

VILLAGE OF PORT STANLEY

BY-LAW #1507

OFFICE CONSOLIDATION to September 2025

NOTICE OF APPLICATION to the Ontario
Municipal Board by the Corporation of the
Village of Port Stanley for approval of a
by-law to regulate land use passed
pursuant to Section 30 of The Planning Act.

TAKE NOTICE that the Council of The Corporation of the Village of Port Stanley intends to apply to The Ontario Municipal Board pursuant to the provisions of Section 30 of The Planning Act for approval of By-law 1507 passed on the 25th day of March 1968.

A copy of the by-law is furnished herewith. A note giving an explanation of the purpose and effect of the by-law and stating the lands affected thereby, is also furnished herewith.

Any person interested may, within fourteen (14) days after the date of this notice, sent by registered mail or deliver to the clerk of the Village of Port Stanley notice of his objection to approval of the said by-law together with the statement of the grounds of such objection.

The Ontario Municipal Board may approve of the said by-law but before doing so it may appoint a time and place when any objection to the by-law will be considered. Notice of any hearing that may be held will be given only to persons who have filed an objection.

The last date for filing objections will be July 31st, 1968.

DATED at the Village of Port Stanley this 17th day of July, 1968.

Ernest L. McCall
Port Stanley, Ontario

Clerk Village of Port Stanley.

TO ALL OWNERS OF PROPERTY IN THE VILLAGE OF PORT STANLEY

Brief introduction to By-law No. 1507

A comprehensive Zoning By-law (By-law No. 1507) covering all land within the Village of Port Stanley has been enacted. It is intended to forward this by-law for final approval to the Ontario Municipal Board. This By-law affects all properties in the Village.

Any comprehensive zoning by-law--whether it is a document designed to meet the demands of a large urban area or prepared in a more simpler form to cover a small community--is a sophisticated document requiring careful study to understand its function. It is hoped that this introductory note will assist in the study of this By-law and lead to a better understanding of its purpose and function. The Village will welcome questions and suggestions by any ratepayer to the end that this By-law may be best fitted for the protection of all property owners of the Village.

The purpose of this By-law is to ensure orderly development; to separate from each other incompatible land uses such as residential, commercial or industrial land uses; to protect land owners against the deterioration of the value of their properties which occurs if indiscriminate mixing of incompatible land uses takes place and, generally, to encourage the location of land uses in those areas of the Village which are best suited for the development of such uses, example, in residential, commercial or industrial areas. This comprehensive Zoning By-law, therefore, is a protective By-law to ensure logical and sensible development of the Village.

This By-law can be changed, if circumstances should require such an action, amendment to permit changes in the use of certain lands. Property owners that are likely to be affected by proposed changes will be notified in accordance with Provincial regulations to allow for discussions and to obtain their views regarding such proposed by-law changes. It is possible, if sufficient valid reasons for refusing a proposed by-law change are known or submitted, that a proposed by-law change may not be allowed. This By-law and the administrative procedures connected with its operation, permit every interested Village ratepayer to actively participate in the planning of the community.

This By-law regulates the use of land and the erection and use of buildings and other structures. Every property owner should clearly understand that this By-law does not restrict the sale of land. The regulations of this By-law apply to the land regardless of ownership and does not prevent the change in ownership of any land or real estate. This By-law primarily-- although not exclusively-- an Existing Land Use By-Law. This means that individual property are "zoned" (with only few exceptions) for that purpose for -which the properties were used at the time this By-law was enacted.

This By-Law is a municipal regulatory type of By-Law based on municipal planning policies but it does not contain policies. Municipal policies that led to the formulation of the regulations contained in this By-Law are laid down in a Village policy document that is called the Villages "Official Plan". Although this latter document has not yet been formally adopted, any person desiring to know what the municipal planning policies are or will be as far as the future use of any property in the Village is concerned, is urged to consult the said Village "Official Plan" and to attend at the Village Offices for this purpose at any time during the regular business hours.

Any owner of land interested obtaining information regarding a property must first study the maps attached and then consider the text of this By-Law so far as it related to such property. To ascertain the particular area in which a property is situated, the Index Map of this By-Law should be consulted first. If an individual property is used for one of the purposes permitted the agricultural zone (OS2 Zone), it will not be shown individually on a zoning map. If a property is used for a purpose not permitted in the agricultural zone it will be shown (With few exceptions) on the respective Zoning "Map Part" referred to in the Index Map. Said "Map Parts" are numbered for purposes of reference. The reference numbers appearing on the Index Map appear also in the upper right hand corner of the small maps attached. (e.g. Map Part 1, Map Part 2, etc.) Sections 3, 4 and 5 of this By-Law specifically deal with the zoning maps, describe the meaning of the symbols printed on the maps and their relationship to the properties outlined on the maps .

A symbol attached to an area or property shown on one of the small maps identifies the Zone (or "Use Zone" to which the property belongs. For example, a property labelled "R1" on the map is identified as being a "Residential Zone 1" property; a property labelled "B 3" on the map is identified as being a "Building Zone 3" property, etc. These symbols also appear in the Headings of Sections 8 to 12 inclusive of the By-Law and the regulations contained in these sections apply to the respective zone as identified in the Headings. For example, if the land of a property owner is located in an OS2 Zone, Section 8. 3 (OPEN SPACE ZONE 2 (OS2) REGULATIONS) contains the regulations which apply to the particular property, or, if a property is labelled on a map as "B2", Section 10.3 (BUSINESS 2 (B2) REGULATIONS) contains the regulations which apply to this particular property, etc. The meaning of symbols is described in Section 4 of this By-Law .

It is sometimes possible that different meanings can be ascribed to certain words or terms. To avoid that this possibility creates difficulties in regard to important words or terms used in this By-Law, a "Definition" section has been included. To ensure that an interested property owner properly understands the meaning of the Regulations, it is considered necessary to read very carefully Section 2 (DEFINITIONS) of this By-Law. There is also the possibility of certain regulations appearing in a number of different to avoid unnecessary repetition of certain regulations, this By-Law sets out such regulations only once in Section 7 under the

Heading "General use REGULATIONS". To fully understand this By-Law a careful study of Section 7 is important.

This By-Law sets out for the different zones certain standards such as lot areas, lot frontages, yard requirements, etc. Because most of these standards are low minimums, property owners set their own higher standards for the development of their lands. However, where in a municipality a zoning by-law is being introduced for the first time, a great number of properties may have been developed in the past in such a manner that they cannot conform to the generalized standard of the By-law. It is impossible, of course, to write zoning regulations that would recognize all the different standards of development existing at the time this By-Law was enacted. This By-Law contains provisions, however, that are intended to avoid some of these problems. It is recommended that in particular Sections 8.1, 9.1, and 10.1 of this By-Law be carefully examined in regard to existing lot frontages and lot areas. Also, under certain conditions, minor variances can be granted from the provisions of this By-Law.

Although most items in this By-Law are self-explanatory, and despite these introductory notes, misinterpretation of certain items of this By-Law and misunderstandings are likely to occur. If in the mind of any ratepayer there is doubt as to the meaning of certain items or as to how the regulations would affect a particular property, the land owner should not hesitate to contact the Village Officials or call the Village Offices for assistance. It may not always be possible to obtain an answer to a certain question immediately. If this is the case then the ratepayer in question should submit his question or problem in brief writing to the Village Offices together with name, address and telephone number. Every effort will be made to forward the request answer or solution to a problem within the shortest possible period of time.

**INDEX TO
VILLAGE OF PORT STANLEY
ZONING BY-LAW NO. 1507**

ENACTMENT

TITLE OF BY-LAW

CONFORMITY REQUIREMENT

- Section 1. General Provisions.
- Section 2. Definitions.
- Section 3. Establishment of Zoning Map.
- Section 4. Zone Symbols.
- Section 5. Establishment of Open Space Zone 2.
- Section 6. Interpretation of Zone Boundaries.
- Section 7. General Use Regulations.
- Section 8. Open Space (OS) Zone Regulations.
- Section 9. Residential (R) Zone Regulations.
- Section 10. Business (B) Zone Regulations.
- Section 11. Institutional (IN) Zone Regulations.
- Section 12. Industrial (C) Zone Regulations.

GENERAL PROVISIONS

SECTION 1

1.1 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 offence and on conviction liable,*
 - (i) on a first conviction to a fine of not more than \$20,000.00, and*
 - (ii) 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 Subsection 1.1, the maximum penalty that may be imposed is,

- (iii) on the first conviction, a fine of not more than \$50,000.00 and*
- (iv) 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 corporation was first convicted.*

1.1a ORDER OF PROHIBITION

When a conviction is entered under subsection 1.1, in addition to any other penalty provided by law, the Court in which the conviction has been entered, Court of competent jurisdiction thereafter, , may make an order prohibiting the or repetition of the offence by the person convicted.¹

1.2. BY-LAWS REPEALED

The following Restricted Area (Zoning) By-laws are hereby repealed:

Nos.	1472	1477	1546)	ByLaw 1576
	1472- 2	1151	1568)	
	1472-1	1154			
	1473	860			

1.3. EFFECTIVE DATE

No part of this By-law shall cone into force without the approval of the Ontario Municipal Board but upon such approval this By-law shall take effect on the day of the passing there.

READ A FIRST TIME THIS 11th DAY OF MARCH, 1968.

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 25th DAY OF MARCH, 1968.

"E. L. McCall"
CLERK

"Lorne Keillor"
REEVE

¹ Added new subsection by Clause 1 to By-law 1041, March 25th, 2008.

DEFINITIONS

SECTION 2

2.1. ACCESSORY BUILDING

means a building attached or detached which is customarily incidental and subordinate to the main use of the lot and which is not used or intended for use as human habitation.

2.2. ACCESSORY USE

means a use customarily incidental, subordinate and exclusively devoted to the main permitted use and carried on with such main use on the same lot.

2.2.1 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.²*

2.3. AGRICULTURAL USE

means the cultivation of land, the production of field crops and the selling of such crops produced on the premises and the breeding and care of livestock and the selling of such livestock or the product of such livestock raised on the premises.

2.4. AUTOMOBILE REPAIR SHOP

means a building or other structure where major repairs to and body work upon, or painting of motor vehicles is carried on, but does not include a gasoline filling station, automobile service station, wrecking yard or any type of out-door storage.

2.5. AUTOMOBILE SERVICE STATION

means a lot, building or other structure, where such goods are sold and such minor services are provided which are essential to the running operation of motor vehicles and may include the selling of refreshments to the travelling public by way of vending machines, and may include a coffee shop, but does not include a retail store, automobile repair shop as defined in subsection 2.4 of this by-law, or the business of selling cars or other vehicles, and does not include a mechanical or coin operated car washing establishment except that cars may be washed by the operator or an employee of the station with or without the aid of semi-automatic equipment.

2.6. BOARDING HOUSE

means any house or building in which the proprietor resides and occupies at least 10 percent of the floor space used for the purposes of the boarding house as his residence, and supplies for hire or gain to other persons, lodging with or without meals in rooms furnished by the proprietor with necessary furnishings and includes a rooming house, but does not include a hotel or apartment house.

2.7. BUFFER STRIP

means an area of a lot designated as such on a Zoning Map or Zoning Map Schedule and to be used only for the purposes of screening land, buildings or other structures by the planting and maintenance of trees and shrubs.

2.8. BUILDING

means any structure used or intended for sheltering any use or occupancy.

2.9. BUILDING AREA

means an area designated on a Zoning Map or Zoning Map Schedule as "BUILDING AREA" which defines the area of a Lot within which permitted buildings or other structures may be erected, used and maintained.

2.9.1 BUSINESS OFFICE

means an office in which one or more persons are employed or engaged in the management, administration, carrying on or conducting of any business and includes the business of any professional person, real estate agent or broker, insurance agent or broker or of a bank, finance

² Added new subsection by Clause 1 to By-law 310, April 17th, 2001.

*company, credit union, trust company, charity, or a fraternal, religious or political organization, but does not include any business defined or included within any other definition in this Section 2.*³

2.10. CLINIC

means any building containing more than two rooms used or intended for use for any of the purposes of medical or dental practice, and without limiting the generality of the foregoing includes the offices or consulting rooms of members of the medical or dental professions listed in this by-law under the definition "Home Occupations" and includes any building in which two or more Home Occupations are being carried on by members of the said medical or dental professions.

2.10.1 COMMERCIAL FISHING USE:

*means the use of land, buildings, or other structures for activities involved primarily with the commercial fish harvest. Such activities include the processing, storage, transportation, wholesaling and retailing of fishery products and the manufacturing, repair and storage of fishery equipment.*⁴

2.10.2 CLUSTER HOUSING:

shall mean a form of housing that is arranged in identifiable groups, or to form a visually cohesive group where the land is under one ownership. The type of dwelling unit permitted shall include:

- *A building containing more than one dwelling unit horizontally or vertically attached or stacked*
- *A group of multiple buildings containing more than one dwelling unit horizontally or vertically attached or stacked.*⁵

2.11. CORNER LOT

means a lot bounded on two or more adjoining sides by street boundary lines which include an angle of not more than one hundred and twenty-five degrees and in the case of curved street boundary lines such angle is formed by their tangents drawn from the points where the boundary lines of the lot meet the street boundary lines.

2.12. COVERAGE

means that portion or percentage of the area of any lot upon which buildings or structures are erected or are permitted to be erected, but does not include areas used for septic tanks, tile fields or drainage pipes.

2.13. DWELLING

means any building or part of any building used or intended for use exclusively for residential occupancy including an apartment building, but does not include a summer cottage, a hotel, motel, boarding house, rooming house or similar commercial uses or private or semi-private or public institutional uses.

2.14. DWELLING, DUPLEX

means a multiple dwelling comprising two dwelling units one above the other.

2.15. DWELLING, ONE-FAMILY

means a dwelling consisting of one dwelling unit only.

2.16. DWELLING SEMI-DETACHED

means a dwelling comprising two dwelling units side by side and joined by a common or party wall.

2.17. DWELLING, MULTIPLE

means any dwelling containing more than two dwelling units.

2.18. DWELLING UNIT

means one room or a group of rooms in one building used by one family for residential occupancy having food preparation and sanitary facilities and a private entrance from outside the building or from a common hallway or stairway inside the building.

2.19. EXTERNAL DESIGN

means the design arrangement or pattern of materials forming the exterior of a building or structure.

2.19.1 EXTERIOR LOT LINE

means the lot line of a corner lot abutting a street other than the front lot line.

2.19.2 EXTERIOR SIDE YARD

means a yard extending from the front yard to the rear yard between the main building wall and the exterior lot line.

³ Added new subsection by Clause 6 to By-law 2330, September 2nd, 1987.

⁴ Added new subsection by Clause 6 to By-law 2054, August 9th, 1982.

⁵ Added new subsection by Clause 6 to By-law 2324, September 14th, 1987.

2.19.3 EXTERIOR REAR YARD

means that portion of a rear yard within a corner lot lying between the exterior lot line and the projection to the rear lot line of the limit of the required exterior side yard opposite the exterior lot line.

2.19.4 EXTERIOR SIDE YARD DEPTH

means the horizontal distance between the exterior lot line of the lot and the main building wall or, where the main building wall is not parallel to the exterior lot line, the horizontal distance between the exterior lot line and the point in the face of the main building wall which is closest to the exterior lot line.⁶

2.20. FAMILY

means one person or a group of persons, including domestic servants, residing as a single, non-profit housekeeping unit in a dwelling unit and roomers or boarders not exceeding three in numbers.

2.21. FARM USE

Means the use of a parcel of land for the purposes of agriculture,

(a) having an area of not less than 25 acres.

OR

(b) having an area of not less than three acres if the agricultural use of the land provides the sole livelihood of the land owner and whose sole business is agriculture,

and includes the erection and use of buildings and other structures necessary for the agricultural use including farm residences, except that in zones where buildings and other structures are prohibited such use refers only to the land.

2.22. FLOOR AREA

means the sum total of the gross horizontal areas of the several floors of the building or buildings and other structures on a lot or parcel of land, measured from the exterior faces of the exterior walls or from the centre line of the common wall separating two buildings or other structures, and the "floor area" of a building or other structure includes

1. basement or cellar floor area where basement or cellar ceiling height is 6 feet or more, unless otherwise specified,
2. elevator shafts, and stairwells at each floor,
3. floor area used for mechanical equipment,
4. penthouses,
5. attic space having headroom of 7 feet or more for at least half the attic floor area,
6. interior balconies and mezzanines,
7. enclosed porches,
8. floor area devoted to accessory uses and home occupations,

but area used for a private garage, parking or loading whether in the main building or structure or in an accessory building or structure, is not included in the "floor area".

2.23. FLOOR AREA RATIO

means the "floor area" (in square feet) of all buildings and other structures on a lot divided by the area of the lot (in square feet).

2.23.1 FRONT LOT LINE

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 lot line 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 line where the principle access to the main building is provided.⁷*

2.23.2 FRONT YARD

means the yard extending across the full width of a lot between the front lot line and the main building wall.

⁶ Added new subsections by Clause 4 to By-law 215, June 26th, 2000.

⁷ Added new subsections by Clause 4 to By-law 215, June 26th, 2000.

2.23.3 FRONT YARD DEPTH

means the horizontal distance between the front lot line of the lot and the main building wall or, where the main building wall is not parallel to the front lot line, the horizontal distance between the front lot line and the point in the face of the main building wall which is closest to the front lot line.

2.24. GASOLINE FILLING STATION

means a place where petroleum products only are sold and are delivered directly to the fuel tanks of motor vehicles.

2.25. GARAGE, SEMI-DETACHED

means two garages attached by a common wall centred on the lot line.

2.25.1 GRADE

*means the lowest elevation of the surface of a lot measured at a wall of the main building on the lot.*⁸

2.26 HEIGHT

means 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 flat 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 of 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.*⁹

2.27. HOME OCCUPATION

means a use other than residential conducted in a dwelling unit and which use,

1. is clearly secondary to the main use of the dwelling unit as a private residence,
2. does not change the character of the dwelling unit as a private residence,
3. does not show exterior evidence of being conducted therein except a sign showing the name of the occupant with letters indicating university degrees and professional affiliation of the said occupant
which sign does not exceed six inches by eighteen inches in area,
4. does not create or become a public nuisance and in particular not in regard to noise, traffic or parking,
5. does not occupy more than 25% of the total floor area of the dwelling unit including basement or cellar area used for home occupation or as living quarters, or 300 square feet whichever is the lesser,

and, for greater clarity, such use includes the offices or consulting room for a profession such as a physician, dentist, chiropractor, lawyer, engineer, accountant, teacher, musical instructor, when a single pupil is instructed at a time, the office for a trade such as a painter or electrician and the work room for a dressmaker, milliner or hairdresser, but does not include or permit a clinic, any shop, tea room, tourist home, convalescent home, mortuary, funeral parlour, dancing school, rooming house, boarding house, hair-dressing if more than one person is engaged in the trade, millinery work if more than one person is engaged in the trade, real estate or insurance office if more than one person is engaged in the business, or any other use or other commercial use or institutional use or a workshop, storage yard, parking area or plant for any of the trades.

2.28. INDUSTRIAL-COMMERCIAL USE

means any established involved primarily in repairing, servicing, processing or manufacturing activities excluding those trades or businesses referred to in section 94 of the PUBLIC HEALTH ACT, R.S.O. 1960 c. 321 as offensive trades, and the following as accessory uses only: transportation, wholesaling, storage, or shipping.

2.29. INSTITUTIONAL USE

means the use of land, buildings or other structures for governmental, religious, educational, charitable, philanthropic or hospital purposes and involving activities and operations which are carried on for some public or social purpose and not as a business.

2.29.1 INTERIOR LOT

⁸ Added new subsections by Clause 4 to By-law 215, June 26th, 2000.

⁹ Added new subsections by Clause 4 to By-law 215, June 26th, 2000.

means a lot other than a corner lot.

2.29.2 INTERIOR LOT LINE

means a side lot line of an interior lot.

2.29.3 INTERIOR SIDE YARD

means a yard extending from the front yard to the rear yard between the main building wall and the side lot line not abutting a street.¹⁰

2.29 INSTITUTIONAL USE:

means the use of land, buildings or other structures for governmental, religious, educational, charitable, philanthropic, or hospital purposes and involving activities and operations which are carried on for some public or social purpose, examples of such uses are: schools, religious institutions, meeting halls, senior citizens residences, hospitals or clinics, medical centres, convalescent homes, cemeteries, governmental administrative buildings, fairgrounds.¹¹

2.30. LOADING SPACE

means a paved area 12 feet by 30 feet, with 14 feet clearance above the paved surface, made available for the loading and unloading of one motorized transport vehicle, with a way of access at least 12 feet in width from a public roadway with sufficient turning radius and area under all conditions of use.

2.31. LOT

means a parcel of land, or more than one but adjoining parcels of land under one ownership and appropriated for the exclusive use of a group of buildings comprising one undertaking or enterprise, which said parcel or parcels abut upon a public street.

2.32. LOT DEPTH

means the shortest horizontal distance between the front lot line and the rear lot line of a lot

2.32 LOT DEPTH

means 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.

2.32.1 LOT FRONTAGE

means the horizontal distance between the side lot lines of a lot measured at right angles, but where such 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 front lot line at a point within the lot and 7.5 metres from the front lot line.¹²

2.3 LOT LINE

means any boundary line of a lot and includes a front or street lot line, side lot line and rear lot line.

2.34. LOT WIDTH

means the shortest horizontal distance between the side lot lines.

2.34.1 MEDICAL CENTRE:

means a building wherein members of the medical profession and dental profession either singularly or in union provide diagnostic services and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, consultation and x-ray rooms, provided that all such uses have access only from the interior of the building.¹³

2.34.2 MARINE FACILITY

means an establishment located on the shore of a body of water which is used to moor, berth or store all types of marine pleasure craft and may include electricity, water and sewer services for these craft. This definition may also include those commercial functions relating to the boating public which are accessory and subordinate to the use of the site as a marine facility but does not include the service, repair or fueling of such craft.¹⁴

2.35. MOBILE HOME

includes a trailer and means any movable vehicle or living unit or portable structure having no foundation other than wheels, jacks or skirtings and so designed or constructed as to permit occupancy for dwelling or sleeping purposes or commercial purposes.

¹⁰ Added new subsections by Clause 4 to By-law 215, June 26th, 2000.

¹¹ Added new subsection by Clause 6 to By-law 2037, March 8th, 1982.

¹² Updated and Added new subsections by Clause 4 to By-law 215, June 26th, 2000.

¹³ Added new subsection by Clause 6 to By-law 2037, March 8th, 1982.

¹⁴ Added new subsection by Clause 2 to By-law 3010, August 12th, 1996.

2.36. MOTEL

means a building or a group of buildings comprising either separate units or a row of units which contain living or sleeping accommodation for transient occupancy and which have individual entrances and includes tourist cabins.

2.37. PARKING AREA

means

1. an area shown on a Zoning Map or Zoning Map Schedules as "PARKING AREA" which defines the area of a lot as an open space clear of buildings or other structures, which is available and maintained for the parking of motor vehicles, and includes pedestrian aisles, lanes for the movement of vehicles, and other space necessarily incident to the parking of vehicles and together with a way of access to and from a public road or highway under all conditions of use,
2. an area shown on a Zoning Map or Zoning Map Schedule within a "BUILDING AREA" as "PARKING AREA" which defines the area of a lot as a space within a building, which is available and maintained for the parking of motor vehicles, and including pedestrians aisles, lanes for the movement of vehicles, and other space necessarily incident to the parking of vehicles, together with a way of access to and from a public highway or road under all conditions of use.

