions of paragraphs 12.2 to 12.8 inclusive shall apply.*
- 12.2 *Where the location of a boundary of a zone coincides or approximately coincides with a lot line shown on a registered plan of subdivision, such lot line shall be deemed to be the boundary;*
- 12.3 *Where a boundary of a zone is approximately parallel with a street line and the distance from such street line is not indicated, such boundary shall be deemed to be parallel to such street line and the distance between the street line and the boundary shall be determined by the use of the scale shown on the zoning map;*
- 12.4 *Unless otherwise indicated; a street, lane, railroad or railway right-of-way, or watercourse shown on a zoning map is included within the zone of the adjoining property on either side thereof, and where a street, lane, railroad or railway right-of-way or watercourse serves as a boundary between two or more zones, the centre line of such street, lane, railroad or railway right-of-way, or watercourse shall be deemed to be the boundary between the zones;*
- 12.5 *In the event that a street or lane is legally closed, such street or lane shall be included within the zone of the lands adjoining on either side of the street or lane, and where the street or lane legally closed serves as the boundary between two zones, the centre line of such street or lane shall be deemed to be the boundary between the zones;*
- 12.6 *Where the location of the boundary on a Special Zoning Map conflicts with the location of a boundary shown on a Zoning Map, the location of the boundary of the Special Zoning Map shall prevail;*
- 12.7 *Where the location of any boundary of a zone on a Zoning Map is uncertain after applying the preceding provisions, the location of the boundary shall be determined according to the scale on such Zoning Map;*
- 12.8 *Where the context permits, in paragraphs 12.1 to 12.7 inclusive, "Zone" includes "Special Zone" and "Zoning Map" includes "Special Zoning Maps and Schedules";*
- 12.9 *Where the front yard depth, side yard depth or rear yard depth of a lot exceeds the minimum required by this By-law, in interpreting this By-law, the front yard required by this By-law shall abut the front lot line and in the case of a rear yard, the rear yard required by this By-law shall abut the rear lot line and in the case of a side yard, the side yard required by this by-law shall abut a side lot line.⁶⁵*

⁶⁵ Added new subsection by Clause 12 to By-law 97-8, April 22nd, 1997.