2.38. PARKING SPACE

means an area 10 feet by 20 feet made available for use for the parking of one motor vehicle with a way of access at least 10 feet in width from a public road or highway, together with an adequate way of ingress and egress to such parking space under all conditions of use.

2.38.1 PERSONAL SERVICE SHOP

*means a building or part of a building where personal services such as barber shop, beauty salon, a hair dressing or styling establishment, a shoe repair shop, a tailor or dressmaking shop, a dry cleaning pickup station, a laundrymat and other similar services are provided directly to the public.*¹⁵

2.39. PIT

includes a quarry, oil well or gas well and means any opening or excavation in or working of the ground for the purposes of removal of mineral, soil, rock, quartz, limestone, earth, clay, sand, gravel, cement, natural oil, natural gas, and any similar natural resources, but this does not include a well intended to be used for private water supply.

2.40. PLANTING AREA

means an area shown on a Zoning Map or Zoning Map Schedule as "PLANTING AREA" which defines an area of a lot upon which no building or other structure may be erected or used and upon which no vehicle may be parked, but which may include pedestrian walkways and other space necessarily incident to the movement of pedestrian traffic on the lot.

2.40.1 PRIVATE CLUB:

*means a building or part of a building not operated for gain or profit in which facilities are provided for such purposes as meetings for civic, fraternal, educational, political or social purposes and shall include banquet facilities.*¹⁶

2.40.2 PUBLIC AUTHORITY:

means:

- (i) the Corporation;
- (ii) any department or ministry of the governments of Ontario or Canada;
- (iii) Ontario Power Generation;
- (iv) any telephone, railway, cable, gas or cable television company;
- (v) any school board as defined in The Education Act, public utility commission, transportation commission, public library board, board of park management, water board, board of health, public hospital corporation, police commission, conservation authority or commission or committee of local authority established by exercising any power or authority under any general or special statute of Ontario with respect to the affairs or purposes of the Corporation or a portion thereof, and includes any committee or local authority established by by-law of the Council of the Corporation;
- (vi) the Corporation of the Township of Southwold.

2.40.3 PUBLIC SERVICE USE:

*means the use of land, buildings or structures, by a public authority for the purposes of such public authority.*¹⁷

¹⁵ Added new subsection by Clause 6 to By-law 2330, September 2nd, 1987.

¹⁶ Added new subsections by Clause 5 to By-law 1894, August 13th, 1979.

¹⁷ Added new subsections by Clause 1 to By-law 1459, April 23rd, 2012.

2.41. PUMP ISLAND AREA

means an area shown on a Zoning Map or Zoning Map Schedule as "PUMP ISLAND AREA" which defines an area of a lot upon which the erection of gasoline pump islands for commercial distribution of gasoline or other fuels is permitted.

2.41.1 REAR LOT LINE

means a lot line furthest from and opposite to the front lot line.

2.41.2 REAR YARD

means a yard extending across the full width of a lot between the rear lot line and the main building wall.

2.41.3 REAR YARD DEPTH

means the horizontal distance between the rear lot line of the lot and the main building wall or, where the main building wall is not parallel to the rear lot line, the horizontal distance between the rear lot line and the point in the face of the main building wall which is closest to the rear lot line.¹⁸

2.42. REGISTERED PLAN

the symbols "R.P." followed by a number or numbers, e.g. R.P. 123, means REGISTERED PLAN number..... , or number.....

2.43. RESIDENTIAL USE

means the use of a building or a part or parts of a building as a private dwelling only.

2.43.1 RESTAURANT

means a building or part of a building where food and drinks are prepared and served primarily for immediate consumption within such building by persons seated at tables and counters or either of them and includes the dining room of a hotel or motel, a dining lounge and tavern licenced under the Liquor Licence Act of Ontario and a place, not within a building, where food and drinks are served primarily for immediate consumption within such place.¹⁹

2.44. RESTRICTED BUSINESS USE

means the transaction of business, the buying and selling of goods and services in retail stores and shops, in offices, in hotels, restaurants, banks, or other but similar commercial establishments, but does not include dry-cleaning or laundry plants, except pickup stores or business supplying self-service laundry facilities, automobile repair shops, automobile sales except in a completely enclosed building, printing shops, plumbing shops, carpentry shops, woodworking shops, metal working shops, the selling of builders' supplies and paints and glass except in retail stores, tire repair shops, warehousing or storage of any kind except that incidental to a retail commercial business, transportation terminals, poultry hatcheries, raising of animals and animal processing, the buying and selling of solid, liquid or gaseous fuels, or other dangerous or combustible, inflammable or explosive substances, the making or processing of any product which is not solely made or processed for retail sale only on the premises.

2.44.1 RETAIL STORE

means a building or part of a building where goods, wares or merchandise are offered for sale or sold at retail otherwise than by auction, and includes any part of any such building where goods, wares and merchandise are stored prior to being offered for sale at retail or after being sold at retail; provided however that the storage herein referred to shall be limited to the storage of goods wares and merchandise to be sold, or having been sold, on the premises.²⁰

2.45. RURAL-RESIDENTIAL USE

means the use of land, buildings and other structures for residential purposes in rural or open space areas where public water supply and public sewage disposal facilities are not available, farms excepted, and including a lot of not less than 15,000 square feet, 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 4 1960, or
3. which lot is a within a Registered Plan of subdivision.

2.45.1 SETBACK

means the distance between the centre line of a street and the main building wall that is closest to the street.

¹⁸ Added new subsections by Clause 4 to By-law 215, June 26th, 2000.

¹⁹ Added new subsection by Clause 6 to By-law 2330, September 2nd, 1987.

²⁰ Added new subsection by Clause 6 to By-law 2330, September 2nd, 1987.

2.45.2 SIDE LOT LINE

means a lot line other than a front or rear lot line.

2.45.3 SIDE YARD DEPTH

means the horizontal distance between the side lot line of the lot and the main building wall or, where the main building wall is not parallel to the side lot line, the horizontal distance between the side lot line and the closest point in the main building wall.²¹

2.46. STOREY

means that portion of a building which is situated between the surface of any floor and the surface of the floor next above it and, if there is no floor above it, that portion between the surface of any floor and the ceiling above it, and which is more than 50% above the average finished grade and which has a height of more than 7 feet and includes an attic having more than 7 feet headroom for at least 50% of the attic floor area.

2.47 STREET

means a common and public street or road, and includes a highway and a bridge forming part of a street or on, over or across which a street passes.

2.47.1 STREET LINE

means the boundary between a street and a lot.²²

2.48 STRUCTURE

means any material object or work erected as a unit or constructed or put together of connected or dependant parts or elements, whether located under, on or above the surface of the ground.

2.49. SUMMER COTTAGE

means a building or structure intended for the living, sleeping or eating accommodation of persons for not more than nine (9) months in any calendar year but this does not include a dwelling or mobile home, and such building used for summer occupancy only during the months of March, April, May, June, July, August, September, October, and November.

2.50. WAREHOUSE-COMMERCIAL USE

means any establishment involved in wholesaling, storage, and shipment of goods and materials.

2.51. YARD

means a portion of a lot or a parcel of land uncovered and open from the ground to the sky, except when used as a parking space or for temporary storage, its minimum depth or width respectively is measured at right angles from the lot line and includes, according to its location on a lot, a front yard, a side yard and rear yard and such yard extends along the entire length of the respective lot line.

2.51 YARD

means 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 for such accessory buildings, structures or uses as are specifically permitted elsewhere in this By-law.²³

2.52. ZONE

means an area delineated on the Zoning Map or Zoning Map Schedules and established and designated by this by-law for a specific use.

2.53. ZONING MAP AND ZONING MAP SCHEDULES

means map sheets incorporated in this by-law and showing graphically the location, size and boundaries of Zones established by this by-law together with other explanatory text and matter.

²¹ Added new subsections by Clause 4 to By-law 215, June 26th, 2000.

²² Added new subsections by Clause 4 to By-law 215, June 26th, 2000.

²³ Added new subsection by Clause 4 to By-law 215, June 26th, 2000.

ESTABLISHMENT OF ZONING MAP

SECTION 3

- 3.1.1. The provisions of this by-law shall apply to the area of the municipality as defined on the Zoning Map being Section 3 of this by-law.
- 3.1.2. The land use zones to which the provisions and regulations of this by-law shall respectively apply and their location and boundaries are outlined on the Zoning Map which is incorporated in this by-law herewith and which together with the Zoning Map Schedules and with all explanatory matter on the Zoning Map and Zoning Map Schedules shall form part of this by-law.

ZONE SYMBOLS

SECTION 4

- 4.1. In order to carry out the purposes and provisions of this by-law the following zones are hereby established and are designated upon the Zoning Map and Zoning Map Schedules by the Zone Symbols consisting of the letters and numbers set out in sub-section 4.3 of this by-law.
- 4.2 All lands shown upon the Zoning Map and Zoning Map Schedules shall be deemed to be included within the Zone respectively indicated by the corresponding letter or number or letter and number appearing on such Zoning Map and Zoning Map Schedules.
- 4.3 *The following Zone Symbols shall apply:*
- 4.3.2 *OS2 for Open Space Zone 2*
 - 4.3.3 *OS3 for Open Space Zone 3*
 - 4.3.5 *R1 for Residential Zone 1*
 - 4.3.6 *R2 for Residential Zone 2*
 - 4.3.7 *B1for Business Zone 1*
 - 4.3.8 *B2 for Business Zone 2*
 - 4.3.9 *B3 for Business Zone 3*
 - 4.3.10 *B4 for Business Zone 4*
 - 4.3.11 *BS for Business Zone 5*
 - 4.3.12 *B6 for Business Zone 6*
 - 4.3.14 *IN for Institutional Zone*
 - 4.3.15 *C1 for Industrial Zone 1²⁴*
 - 4.3.16 *DBS for Dynamic Beach Standard Zone²⁵*

4.4 SPECIAL ZONING STANDARDS

A symbol followed by a number (e.g. B4-6) refers to particular or special zoning standards within the respective zone indicated by the zone symbol.

²⁴ Replaced subsection 4.3 by Clause 2 to By-law 2324, September 14th, 1987.

²⁵ Added new subsection by Clause 2 to By-law 2999, May 27th, 1996.

ESTABLISHMENT OF OPEN SPACE ZONE 2

SECTION 5

- 5.1. This by-law shall apply to all lands within the municipality and all such lands shall be deemed to be included in the Open Space Zone 2 (OS2) unless shown upon the Zoning Map and Zoning Map Schedules as being included in a zone other than Open Space Zone 2 (OS2).
- 5.2. All lands other than Open Space Zone 2 (OS2) shall be deemed to be included within the zone indicated by the corresponding Zone Symbol on the Zoning Map and Zoning Map Schedules.

INTERPRETATION OF ZONE BOUNDARIES

SECTION 6

- 6.1.1. In determining the boundaries of Zones as shown on the Zoning Map and Schedules thereto, the following rules shall apply:
- 6.1.2. Zone boundaries shown as approximately following lot or street boundary lines shall be construed to follow the lot or street boundary line.
- 6.1.3. Zone boundaries shown as approximately following the centre line of streets, lanes or any other right-of-way shall be construed to follow the centre line of the street, lane, or other right-of-way.
- 6.1.4. Where a street, lane, other right-of-way or water course serves as a boundary between two or more different zones, the centre line of the street, lane, other right-of-way or water course, extending in the general direction of the long dimensions thereof, shall be considered the boundary between the zones.
- 6.1.5. Where a zone boundary follows an irregular unsurveyed line, it shall be interpreted as following a contour line, and the elevation shown on the Zoning Map shall be the elevation of the contour line referred to the geodetic datum. Where different elevations are shown from place to place along such an irregular unsurveyed line these elevations shall be interpreted as the elevation referred to the geodetic datum, at the intersection of such line and the nearest township lot line, and intermediate points shall be found by interpolating or proportioning along the said irregular line between the nearest defined elevations in either direction. Where two contours in the same area have the same elevation, the contour intended to be defined shall be determined according to the scale shown on the Zoning Map.
- 6.1.6. Distances not specifically indicated in words or figures on the Zoning Map shall be determined according to the scale shown thereon.
- 6.1.7. Where any land, building or other structure is used for public purposes or for the purposes of a public utility so that by operation of law the provisions and regulations of this by-law do not apply either wholly or in part to such land and at any time thereafter the land shall revert to such ownership or to such use as to be capable in law of being governed by the provisions and regulations of a restricted area (Zoning) by-law then the land, shall forthwith conclusively be deemed to be included in the zone of the property contiguous to it and when the land shall lie between two different zones, the boundary between such two different zones shall thereafter be deemed to be along the middle line of the land provided the land is not zoned by this by-law otherwise.

GENERAL USE REGULATIONS

SECTION 7

7.1. BUILDING AREA

Wherever a zoning map or zoning map schedule shows the words "BUILDING AREA" this shall be the only area on a lot for building, subject, however, to all other applicable regulations contained in this by-law.

7.2. COMMERCIAL VEHICLES IN RESIDENTIAL ZONES

It shall be prohibited to use any lot or part of any lot in any residential zone for the purpose of parking or storing any commercial vehicle except one such vehicle which does not exceed the one ton rating provided such vehicle is parked or stored in an accessory building.

7.3. COMPUTING THE LOT AREA

For the purpose of computing the area of a lot, an adjacent lot, street or lane shall not be deemed to form part of such lot, nor shall any right-of-way for which the first mentioned lot is the cominent tenement.

7.4. COMPUTING THE FLOOR AREA

When computing the total Floor Area permitted in this by-law as the maximum on a lot, the index figure set out in this by-law as the maximum Floor Area Ratio for the respective zone must be multiplied by the area of the lot measured in square feet.

7.5. ENCHROACHMENT INTO YARDS

In residential zones:

7.5.1. Sills, belt courses, cornices, eaves or gutters, chimney breasts, bay windows, or pilasters may project into a required yard but not more than two feet.

7.5.2. Balconies, canopies, or unenclosed porches may project into a required front or rear yard but not more than five feet.

7.6. EXTERNAL DESIGN

Wherever the external design of a building or other structure is regulated by the inclusion in the by-law of a zoning map schedule, the external design of the building or other structure shall be as shown on the zoning map schedule.

7.7. FENCES

Lawful fences shall be deemed not to be subject to the yard provisions of this by-law except as otherwise provided for in this by-law.

7.8. FRONT LOT LINE ON CORNER LOTS

except where otherwise regulated, the shorter street lot line shall be deemed to be the front lot line on a corner lot.

7.8 FENCING REQUIREMENTS

The provisions of subsection 7.8 shall apply to all lands, buildings and structures in the Open Space Zone 3 (OS3) and the Residential Zone 1 (RI) and in the event of any conflict between any provision in any paragraph in this subsection 7.8 and any provisions in Section 8.4 or Section 9.2, the provisions of this subsection shall prevail except in the case of special provisions set out in any special use regulation in Subsection 8.4.2 or 9.2.2 of this by-law.

7.8.1 Subject to 7.8.2, no fence shall be erected or used in any yard if the height of any part of the fence exceeds two metres.

7.8.2 No fence shall be erected or used in a front yard if the height of any part of the fence exceeds one metre.

7.8.3 Except as provided in clauses 7.8.6 and 7.8.8, 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.

7.8.4 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.

7.8.5 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.

7.8.6 The provisions of clause 7.8.3 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.

7.8.7 Where a fence is erected which is permitted by clause 7.8.6, 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.

7.8.8 The provisions of clause 7.8.3 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.

7.8.9 Where the provisions of clause 7.8.8 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.

7.8.10 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.

7.8.11 Within a corner lot, no residential driveway or parking space shall be 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.

7.8.12 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.

7.8.13 Within a through lot, no fence shall be erected or used within 6 metres of the intersection of either street lot line with either interior lot line of such lot if any part of the fence exceeds 1 metre in height.²⁶

7.9. FRONT YARDS IN RESIDENTIAL AREAS

In residential zones the front yard shall not be used for storage.

7.9.1 LAKE ERIE FLOOD UPRUSH AREA

Notwithstanding any other provisions of this By-law, the minimum elevation for doors, windows and other openings in buildings and structures used for human occupancy, on the lands within the LAKE ERIE FLOOD UPRUSH AREA as shown on Schedule 22, shall not be less than the flood uprush level of 176.8 metres, Geodetic Survey of Canada.²⁷

7.10. MINIMUM REQUIREMENTS

Except where specifically stated as being maxima, the numerical figures in this by-law other than those referring to the permitted number of residential units within the zone, or to an absolute figure upon which the required minimum number of parking spaces is based (e.g. floor area, number of seats, or area for sports) shall be the minimum requirements.

7.11. NO REAR YARD ON CORNER LOTS

residential zones, a rear yard not be required on corner lots, but the lesser side yard requirements shall apply instead.

7.12. PARKING AREA

Wherever a zoning map schedule shows the words "PARKING AREA" this shall indicate the area which shall be available and maintained at all times for the parking of or vehicles.

7.13. PLANTING AREA

Wherever a zoning map schedule shows the words "PLANTING AREA" this shall indicate the area which shall be used for planting and no building or other structure shall be erected or used on such area and no vehicle shall be parked or stored thereon and no paving shall be laid thereon other than that required for the movements of pedestrian traffic but such paving intended to accommodate pedestrian traffic shall not exceed a width of four feet.

7.14. PRIVATE GARAGES

Notwithstanding other provisions of this by-law as to accessory buildings, in residential zones on adjoining lots private car garages may be erected across the side lot line common to both lots but the garage for both lots shall be designed and erected as one building.

²⁶ Updated and Added new subsections by Clause 5 to By-law 215, June 26th, 2000.

²⁷ Added new subsections by Clause 6 to By-law 2999, May 27th, 1996.

7.15. PROHIBITED USES

7.15.1. It shall be prohibited to use any land or to erect and use any building or other structure in any zone for the purpose of wrecking yards, automobile salvage yards, dumps, the collection of rags, junk, any refuse, scrap iron, or other scrap metals unless such uses are listed as permitted uses within a particular zone.

7.15.2. It shall be prohibited to use any land, building or other structure in any zone for the purposes of poultry farms, mushroom farms, fur farms, piggeries, dog kennels, hatcheries, and greenhouses, except those existing on the day of the passing of this by-law or unless such uses are listed as permitted uses in a particular zone.

7.15.3. It shall be prohibited to use any land in any zone for the purpose of a pit including any building or other structure, machinery or equipment, roastery, smelting furnace, asphalt plant, mill, work or place used for or in connection with the extraction of natural resources from the ground or in connection with crushing, reducing, smelting, refining, storing or treating any of the substances listed in subsection 2.39 of this by-law and all works, ways, plant, buildings, structures and premises either below or above the ground and belonging to or used in connection with the activities listed in subsection 2.39 of this by-law.

7.15.4 Adult Entertainment Parlour

An adult entertainment parlour is prohibited as an accessory use in any zone.²⁸

7.16. PUMP ISLAND AREA

Whenever a zoning map schedule indicates an area as "PUMP ISLAND AREA" this shall be the only area for a pump island on a lot and no other area on such lot shall be used for such purposes.

7.17. REQUIRED YARDS

Notwithstanding other provisions of this by-law, the regulations of this by-law applicable to front, side and rear yards shall apply exclusively to that portion of a lot required by this by-law to be provided as a yard. The regulations shall not apply to any land additionally provided as a yard above the required minimum except that in all residential zones the regulations contained in section 7.9. of this by-law shall apply to the required front yard and any additional area added to the front yard beyond the required minimum.

7.17 PUBLIC SERVICE USES

7.17.1 *Subject to the provisions of clauses 7.17.3 and 7.17.4, a public authority may use any land, building, or structure for any public service use carried on by it in any zone.*

7.17.2 *Subject to the provisions of clauses 7.17.3 and 7.17.4, a public authority may erect any building or structure for any public service use carried on by it in any zone.*

7.17.3 *In the zones listed below, no public authority shall use any land, Building or structure for any use listed below as being prohibited in such zone and no public authority shall erect any building or structure in such zone for uses listed as being prohibited.*

Industrial Zone 1 C1- Prohibited Uses:

Hospital

School, except an adult vocational school

Residential Zones 1 & 2- R1 & R2 – Prohibited Uses:

Railway, except an existing railway

Business Office

Repair, maintenance and storage of vehicles, equipment and supplies

7.17.4 *Where any business office or building for the repair, maintenance or storage of vehicles, equipment or supplies is erected by a public authority for a public service use, it shall be erected in accordance with the requirements of the zone in which it is erected as to services required, lot area, lot frontage, front yard, rear yard and height.²⁹*

7.18. SEVERABILITY OF CLAUSES

If any section or sections or clause or clauses of this by-law, or any part or parts thereof, may be found by any Court of Law to be held to be bad, or illegal, or beyond the power of Council to enact, such section or sections or clause or clauses or part or parts thereof shall be deemed to be separate therefrom, and to be enacted as such.

7.19. SIGN AREA

Wherever a zoning map schedule show the words "SIGN AREA" this shall indicate the only area on the lot which may be used for the erection of a sign or signs separated from a building or other structure.

²⁸ Added new subsection by Clause 2 to By-law 310, April 17th, 2001.

²⁹ Added new subsection by Clause 2 to By-law 1459, April 23rd, 2012.

7.20. SPACING OF BUILDINGS

- 7.20.1. Buildings or other structures erected or used for the purposes of or in connection with the extracting or natural resources, or buildings or other structures erected or used for the raising or keeping of livestock (e.g. stables, dog kennels, chicken houses, piggeries, etc.), buildings for growing mushrooms, or similar buildings or structures shall not be erected closer to the nearest boundary of any residential zone than 500 feet.
- 7.20.2. Buildings or other structures to be erected or used for industrial uses and processes in which natural resources are used as a raw material (e.g. lumber, earth, clay, sand, gravel, stone, rock, oil, gas, or any other similar materials), shall be erected not closer than 1,000 feet from the boundary line of any residential zone.

7.21. SPACING OF SANITARY BUILDINGS AND STRUCTURES

- 7.21.1. Notwithstanding other provisions of this by-law, the space or distance between septic tanks, cess-pools, tile fields, seepage beds, or privy vaults and buildings used for residential use shall not be less than 20 feet, except the building served.
- 7.21.2. The space or distance between septic tanks, cess-pools, tile fields, seepage beds, or privy vaults and any lot boundary line shall not be less than 10 feet.
- 7.21.3. Septic tanks, cess-pools, privy vaults, or other structures, works or places for the deposit or storage of human or animal excrement shall not be located closer than 150 feet of the high-water mark of any water reservoir, creek, stream, brook, pond, lake, or water course, or any drain leading to them or onto the surface of the ground or of any well or spring.

7.22. TEMPORARY USES

In all use zones the following temporary uses, buildings or structures shall be permitted on a lot but only so long as the same are necessary for any construction work in progress on the lot and which has neither been finished nor abandoned:

construction camps, work camps, tool sheds, scaffolds, or any other building or structure incidental to and necessary for the construction work carried on the lot but this does not include a mobile home or trailer for living or sleeping purposes.

7.23. LAND WITHOUT BUILDINGS

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

7.24. USES PROHIBITED

Uses not listed as permitted in a use zone in this by-law shall be prohibited in such use zone.

7.25. VISIBILITY AT INTERSECTIONS

- 7.25.1. In residential, business, industrial, and institutional use zones on a corner lot a building or any other structure shall not be erected in such a manner as to materially impede vision between a height of two feet and ten feet above the centreline grade of the intersecting streets in the triangular area bounded by the street lot lines of the corner lot and a line joining points along said street lot lines thirty feet from the point of the intersection of said street lot lines.
- 7.25.2. In all open space zones on a corner lot a building or other structure shall not be erected in such a manner as to materially impede vision between a height of two feet and ten feet above the centerline grade of the intersecting streets in the triangular area bounded by the street lot lines of the corner lot and a line joining points along the street lot lines 50 feet from the point of the intersection of the said street lot lines.

7.26. MOBILE HOMES PROHIBITED IN ALL ZONES

It shall be prohibited to locate and use a mobile home in any use zone for the purpose of residential, business, industrial or institutional uses, temporarily or permanently, unless the use of a mobile home for such purposes is listed specifically in this by-law as a permitted use within a particular use zone.

7.27. UNFINISHED BUILDINGS

It shall be prohibited to use for human habitation any partly finished or unfinished building intended to be used for purposes of human habitation and this includes any type of dwelling, hotel, motel, boarding house, rooming house, and any commercial eating establishment and regardless of whether such building is owned or used privately or intended for commercial or institutional use.

7.28. UTILITIES AND SERVICES

Underground structures required and installed by the municipal corporation, the Hydro Electric Power Commission of Ontario, a public utilities commission or any company:

Public Utility for the supply and transmission of water, gas, electricity, heat, television or telephone service or for the removal and transmission of storm and sanitary waste, a. 3 permitted in any use zone. Structures incidental to the aforesaid underground structures may be erected above the surface of the ground provided they occupy an area of less than 25 square feet, are less than 6 feet high and their outside dimensions contain a volume of less than 125 cubic feet, provided that they are properly screened by the planting of bushes and trees. Transmission and distribution equipment for communication signals and electricity within new residential subdivisions shall be placed underground, except where, in the opinion of the utility responsible, it is not feasible to do so. Other aerial transmission and distribution installations exclusive of new subdivisions are permitted, including switches, transformers and other equipment normally placed on poles, but this does not permit the erection of steel towers for the transmission of high voltage electricity.

7.29. ADDITIONAL RESIDENTIAL UNITS

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

7.29.1 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.

7.29.2 No building or structure shall be erected or used for any purpose permitted by subsection 7.29 unless a municipal water supply system and a municipal sanitary supply system are available to service the use.

7.29.3 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 or ancillary structure.

- 7.29.4*
- (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 7.29.4 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.*

7.29.5 (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.

7.29.6 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.*

7.29.7 Exterior alterations to provide for entrances to the additional residential unit within interior or rear yards of the primary dwelling unit may be permitted.

7.29.8 The minimum of 1 parking space is required for each additional residential unit. Notwithstanding the provisions of subsection 2.38, a parking space for an additional residential unit may be located in tandem with parking spaces provided for the main residential unit.

7.29.9 Additional Residential Units shall be required to conform to all Ontario Building Code and Ontario Fire Code regulations.³⁰

³⁰ Added new subsection by Clause 1 to By-law 2622, August 16th, 2021.

OPEN SPACE ZONES

OPEN SPACE ZONES

OPEN SPACE (OS) ZONE REGULATIONS

SECTION 8

8.1. EXISTING USES IN OPEN SPACE ZONES

- 8.1.1. The height, floor area and location of any building 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
- 8.1.2. Sub-section 8.1.1 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 8.3. and 8.4. provided the erection, enlargement or extension is in conformity with the applicable provisions of this by-law other than subsection 8.1.1.
- 8.1.3. Where the frontage and area of a lot on which buildings and other structures are located is less than that required in sub-section 8.3. and 8.4., the lot frontage and lot area which lawfully exists on the day of the passing of this by-law shall be the minimum lot frontage and the minimum lot area of such lot for the purposes of this by-law.

8.2 OPEN SPACE ZONE 1 (OS1) REGULATIONS

DELETED (REPEALED BY BY LAW 1576)

8.3. OPEN SPACE ZONE 2 (OS2) REGULATIONS

8.3.1. GENERAL USE REGULATIONS

- | | | |
|------------|--|---|
| 8.3.1.1. | <u>Permitted Uses:</u> | <ul style="list-style-type: none">(a) Farm uses;(b) One-family rural-residential uses lawfully used for such purposes on the day of the passing of this by-law;(c) Home occupations;(d) Accessory uses. |
| 8.3.1.2. | <u>Prohibited Uses:</u> | Notwithstanding sub-section 2.21. and 8.3.1.1. of this by-law, poultry farms, mushroom farms, fur farms, piggeries, hatcheries, greenhouses and dog kennels shall be prohibited. |
| 8.3.1.3. | <u>Permitted Buildings and Structures:</u> | <ul style="list-style-type: none">(a) Farm buildings and structures;(b) One-family rural-residential dwelling lawfully used on the day of the passing of this by-law;(c) Accessory building in connection with the permitted dwelling. |
| 8.3.1.4. | <u>Lot Area:</u> | <ul style="list-style-type: none">(a) 25 acres for farm use;(b) 15,000 square feet for rural-residential uses lawfully used on the day of the passing of this by-law. |
| 8.3.1.5. | <u>Coverage:</u> | 20% maximum. |
| 8.3.1.6. | <u>Lot Frontage:</u> | <ul style="list-style-type: none">(a) 400 feet for farm uses;(b) 100 feet for permitted rural-residential uses. |
| 8.3.1.7. | <u>Ground Floor Area:</u> | <ul style="list-style-type: none">(a) 875 square feet for a one-storey dwelling;(b) 950 square feet for a split-level dwelling;(c) 750 square feet for dwelling having more than one storey. |
| 8.3.1.8. | <u>Location of Buildings and Structures:</u> | |
| 8.3.1.8.1. | <u>Front Yard:</u> | 40 feet; |
| 8.3.1.8.2. | <u>Side Yards:</u> | 4 feet plus 2 feet for each storey or part thereof above one storey on one side and 10 feet on the other side, except that an accessory building may be erected not less than 4 feet from a side lot line, or if the accessory building is detached and erected entirely to the rear of the main building not less than 2 feet from a side lot line nor less than 8 feet from an existing dwelling on an adjacent lot, but the side yard for both the main and accessory building shall not be less than 12 feet along a flanking street. |
| 8.3.1.8.3. | <u>Rear Yard:</u> | Equal to the height of the main building, except that a detached accessory building shall not be erected within 2 feet from the rear lot line. |
| 8.3.1.9. | <u>Off-Street Parking:</u> | <ul style="list-style-type: none">(a) In the case of permitted rural-residential uses; $1\frac{1}{2}$ parking spaces per dwelling unit on the lot on which the dwelling is located plus one additional parking space for every 100 square feet of floor area devoted to or used for the purposes of a home occupation;(b) In the case of farm use: 4 parking spaces per farm. |

8.3.2 SPECIAL USE REGULATIONS

Notwithstanding any other provisions of this by-law, the special regulations contained in this subsection and the general regulations contained in subsection 8.3.1. shall, except as hereinafter provided, apply to the area or areas defined below:

8.3.2.1

- 8.3.2.1.1 Defined Area: OS2-1 as shown on the Zoning Map, Part 2(e).
- 8.3.2.1.2 Prohibited Uses: The uses permitted by subsection 8.3.1.1.
- 8.3.2.1.3 Prohibited Buildings and Structures: Buildings and structures permitted by subsection 8.3.1.3.
- 8.3.2.1.4 Permitted Uses: (a) drainage purposes
(b) conservation purposes
- 8.3.2.1.5 Permitted Buildings and Structures: Buildings and structures erected by a municipal corporation or conservation authority for uses permitted by subsection 8.3.2.1.4.³¹

8.3.2.2

- 8.3.2.2.1 Defined Area: OS2-2 as shown on the Zoning Map, Part 2(f)
- 8.3.2.2.2 Other Permitted Uses: A temporary Road.³²

8.3.2.3

- 8.3.2.3.1 Defined Areas: OS2-3 as shown on Zoning Map, Part S(d)
- 8.3.2.3.2 Permitted Uses: (a) drainage purposes.
(b) conservation purposes.
- 8.3.2.3.3 Permitted Buildings and Structures: Buildings and Structures erected by a Municipal Corporation or Conservation Authority for the uses permitted by subsection 8.3.2.3.2.
- 8.3.2.3.4 Exceptions: The provisions of subsection 8.3.1 shall not apply to the area defined in subsection 8.3.2.3.1.³³

8.3.2.4

- 8.3.2.4.1 Defined Area: OS2-4 as shown hatched on the Zoning Map, Part 2(w)
- 8.3.2.4.2 Permitted Uses: a) drainage purposes;
b) conservation purposes
- 8.3.2.4.3 Permitted Buildings and structures: Buildings and structures for the uses permitted by subsection 8.3.2.4.2 .
- 8.3.2.4.4 Exceptions: The provisions of subsection 8.3.1 shall not apply to the area defined in subsection 8 . 3. 2. 4.1.³⁴

8.3.2.5

- 8.3.2.5.1 Defined Area: OS2-5, as shown on Zoning Map, Part 7.
- 8.3.2.5.2 Only Permitted Uses: (a) Drainage Purposes.
(b) Conservation Purposes.

³¹ Added new subsection by Clause 1 to By-law 1760, October 18th, 1976.

³² Added new subsection by Clause 5 to By-law 1811, October 3rd, 1977.

³³ Added new subsection by Clause 6 to By-law 1944, April 28th, 1980.

³⁴ Added new subsection by Clause 6 to By-law 2361, March 14th, 1988.

8.3.2.5.3	<u>Only Permitted Buildings and Structures:</u>	<i>Buildings and structures approved by the Municipal Corporation and a public Conservation Authority for uses permitted by subsection 8.3.2.5.2.</i>
8.3.2.5.4	<u>Exceptions:</u>	<i>The provisions of subsections 8.3.1 (General Use Regulations) shall not apply to the area defined in subsection 8.3.2.5.1³⁵</i>
8.3.2.6		
8.3.2.6.1	<u>Defined Area:</u>	<i>OS2-6, as shown on Zoning Map, Part 5(p) and Zoning Map, Part 4(u).</i>
8.3.2.6.2	<u>Permitted Uses:</u>	<i>Uses lawfully existing as of the date of passing of this by-law.</i>
8.3.2.6.3	<u>Permitted Buildings and Structures:</u>	<i>Buildings and structures for the uses permitted by 8.3.2.6.2.</i>
8.3.2.6.4	<u>Special Setback Requirement:</u>	<i>No building or structure, other than a fence, shall be erected between the line designated "Top of Bank" and the "Geotechnical Setback Line" as shown on Schedule 27 to this by-law.</i>
8.3.2.6.5	<u>Exceptions:</u>	<i>The provisions of subsections 8.3.1 (General Regulations) shall not apply to the area defined in subsection 8.3.2.6.1.³⁶</i>
8.3.2.7		
8.3.2.7.1	<u>Defined Area:</u>	<i>OS2-7, as shown on Zoning Map, Parts 4(x) and 5(w).</i>
8.3.2.7.2	<u>Only Permitted Uses:</u>	<i>a) Drainage purposes;</i> <i>b) Conservation purposes</i>
8.3.2.7.3	<u>Only Permitted Buildings And Structures:</u>	<i>Buildings and structures approved by the Municipal Corporation and a public Conservation Authority for uses permitted by subsection 8.3.2.7.1.</i>
8.3.2.7.4	<u>Exceptions:</u>	<i>The provisions of subsection 8.3.1 shall not apply to the area defined in subsection 8.3.2.7.1.³⁷</i>
8.3.2.8		
8.3.2.8.1	<u>Defined Area:</u>	<i>OS2-8, as shown on Zoning Map, Part 2(bi).</i>
8.3.2.8.2	<u>Only Permitted Uses:</u>	<i>a) Drainage purposes;</i> <i>b) Conservation purposes</i>
8.3.2.8.3	<u>Only Permitted Buildings and Structures:</u>	<i>Buildings and structures approved by the Municipal Corporation and a public Conservation Authority for uses permitted by subsection 8.3.2.8.2.</i>
8.3.2.8.4	<u>Exceptions:</u>	<i>The provisions of subsection 8.3.1 shall not apply to the area defined in subsection 8.3.2.8.1.³⁸</i>

³⁵ Added new subsection by Clause 7 to By-law 200, April 10th, 2000.

³⁶ Added new subsection by Clause 8 to By-law 569, July 21th, 2003.

³⁷ Added new subsection by Clause 9 to By-law 2392, July 22nd, 2019.

³⁸ Added new subsection by Clause 7 to By-law 2942, December 16th, 2024.

8.4. OPEN SPACE ZONE 3 (OS3) REGULATIONS

8.4.1. GENERAL REGULATIONS

- 8.4.1.1. Permitted Uses:
- (a) Farm use;
 - (b) Private, public and commercial recreational uses and, without limiting the generality of the foregoing, may include a clubhouse, restaurant, marina or similar uses;
 - (c) summer cottages;
 - (d) residential uses which lawfully exist on the day of the passing of this by-law;
 - (e) Home occupations and accessory uses. Buildings and structures for the permitted uses.
- 8.4.1.2. Permitted Buildings and Structures: Buildings and structures for the permitted uses.
- 8.4.1.3. Lot Area:
- (a) One (1) acre for the uses set out in subsection 8.4.1.1 (a) and (b);
 - (b) for those uses set out in subsection 8.4.1.1. (c) and (d)
 - (i) 15,000 square feet where public sanitary sewage disposal facilities and piped public water supply are not available;
 - (ii) 7,500 square feet where public sanitary sewage facilities are Not available but piped public water supply is available;
 - (iii) 4,000 square feet where public sanitary sewage disposal facilities and piped water supply are available.
- 8.4.1.4. Lot Frontage:
- 8.4.1.4.1. Where Clause 8.4.1.3.(a) applies: 200 feet
 - 8.4.1.4.2. Where Clause 8.4.1.3.(b)(i) applies: 100 feet
 - 8.4.1.4.3. Where Clause 8.4.1.3.(b)(ii) applies: 75 feet
 - 8.4.1.4.4. Where Clause 8.4.1.3.(b)(iii) applies: 40 feet
- 8.4.1.4. Lot Depth: 100 feet.
- 8.4.1.5 Lot Coverage:
- (a) 25% maximum for the main buildings;
 - (b) 8% maximum for the accessory buildings.
- 8.4.1.6. Location of Buildings and other Structures:
- 8.4.1.6.1. Front Yard: 25 feet;
 - 8.4.1.6.2. Side Yards: 10 feet;
 - 8.4.1.6.3. Rear Yard: equal to the height of the main building, except that a detached accessory building shall not be erected within 2 feet of the rear lot line and a side lot line.

8.4.1.7.	<u>Height:</u>	(a) 2 storey maximum for the main building;
8.4.1.7	<i>(OS3) Height</i>	(b) 18 feet maximum for accessory buildings and structures. ³⁹
8.4.1.8.	<u>Floor Area Ratio:</u>	0.40 maximum.
8.4.1.9.	<u>Off-Street Parking:</u>	(a) 1 parking space per summer cottage;
		(b) 1½ parking spaces per dwelling unit;
		(c) In the case of a clubhouse, restaurant, arena, or other recreational facility with seating provisions, 10 spaces plus one for every 100 square feet of floor area or playing area, whichever is the greater.

8.4.2. SPECIAL USE REGULATIONS

Notwithstanding other applicable provisions of this by-law, and in addition to the General Use Regulations contained in this subsection shall apply to the area or areas defined:

8.4.2.1.		
8.4.2.1.1.	<u>Defined Area:</u>	OS3-1 shown on the Zoning Map, Parts 3 and 5.
8.4.2.1.2.	<u>Other Permitted Uses:</u>	The area defined may be used for the purpose of a mobile home park.

(OS3-2 property rezoned to R1-19 and OS2-4 through By-law 2361, March 14th, 1988.)

(OS3-3 zone repealed through By-law 1769, November 22nd, 1976.)

(OS3-4 zone repealed through By-law 1769, November 22nd, 1976.)

8.4.2.5		
8.4.2.5.1	<u>Defined Area:</u>	OS3-5 as shown on the Zoning Map, Part 2(e).
8.4.2.5.2	<u>Prohibited Uses:</u>	The uses and permitted by subsection 8.4.1.1.
8.4.2.5.3	<u>Prohibited Buildings and Structures:</u>	Buildings and structures permitted by subsection 8.4.1.2.
8.4.2.5.4	<u>Exceptions:</u>	(a) drainage purposes (b) conservation purposes
8.4.2.5.5	<u>Permitted Buildings and Structures:</u>	Buildings and structures erected by a municipal corporation or conservation authority for uses permitted by subsection 8.4.2.5.4. ⁴⁰
8.4.2.6		
8.4.2.6.1	<u>Defined Areas:</u>	OS3-6 as shown on the Zoning Map Parts 2(f) and 3(f).
8.4.2.6.2	<u>Prohibited Uses:</u>	Subject to 8.4.2.6.3 the uses permitted by subsection 8.4.1.1 (b) to (e) inclusive.
8.4.2.6.3	<u>Other Permitted Uses:</u>	Conservation, drainage, flood control and recreational uses excluding any recreational use requiring or involving the use of a vehicle or device propelled or driven other-wise than by muscular power.
8.4.2.6.4	<u>Permitted Buildings and Structures:</u>	No Building and structure shall be permitted except buildings and structures erected by a municipal or

³⁹ Updated subsection by Clause 1 to By-law 215, June 26th, 2000.

⁴⁰ Added new subsection by Clause 3 to By-law 1760, October 18th, 1976.

conservation authority for conservation, drainage and flood control purposes.⁴¹

8.4.2.7.

- 8.4.2.7.1 Defined Area: OS3-7 as shown on the Zoning Map, Parts 3(g) and 5(c)
- 8.4.2.7.2 Prohibited Uses: All uses permitted by subsection 8.4.1.1 are prohibited.
- 8.4.2.7.3 Permitted Uses: Conservation, drainage and recreational uses excluding any recreational uses requiring or involving the use of a vehicle or device propelled or driven otherwise than by muscular power.
- 8.4.2.7.4 Permitted Buildings and Structures: No Building or structure shall be permitted within the defined area except buildings and structures erected by a municipal or conservation authority for conservation or drainage purposes.⁴²

8.4.2.8

- 8.4.2.8.1 Defined Area: OS3-8 as shown on the Zoning Map, Part 2 (h).
- 8.4.2.8.2 Permitted Uses: (a) drainage purposes
(b) conservation purposes
- 8.4.2.8.3 Location of Buildings And other Structures: Buildings and structures erected by a Municipal Corporation or Conservation Authority for the uses permitted by subsection 8.4.2.8.2.
- 8.4.2.8.4 Exceptions: The provisions of subsection 8.4.1 shall not apply to the area defined in subsection 8.4.2.8.1.⁴³

8.4.2.9

- 8.4.2.9.1 Defined Area: OS3-9 as shown on the Zoning Map, Part 2(1).
- 8.4.2.9.2 Permitted Uses: (a) drainage purposes.
(b) conservation purposes
- 8.4.2.9.3 Permitted Buildings and Structures: Building and structures erected by a Municipal Corporation or Conservation Authority for the uses permitted by subsection 8.4.2.9.2.
- 8.4.2.9.4 Exceptions: The provisions of subsection 8.4.1 shall not apply to the area defined in subsection 8.4.2.9.1.⁴⁴

(OS3-10 zone (By-law 2049) never approved by the OMB.)

8.4.2.11

- 8.4.2.11.1 Defined Area: OS3-11 as shown hatched on the Zoning Map, Part 2(z)
- 8.4.2.11.2 Permitted Uses: Conservation and drainage purposes
- 8.4.2.11.3 Permitted Buildings and structures: Buildings and structures erected by the Municipal Corporation or Conservation Authority for uses permitted by subsection 8.4.2.22.2
- 8.4.2.11.4 Exceptions: The provisions of subsection 8.4.2 shall not apply to the area defined in subsection 8.4.2.11.1.⁴⁵

⁴¹ Added new subsection by Clause 5 to By-law 1811, October 3rd, 1977.

⁴² Added new subsection by Clause 5 to By-law 1831, April 24th, 1978.

⁴³ Added new subsection by Clause 5 to By-law 1886, June 4th, 1979.

⁴⁴ Added new subsection by Clause 5 to By-law 1884, June 25th, 1979.

⁴⁵ Added new subsection by Clause 6 to By-law 2795, September 30th, 1993.

8.4.2.12

- 8.4.2.12.1 Defined Area: OS3-12 as shown crosshatched on the Zoning Map, Part 2(z)
- 8.4.2.12.2 Permitted Use: A Public Park
- 8.4.2.12.3 Permitted Buildings and structures: Buildings and structures for the permitted use.
- 8.4.2.12.4 Exceptions: The provisions of subsection 8.4.2 shall not apply to the area defined in subsection 8.4.2.12.1.⁴⁶

(OS3-13 property rezoned to B1 & B1-2 through By-law 3010, August 12th, 1996.)

8.4.2.14

- 8.4.2.14.1 Defined Area: OS3-14, as shown hatched on the Zoning Map, Part 2(aa).
- 8.4.2.14.2 Permitted Uses: Conservation and drainage purposes.
- 8.4.2.14.3 Permitted Buildings and Structures: Buildings and structures erected by the Municipal Corporation or Conservation Authority for uses permitted by subsection 8.4.2.14.2.
- 8.4.2.14.4 Exceptions: The provisions of subsection 8.4.1 shall not apply to the area defined in subsection 8.4.2.14.1.⁴⁷

8.4.2.15

- 8.4.2.15.1 Defined Area: OS3-15, as shown on Zoning Map, Part 3 (ah) and Part 5(p).
- 8.4.2.15.2 Permitted Uses: (a) Golf course;
(b) Golf driving range;
(c) Accessory uses.
- 8.4.2.15.3 Permitted Buildings and Structures: Buildings and structures for the uses permitted by subsection 8.3.2.5.2."
- 8.4.2.15.4 Services Required: In this zone, no building or structure shall be erected or used for any purpose permitted by subsection 8.4.2.15.2 unless the following services are available to service the building or structure and the land on which it is situate.
- a) a municipal water supply system; and
b) a municipal sanitary sewage system and a storm sewer system.

8.4.2.15.5 Holding Zone

Use of Zone Symbol:

Notwithstanding any other provisions of this By-law, where the symbol "h" appears on Schedule "A" or on Map Part 3 (ah), or on Schedule "B" or on Map Part 5(p) as a prefix to the OS3-15 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 by paragraph c). The removal of the "h" symbol from the Zoning Map Parts is subject to the following requirements:

Holding Zone Provisions:

- a) *Defined Area:* OS3-15 as shown on Zoning Map Part 3(ah) and Zoning Map Part 5(p).
- b) *To ensure the orderly development of lands and the adequate provision*

⁴⁶ Added new subsection by Clause 8 to By-law 2795, September 30th, 1993.

⁴⁷ Added new subsection by Clause 6 to By-law 2843, May 25th, 1994.

of municipal services, the "h" symbol shall not be removed until the following requirements have been satisfied:

- i) a routing plan has been prepared to the satisfaction of the Municipality.
 - ii) the proponent has prepared, submitted and received approval of an Environmental Impact Statement (EIS) for the proposed use by the appropriate authorities. The Terms of Reference for the EIS are to be approved by the Municipality and any other Provincial Ministry or outside agency that the Municipality determines may have an interest in the proposal.
 - iii) a site plan agreement has been entered into with the Municipality pursuant to Section 41(7)(c) of the Planning Act, R.S.O. 1990, as amended, with respect to municipal servicing, financial, administrative and other matters related thereto including, but not limited to geotechnical analysis, traffic report and other studies.
- c) *Interim Permitted Uses:*
- (a) Uses existing as of the date of the passing of this By-law.
 - (b) Golf driving range.

Interim Permitted Buildings and Structures: Buildings and structures for the uses permitted by subsection 8.4.2.15.5(c)."

Maximum Building Area: 60m²

Services Required: Buildings or structures erected or used for any purpose permitted by this subsection may be serviced by a private sewage disposal system in accordance with Section 8 of the Ontario Building Code as approved by the Municipality or its designate.

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.^{48 49}

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

8.4.2.15

8.4.2.15.1 Defined Area: OS3-15, as shown on Zoning Map, Part 2(af).

8.4.2.15.2 Permitted Uses: Uses existing at the time of passing of this by-law.

8.4.2.15.3 Permitted Buildings and Structures: Buildings and structures existing at the time of passing of this by-law.

8.4.2.15.4 Exceptions: The provisions of subsection 8.4.1 shall not apply to the area defined in subsection 8.4.2.15.1.⁵⁰

8.4.2.16

8.4.2.16.1 Defined Area: OS3-16, as shown on Zoning Map, Part 1(bg).

8.3.2.16.2 Additional Permitted Use: Duplex dwelling.

8.3.2.16.3 Permitted Buildings and Structures: The use permitted by Subsection 8.3.2.16.2 may only be permitted within the building existing on the date of passing of this by-law.⁵¹

8.4.2.17

⁴⁸ Added new subsection by Clause 4 to By-law 304, April 9th, 2001.

⁴⁹ Holding symbol removed by By-law 534, March 17th, 2003.

⁵⁰ Added new subsection by Clause 5 to By-law 620, December 8th, 2003.

⁵¹ Added new subsection by Clause 3 to By-law 837, January 16th, 2006.

8.4.2.15.1	<u>Defined Area:</u>	OS3-17, as shown on Zoning Map, Part 2(ah).
8.4.2.15.2	<u>Only Permitted Uses:</u>	Conservation and drainage purposes.
8.4.2.15.3	<u>Permitted Buildings and Structures:</u>	(a) A Permitted fence (b) Buildings and structures for the uses permitted by Subsection 8.4.2.17.2.
8.4.2.15.4	<u>Exceptions:</u>	The provisions of subsection 8.4.1 shall not apply to the area affected. ⁵²

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

8.4.2.17		
8.4.2.17.1	<u>Defined Area:</u>	OS3-17, as shown on Zoning Map, Part 2(am).
8.4.2.17.2	<u>Permitted Uses:</u>	a) single detached dwelling. b) uses existing at the time of passing of this by-law. c) accessory uses.
8.4.2.17.3	<u>Permitted Buildings:</u>	In this zone, no building or structure shall be erected except for the uses permitted by subsection 8.4.2.17.2.
8.4.2.17.4	<u>Services Required:</u>	In this zone, no building or structure shall be erected or used for any purpose permitted by subsection 8.4.2.17.2 unless the following services are available to service the building or structure and the land on which it is situate. a) a water supply system; and b) a sanitary sewage system.
8.4.2.17.5	<u>Minimum Lot Area:</u>	8900 square metres.
8.4.2.17.6	<u>Minimum Lot Frontage:</u>	12 metres.
8.4.2.17.7	<u>Maximum Number of Dwelling Units:</u>	1 per lot.
8.4.2.17.8	<u>Location of Buildings And Structures:</u>	Buildings and structures permitted by subsection 8.4.2.17.3 shall only be erected within the area designated as "Building Area" on Schedule 30.
8.4.2.17.9	<u>Maximum Height:</u>	a) 11 metres for the main building b) 6 metres for detached accessory buildings and structures.
8.4.2.17.10	<u>Minimum Ground Floor Area:</u>	a) 1 storey dwelling- 74 square metres. b) 1-112 storey dwelling- 60 square metres. c) 2-storey dwelling- 42 square metres.
8.4.2.17.11	<u>Minimum Off-Street Parking:</u>	2 parking spaces per dwelling unit.
8.4.2.17.12	<u>Exceptions:</u>	The provisions of subsection 8.4.1 (General Regulations) shall not apply to the area defined in subsection 8.4.2.17.1. ⁵³

8.4.2.18

⁵² Added new subsection by Clause 6 to By-law 929, March 26th, 2007.

⁵³ Added new subsection by Clause 6 to By-law 1440, March 26th, 2012.

8.4.2.18.1	<u>Defined Area:</u>	OS3-18, as shown on Zoning Map, Part 2(an).
8.4.2.18.2	<u>Only Permitted Use:</u>	Drainage and erosion control purposes. Conservation purposes.
8.4.2.18.3	<u>Only Permitted Buildings and Structures:</u>	Only buildings and structures for the uses permitted by subsection 8.4.2.18.2.
8.4.2.18.5	<u>Exceptions:</u>	The provisions of subsections 8.4.1 shall not apply to the area defined in subsection 8.4.2.18.1. ⁵⁴

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

8.4.2.18

8.4.2.18.1	<u>Defined Area:</u>	OS3-18, as shown on Zoning Map, Part 2(ap).
8.4.2.18.2	<u>Permitted Uses:</u>	Conservation and drainage purposes.
8.4.2.18.3	<u>Permitted Buildings and Structures:</u>	Buildings and structures approved by the Municipal Corporation or the Conservation Authority for uses permitted by 8.4.2.18.2.
8.4.2.18.4	<u>Exceptions:</u>	The provisions of subsection 8.4.1 shall not apply to the area defined in subsection 8.4.2.18.1. ⁵⁵

8.4.2.19

8.4.2.19.1	<u>Defined Area:</u>	OS3-19, as shown on Zoning Map Parts 2(at) and 3(ap).
8.4.2.19.2	<u>Permitted Uses:</u>	Conservation and drainage purposes.
8.4.2.19.3	<u>Permitted Buildings and Structures:</u>	Buildings and structures approved by the Municipal Corporation and the Conservation Authority for uses permitted by 8.4.2.19.2.
8.4.2.19.4	<u>Exceptions:</u>	The provisions of subsection 8.4.1 shall not apply to the area defined in subsection 8.4.2.19.1. ⁵⁶

8.4.2.19

8.4.2.19.1	<u>Defined Area:</u>	OS3-20, as shown on Map Part 8(a) and Map Part 3(au).
8.4.2.19.2	<u>Permitted Uses:</u>	Conservation and drainage purposes.
8.4.2.19.3	<u>Permitted Buildings and Structures:</u>	Buildings and structures erected by the Municipal Corporation or Conservation Authority for uses permitted by subsection 8.4.2.12.2.
8.4.2.19.4	<u>Exceptions:</u>	The provisions of subsection 8.4.1 shall not apply to the area defined in subsection 8.4.2.19.1. ⁵⁷

⁵⁴ Added new subsection by Clause 6 to By-law 1799, December 22nd, 2014.

⁵⁵ Added new subsection by Clause 5 to By-law 2142, April 24th, 2017.

⁵⁶ Added new subsection by Clause 7 to By-law 2296, September 24th, 2018.

⁵⁷ Added new subsection by Clause 9 to By-law 2766, February 27th, 2023.

8.5 OPEN SPACE ZONE 4 (OS4) REGULATIONS

8.5.1. GENERAL REGULATIONS

8.5.1.1. Permitted
Uses:

- (a) Any outdoor recreational use;
- (b) Farm use.

8.5.1.2. Prohibited
Uses:

- (a) Notwithstanding subsection 2.21. and 8.5.1.1. of this by-law, poultry farms, mushroom farms, fur farms, piggeries, hatcheries, commercial greenhouses and dog kennels shall be prohibited.
- (b) Buildings and structures shall be prohibited.

RESIDENTIAL ZONES

RESIDENTIAL ZONES

RESIDENTIAL (R) ZONE REGULATIONS

SECTION 9

9.1. EXISTING USES IN RESIDENTIAL AREAS

- 9.1.1. 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.
- 9.1.2. Sub-section 9.1.1. 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 subsection 9.2. provided the erection, enlargement or extension is in conformity with the applicable provisions of this by-law.
- 9.1.3. Where the frontage and area of a lot on which buildings and other structures are located is less than that required in sub-section 9.2., the lot frontage and the lot area which lawfully exist on the day of the passing of this by-law shall be the minimum lot frontage and the minimum lot area of such lot for the purpose of this by-law.

9.2 RESIDENTIAL ZONE 1 (R1) REGULATIONS

9.2.1. GENERAL REGULATIONS

- 9.2.1.1. Permitted Uses:
- (a) Residential uses;
 - (b) Institutional uses lawfully existing on the day of passing of this By Law;
 - (c) Home occupations;
 - (d) Accessory uses.
- 9.2.1.2. Permitted Buildings and other Structures
- (a) One one-family dwelling or one unit of a semidetached dwelling on one lot
 - (b) Institutional buildings and structures lawfully existing on the day of the passing of this By Law.
 - (c) Accessory buildings on residential lots.
- 9.2.1.3. Lot Area:
- 9.2.1.3.1. Where public sanitary sewage facilities and piped public water supply are not available: 15,000 sq. ft.
- 9.2.1.3.2. Where public sanitary sewage facilities are not available but piped public water supply is available: 7,500 sq.ft.
- 9.2.1.3.3. Where public sanitary sewage facilities and piped public water supply is available: 4,000 sq.ft.
- 9.2.1.4. Lot Frontage:
- 9.2.1.4.1. Where Subsection 9.2.1.3.1. applies: 100 feet
- 9.2.1.4.2. Where Subsection 9.2.1.3.2. applies: 75 feet
- 9.2.1.4.3. Where Subsection 9.2.1.3.3. applies: 40 feet
- 9.2.1.5. Lot depth: 100 feet.
- 9.2.1.6. Coverage:
- (a) 25% maximum for the dwelling;
 - (b) 8% maximum for accessory buildings.
- 9.2.1 .7. Location of Buildings and other Structures:
- 9.2.1.7.1. Front Yard:
- (a) 35 feet on lots fronting upon a King's Highway or County Road.
 - (b) 25 feet in residential subdivisions.
- 9.2.1.7.2. Side Yards:
- (a) One-family dwellings;
4 feet plus 2 feet for each storey or part thereof above one storey on one side, and 10 feet on the other side, except than an accessory building may be erected not less than 4 feet from a side lot line or, if the accessory building is detached and erected entirely to the rear of the main building, not less than 2 feet from side lot line, nor less than 8 feet from an existing dwelling on an

adjacent lot, but the side yard for both main and accessory buildings shall be not less than 12 feet along a flanking street;

- (b) Semi-detached dwellings;
10 feet on each side except that an accessory building may be erected not less than 4 feet from a side lot line or, if the accessory building is detached and erected entirely to the rear of the main building, not less than 2 feet from a side lot line nor less than 8 feet from an existing dwelling on an adjacent lot, but the side yard for both main and accessory buildings shall be not less than 12 feet along a flanking street.

9.2.1.7.3.	<u>Rear Yard:</u>	Equal to the height of the main building, except that a detached accessory building shall not be erected within 2 feet of the rear lot line.
9.2.1.8.	<u>Height:</u>	(a) 2 storey maximum for the main building; (b) <i>18 feet maximum for accessory buildings and structures.</i> " ⁵⁶
9.2.1.9.	<u>Floor area Ratio:</u>	0.40 maximum
9.2.1.10.	<u>Ground Floor Area:</u>	(a) 950 square feet for a one storey one-family dwelling; (b) 950 square feet for one dwelling unit of a semidetached dwelling; (c) 850 square feet for a split level one-family dwelling; (d) 750 square feet for a one family dwelling having more than one storey.
9.2.1.11.	<u>Off-Street Parking:</u>	1½ parking spaces per dwelling unit on the lot on which the dwelling is located, plus one additional parking space for every 100 square feet or portion thereof over the first 100 square feet of floor area devoted to or used for the purpose of home occupation.

9.2.2. SPECIAL USE REGULATIONS

Notwithstanding other applicable provisions of this by-law, and in addition to the General Use Regulations contained in subsection 9.2.1. the special regulations contained in this subsection shall apply to the area or areas defined:

9.2.2.1.		
9.2.2.1.1.	<u>Defined Area:</u>	R1-1 as shown on the Zoning Map, Parts 3 and 5.
9.2.2.1.2.	<u>Other Permitted Uses:</u>	The area defined may be used for the purposes of the Bell Telephone Company of Canada.

(R1-2 property rezoned to R1-21 through Clause 3 to By-law 2428, February 27th, 1989.)

9.2.2.3		
9.2.2.3.1	<u>Defined Area:</u>	R1-3 as shown on the Zoning Map, Part 2 (g).
9.2.2.3.2	<u>Exceptions:</u>	<i>The provisions of subsection 9.2.1.7.1 and 9.2.1.7.3 shall not Apply to the defined area.</i>
9.2.2.3.3	<u>Location of Buildings And other Structures:</u>	<i>Buildings and structures permitted By 9.2.1.2, shall be located in accordance with Section 2 to this By-law.</i> ⁵⁷

⁵⁶ Updated subsection by Clause 2 to By-law 215, June 26th, 2000.

⁵⁷ Added new subsection by Clause 3 to By-law 1803, June 13th, 1977.

(R1-4 zone (By-law 1813) never final approved by the OMB.)

(By-law 1825 (R1-5 zone) never passed.)

9.2.2.6		
9.2.2.6.1	<u>Defined Area:</u>	R1-6 as shown on Schedule 4.
9.2.2.6.2	<u>Rear Yard:</u>	No Dwelling or any part there of shall be erected or used within the defined area if any part of such dwelling is within 50 feet of the boundary between the defined area and the OS3-7 zone shown on the Zoning Map, Parts 3(g) and 5 (c). ⁵⁸
9.2.2.7		
9.2.2.7.1	<u>Defined Area:</u>	R1-7 as shown on the Zoning Map, Part 4(e).
9.2.2.7.2	<u>Location of Buildings and Structures:</u>	No part of any dwelling or accessory building shall be erected within the area defined in subsection 9. 2.2.7.1 except within an area designated "Building Area" on Schedule 6 to this by-law.
9.2.2.7.3	<u>Exception:</u>	The provisions of subsection 9.2 . 1.7 shall not apply to lands within the defined area. ⁵⁹
9.2.2.8		
9.2.2.8.1	<u>Defined Area:</u>	R1-8 as shown on Zoning Map Part 2(1).
9.2.2.8.2	<u>Location of Uses Buildings and Structures:</u>	No part of any building or structure shall be erected within the area defined in subsection 9.2.2.8.1 except within the area designated Building Area on Schedule 12 to this By-law.
9.2.2.8.3	<u>Exceptions:</u>	The provisions of subsection 9.2.1.7.2 shall not apply to the area defined in subsection 9.2.2.8.1. ⁶⁰
9.2.2.9		
9.2.2.9.1	<u>Defined Area:</u>	R1-9 as shown on Zoning Map, Part 2(k).
9.2.2.9.2	<u>Permitted Buildings and other Structures:</u>	(a) A multiple dwelling containing a maximum of 4 dwelling units. (b) Accessory buildings
9.2.2.9.3	<u>Lot Area:</u>	3, 900 square meteres
9.2.2.9.4	<u>Lot Frontage:</u>	45 metres.
9.2.2.9.5	<u>Lot Depth:</u>	80 metres.
9.2.2.9.6	<u>Minimum Floor Area:</u>	70 square metres for each dwelling unit.
9.2.2.9.7	<u>Off -Street Parking:</u>	One and one-half spaces per dwelling unit on the lot on which the dwelling is located.
9.2.2.9.8	<u>Exceptions:</u>	The provisions of subsections 9.2.1.2, 9.2.1.3, 9.2.1.4, 9.2.1.5, 9.2.1.6, 9.2.1.7, 9.2.1.7.3, 9.2.1.9, 9.2.1.10, 9.2.1.11, shall not apply to the area defined in subsection 9.2.2.9.1. ⁶¹
9.2.2.10		
9.2.2.10.1	<u>Defined Area:</u>	R1-10 as shown on Zoning Map Part 4(f).
9.2.2.10.2	<u>Existing Use in Residential Areas:</u>	

⁵⁸ Added new subsection by Clause 6 to By-law 1831, April 24th, 1978.

⁵⁹ Added new subsection by Clause 2 to By-law 1840.

⁶⁰ Added new subsection by Clause 3 to By-law 1884, June 25th, 1979.

⁶¹ Added new subsection by Clause 4 to By-law 1929, March 17th, 1980.

9.2.2.10.2.1		<i>The height, floor area and location of any buildings and other structure 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 space shall remain as they lawfully exist on the day of the passing of this By-law.</i>
9.2.2.10.2.2		<i>Subsection 9.2.2.10.2.1 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 subsection 9.2 provided the erection, enlargement or extension is in conformity with the applicable provisions of this By-law.⁶²</i>
9.2.2.11		
9.2.2.11.1	<u>Defined Area:</u>	<i>R1-11 as shown on Zoning Map, Part 4(g).</i>
9.2.2.11.2	<u>Lot Depth:</u>	<i>24 metres.</i>
9.2.2.11.3	<u>Exceptions:</u>	<i>The provisions of subsection 9.2.1.5 shall not apply to the, area defined in subsection 9.2.2.11.1.⁶³</i>
9.2.2.12		
9.2.2.12.1	<u>Defined Area:</u>	<i>R1-12 as shown on Zoning Map, Part 4(h).</i>
9.2.2.12.2	<u>Existing Uses in Residential Areas:</u>	
9.2.2.12.2.1		<i>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.</i>
9.2.2.12.2.2		<i>Subsection 9.2;2.12.2.1 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 subsection 9.2, provided the erection, enlargement or extension is in conformity with the applicable provisions of this By-law.⁶⁴</i>
9.2.2.13		
9.2.2.13.1	<u>Defined Area:</u>	<i>R1-13 as shown on Zoning Map, Part 4(i).</i>
9.2.2.13.2	<u>Prohibited Buildings:</u>	<i>A semi-detached dwelling.</i>
9.2.2.13.3	<u>Lot Area:</u>	<i>900 square metres.</i>
9.2.2.13.4	<u>Lot Frontage:</u>	<i>For the purpose of this By-law, the provisions of subsection 9.2.1.4.3 shall not apply to a corner lot as defined by subsection 2.11. Instead a minimum frontage of 9 metres shall be required for a corner lot.</i>
9.2.2.13.5	<u>Exceptions:</u>	<i>The provisions of subsection 9.2.1.3 shall not apply to the area defined in subsection 9.2.3.13.1.⁶⁵</i>
9.2.2.14		
9.2.2.14.1	<u>Defined Area:</u>	<i>R1-14 as shown on Zoning Map, Part 5 (d)</i>
9.2.2.14.2	<u>Lot Area:</u>	<i>1,858 square metres.</i>

⁶² Added new subsection by Clause 4 to By-law 1932, March 25th, 1980.

⁶³ Added new subsection by Clause 4 to By-law 1933, March 25th, 1980.

⁶⁴ Added new subsection by Clause 4 to By-law 1930, March 17th, 1980.

⁶⁵ Added new subsection by Clause 4 to By-law 1931, March 17th, 1980.

9.2.2.14.3	<u>Lot Frontage:</u>	8 metres.
9.2.2.14.4	<u>Exceptions:</u>	The provisions of subsection 9.2.1.3 and 9.2.1.4 shall not apply to the area defined in subsection 9.2.2.14.1. ⁶⁶

(R1-15 & R1-16 (Kocsis) not passed.)

9.2.2.17		
9.2.2.17.1	<u>Defined Area:</u>	R1-17 as shown on Zoning Map Parts 2 (q).
9.2.2.17.2	<u>Existing Uses in Residential Areas:</u>	
9.2.2.17.2.1		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 space, shall remain as they lawfully exist on the day of the passing of this By-law.
9.2.2.17.2.1		Subsections 9.2.2.17.2.1 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 subsection 9.2 provided the erection, enlargement or extension is in conformity with the applicable provisions of this By-law. ⁶⁷
9.2.2.18		
9.2.2.18.1	<u>Defined Area:</u>	R1-18 as shown on the zoning Map, Part 1(z).
9.2.2.18.2	<u>Other Permitted Uses:</u>	<ol style="list-style-type: none"> 1. The breeding and forcing of orchids for wholesale and retail sales; 2. a seedling Laboratory; 3. an office; 4. a dwelling converted to contain a maximum of 2 dwelling units; 5. accessory uses.⁶⁸
9.2.2.19		
9.2.2.19.1	<u>Defined Area:</u>	R1-19, as shown on Zoning Map, Part 2(w).
9.2.2.19.2	<u>Permitted uses:</u>	<ol style="list-style-type: none"> a) Cluster housing as defined in subsection 9.2.2.19.8 b) A Hotel as defined in subsection 9.2.2.19.8, shall be permitted only within the area of the R1-19 zone shown crosshatched on Schedule "A" c) Accessory uses
9.2.2.19.3	<u>Permitted Buildings and Structures:</u>	Buildings and structures for the uses permitted in subsection 9.2.2.19.2
9.2.2.19.4	<u>Coverage:</u>	<ol style="list-style-type: none"> a) 40% maximum for the use permitted by subsection 9.2.2.19.2 a) b) 25% maximum for the use permitted by subsection 9.2.2.19.2 b)
9.2.2.19.5	<u>Height:</u>	<ol style="list-style-type: none"> a) 3 stories maximum for the use permitted by subsection 9.2.2.19.2 a)

⁶⁶ Added new subsection by Clause 4 to By-law 1944, April 28th, 1980.

⁶⁷ Added new subsection by Clause 4 to By-law 2210, January 27th, 1986.

⁶⁸ Added new subsection by Clause 4 to By-law 2303.

		b) 20 metres maximum for the use permitted by subsection 9.2.2.19.2 b)
9.2.2.19.6	<u>Minimum Floor Area:</u>	120 square metres for the use permitted by subsection 9.2.2.19.2 a)
9.2.2.19.7	<u>Off-Street Parking:</u>	a) 1.5 parking spaces per dwelling unit for the use permitted by subsection 9.2.2.19.2 a) b) 1 space per suite for the use permitted by subsection 9.2.2.19.2 b); plus space for other uses in accordance with the Business Zone 1 regulations (Section 10.2) if over 10% of the hotel area
9.2.2.19.8	<u>Definitions:</u>	For the purposes of this amendment the following definitions shall apply: <u>Cluster Housing</u> shall mean a form of housing that is arranged in identifiable groups, or to form a visually cohesive group where the land is under one ownership . The type of housing permitted shall include: - a building containing more than one dwelling unit horizontally or vertically attached or stacked. - a group of multiple buildings containing more than one dwelling unit horizontally or vertically attached or stacked. <u>Hotel</u> shall mean a building or part of a building containing sleeping accommodation for the public and may contain rooms for meetings and where persons, not necessarily travellers, may, for a price, obtain sleeping accommodation or meals and beverages, or hold meetings or engage in recreational activities or engage in such activities on lands adjacent to such building and includes an inn, motel, tavern and a public house, but does not include a boarding house.
9.2.2.19.9	<u>Exceptions:</u>	The provisions of subsections 9.2.1.1, 9.2.1.2, 9.2.1.3, 9.2.1.4, 9.2.1.5, 9.2.1.6, 9.2.1.7, 9.2.1.8, 9.2.1.9, 9.2.1.10, and 9.2.1.11 shall not apply to the area defined in subsection 9.2.2.19.1 ⁶⁹
9.2.2.20		
9.2.2.20.1	<u>Defined Area:</u>	R1-20, as shown on Zoning Map, Part 3 (t).
9.2.2.20.2	<u>Permitted Uses:</u>	a) Cluster housing as defined in subsection 9.2.2.20.8 b) Accessory uses
9.2.2.20.3	<u>Permitted Buildings and Structures:</u>	Buildings and Structures for the uses permitted in subsection 9.2.2.20.2
9.2.2.20.4	<u>Coverage:</u>	40% maximum
9.2.2.20.5	<u>Height:</u>	3 stories maximum
9.2.2.20.6	<u>Minimum Floor Area:</u>	120 square metres
9.2.2.20.7	<u>Off-Street Parking:</u>	1.5 parking spaces per dwelling unit
9.2.2.20.8	<u>Definitions:</u>	For the purposes of this amendment the following definitions shall apply: <u>Cluster Housing</u> shall mean a form of housing that is arranged in identifiable groups, or to form a visually cohesive group where the land is under one

⁶⁹ Added new subsection by Clause 4 to By-law 2361, March 14th, 1988.

owner ship. The type of dwelling unit permitted shall include:

- a building containing more than one dwelling unit horizontally or vertically attached or stacked.*
- a group of multiple buildings containing more than one dwelling unit horizontally or vertically attached or stacked.*

9.2.2.20.9 Exceptions:

The provisions of subsections 9.2.1.1, 9.2.1.2, 9.2.1.3, 9.2.1.4, 9.2.1.5, 9.2.1.6, 9.2.1.7, 9.2.1.8, 9.2.1.9, 9.2.1.10, and 9.2.1.11 shall not apply to the defined area.⁷⁰

⁷⁰ Added new subsection by Clause 4 to By-law 2363, February 29th, 1988.

9.2.2.21		
9.2.2.21.1	<u>Defined Area:</u>	R1-21, as shown on Zoning Map, Parts 2(x) and 3(x)
9.2.2.21.2	<u>Side Yards:</u>	1 metre
9.2.2.21.3	<u>Front Yards:</u>	(a) 9 metres for lots fronting on George St. and Marr Road. (b) 7.6 metres for lots fronting on local streets in residential subdivisions.
9.2.2.21.4	<u>Coverage:</u>	30% maximum for the dwelling
9.2.2.21.5	<u>Floor Area Ratio:</u>	0.60 maximum
9.2.2.21.6	<u>Height:</u>	5 metres maximum for accessory buildings or structures.
9.2.2.21.7	<u>Minimum Ground Floor Area:</u>	(a) 102 square metres for a 1 storey dwelling (b) 102 square metres for one dwelling unit of a semi detached dwelling
9.2.2.21.8	<u>Exceptions:</u>	The provisions of subsections 9.2.1.1(b), 9.2.1.2(b), 9.2.1.6(a), 9.2.1.7.1, 9.2.1.7.2, 9.2.1.8(b), 9.2.1.9, and 9.2.1.10 shall not apply to the defined area. ⁷¹
9.2.2.22		
9.2.2.22.1	<u>Defined Area:</u>	R1-22 as shown on the. Zoning Map, Part 2(y)
9.2.2.22.2	<u>Other Permitted Buildings and Structures:</u>	A dwelling converted to contain a maximum of 2 dwelling units . ⁷²
9.2.2.23		
9.2.2.23.1	<u>Defined Area:</u>	R1-23 as shown on the Zoning Map, Part 5(e)
9.2.2.23.2	<u>Other Permitted Buildings and Structures:</u>	A dwelling converted to contain a maximum of 2 dwelling units
9.2.2.23.3	<u>Front Yard:</u>	5.5 metres
9.2.2.23.4	<u>Side Yards:</u>	1.8 metres
9.2.2.23.5	<u>Ground Floor Area:</u>	47 square metres for each dwelling unit
9.2.2.23.6	<u>Floor Area Ratio:</u>	.50 maximum
9.2.2.24.6	<u>Exceptions:</u>	The provisions of subsections 9.2.1.7.1, 9.2.1.7.2, 9.2.1.9 and 9.2.1.10, shall not apply to uses permitted in the area defined in subsection 9.2.2.23.1.11. ⁷³
9.2.2.24		
9.2.2.24.1	<u>Defined Area:</u>	R1-24 as shown on the Zoning Maps, Part 3(z) and Part 5(g)
9.2.2.24.2	<u>Coverage:</u>	a) 35% maximum for the dwelling b) 15% maximum for accessory buildings.
9.2.2.24.3	<u>Side Yards:</u>	1 metre
9.2.2.24.4	<u>Floor Area</u>	

⁷¹ Added new subsection by Clause 4 to By-law 2428, February 27th, 1989.

⁷² Added new subsection by Clause 4 to By-law 2455, July 5th, 1989.

⁷³ Added new subsection by Clause 4 to By-law 2466, July 24th, 1989.

	<u>Ratio:</u>	.55 maximum
9.2.2.24.5	<u>Exceptions:</u>	The provisions of subsection; 9.2.1.6; 9.2.1.7.2 and 9.2.1.9, shall not apply to the area defined in subsection 9.2.2.24.1. ⁷⁴
9.2.2.25		
9.2.2.25.1	<u>Defined Area:</u>	R1-25 as shown on the Zoning Map, Part 1(ap)
9.2.2.25.2	<u>Other Permitted Buildings and Structures:</u>	The dwelling existing at the date of the passing of this by-law converted to contain a maximum of 4 dwelling units.
9.2.2.25.3	<u>Off Street Parking:</u>	1 parking space per dwelling unit.
9.2.2.25.4	<u>Exceptions:</u>	The provisions of subsections 9.2.1.2, 9.2.1.6, 9.2.1.7.1, 9.2.1.7.2, 9.2.1.9, 9.2.1.10 and 9.2.1.11, shall not apply to uses permitted in the area defined in subsection 9.2.2.25.1. ⁷⁵
9.2.2.26		
9.2.2.26.1	<u>Defined Area:</u>	R1-26 as shown on the Zoning Maps, Part 3(ab) and Part 5(j).
9.2.2.26.2	<u>Kettle Creek Floodfringe:</u>	The area shown hatched and identified as Kettle Creek Floodfringe on Schedule "C" to this By-law, being Schedule 20 to By-law No. 1507, is located within the floodfringe of Kettle Creek and is subject to the regulatory requirements of the Kettle Creek Conservation Authority. The lands may be used for those uses permitted by Section 9.2.1.1 of By-law No. 1507 provided that plans for all buildings and structures are approved by the Kettle Creek conservation Authority and flood proofed to an elevation of 178.9 metres Geodetic Survey of Canada.
9.2.2.26.3	<u>Existing Uses:</u>	Section 9.1 of By-law No. 1507 shall apply to the area defined by subsection 9.2.2.26.1 as of the date of the passing of this By-law. ⁷⁶
9.2.2.27		
9.2.2.27.1	<u>Defined Area:</u>	R1-27 as shown on the Zoning Maps, Part 3(ac) and Part 5(k).
	<u>Rear Yard:</u>	15 metres
	<u>Exceptions:</u>	The provisions of subsection 9.2.1.7.3 shall not apply to the area defined in subsection 9.2.2.27.1.
9.2.2.28		
9.2.2.28.1	<u>Defined Area:</u>	R1-28 as shown on the Zoning Map Part 2(z).
9.2.2.28.2	<u>Permitted Uses:</u>	a) Residential use; b) Accessory uses.
9.2.2.28.3	<u>Permitted Buildings and Structures:</u>	a) One single detached dwelling on one lot; b) Accessory buildings
9.2.2.28.4	<u>Existing Uses in the Defined Area R1-28:</u>	
	9.2.2.28.4.1	Notwithstanding anything herein to the contrary the height, floor area, coverage, the minimum elevation of doors windows or other openings in buildings and structures used for human occupancy shall remain as they exist on the day of the passing of this By-

⁷⁴ Added new subsection by Clause 3 to By-law 2479, October 17th, 1989.

⁷⁵ Added new subsection by Clause 4 to By-law 2552, October 18th, 1990.

⁷⁶ Added new subsection by Clause 4 to By-law 2696, May 25th, 1992.

law. The front, side and rear yards, and the location of buildings and other structures on such lots shall remain as shown on the plan of survey, prepared by Brian Vaughan, OLS, dated September 30, 1993 and marked as Schedule 21 to this By-law.

9.2.2.28.4.2		Subsection 9.2.2.28.4.1 shall not prohibit the erection of new buildings and structures, or the enlargement or extension of existing buildings and other structures which are permitted under the provisions of subsection 9.2.2.28.2 provided the erection of new buildings and Structures, or the enlargement or extension of existing buildings and other structures complies with the applicable provisions of this By-law.
9.2.2.28.5	<u>Lot Frontage:</u>	a) 12 metres for lots 1,2,6,7,8,14,15,16 as shown on Schedule 21. b) For lots 3, 4, 5, 9, 10, 11, 12, and 13 as shown on Schedule 21 the required lot frontage is 12 metres and shall be measured perpendicularly to a line drawn joining the midpoint of the front and the midpoint of the rear lot lines at a point within the lot which is 20 metres from the front lot line.
9.2.2.28.6	<u>Front Yard:</u>	6 metres
9.2.2.28.7	<u>Side Yards:</u>	a) 1 metre. b) 2 metres along a flanking street.
9.2.2.28.8	<u>Rear Yard:</u>	6 metres.
9.2.2.28.9	<u>Height:</u>	a) 6 metres for an accessory building or structure.
9.2.2.28.10	<u>Lot Coverage:</u>	35% maximum.
9.2.2.28.11	<u>Minimum elevation of doors, windows or openings in buildings or structures:</u>	The minimum elevation for doors, windows and other openings in buildings and structures used for human occupancy, within the defined area, shall not be less than the flood uprush level of 176.8 metres, Geodetic Survey of Canada.
9.2.2.28.12	<u>Exceptions:</u>	The provisions of subsections 9.2.1.1, 9.2.1.2, 9.2.1.4, 9.2.1.6, 9.2.1.7, 9.2.1.8.(b) and 9.2.1.9 shall not apply to the area defined in subsection 9.2.2.28.1 above. ⁷⁷
9.2.2.29		
9.2.2.29.1	<u>Defined Area:</u>	R1-29 as shown on the Zoning Maps, Part 3(ar).
9.2.2.29.2	<u>Lot Area:</u>	371.5m ²
9.2.2.29.3	<u>Lot Frontage:</u>	12 metres
9.2.2.29.4	<u>Lot Depth:</u>	30 metres
9.2.2.29.5	<u>Lot Coverage:</u>	35%
9.2.2.29.6	<u>Front Yard:</u>	6 metres
9.2.2.29.7	<u>Side Yard:</u>	1 metre
9.2.2.29.8	<u>Rear Yard:</u>	6 metres
9.2.2.29.9	<u>Exceptions:</u>	The provisions of subsections 9.2.1.3; 9.2.1.4;

⁷⁷ Added new subsection by Clause 4 to By-law 2795, September 30th, 1993.

9.2.1.5; 9.2.1.6; 9.2.1.7; 9.2.1.9 shall not apply to the area defined in subsection 9.2.2.29.1.⁷⁸

9.2.2.30

9.2.2.30.1	<u>Defined Area:</u>	R1-30 as shown on the Zoning Maps, Part 3(ad) and Part 5(m).
9.2.2.30.2	<u>Lot Area:</u>	371.5 m ²
9.2.2.30.3	<u>Lot Frontage:</u>	12 metres
9.2.2.30.4	<u>Lot Depth:</u>	30 metres
9.2.2.30.5	<u>Lot Coverage:</u>	35%
9.2.2.30.6	<u>Front Yard:</u>	6 metres
9.2.2.30.7	<u>Side Yard:</u>	1 metre
9.2.2.30.8	<u>Rear Yard:</u>	6 metres
9.2.2.30.9	<u>Height:</u>	6 metres for an accessory building or structure.
9.2.2.30.10	<u>Exceptions:</u>	The provisions of subsections 9.2.1.3, 9.2.1.4, 9.2.1.5, 9.2.1.6, 9.2.1.7, 9.2.1.8 (b) and 9.2.1.9 shall not apply to the area defined in subsection 9.2.2.29.1. ⁷⁹

9.2.2.31

9.2.2.31.1	<u>Defined Area:</u>	R1-31 as shown on Zoning Map, Part 2(aa).
9.2.2.31.2	<u>Permitted Uses:</u>	(a) Residential uses; (b) A hotel as defined in subsection 9.2.2.31.14; (c) Accessory Uses
9.2.2.31.3	<u>Permitted Buildings and Structures:</u>	(a) Cluster Housing; (b) Multiple Dwelling; (c) Hotel; (d) Accessory Buildings and Structures
9.2.2.31.4	<u>Lot Frontage:</u>	222 metres
9.2.2.31.5	<u>Front Yard:</u>	6 metres
9.2.2.31.6	<u>Side Yard:</u>	3 metres
9.2.2.31.7	<u>Coverage:</u>	40% maximum for the use permitted by subsection 9.2.2.31.2(b).
9.2.2.31.8	<u>Height:</u>	12.19 metres
9.2.2.31.9	<u>Minimum Dwelling Unit Floor Area:</u>	(a) For buildings and structures permitted by subsection 9.2.2.31.3 (a): 120 square metres. (b) For buildings and structures permitted by subsection 9.2.2.31.3 (b): (i) Bachelor: 28m ² (ii) One Bedroom: 42m ² (iii) Two Bedrooms: 56m ² (iv) Three Bedrooms: 70m ²
9.2.2.31.10	<u>Maximum Density:</u>	37.5 residential dwelling units per hectare within the area defined in subsection 9.2.2.31.1.

⁷⁸ Added new subsection by Clause 4 to By-law 2786, August 9th, 1993.

⁷⁹ Added new subsection by Clause 4 to By-law 2792, September 13th, 1993.

- 9.2.2.31.11 Minimum elevation of doors, windows or openings in buildings or structures: *The minimum elevation for doors, windows and other openings in buildings and structures used for human occupancy, within the defined area, shall not be less than the flood uprush level of 176.8 metres, Geodetic Survey of Canada.*
- 9.2.2.31.12 Set Back From Toe of Slope: *No buildings or structures shall be permitted within 15.24 metres Of the 178 metre contour line, Geodetic Survey of Canada.*
- 9.2.2.31.13 Off-Street Parking: (a) *1.5 parking spaces per dwelling unit for residential uses;*
(b) *1.25 parking spaces per hotel suite.*
- 9.2.2.31.14 Definitions: *For the purposes of this amendment the following definition shall apply:*
Hotel shall mean a building or part of a building containing sleeping accommodation for the public and may contain rooms for meetings and where persons, not necessarily travellers, may, for a price, obtain sleeping accommodations or meals and beverages, or hold meetings or engage in recreational activities or engage in such activities on lands adjacent to such building and includes an inn, motel, tavern and public house, but does not include a boarding house.
- 9.2.2.31.14a *Development Phasing: Where the development of the land within the defined area (9.2.2.31.1) is approved under Section 41 of the Planning Act and, pursuant to an approval or exemption subsequently given under Section 9 of the Condominium Act 1998, any part of the land is registered as a Condominium Corporation, the provisions of Section 9.2.2.31 and any other regulations of By-law 1507 are hereby deemed to apply to the land as a whole and to any building or structure thereon in the same manner and to the same extent as if the approval or exemption was not given, so long as the land and any building or structure thereon are used and continue to be used for the purpose for which the development was approved.⁸⁰*
- 9.2.2.31.15 Exceptions: *The provisions of subsection 9.2.1 shall not apply to the area defined in subsection 9.2.2.31.1.*
- 9.2.2.31.16 Holding Zone: (a) *Use of Symbol:*
Notwithstanding any other provisions of this by-law, where the symbol "h" appears on Map Part 2(aa) as a prefix to the RI-31 zone applying to the defined area, the provisions of the RI-31 zone shall apply, subject to the requirements of subsection 9.2.2.31.16 (b) and (c) below.
(b) *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 entered into an agreement with the Village of Port Stanley specifying how the required services will be provided to the lands in accordance with the servicing strategy set out in the Official Plan.

⁸⁰ Added new subsection by Clause 1 to By-law 387, December 17th, 2001.

No development will be recommended for approval or zoning amendment processed unless it has been confirmed to the satisfaction of the Ministry of the Environment, and the Village of Port Stanley, that there is sufficient uncommitted reserve capacity remaining in the water and sewage treatment works and distribution systems to service the proposed development.

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.

(c) *Interim Uses in the Defined Area:*

Notwithstanding the provisions of subsections 9.2.2.31.1 to 9.2.2.31.15, until such time as the "h" symbol has been removed, the maximum number of hotel units or residential dwelling units permitted, individually or combined, shall not exceed 24 Equivalent Residential Units. For the purposes of this amendment an Equivalent Residential Unit shall mean a sewage unit equivalent to the sewage flow for a single-detached residential dwelling unit.⁸¹

9.2.2.32

9.2.2.32.1	<u>Defined Area:</u>	R1-32 as shown on the Zoning Maps, Part 3(af) and Part 5(n).
9.2.2.32.2	<u>Lot Area:</u>	371.5 m ²
9.2.2.32.3	<u>Lot Frontage:</u>	12 metres
9.2.2.32.4	<u>Lot Depth:</u>	30 metres
9.2.2.32.5	<u>Lot Coverage:</u>	35%
9.2.2.32.6	<u>Front Yard:</u>	6 metres
9.2.2.32.7	<u>Side Yard:</u>	1 metre
9.2.2.32.8	<u>Rear Yard:</u>	6 metres
9.2.2.32.9	<u>Height:</u>	6 metres for an accessory building or structure.
9.2.2.32.10	<u>Exceptions:</u>	The provisions of subsections 9.2.1.3, 9.2.1.4, 9.2.1.5, 9.2.1.6, 9.2.1.7, 9.2.1.8(b) and 9.2.1.9 shall not apply to the area defined in subsection 9.2.2.29.1. ⁸²

9.2.2.33

9.2.2.33.1	<u>Defined Area:</u>	R1-33 as shown on Map Part 2 (ac).
9.2.2.33.2	<u>Permitted Uses:</u>	a) Residential use; b) Accessory uses.
9.2.2.33.3	<u>Permitted Buildings and Structures:</u>	a) One single detached dwelling on one lot; b) Accessory buildings and structures.
9.2.2.33.4	<u>Lot Frontage:</u>	3.7 metres.
9.2.2.33.5	<u>Location of Buildings and Structures:</u>	Buildings and structures permitted by subsection 9.2.2.33.3 shall be erected only within the area designated "Building Area" on Schedule "23".
9.2.2.33.6	<u>Minimum Ground Floor Area:</u>	60 square metres.

⁸¹ Added new subsection by Clause 4 to By-law 2843, May 25th, 1994.

⁸² Added new subsection by Clause 4 to By-law 2844, May 25th, 1994.

9.2.2.33.7	<u>Off-Street Parking:</u>	1 parking space per dwelling unit.
9.2.2.33.8	<u>Parking Space:</u>	For the purposes of subsection 9.2.2.33 a parking space shall be rectangular in shape and the dimensions of which are not less than 2.75 metres by 5.5 metres.
9.2.2.33.9	<u>Exceptions:</u>	The provisions of subsections 2.38, 9.2.1.1, 9.2.1.2, 9.2.1.4, 9.2.1.5, 9.2.1.7, 9.2.1.10, 9.2.1.11 shall not apply to the area defined in subsection 9.2.2.33.1.
9.2.2.33.10	<u>Holding Zone:</u>	<p>(a) Use of Symbol:</p> <p>Notwithstanding any other provisions of this By-law, where the symbol "h" appears on Map Part 2 (ac) as a prefix to the R1-33 zone applying to the defined area, the provisions of the R1-33 zone shall apply, subject to the requirements of subsection 9.2.2.33.10 (b) and (c) below.</p> <p>(b) Holding Zone Provisions:</p> <p>To ensure the orderly development of lands, the "h" symbol shall not be removed until the applicant and/or landowner has satisfied the following requirements:</p> <p>i) a certificate of consent pursuant to Section 53 (42) of the Planning Act, R.S.O. 1990, as amended has been given and the transaction in respect of which the consent was given is carried out within the period stipulated by Section 53 (43) of the Planning Act, R.S.O. 1990, as amended.</p> <p>ii) that a development agreement, pursuant to Section 51 (26) of the Planning Act, R.S.O. 1990, as amended, has been entered into with the Village of Port Stanley. Such agreement shall require strict compliance with the recommendations of Atkinson, Davies Inc. as noted in their report Ref: 1-2313, dated November 12, 1996 and those recommendations contained within the "Statement of Limitation" Appendix 'A'.</p> <p>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.</p> <p>(c) Interim Uses:</p> <p>Uses existing at the date of the passing of this By-law.⁸³</p>
9.2.2.34		
9.2.2.34.1	<u>Defined Area:</u>	R1-34 as shown on Map Part 2 (ad).
9.2.2.34.2	<u>Permitted Uses:</u>	<p>a) Residential use;</p> <p>b) Accessory uses.</p>
9.2.2.34.3	<u>Permitted Buildings and Structures:</u>	<p>a) One single detached dwelling on one lot;</p> <p>b) Accessory buildings and structures.</p>
9.2.2.34.4	<u>Lot Area:</u>	740 m ²
9.2.2.34.5	<u>Lot Frontage:</u>	15 metres
9.2.2.34.6	<u>Maximum Lot Coverage:</u>	35%
9.2.2.34.7	<u>Location of Buildings and</u>	

⁸³ Added new subsection by Clause 6 to By-law 3054, September 22nd, 1997.

	<u>Structures:</u>	<i>Buildings and Structures permitted by subsection 9.2.2.34.3 shall be erected only within the area designated "Building Area" on Schedule 24.</i>
9.2.2.34.8	<u>Maximum Height:</u>	<i>6 metres for an accessory building or structure.</i>
9.2.2.34.9	<u>Minimum elevation of doors, windows or openings in buildings or structures:</u>	<i>The minimum elevation for doors, and other openings in buildings and structures used for human occupancy, within the defined area, shall not be less than the flood uprush level of 176.8 metres, Geodetic Survey of Canada.</i>
9.2.2.34.10	<u>Off-Street Parking:</u>	<i>2 parking spaces per dwelling unit.</i>
9.2.2.34.11	<u>Exceptions:</u>	<i>The provisions of subsections 9.2.1.1, 9.2.1.2, 9.2.1.3, 9.2.1.4, 9.2.1.5, 9.2.1.6, 9.2.1.7, 9.2.1.8 (b) and 9.2.1.11 shall not apply to the area defined in subsection 9.2.2.34.1.⁸⁴</i>
9.2.2.35		
9.2.2.35.1	<u>Defined Area:</u>	<i>R1-35 as shown on Map Part 2 (ae).</i>
9.2.2.35.2	<u>Additional Permitted Use:</u>	<i>Bed and Breakfast Establishment.</i>
9.2.2.35.3	<u>Definition:</u>	<i>For the purposes of this amendment, a Bed and Breakfast Establishment means a single detached dwelling in which the owner resides and in which no more than three rooms are supplied for gain and profit, with or without meals, for the temporary accommodation of the travelling public, but does not include a boarding house, motel or restaurant.</i>
9.2.2.35.4	<u>Off-Street Parking:</u>	<i>One parking space per room made available for the use permitted by subsection 9.2.2.35.2 shall be provided and maintained at all times.⁸⁵</i>
9.2.2.36		
9.2.2.36.1	<u>Defined Area:</u>	<i>R1-36, as shown on Zoning Map, Part 1 (az).</i>
9.2.2.36.2	<u>Permitted Uses:</u>	<i>(a) Residential use; (b) Home occupations; (c) Accessory uses.</i>
9.2.2.36.3	<u>Permitted Buildings and Structures:</u>	<i>(a) One dwelling containing a maximum of two dwelling units on Part 2, Plan 11R-5135 as shown on Schedule 25. (b) One dwelling containing a maximum of three dwelling units, on Part 1, Plan 11R-5135 as shown on Schedule 25. (c) Accessory buildings and structures.</i>
9.2.2.36.4	<u>Maximum Number of Dwelling Units:</u>	<i>Five dwelling units.</i>
9.2.2.36.5	<u>Lot Area:</u>	<i>670 m²</i>
9.2.2.36.6	<u>Lot Frontage:</u>	<i>18.2 metres (Third Street).</i>
9.2.2.36.7	<u>Coverage:</u>	<i>50% maximum.</i>
9.2.2.36.8	<u>Location of Buildings and Structures:</u>	<i>Existing as of the day of the passing of this By-law</i>

⁸⁴ Added new subsection by Clause 4 to By-law 3055, September 22nd, 1997.

⁸⁵ Added new subsection by Clause 4 to By-law 3061, October 27th, 1997.

as shown on Schedule 25. Notwithstanding anything herein to the contrary, a covered porch may be constructed on the south side of the existing dwelling shown on Schedule 25 with a minimum setback of 2.7 metres from the southerly property line

- 9.2.2.36.9 Height:
- (a) 2 storey maximum for buildings and structures permitted by subsection 9.2.2.36.3 (a) and (b).
 - (b) 6 metres maximum for accessory buildings and structures.
- 9.2.2.36.10 Minimum elevation of doors, windows openings in buildings and structures: The minimum elevation for doors, or windows and other openings in human occupancy within the buildings and structures used for defined area, shall not be less than the flood uprush level of 176.8 metres, Geodetic Survey of Canada.
- 9.2.2.36.11 Off Street Parking: 5 parking spaces shall be provided and maintained at all times.
- 9.2.2.36.12 Definitions: For the purposes of this amendment, the following definition shall apply to the defined area:
Parking Space means that part of a lot:
- (i) which is rectangular in shape and the dimensions of which are not less than 2.75 metres by 5.5 metres;
 - (ii) which is provided for the parking of a motor vehicle without moving or removing any other motor vehicle;
 - (iii) which may be open, covered or partially or wholly enclosed; and
 - (iv) which is surfaced with asphalt, concrete or granular material which has a dust free stable surface.
- 9.2.2.36.13 Exceptions: The provisions of subsections 9.2.1 (General Regulations) shall not apply to the area defined in subsection 9.2.2.36.1.⁸⁶
- 9.2.2.37
- 9.2.2.37.1 Defined Area: R1-37, as shown on Zoning Map, Part 7.
- 9.2.2.37.2 Lot Frontage: 30 metres
- 9.2.2.37.3 Front Yard: 12 metres
- 9.2.2.37.4 Exceptions: The provisions of subsections 9.2.1.4 and 9.2.1.7.1 shall not apply to the area defined in subsection 9.2.2.37.1.⁸⁷
- 9.2.2.38
- 9.2.2.38.1 Defined Area: R1-38, as shown on Zoning Map, Part 4(s).
- 9.2.2.38.2 Permitted Uses:
- a) single-detached dwelling
 - b) accessory uses
- 9.2.2.38.3 Permitted Buildings and Structures: Buildings and structures for the permitted uses.
- 9.2.2.38.4 Services Required: In this zone, no building or structure shall be erected or used for any purpose permitted by subsection 9.2.2.38.2 unless the following services

⁸⁶ Added new subsection by Clause 3 to By-law 99, April 12th, 1999.

⁸⁷ Added new subsection by Clause 5 to By-law 200, April 10th, 2000.

are available to service the building or structure and the land on which it is situate.

- a) a municipal water supply system; and
- b) a municipal sanitary sewage system and a storm sewage system.

9.2.2.38.5	<u>Maximum Number of Dwelling units:</u>	single detached dwelling -1 per lot
9.2.2.38.6	<u>Location of Buildings and Structures:</u>	Notwithstanding any other provision of By-law No. 1507 as amended no buildings or structures, except for any service required by subsection 9.2.2.38.4, shall be located within the area shown hatched on Schedule "25" to this By-law.
9.2.2.38.7	<u>Lot Depth:</u>	21 metres
9.2.2.38.8	<u>Exceptions:</u>	The provisions of subsections 9.2.1.1, 9.2.1.2, 9.2.1.5, and 9.2.1.7.3 shall not apply to the area defined in subsection 9.2.2.38.1. ⁸⁸
9.2.2.39		
9.2.2.39.1	<u>Defined Area:</u>	R1-39, as shown on Zoning Map, Part 4(s).
9.2.2.39.2	<u>Permitted Uses:</u>	<ul style="list-style-type: none">a) single-detached dwellingb) accessory uses
9.2.2.39.3	<u>Permitted Buildings and Structures:</u>	Buildings and structures for the permitted uses.
9.2.2.39.4	<u>Services Required:</u>	In this zone, no building or structure shall be erected or used for any purpose permitted by subsection 9.2.2.39.2 unless the following services are available to service the building or structure and the land on which it is situate. <ul style="list-style-type: none">a) a municipal water supply system; andb) a municipal sanitary sewage system and a storm sewage system.
9.2.2.39.5	<u>Maximum Number of Dwelling units:</u>	single detached dwelling 1 per lot
9.2.2.39.6	<u>Location Buildings and Structures:</u>	<ul style="list-style-type: none">a) The location of existing buildings and structures shall remain as they exist on the day of the passing of this by-law.b) Subsection 9.2.2.39.6 (a) shall not prohibit the erection of new buildings and structures, or the enlargement or extension of existing buildings or structures which are permitted under the provisions of 9.2.2.39.3 provided the erection of new buildings and structures, or the enlargement or extension of existing buildings or structures complies with the applicable provisions of By-law No. 1507 as amended.c) Notwithstanding any other provision of By-law No.1507 as amended no buildings or structures, except for any service required by subsection 9.2.2.39.4, shall be located within the area shown hatched on Schedule "25" to this By-law.
9.2.2.39.7	<u>Lot Depth:</u>	17 metres

⁸⁸ Added new subsection by Clause 3 to By-law 271, December 11th, 2000.

9.2.2.39.8	<u>Exceptions:</u>	<i>The provisions of subsections 9.2. 1.1, 9.2.1.2, 9.2.1.5, and 9.2.1.7.3 shall not apply to the area defined in subsection 9.2.2.39.1⁸⁹</i>
9.2.2.40		
9.2.2.40.1	<u>Defined Area:</u>	<i>R1-40, as shown on Zoning Map, Part 4(t).</i>
9.2.2.40.2	<u>Permitted Uses:</u>	<ul style="list-style-type: none"> a) <i>single-detached dwelling</i> b) <i>accessory uses</i>
9.2.2.40.3	<u>Permitted Buildings and Structures:</u>	<i>Buildings and structures for the permitted uses.</i>
9.2.2.40.4	<u>Services Required:</u>	<p><i>In this zone, no building or structure shall be erected or used for any purpose permitted by subsection 9.2.2.40.2 unless the following services are available to service the building or structure and the land on which it is situate.</i></p> <ul style="list-style-type: none"> a) <i>a municipal water supply system; and</i> b) <i>a municipal sanitary sewage system and a storm sewage system.</i>
9.2.2.40.5	<u>Maximum Number of Dwelling units:</u>	<i>single detached dwelling - 1 per lot</i>
9.2.2.40.6	<u>Location of Buildings and Structures:</u>	<i>Notwithstanding any other provision of by-law No.1507 as amended no buildings or structures, except for any service required by subsection 9.2.2.40.4, shall be located within the area shown hatched on Schedule "26" to this By-law.</i>
9.2.2.40.7	<u>Lot Depth:</u>	<i>23 metres</i>
9.2.2.40.8	<u>Front Yard:</u>	<ul style="list-style-type: none"> a) <i>7.62 metres for Lots 2, 4, 5 and 6 as shown on Schedule "26"</i> b) <i>3 metres for Lots 1 and 3 as shown on Schedule "26"</i>
9.2.2.40.9	<u>Exceptions:</u>	<i>The provisions of subsections 9.2.1.1, 9.2.1.2, 9.2.1.5, 9.2.1.7.1 and 9.2.1.7.3 shall not apply to the area defined in subsection 9.2.2.40.1⁹⁰</i>
9.2.2.41		
9.2.2.41.1	<u>Defined Area:</u>	<i>R1-41, as shown on Zoning Map, Part 4(t).</i>
9.2.2.41.2	<u>Permitted Uses:</u>	<ul style="list-style-type: none"> a) <i>single-detached dwelling</i> b) <i>accessory uses</i>
9.2.2.41.3	<u>Permitted Buildings and Structures:</u>	<i>Buildings and structures for the permitted uses.</i>
9.2.2.41.4	<u>Services Required:</u>	<p><i>In this zone, no building or structure shall be erected or used for any purpose permitted by subsection 9.2.2.41.2 unless the following services are available to service the building or structure and the land on which it is situate.</i></p> <ul style="list-style-type: none"> a) <i>a municipal water supply system; and</i> b) <i>a municipal sanitary sewage system and a storm sewage system.⁹¹</i>

⁸⁹ Added new subsections by Clause 5 to By-law 271, December 11th, 2000.

⁹⁰ Added new subsections by Clause 3 to By-law 269, December 11th, 2000.

9.2.2.42		
9.2.2.42.1	<u>Defined Area:</u>	R1-42, as shown on Zoning Map, Part 4(u) and Map Part 5(p).
9.2.2.42.2	<u>Permitted Uses:</u>	a) single detached dwelling b) accessory uses
9.2.2.42.3	<u>Additional Permitted Buildings and Structures:</u>	Buildings and structures for the uses permitted by 9.2.2.42.2.
9.2.2.42.4	<u>Services Required:</u>	In this zone, no building or structure shall be Erected or used for any purpose permitted by Subsection 9.2.2.42.2 unless the following services are available to service the building or structure and the land on which it is situate. a) a municipal water supply system; and b) a municipal sanitary sewage system and a storm sewage system.
9.2.2.42.5	<u>Maximum Number of Dwelling Units:</u>	single detached dwelling - 1 per lot
9.2.2.42.6	<u>Lot Area:</u>	380 square metres
9.2.2.42.7	<u>Lot Frontage:</u>	12 metres
9.2.2.42.8	<u>Coverage:</u>	40% maximum.
9.2.2.42.9	<u>Front Yard Depth:</u>	6 metres.
9.2.2.42.10	<u>Rear Yard Depth:</u>	9 metres.
9.2.2.42.11	<u>Side Yard Depth:</u>	a) Interior side yard - 1 metre for a single detached dwelling. b) exterior side yard - 4 metres.
9.2.2.42.12	<u>Height:</u>	a) 11 metres for a single detached dwelling. b) 6 metres for detached accessory buildings and structures.
9.2.2.42.13	<u>Ground Floor Area:</u>	a) 1 story detached dwelling- 74 square metres. b) 1½ story detached dwelling- 60 square metres.
9.2.2.42.14	<u>Off Street Parking:</u>	1.5 spaces per dwelling unit.
9.2.2.42.15	<u>Exceptions:</u>	The provisions of subsections 9.2.1 (General Regulations) shall not apply to the area defined in subsection 9.2.2.42.1. ⁹²
9.2.2.43		
9.2.2.43.1	<u>Defined Area:</u>	R1-43, as shown on Zoning Map, Part 3(ah).
9.2.2.43.2	<u>Permitted Uses:</u>	(a) Residential use; (b) Home occupations; (c) Accessory uses.
9.2.2.43.3	<u>Permitted Buildings and Structures:</u>	Buildings and structures for the permitted use.

⁹¹ Added new subsections by Clause 5 to By-law 269, December 11th, 2000.

⁹² Added new subsections by Clause 5 to By-law 569, July 21th, 2003.

9.2.2.43.4	<u>Location of Buildings and Structures:</u>	<i>Notwithstanding any other provisions of By-law 1507 as amended, no buildings or structures, save and except for a fence, a dock, or structures necessary for purposes of flood and erosion control, shall be located within the area shown hatched on Schedule "27" to this By-law.</i>
9.2.2.43.5	<u>Front Yard:</u>	<i>6.5 metres for Lot 1 as shown on Schedule "27".</i>
9.2.2.43.6	<u>Services Required:</u>	<i>In this zone, no building or structure shall be erected or used for any purpose permitted by subsection 9.2.2.42.2 unless the following services are available to service the building or structure and the land on which it is situate.</i> a) <i>a municipal water supply system; and</i> b) <i>a municipal sanitary sewage system and a storm sewage system.</i>
9.2.2.43.7	<u>Exceptions:</u>	<i>The provisions of subsections 9.2.1.1, 9.2.1.2 and 9.2.1.7.1 shall not apply to the area defined in subsection 9.2.2.43.1.⁹³</i>
9.2.2.44		
9.2.2.44.1	<u>Defined Area:</u>	<i>R1-44, as shown on Zoning Map, Part 2(af).</i>
9.2.2.44.2	<u>Permitted Uses:</u>	(a) <i>Residential use;</i> (b) <i>Home occupations;</i> (c) <i>Accessory uses.</i>
9.2.2.44.3	<u>Permitted Buildings and Structures:</u>	<i>Buildings and structures for the permitted use.</i>
9.2.2.44.4	<u>Location of Buildings and Structures:</u>	<i>Notwithstanding any other provisions of By-law 1507 as amended, buildings and structures permitted by Subsection 9.2.2.44.3 shall be located within the "Building Area" as shown on Schedule "27" to this By-law.</i>
9.2.2.44.5	<u>Exceptions:</u>	<i>The provisions of subsections 9.2.1.1, 9.2.1.2 and 9.2.1.7 shall not apply to the area defined in subsection 9.2.2.44.1.⁹⁴</i>
9.2.2.45		
9.2.2.45.1	<u>Defined Area:</u>	<i>R1-45, as shown on Zoning Map, Part 5(r).</i>
9.2.2.45.2	<u>Other Permitted Structures:</u>	<i>A second single detached dwelling unit.</i>
9.2.2.45.3	<u>Minimum Lot Area:</u>	<i>1.0 hectares</i>
9.2.2.45.4	<u>Minimum Lot Frontage:</u>	<i>60 metres</i>
9.2.2.45.5	<u>Exceptions:</u>	<i>The provisions of subsections 9.2.1.3 and 9.2.1.4 shall not apply to the area defined in subsection 9.2.2.45.1⁹⁵</i>

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

9.2.2.45		
9.2.2.45.1	<u>Defined Area:</u>	<i>R1-45, as shown on Zoning Map, Part 1(bh) and Zoning Map, Part 2(ag).</i>

⁹³ Added new subsection by Clause 3 to By-law 600, October 14th, 2003.

⁹⁴ Added new subsection by Clause 3 to By-law 620, December 8th, 2003.

⁹⁵ Added new subsection by Clause 3 to By-law 686, July 26th, 2004.

- 9.2.2.45.2 Only Permitted Use: (a) *Single detached dwelling.*
(b) *Accessory uses.*
- 9.2.2.45.3 Permitted Buildings and Structures: *Buildings and structures for the uses permitted by Subsection 9.2.2.45.2.*
- 9.2.2.45.4 Minimum Lot Area: *6,000 square metres.*
- 9.2.2.45.5 Minimum Dwelling Unit Ground Floor Area: (a) *74m² for a 1 storey dwelling or a split level dwelling.*
(b) *60m² for a 2 storey dwelling.*
- 9.2.2.45.6 Maximum Number of Dwelling Units: *17.*
- 9.2.2.45.7 Maximum Building Height: *2 storeys plus a partial storey to permit a loft within the attic not to exceed 45% of the floor area of the second storey.*
- 9.2.2.45.8 Maximum Lot Coverage: *52%.*
- 9.2.2.45.9 Required Minimum Number of Parking Spaces: (a) *2 spaces for each dwelling.*
(b) *9 spaces for visitor parking.*
- 9.2.2.45.10 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.*
- 9.2.2.45.11 Definitions: (a) *For the purposes of paragraph 9.2.2.45.5(a), "split level dwelling" means a dwelling unit 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.*
(b) *For the purposes of paragraph 9.2.2.45.10, "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.*
(c) *For the purposes of paragraph 9.2.2.45.10, "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.*
- 9.2.2.45.12 Exceptions: *The provisions of subsection 9.2.1 shall not apply*

to the area affected.⁹⁶

9.2.2.46

9.2.2.46.1 Defined Area: R1-46, as shown on Zoning Map, Part 2(ah).

9.2.2.46.2 Other Permitted Structures:
(a) Single detached dwelling.
(b) Accessory Uses.

9.2.2.46.3 Permitted Buildings: Buildings and structures for the uses permitted by subsection 9.2.2.46.2.

9.2.2.46.4 Location of Buildings and Structures: Buildings and structures permitted by subsection 9.2.2.46.3 shall be erected only within the area designated "Building Area: on Schedule 29.

9.2.2.46.5 Exceptions: The provisions of subsections 9.2.1.1, 9.2.1.2, and 9.2.7 shall not apply to the area affected.⁹⁷

9.2.2.47

9.2.2.47.1 Defined Area: R1-47, as shown on Zoning Map, Part 2(ai).

9.2.2.47.2 Other Permitted Structures:
(a) Single detached dwelling.
(b) Accessory Uses.

9.2.2.47.3 Permitted Buildings: Buildings and structures for the uses permitted by subsection 9.2.2.47.2.

9.2.2.47.4 Minimum Side Yard Depth: 4 feet.

9.2.2.47.5 Exceptions: The provisions of subsections 9.2.1.7.2 shall not apply to the area affected.⁹⁸

9.2.2.48

9.2.2.48.1 Defined Area: R1-48, as shown on Zoning Map, Part 4(x).

9.2.2.48.2 Additional Permitted Use: A "bed and breakfast establishment" as defined in subsection 9.2.2.48.3.

9.2.2.48.3 Definition: For the purposes of this amendment, a Bed and Breakfast Establishment means a single detached dwelling in which the owner resides and in which no more than three rooms are supplied for gain and profit, with or without meals, for the temporary accommodation of the travelling public, but does not include a group home, boarding house, motel or restaurant.

9.2.2.48.4 Off Street Parking: One parking space per room made available for the use permitted by Subsection 9.2.2.48.2 shall be provided and maintained at all times.⁹⁹

9.2.2.49

9.2.2.49.1 Defined Area: R1-49, as shown on Zoning Map, Part 3(ak) and Part 5(t).

9.2.2.49.2 Applicable Provisions: The provisions of subsection 9.2.1 and all other

⁹⁶ Added new subsection by Clause 4 to By-law 937, February 19th, 2004.

⁹⁷ Added new subsection by Clause 4 to By-law 929, March 26th, 2007.

⁹⁸ Added new subsection by Clause 3 to By-law 951, March 26th, 2007.

⁹⁹ Added new subsection by Clause 3 to By-law 1000, September 10th, 2007.

provisions of this by-law applicable to lands, buildings and structures within R1 Zone shall apply to the area affected.

9.2.2.49.3 Holding Zone:

(a) Notwithstanding any other provisions of this By-law, where the Symbol "h" appears on Zoning Map 3 (ak) and Part 5 (t) as a prefix to the R1-49 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 Map Part is subject to the following requirements:

(b) Hold Zone Provision:

Record of Site Condition- to ensure that environmental soil quality fur the binds meets with the minimum standards of the Province for residential use, the "h" symbol shall not be deleted from the area affected until:

(i) the Municipality is provided with a copy of an acknowledgment from a Director, duly appointed under the Environmental Protection Act, that a Record of Site Condition prepared in accordance with the requirements of Ontario Regulation 153/04 or amendments thereto has been filed in the Provincial Environmental Site Registry; and

(ii) the Municipality is provided with a copy of the Record of Site Condition, duly signed by a Qualified person, along with all supporting documentation.

(c) Interim Permitted Uses:

Uses existing as of the date of the passing of this By-law.¹⁰⁰

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

9.2.2.49

9.2.2.49.1 Defined Area:

R1-49, as shown on Zoning Map, Part 1 (bm).

9.2.2.49.2 Additional Permitted Use:

Duplex dwelling

9.2.2.49.3 Permitted Buildings and Structures:

Buildings and structures for the uses permitted by 9.2.2.29.2.

9.2.2.49.4 Definition:

For the purposes of this amendment, a "duplex dwelling" means a building contained two dwelling unit that are separate horizontally and each of which has an independent entrance or an entrance through a common vestibule.¹⁰¹

9.2.2.50

9.2.2.50.1 Defined Area:

R1-50, as shown on Zoning Map, Part 2 (ak).

9.2.2.50.2 Only Permitted Use:

(a) Single detached dwelling.

(b) Accessory Uses.

¹⁰⁰ Added new subsection by Clause 4 to By-law 1176, September 21st, 2009.

¹⁰¹ Added new subsection by Clause 3 to By-law 1185, November 23rd, 2009.

9.2.2.50.3	<u>Permitted Buildings and Structures:</u>	<i>Buildings and structures for the uses permitted by subsection 9.2.2.50.2.</i>
9.2.2.50.4	<u>Minimum Side Yard Depth:</u>	<i>4 feet.</i>
9.2.2.50.5	<u>Exceptions:</u>	<i>The provisions of subsections 9.2.1.1, 9.2.1.2 and 9.2.1.7.2 shall not apply to the area affected.¹⁰²</i>
9.2.2.51		
9.2.2.51.1	<u>Defined Area:</u>	<i>R1-51, as shown on Zoning Map, Part 1(bo).</i>
9.2.2.51.2	<u>Additional Permitted Use:</u>	<i>A "bed and breakfast establishment" as defined in subsection 9.2.2.51.3.</i>
9.2.2.51.3	<u>Definition:</u>	<i>For the purposes of this amendment, a <u>Bed and Breakfast Establishment</u> means a single detached dwelling in which no more than two rooms are supplied for gain and profit, with or without meals, for the temporary accommodation of the travelling public, but does not include a group home, boarding house, motel or restaurant.</i>
9.2.2.51.4	<u>Off Street Parking:</u>	<i>One parking space per room made available for the use permitted by Subsection 9.2.2.51.2 shall be provided and maintained at all times.¹⁰³</i>
9.2.2.52		
9.2.2.52.1	<u>Defined Area:</u>	<i>R1-52, as shown on Zoning Map, Part 2(a).</i>
9.2.2.52.2	<u>Permitted Uses:</u>	<ul style="list-style-type: none"> (a) <i>single detached dwelling.</i> (b) <i>semi-detached dwelling.</i> (c) <i>accessory uses.</i>
9.2.2.52.3	<u>Permitted Buildings:</u>	<i>In this zone, no building or structure shall be erected except for the uses permitted by subsection 9.2.2.52.2.</i>
9.2.2.52.4	<u>Services Required:</u>	<p><i>In this zone no building shall be erected or used for any purpose permitted by subsection 9.2.52.2 unless the following services are available to service the building or structure and the land on which it is suitable.</i></p> <ul style="list-style-type: none"> (a) <i>a water supply system; and</i> (b) <i>a sanitary sewage system</i>
9.2.2.52.5	<u>Maximum Lot Area:</u>	<ul style="list-style-type: none"> (a) <i>single detached dwelling - 380 square metres.</i> (b) <i>semi-detached dwelling - 300 square metres per dwelling unit.</i>
9.2.2.52.6	<u>Minimum Lot Frontage:</u>	<ul style="list-style-type: none"> (a) <i>single detached dwelling – 12 metres.</i> (b) <i>semi-detached dwelling – 10 metres per dwelling unit.</i>
9.2.2.52.7	<u>Maximum Coverage:</u>	<i>40% maximum.</i>
9.2.2.52.8	<u>Maximum Number</u>	

¹⁰² Added new subsection by Clause 3 to By-law 1213, January 25th, 2010.

¹⁰³ Added new subsection by Clause 3 to By-law 1242, May 10th, 2010.

	<u>of Dwelling Units:</u>	(a) single detached dwelling - 1 per lot. (b) semi-detached dwelling - 2 per lot.
9.2.2.52.9	<u>Minimum Front Yard Depth:</u>	6 metres.
9.2.2.52.10	<u>Minimum Rear Yard Depth:</u>	9 metres.
9.2.2.52.11	<u>Minimum Side Yard Depth:</u>	(a) interior side yard - 1 metre (b) exterior side yard - 4 metres.
9.2.2.52.12	<u>Maximum Height:</u>	(a) 11 metres for the main building. (b) 6 metres for detached accessory buildings and structures.
9.2.2.52.13	<u>Minimum Ground Floor Area:</u>	(a) 1 story dwelling - 74 square metres. (b) 1-1/2 story dwelling - 60 square metres. (c) 2 story dwelling - 42 square metres.
9.2.2.52.14	<u>Minimum Off-Street Parking:</u>	2 parking spaces per dwelling unit.
9.2.2.52.15	<u>Exceptions:</u>	The provisions of subsection 9.2.1 (General Regulations) shall not apply to the area defined in subsection 9.2.2.52.1. ¹⁰⁴

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

9.2.2.52		
9.2.2.52.1	<u>Defined Area:</u>	R1-52, as shown on Zoning Map, Part 3(a1).
9.2.2.52.2	<u>Only Permitted Use:</u>	(a) Residential use. (b) Home occupations. (c) Accessory Uses.
9.2.2.52.3	<u>Only Permitted Buildings and Structures:</u>	(a) A residential dwelling with two dwelling units existing on the day of passing of this by-law. (b) Accessory buildings and structures.
9.2.2.52.4	<u>Exceptions:</u>	The provisions of subsections 9.2.1.1, 9.2.1.2, 9.2.1.9 and 9.2.1.10 shall not apply to the area defined in subsection 9.2.2.52.1. ¹⁰⁵
9.2.2.53		
9.2.2.53.1	<u>Defined Area:</u>	R1-53, as shown on Zoning Map, Part 4(x).
9.2.2.53.2	<u>Additional Permitted Use:</u>	A "bed and breakfast establishment" as defined in subsection 9.2.2.53.3.
9.2.2.53.3	<u>Definition:</u>	For the purposes of this amendment, a <u>Bed and Breakfast Establishment</u> means a single detached dwelling in which the owner resides and in which no more than three rooms are supplied for gain and profit, with or without meals, for the temporary accommodation of the travelling public, but does not include a group home, boarding house, motel or restaurant.
9.2.2.53.4	<u>Off Street Parking:</u>	One parking space per room made available for

¹⁰⁴ Added new subsection by Clause 3 to By-law 1257, June 21st, 2010.

¹⁰⁵ Added new subsection by Clause 3 to By-law 1378, 2010.

the use permitted by Subsection 9.2.2.53.2 shall be provided and maintained at all times.¹⁰⁶

9.2.2.54		
9.2.2.54.1	<u>Defined Area:</u>	R1-54, as shown on Zoning Map, Part 2(am).
9.2.2.54.2	<u>Permitted Uses:</u>	a) single detached dwelling b) accessory uses.
9.2.2.54.3	<u>Permitted Buildings:</u>	In this zone, no building or structure shall be erected except for the uses permitted by subsection 9.2.2.54.2.
9.2.2.54.4	<u>Services Required:</u>	In this zone, no building or structure shall be erected or used for any purpose permitted by subsection 9.2.2.54.2 unless the following services are available to service the building or structure and the land on which it is situate. a) a water supply system; and b) a sanitary sewage system
9.2.2.54.5	<u>Minimum Lot Area:</u>	900 square metres.
9.2.2.54.6	<u>Minimum Lot Frontage:</u>	12 metres.
9.2.2.54.7	<u>Maximum Coverage:</u>	40% maximum.
9.2.2.54.8	<u>Maximum Number of Dwelling Units:</u>	1 per lot.
9.2.2.54.9	<u>Minimum Front Yard Depth:</u>	6 metres.
9.2.2.54.10	<u>Minimum Rear Yard Depth:</u>	9 metres.
9.2.2.54.11	<u>Minimum Side Yard Depth:</u>	a) interior side yard- 1 metre. b) exterior side yard- 4 metres.
9.2.2.54.12	<u>Maximum Height:</u>	a) 11 metres for the main building. b) 6 metres for detached accessory buildings and structures
9.2.2.54.13	<u>Minimum Ground Floor Area:</u>	a) 1 storey dwelling- 74 square metres. b) 1-112 storey dwelling- 60 square metres. c) 2-storey dwelling- 42 square metres.
9.2.2.54.14	<u>Minimum Off-Street Parking:</u>	2 parking spaces per dwelling unit.
9.2.2.54.15	<u>Street Reserves:</u>	Notwithstanding any other provision of this by-law, for the purposes of determining compliance with the zoning by-law: a) a street reserve shall be considered part of the adjacent street; b) where a street reserve exists, for the purposes of determining the minimum required front yard depth, exterior side yard depth or exterior rear yard depth, such measurement shall be taken from the common boundary between the road allowance and the street reserve.

¹⁰⁶ Added new subsection by Clause 3 to By-law 1412, December 19th, 2011.

9.2.2.54.16	<u>Exceptions:</u>	<i>The provisions of subsection 9.2.1 (General Regulations) shall not apply to the area defined in subsection 9.2.2.54.¹⁰⁷</i>
9.2.2.55		
9.2.2.55.1	<u>Defined Area:</u>	<i>R1-55, as shown on Zoning Map, Part 3(am).</i>
9.2.2.55.2	<u>Only Permitted Buildings and Structures:</u>	<ul style="list-style-type: none"> (a) <i>A townhouse dwelling.</i> (b) <i>Accessory buildings and structures.</i>
9.2.2.55.3	<u>Maximum Number of Dwelling Units:</u>	<i>4</i>
9.2.2.55.4	<u>Front Yard:</u>	<i>7 metres</i>
9.2.2.55.5	<u>Side Yard:</u>	<i>1 metre</i>
9.2.2.55.6	<u>Height:</u>	<i>1 story maximum for the main building.</i>
9.2.2.55.7	<u>Coverage:</u>	<i>40% maximum for the dwelling.</i>
9.2.2.55.8	<u>Frontage:</u>	<i>30 metres.</i>
9.2.2.55.9	<u>Definition:</u>	<i>“townhouse dwelling” means a buildings 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.</i>
9.2.2.55.10	<u>Exceptions:</u>	<i>The provisions of subsections 9.2.1.2, 9.2.1.4 9.2.1.6(a), 9.2.1.7.1(a), 9.2.1.7.2 and 9.2.1.8 shall not apply to the area defined in subsection 9.2.2.55.1.¹⁰⁸</i>

(By-law 1677 (R1-56) never passed, application held in abeyance at request of applicant.)

(Note: The following zone designation has a typo on the zone designation (s/b R1-57) and will be corrected in a future consolidation of the By-law.)

9.2.2.57		
9.2.2.57.1	<u>Defined Area:</u>	<i>R1-56, as shown on Zoning Map, Part 1(bp).</i>
9.2.2.57.2	<u>Only Permitted Use:</u>	<i>Residential use.</i>
9.2.2.57.3	<u>Only Permitted Buildings and Structures:</u>	<ul style="list-style-type: none"> (a) <i>One single detached dwelling on one lot.</i> (b) <i>Accessory building and structures.</i>
9.2.2.57.4	<u>Lot Area</u>	<i>185 square metres.</i>
9.2.2.57.5	<u>Lot Depth:</u>	<i>15 metres.</i>
9.2.2.57.6	<u>Front Yard:</u>	<i>.6 metres.</i>
9.2.2.57.7	<u>Side Yard:</u>	<i>1 metre</i>
9.2.2.57.8	<u>Rear Yard:</u>	<i>1.2 metres.</i>
9.2.2.57.9	<u>Coverage:</u>	<i>70% maximum.</i>
9.2.2.57.10	<u>Off-Street Parking:</u>	<i>1 space.</i>
9.2.2.57.11	<u>Exceptions:</u>	<i>The provisions of subsection 9.2.1.1, 9.2.1.2, 9.2.1.5, 9.2.1.6, 9.2.1.7, 9.2.1.9, 9.2.1.10, 9.2.1.11 and 7.5.2 shall not apply to the area defined in subsection 9.2.2.57.1.¹⁰⁹</i>

¹⁰⁷ Added new subsection by Clause 4 to By-law 1440, March 26th, 2012.

¹⁰⁸ Added new subsection by Clause 3 to By-law 1506, August 27th, 2012.

9.2.2.58		
9.2.2.58.1	<u>Defined Area:</u>	R1-58, as shown on Zoning Map, Part 2(an).
9.2.2.58.2	<u>Only Permitted Use:</u>	Residential Use.
9.2.2.58.3	<u>Only Permitted Buildings and Structures:</u>	(a) One single detached dwelling on one lot. (b) Accessory buildings and structures.
9.2.2.58.4	<u>Location of Buildings and Structures:</u>	Buildings and structures shall be located within the "Building Area" as shown on Schedule 31 to this By-law.
9.2.2.58.5	<u>Use of Land for Parking:</u>	No parking lot, parking space or residential driveway shall be located or used within a front yard if the area of all such driveways, parking spaces and parking lots in such yard exceeds 50% of the area of such yard.
9.2.2.58.6	<u>Exceptions:</u>	The provisions of subsection 9.2.1.1, 9.2.1.2 and 9.2.1.7 shall not apply to the area defined in subsection 9.2.2.58.1. ¹¹⁰
9.2.2.59		
9.2.2.59.1	<u>Defined Area:</u>	R1-59, as shown on Zoning Map, Part 2(an).
9.2.2.59.2	<u>Only Permitted Uses:</u>	(a) Residential use. (b) Home occupations. (c) Accessory uses.
9.2.2.59.3	<u>Only Permitted Buildings and Structures:</u>	(a) One single detached dwelling on one lot. (b) Accessory buildings and structures.
9.2.2.59.4	<u>Minimum Side Yard:</u>	1.22 metres.
9.2.2.59.5	<u>Exceptions:</u>	The provisions of subsection 9.2.1.1, 9.2.1.2 and 9.2.1.7.2 shall not apply to the area defined in subsection 9.2.2.59.1. ¹¹¹
9.2.2.60		
9.2.2.60.1	<u>Defined Area:</u>	R1-60, as shown on Zoning Map, Part 2(ao).
9.2.2.60.2	<u>Only Permitted Uses:</u>	(a) Residential use. (b) Home occupations. (c) Accessory uses.
9.2.2.60.3	<u>Only Permitted Buildings and Structures:</u>	(a) Eight single detached dwellings existing at the time of the passing of this by-law. (b) Accessory buildings and structures.
9.2.2.60.4	<u>Exceptions:</u>	The provisions of subsection 9.2.1.1 and 9.2.1.2 shall not apply to the area defined in subsection 9.2.2.60.1. ¹¹²

¹⁰⁹ Added new subsection by Clause 3 to By-law 1676, January 20th, 2014.

¹¹⁰ Added new subsection by Clause 4 to By-law 1799, December 22nd, 2014.

¹¹¹ Added new subsection by Clause 3 to By-law 1829, March 9th, 2015.

¹¹² Added new subsection by Clause 3 to By-law 1948, November 23rd, 2015.

9.2.2.61		
9.2.2.61.1	<u>Defined Area:</u>	R1-61, as shown on Zoning Map, Part 5(v).
9.2.2.61.2	<u>Only Permitted Uses:</u>	(a) Residential use. (b) Home occupations. (c) Accessory uses.
9.2.2.61.3	<u>Only Permitted Buildings and Structures:</u>	(a) One single detached dwelling on a lot. (b) Accessory buildings and structures.
9.2.2.61.4	<u>Location of Permitted Buildings and Structures:</u>	Buildings and other structures permitted by Subsection 9.2.2.61.3 shall only be permitted within the area marked as "Building Area" on Schedule "A".
9.2.2.61.5	<u>Exceptions:</u>	The provisions of subsection 9.2.1.1, 9.2.1.2 and 9.2.1.7 shall not apply to the area defined in subsection 9.2.2.61.1. ¹¹³
9.2.2.62		
9.2.2.62.1	<u>Defined Area:</u>	R1-62, as shown on Zoning Map, Part 5(v).
9.2.2.62.2	<u>Only Permitted Uses:</u>	(a) Residential use. (b) Home occupations. (c) Accessory uses.
9.2.2.62.3	<u>Only Permitted Buildings and Structures:</u>	(a) One single detached dwelling on a lot. (b) Accessory buildings and structures.
9.2.2.62.4	<u>Location of Permitted Buildings and Structures:</u>	(a) The location of any buildings and other structures shall remain as they lawfully exist on the day of passing of this by-law. (b) Subsection 9.2.2.62.4(a) shall not prohibit the erection of accessory buildings or the enlargement or extension of buildings or other structures which are permitted under the provisions of Subsection 9.2.2.62.3 provided the erection, enlargement or extension is in conformity with the applicable provisions of this By-law.
9.2.2.62.5	<u>Rear Yard:</u>	20 metres.
9.2.2.62.6	<u>Exceptions:</u>	The provisions of subsection 7.5.2, 9.2.1.1, 9.2.1.2 and 9.2.1.7.3 shall not apply to the area defined in subsection 9.2.2.62.1. ¹¹⁴

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

9.2.2.62		
9.2.2.62.1	<u>Defined Area:</u>	R1-62, as shown on Zoning Map, Part 7(b).
9.2.2.62.2	<u>Only Permitted Uses:</u>	(a) Residential use. (b) Home occupations. (c) Accessory uses.
9.2.2.62.3	<u>Only Permitted Buildings and Structures:</u>	(a) One single detached dwelling on one lot.

¹¹³ Added new subsection by Clause 3 to By-law 2010, April 25th, 2016.

¹¹⁴ Added new subsection by Clause 5 to By-law 2010, April 25th, 2016.

		(b) Accessory buildings and structures.
9.2.2.62.4	<u>Location of Permitted Buildings and Structures:</u>	Buildings and structures shall be located within the "Building Area" as shown on Schedule 32 to this By-law.
9.2.2.62.5	<u>Exceptions:</u>	The provisions of subsection 9.2.1.1, 9.2.1.2 and 9.2.1.7 shall not apply to the area defined in subsection 9.2.2.62.1. ¹¹⁵
9.2.2.63		
9.2.2.63.1	<u>Defined Area:</u>	R1-63, as shown on Zoning Map, Part 1(br).
9.2.2.63.2	<u>Only Permitted Uses:</u>	(a) Residential use. (b) Home occupations. (c) Accessory uses.
9.2.2.63.3	<u>Only Permitted Buildings and Structures:</u>	(a) One single detached dwelling on one lot. (b) Accessory buildings and structures.
9.2.2.63.4	<u>Location of Permitted Buildings and Structures:</u>	Buildings and structures shall be located within the "Building Area" as shown on Schedule 33 to this By-law.
9.2.2.63.5	<u>Height:</u>	3 stories for the main building.
9.2.2.63.6	<u>Encroachment:</u>	Notwithstanding the provisions of Subsection 9.2.2.63.4, a portico or other unenclosed entrance covering with a maximum area of 2.5m ² may encroach within the westerly yard as shown on Schedule 33, but must maintain a minimum setback of 0.3 metres from the westerly side lot line.
9.2.2.63.7	<u>Exceptions:</u>	The provisions of subsections 2.3.1, 9.2.1.1, 9.2.1.2, 9.2.1.7 and 9.2.1.8(a) shall not apply to the area defined in subsection 9.2.2.63.1. ¹¹⁶
9.2.2.64		
9.2.2.64.1	<u>Defined Area:</u>	R1-64, as shown on Zoning Map, Part 3(an).
9.2.2.64.2	<u>Only Permitted Buildings and Structures:</u>	(a) A townhouse dwelling. (b) Accessory buildings and structures.
9.2.2.64.3	<u>Maximum Number of Dwelling Units:</u>	4
9.2.2.64.4	<u>Front Yard:</u>	7 metres.
9.2.2.64.5	<u>Side Yards:</u>	1 metre.
9.2.2.64.6	<u>Rear Yard:</u>	9 metres.
9.2.2.64.7	<u>Height:</u>	1 storey maximum for the main building.
9.2.2.64.8	<u>Coverage:</u>	40% maximum for the dwelling. 10% maximum for accessory structures.
9.2.2.64.9	<u>Frontage:</u>	30 metres.

¹¹⁵ Added new subsection by Clause 5 to By-law 2036, June 27th, 2016.

¹¹⁶ Added new subsection by Clause 4 to By-law 2087, November 28th, 2016.

- 9.2.2.64.10 Definition: "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.
- 9.2.2.64.11 Severance of Units: Where a townhouse dwelling is lawfully erected in accordance with the provisions of this by-law and any such dwelling and the lot on which it is located are lawfully severed, the zone requirements applicable to such townhouse dwelling and the lot on which it is located as set forth in this Subsection 9.2.2.64, as the case may be, shall apply to each lot created and the part of the building erected thereon except that the minimum lot frontage shall be 6 metres, and the minimum side yards shall be nil for an interior unit and for an end unit one side yard shall be nil and 1 meters for the other.
- 9.2.2.64.12 Exceptions: The provisions of subsections 9.2.1.2, 9.2.1.4, 9.2.1.6, 9.2.1.7.1(a), 9.2.1.7.2, 9.2.1.7.3 and 9.2.1.8(a) shall not apply to the area defined in subsection 9.2.2.64.1.¹¹⁷

9.2.2.65

9.2.2.65.1 Defined Area: R1-65, as shown on Zoning Map, Part 2(ap).

9.2.2.65.2 Permitted Buildings and Structures:

- (a) Single detached dwelling.
- (b) Accessory buildings and structures.

9.2.2.65.3 Side Yards: 1 metre.

9.2.2.65.4 Rooftop Access: A covering for rooftop access is permitted above the second storey, with a maximum area not to exceed 10m² and a height not to exceed 3.2 metres.

9.2.2.65.5 Exceptions: The provisions of subsections 9.2.1.2, and 9.2.1.7.2 shall not apply to the area defined in subsection 9.2.2.65.1.¹¹⁸

9.2.2.66

9.2.2.66.1 Defined Area: R1-66, as shown on Zoning Map, Part 3(ao).

9.2.2.66.2 Additional Permitted Use: Apartment dwelling.

9.2.2.66.3 Maximum Number of Dwelling Units: 2¹¹⁹

R1-67 and R1-68 zones deleted by the repeal of By-law 2163 by Clause 1 to By-law 2942, December 16th, 2024.

9.2.2.69

9.2.2.69.1 Defined Area: R1-69, as shown on Zoning Maps, Part 1(bs) and Part 2(ar).

8.2.2.69.2 Additional Permitted Building: An apartment dwelling located within the existing detached garage.¹²⁰

9.2.2.70

9.2.2.70.1 Defined Area: R1-70, as shown on Zoning Map, Part 2(as).

9.2.2.70.2 Additional Permitted Building: An apartment dwelling located within the detached garage.¹²¹

¹¹⁷ Added new subsection by Clause 3 to By-law 2095, January 9th, 2017.

¹¹⁸ Added new subsection by Clause 3 to By-law 2142, April 24th, 2017.

¹¹⁹ Added new subsection by Clause 3 to By-law 2162, July 24th, 2017.

¹²⁰ Added new subsection by Clause 4 to By-law 2231, February 26th, 2018.

9.2.2.71

9.2.2.71.1	<u>Defined Area:</u>	R1-71 as shown on Zoning Map, Part 1(bt).
9.2.2.71.2	<u>Only Permitted Use:</u>	Residential Use.
9.2.2.71.3	<u>Only Permitted Buildings and Structures:</u>	(a) One single detached dwelling on one lot. (b) Accessory buildings and structures.
9.2.2.71.4	<u>Lot Area:</u>	160 square metres.
9.2.2.71.5	<u>Lot Depth:</u>	15 metres.
9.2.2.71.6	<u>Front Yard:</u>	1.0 metre.
9.2.2.71.7	<u>Side Yards:</u>	1.07 metres.
9.2.2.71.8	<u>Rear Yard:</u>	1.42 metres.
9.2.2.71.9	<u>Coverage:</u>	52% maximum.
9.2.2.71.10	<u>Height:</u>	3 storeys maximum for the main building.
9.2.2.71.11	<u>Off-street Parking:</u>	1 space.
9.2.2.71.12	<u>Exceptions:</u>	The provisions of subsections 9.2.1.1, 9.2.1.2, 9.2.1.3, 9.2.1.5, 9.2.1.6, 9.2.1.7, 9.2.1.8(a), 9.2.1.9, 9.2.1.10, 9.2.1.11 and 7.5.2 shall not apply to the area defined in subsection 9.2.2.71.1. ¹²²

9.2.2.72

9.2.2.72.1	<u>Defined Area:</u>	R1-72, as shown on Zoning Map Parts 2(at) and 3(ap).
9.2.2.72.2	<u>Only Permitted Uses:</u>	(a) Residential use. (b) Accessory uses.
9.2.2.72.3	<u>Only Permitted Buildings and Structures:</u>	(a) Single detached dwelling (b) Accessory buildings and structures.
9.2.2.72.4	<u>Minimum Lot Area:</u>	380 square metres.
9.2.2.72.5	<u>Minimum Lot Frontage:</u>	12 metres.
9.2.2.72.6	<u>Maximum Lot Coverage:</u>	40%
9.2.2.72.7	<u>Location of Buildings and Other Structures:</u>	
	(i) Front Yard:	6 metres.
	(ii) Side Yard:	(a) Interior: 1 metre. (b) Exterior: 3.5 metres.
	(iii) Rear Yard:	6 metres.
9.2.2.72.8	<u>Maximum Height:</u>	(a) 2 stories for the main building. (b) 18 feet maximum for accessory buildings and structures.
9.2.2.72.9	<u>Ground Floor Area:</u>	(a) 1 storey dwelling – 75m ² (b) 1.5 storey dwelling – 60m ²

¹²¹ Added new subsection by Clause 3 to By-law 2271, June 25th, 2018.

¹²² Added new subsection by Clause 3 to By-law 2277, July 23rd, 2018.

(c) 2 storey dwelling – 42m²

9.2.2.72.10 Off Street Parking:

2 spaces per dwelling unit.

9.2.2.72.11 Encroachments:

A porch or deck that is covered or uncovered but not enclosed may encroach into a required front or rear yard but not more than 2 metres.

9.2.2.72.12 Holding Zone:

Where the symbol “h” appears on a Zoning Map Part or on a Special Zoning Map Part with a Zone Symbol or 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. The relevant holding provisions are denoted by the number (if any) immediately following the symbol “h” on the Zoning Map Part or Special Zoning Map Part.

(a) *Holding Zone Provisions:*

h1 - Plan of subdivision - to ensure the orderly development of lands, the “h1” symbol shall not be deleted until a subdivision agreement is entered into for the lands in question with the Municipality.

h2 - Municipal Services - to ensure that there is sewage capacity for the lands in question, the “h2” 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.*

9.2.2.72.13 Exceptions:

The provisions of subsection 9.2.1 shall not apply to the area defined in subsection 9.2.2.72.1.¹²³

9.2.2.73

9.2.2.73.1 Defined Area:

R1-73, as shown on Zoning Map, Part 2(au).

9.2.2.73.2 Permitted Buildings and Structures:

(a) A single detached dwelling existing on the date of passing of this by-law.

(b) Accessory buildings and structures.

9.2.2.73.3 Side Yards:

1 metre.

9.2.2.73.4 Exceptions:

The provisions of subsections 9.2.1.2, and 9.2.1.7.2 shall not apply to the area defined in subsection 9.2.2.73.1.¹²⁴

9.2.2.74

9.2.2.74.1 Defined Area:

R1-74, as shown on Zoning Map, Part 2(au).

9.2.2.74.2 Permitted Buildings and Structures:

(a) Single detached dwelling.

(b) Accessory buildings and structures.

9.2.2.74.3 Side Yards:

1 metre.

9.2.2.74.4 Exceptions:

The provisions of subsections 9.2.1.2, and 9.2.1.7.2 shall not apply to the area defined in subsection 9.2.2.74.1.¹²⁵

9.2.2.75

¹²³ Added new subsection by Clause 4 to By-law 2296, September 24th, 2018.

¹²⁴ Added new subsection by Clause 3 to By-law 2299, September 24th, 2018.

¹²⁵ Added new subsection by Clause 5 to By-law 2299, September 24th, 2018.

9.2.2.75.1	<u>Defined Area:</u>	R1-75, as shown on Zoning Map, Part 2(av).
9.2.2.75.2	<u>Only Permitted Uses:</u>	(a) Residential use. (b) Home occupations. (c) Accessory uses.
9.2.2.75.3	<u>Only Permitted Buildings and Structures:</u>	(a) One single detached dwelling on one lot. (b) An apartment dwelling located within a detached garage. (c) Accessory buildings and structures.
9.2.2.75.4	<u>Minimum Front Yard:</u>	7.7 metres.
9.2.2.75.5	<u>Minimum Easterly Side Yard:</u>	1.0 metres.
9.2.2.75.6	<u>Minimum Westerly Side Yard:</u>	1.7 metres.
9.2.2.75.7	<u>Exceptions:</u>	The provisions of subsection 9.2.1.1, 9.2.1.2 and 9.2.1.7.2 shall not apply to the area defined in subsection 9.2.2.75.1. ¹²⁶

R1-76 zone deleted through the repeal of By-law 2350 by Clause 1 to By-law 2916, July 29th, 2024.

9.2.2.77

9.2.2.77.1	<u>Defined Area:</u>	R1-77, as shown on Zoning Map, Parts 4(x) and 5(w).
9.2.2.77.2	<u>Only Permitted Uses:</u>	a) Residential use. b) Accessory uses.
9.2.2.77.3	<u>Only Permitted Buildings and Structures:</u>	a) Single detached dwelling b) Semi-detached dwelling c) Accessory buildings and structures.
9.2.2.77.4	<u>Minimum Lot Area:</u>	380 square metres – Single detached 250 square metres – Semi-detached
9.2.2.77.5	<u>Minimum Lot Frontage:</u>	12 metres – Single detached 9 metres per unit – Semi-detached
9.2.2.77.6	<u>Maximum Coverage:</u>	40% - Single detached 50% - Semi-detached
9.2.2.77.7	<u>Minimum Front Yard:</u>	6 metres.
9.2.2.77.8	<u>Minimum Rear Yard:</u>	7 metres.
9.2.2.77.9	<u>Minimum Side Yard:</u>	a) Interior – 1 metre. b) Exterior – 3.5 metres.
9.2.2.77.10	<u>Maximum Building Height:</u>	11 metres.
9.2.2.77.11	<u>Ground Floor Area:</u>	1 storey dwelling – 74 square metres. 2 storey dwelling – 42 square metres.
9.2.2.77.12	<u>Off-Street Parking:</u>	2 spaces per dwelling unit.
9.2.2.77.13	<u>Exceptions:</u>	The provisions of subsection 9.2.1.1, 9.2.1.2 and 9.2.1.7.2 shall not apply to the area defined in

¹²⁶ Added new subsection by Clause 3 to By-law 2319, January 24th, 2019.

subsection 9.2.2.77.1.

9.2.2.77.14 Holding Zone:

Where the symbol "h" appears on a Zoning Map Part or on a Special Zoning Map Part with a Zone Symbol or 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. The relevant holding provisions are denoted by the number (if any) immediately following the symbol "h" on the Zoning Map Part or Special Zoning Map Part.

(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.¹²⁷

9.2.2.78

- 9.2.2.78.1 Defined Area: R1-78, as shown on Zoning Map Part 2(ax).
- 9.2.2.78.2 Additional Permitted Use: a) Accessory residential dwelling.
- 9.2.2.78.3 Other Permitted Buildings and Structures: a) An apartment dwelling located within a detached garage.
- 9.2.2.78.4 Exceptions: The provisions of subsection 9.2.1.1, 9.2.1.2 shall not apply to the area defined in subsection 9.2.2.78.1.¹²⁸

9.2.2.79

- 9.2.2.79.1 Defined Area: R1-79, as shown on Zoning Map, Part 2(ay).
- 9.2.2.79.2 Only Permitted Uses: (a) Residential use.
(b) Home occupations.
(c) Accessory uses.
- 9.2.2.79.3 Only Permitted Buildings and Structures: (a) One single detached dwelling on one lot.
(b) An apartment dwelling located within a detached garage.
(c) Accessory buildings and structures.
- 9.2.2.79.4 Minimum Side Yards: 1.2 metres.
- 9.2.2.79.5 Exceptions: The provisions of subsection 9.2.1.1, 9.2.1.2 and 9.2.1.7.2 shall not apply to the area defined in subsection 9.2.2.75.1.¹²⁹

9.2.2.80

- 9.2.2.80.1 Defined Area: R1-80, as shown on Zoning Map Part 1(bx).
- 9.2.2.80.2 Front Yard: For the purposes of the area defined in subsection 9.2.2.80.1, the front yard shall be determined to be the northerly property limit.

¹²⁷ Added new subsection by Clause 5 to By-law 2392, July 22nd, 2019.

¹²⁸ Added new subsection by Clause 3 to By-law 2400, August 26th, 2019.

¹²⁹ Added new subsection by Clause 3 to By-law 2399, August 26th, 2019.

9.2.2.80.3	<u>Location of Permitted Buildings and Structures:</u>	<i>Buildings and structures shall be located within the "Building Area" as shown on Schedule 34 to this By-law.</i>
9.2.2.80.4	<u>Exceptions:</u>	<i>The provisions of subsection 9.2.1.7 shall not apply to the area defined in subsection 9.2.2.80.1.¹³⁰</i>
9.2.2.81		
9.2.2.81.1	<u>Defined Area:</u>	<i>R1-81, as shown on Zoning Map Part 2(az).</i>
9.2.2.81.2	<u>Additional Permitted Use:</u>	<i>Accessory residential dwelling.</i>
9.2.2.81.3	<u>Other Permitted Buildings and Structures:</u>	<i>An apartment dwelling located within a detached garage.¹³¹</i>
9.2.2.82		
9.2.2.82.1	<u>Defined Area:</u>	<i>R1-82, as shown on Zoning Map Part 2(ba).</i>
9.2.2.82.2	<u>Frontage:</u>	<i>10.6 metres</i>
9.2.2.82.3	<u>Exceptions:</u>	<i>The provisions of subsection 9.2.1.4 shall not apply to the area defined in subsection 9.2.2.82.1.¹³²</i>
9.2.2.83		
9.2.2.83.1	<u>Defined Area:</u>	<i>R1-83, as shown on Zoning Map Part 2(ba).</i>
9.2.2.83.2	<u>Side Yards:</u>	<i>1 metre.</i>
9.2.2.83.3	<u>Rear Yard:</u>	<i>6 metres from the toe of the slope.</i>
9.2.2.83.4	<u>Exceptions:</u>	<i>The provisions of subsection 9.2.1.7.2 and 9.2.1.7.3 shall not apply to the area defined in subsection 9.2.2.83.1.¹³³</i>
9.2.2.84		
9.2.2.84.1	<u>Defined Area:</u>	<i>R1-84, as shown on Zoning Map Part 2(bb).</i>
9.2.2.84.2	<u>Side Yard:</u>	<i>0.5 metre westerly side yard for the existing building</i>
9.2.2.84.3	<u>Rear Yard:</u>	<i>6.0 metres</i>
9.2.2.84.4	<u>Exceptions:</u>	<i>The provisions of subsection 9.2.1.7.2 and 9.2.1.7.3 shall not apply to the area defined in subsection 9.2.2.84.1.¹³⁴</i>
9.2.2.85		
9.2.2.85.1	<u>Defined Area:</u>	<i>R1-85, as shown on Zoning Map Part 2(bb).</i>
9.2.2.85.2	<u>Side Yards:</u>	<i>1 metre westerly side yard 2.7 metre easterly side yard</i>
9.2.2.85.3	<u>Rear Yard:</u>	<i>16 metres</i>
9.2.2.85.4	<u>Exceptions:</u>	<i>The provisions of subsection 9.2.1.7.2 and 9.2.1.7.3 shall not apply to the area defined in subsection 9.2.2.85.1.¹³⁵</i>

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

¹³⁰ Added new subsection by Clause 4 to By-law 2405, September 9th, 2019.

¹³¹ Added new subsection by Clause 3 to By-law 2402, September 9th, 2019.

¹³² Added new subsection by Clause 3 to By-law 2421, October 28th, 2019.

¹³³ Added new subsection by Clause 5 to By-law 2421, October 28th, 2019.

¹³⁴ Added new subsection by Clause 3 to By-law 2444, January 27th, 2020.

¹³⁵ Added new subsection by Clause 5 to By-law 2444, January 27th, 2020.

9.2.2.85

- 9.2.2.85.1 Defined Area: R1-85, as shown on Zoning Map Part 2(bc).
- 9.2.2.85.2 Additional Permitted Use: Accessory residential dwelling.
- 9.2.2.85.3 Other Permitted Buildings and Structures: An apartment dwelling located within a single-detached dwelling.
- 9.2.2.85.4 Exceptions: The provisions of subsection 9.2.1.1, 9.2.1.2 shall not apply to the area defined in subsection 9.2.2.85.1.¹³⁶

9.2.2.86

- 9.2.2.86.1 Defined Area: R1-86, as shown on Zoning Map Part 3(aq) and Zoning Map Part 4(z).
- 9.2.2.86.2 Only Permitted Use: Semi-detached dwelling.
- 9.2.2.86.3 Permitted Buildings and Structures:
- a) A semi-detached dwelling unit as existed at the time of passing of the by-law
 - b) accessory structures.
- 9.2.2.86.4 Lot Area: 312 square metres
- 9.2.2.86.5 Frontage: 9.44 metres
- 9.2.2.86.6 Exceptions: The provisions of subsection 9.2.1.1, 9.2.1.2, 9.2.1.3 and 9.2.1.4 shall not apply to the area defined in subsection 9.2.2.86.1.¹³⁷

9.2.2.87

- 9.2.2.87.1 Defined Area: R1-87, as shown on Zoning Map Zoning Map Part 4(aa).
- 9.2.2.87.2 Coverage:
- a) 25% maximum for the dwelling;
 - b) 21% maximum for accessory buildings.
- 9.2.2.87.3 Front Yard: 6.0 metres
- 9.2.2.87.4 Side Yard: 2.13 metre northerly side yard and 1.52 metre southerly side yard.
- 9.2.2.87.5 Rear Yard: 6.0 metres
- 9.2.2.87.6 Floor area Ratio: 0.84 maximum
- 9.2.2.87.7 Deck Minimum Rear Yard: 2.4 metres
- 9.2.2.87.8 Balcony Minimum Rear Yard: 4.82 metres.
- 9.2.2.87.9 Exterior Basement Stairs: 4.82 metres.
- 9.2.2.87.10 Parking Space: 3.04 x 6.0 metres
- 9.2.2.87.11 Exceptions: The provisions of subsection 2.38, 7.5.2, 9.2.1.6(b), 9.2.1.7.1(b), 9.2.1.7.2(a), 9.2.1.7.3, and 9.2.1.9 shall not apply to the area defined in subsection 9.2.2.87.1.¹³⁸

9.2.2.88

- 9.2.2.88.1 Defined Area: R1-88, as shown on Zoning Map Part 2(be).

¹³⁶ Added new subsection by Clause 3 to By-law 2450, February 10th, 2020.

¹³⁷ Added new subsection by Clause 3 to By-law 2522, October 13th, 2020.

¹³⁸ Added new subsection by Clause 3 to By-law 2528, October 26th, 2020.

9.2.2.88.2	<u>Front Yard:</u>	7.5 metres
9.2.2.88.3	<u>Side Yards:</u>	a) 1.0 metre westerly side yard b) 2.3 metre easterly side yard
9.2.2.88.4	<u>Rear Yard:</u>	4.5 metres from the toe of the slope as shown on Schedule 35.
9.2.2.88.5	<u>Height:</u>	a) 11 metre maximum for the main building. Notwithstanding subsection 2.26, building height shall be measured to the highest point of the dwelling. b) 6 metres for detached accessory buildings and structures.
9.2.2.88.6	<u>Exceptions:</u>	The provisions of subsection 9.2.1.7 and 9.2.1.8 shall not apply to the area defined in subsection 9.2.2.88.1. ¹³⁹
9.2.2.89		
9.2.2.89.1	<u>Defined Area:</u>	R1-89, as shown on Zoning Map Part 2(bf).
9.2.2.89.2	<u>Side Yards:</u>	1.2 metres
9.2.2.89.3	<u>Height:</u>	a) 11 metre maximum for the main building. Notwithstanding subsection 2.26, building height shall be measured to the highest point of the dwelling. b) 6.5 metres for accessory buildings and structures.
9.2.2.89.4	<u>Exceptions:</u>	The provisions of subsection 9.2.1.7.2 and 9.2.1.8 shall not apply to the area defined in subsection 9.2.2.89.1. ¹⁴⁰
9.2.2.90		
9.2.2.90.1	<u>Defined Area:</u>	R1-90, as shown on Zoning Map Part 2(bz).
9.2.2.90.2	<u>Permitted Buildings and Structures:</u>	(a) Duplex dwelling (b) Accessory buildings and Structures.
9.2.2.90.3	<u>Lot Depth:</u>	21 metres
9.2.2.90.4	<u>Location of Permitted Buildings and Structures:</u>	(a) The location of any buildings and other structures shall remain as they lawfully exist on the day of passing of this by-law. (b) Subsection 9.2.2.90.4(a) shall not prohibit the erection of accessory buildings or the enlargement or extension of buildings or other structures which are permitted under the provisions of Subsection 9.2.2.90.2 provided the erection, enlargement or extension is in conformity with the applicable provisions of this By-law.
9.2.2.90.5	<u>Exceptions:</u>	The provisions of subsection 9.2.1.2 and 9.2.1.5 shall not apply to the area defined in subsection 9.2.2.90.1. ¹⁴¹

¹³⁹ Added new subsection by Clause 4 to By-law 2602, June 14th, 2021.

¹⁴⁰ Added new subsection by Clause 3 to By-law 2624, August 16th, 2021.

¹⁴¹ Added new subsection by Clause 3 to By-law 2645, October 12th, 2021.

9.2.2.91

- 9.2.2.91.1 Defined Area: R1-91, as shown on Zoning Map Part 2(bg).
- 9.2.2.91.2 Side Yards: 1 metre
- 9.2.2.91.3 Exception: The provisions of subsection 9.2.1.7.2 shall not apply to the area defined in subsection 9.2.2.91.1.¹⁴²

9.2.2.92

- 9.2.2.92.1 Defined Area: R1-92, as shown on Map Par 8(a).
- 9.2.2.92.2 Additional Permitted Buildings and Structures: One unit of a townhouse dwelling on one lot.
- 9.2.2.92.3 Frontage: 9.4 metres
- 9.2.2.92.4 Coverage: 40% maximum
- 9.2.2.92.5 Front Yard: 7 metres
- 9.2.2.92.6 Side Yards: Townhouse dwellings;
3.5 metre exterior side yard and 0 metre interior side yard along common wall between dwelling units.
- 9.2.2.92.7 Maximum Number of Townhouse Units: 5 per lot
- 9.2.2.92.8 Definition: "townhouse dwelling" means a buildings 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.
- 9.2.2.92.9 Exceptions: The provisions of subsection 9.2.1.4, 9.2.1.6 and 9.2.1.7.1 shall not apply to the area defined in subsection 9.2.2.92.1.¹⁴³

9.2.2.93

- 9.2.2.93.1. Defined Area: R1-93 as shown on Zoning Map Part 3(as). For the purposes of Section 9.2.1, the existing metal retaining wall shall be deemed to be the rear lot line.
- 9.2.2.93.2. Additional Permitted Uses: (a) marina facility for the purpose of boat docking only, having a maximum of 2 docks or 4 berths for commercial purposes.
- 9.2.2.93.3 Additional Permitted Buildings and Structures: (a) accessory buildings and structures for the uses permitted in subsection 9.2.2.93.2.
- 9.2.2.93.4 Coverage: 30 % maximum
- 9.2.2.93.5 Front Yard:
a) 3.8 m for the existing buildings and structures as of the day of passing of this by-law;
b) 7.3 m for new buildings or structures.
- 9.2.2.93.6 Side Yard: 0.7 m on the north side and 3.5 m on the south side
- 9.2.2.93.7 Off -Street Parking:
(a) dwelling - 2 required spaces in a garage;
(b) additional residential units – 1 required space per unit in a garage;

¹⁴² Added new subsection by Clause 3 to By-law 2764, February 13th, 2023.

¹⁴³ Added new subsection by Clause 7 to By-law 2766, February 27th, 2023

(c) marina facility - 0.5 spaces per berth, not in a garage.¹⁴⁴

9.2.2.94

9.2.2.94.1	<u>Defined Area:</u>	R1-94, as shown on Zoning Map Part 1(ca).
9.2.2.94.2	<u>Lot Area:</u>	185.8 square metres.
9.2.2.94.3	<u>Lot Depth:</u>	15.24 metres.
9.2.2.94.4	<u>Lot Coverage:</u>	52.1%
9.2.2.94.5	<u>Front Yard:</u>	a) 3.96 metres to the main building wall. b) 1.0 metre for an unenclosed porch.
9.2.2.94.6	<u>Side Yards:</u>	a) 3.52 metre – northerly side yard. b) 1.2 metre – southerly side yard.
9.2.2.94.7	<u>Rear Yard:</u>	1.2 metres.
9.2.2.94.8	<u>Floor Area Ratio:</u>	0.81 maximum.
9.2.2.94.9	<u>Off-Street Parking:</u>	2 parking spaces.
9.2.2.94.10	<u>Exception:</u>	The provisions of subsection 7.5.2, 9.2.1.3.3, 9.2.1.5, 9.2.1.6, 9.2.1.7, 9.2.1.9, and 9.2.1.11 shall not apply to the area defined in subsection 9.2.2.94.1. ¹⁴⁵

9.2.2.95

9.2.2.95.1	<u>Defined Area:</u>	R1-95, as shown on Zoning Map Part 1(ca).
9.2.2.95.2	<u>Lot Area:</u>	185.8 square metres.
9.2.2.95.3	<u>Lot Depth:</u>	15.24 metres.
9.2.2.95.4	<u>Lot Coverage:</u>	52.1%
9.2.2.95.5	<u>Front Yard:</u>	a) 3.96 metres to the main building wall. b) 1.0 metre for an unenclosed porch.
9.2.2.95.6	<u>Side Yards:</u>	a) 1.2 metre – northerly side yard. b) 3.52 metre – southerly side yard.
9.2.2.95.7	<u>Rear Yard:</u>	1.2 metres.
9.2.2.95.8	<u>Floor Area Ratio:</u>	0.81 maximum.
9.2.2.95.9	<u>Off-Street Parking:</u>	2 parking spaces.
9.2.2.95.10	<u>Exception:</u>	The provisions of subsection 7.5.2, 9.2.1.3.3, 9.2.1.5, 9.2.1.6, 9.2.1.7, 9.2.1.9, and 9.2.1.11 shall not apply to the area defined in subsection 9.2.2.95.1. ¹⁴⁶

9.2.2.96

9.2.2.96.1	<u>Defined Area:</u>	R1-96, as shown on Zoning Map Part 2(bh).
9.2.2.96.2	<u>Permitted Buildings and Structures:</u>	a) Two existing single detached dwelling units on one lot as of the date of the passing of this by-law. b) Notwithstanding subsection 7.29 of By-law

¹⁴⁴ Added new subsection by Clause 3 to By-law 2743, as ordered approved by the Ontario Lands Tribunal, OLT-22-004835, September 27th, 2023

¹⁴⁵ Added new subsection by Clause 4 to By-law 2888, April 18th, 2024

¹⁴⁶ Added new subsection by Clause 6 to By-law 2888, April 18th, 2024

No. 1507, as amended, only one (1) Additional Residential Dwelling Unit shall be permitted on the area defined under subsection 9.2.2.96.1.

9.2.2.96.3	<u>Lot Frontage:</u>	7.0 metres.
9.2.2.96.4	<u>Location of Buildings and Structures:</u>	a) The location of existing buildings and structures shall remain as they exist on the day of the passing of this by-law. b) Subsection 9.2.2.96.4 (a) shall not prohibit the erection of new buildings and structures, or the enlargement or extension of existing buildings or structures which are permitted under the provisions of 9.2.2.96.2 provided the erection of new buildings and structures, or the enlargement or extension of existing buildings or structures complies with the applicable provisions of By-law No. 1507 as amended.
9.2.2.96.4	<u>Side Yards:</u>	1.2 metres.
9.2.2.96.5	<u>Exception:</u>	The provisions of subsection 9.2.1.4, 9.2.1.7.2, shall not apply to the area defined in subsection 9.2.2.96.1. ¹⁴⁷
9.2.2.97		
9.2.2.97.1	<u>Defined Area:</u>	R1-97, as shown on Zoning Map Part 2(bh).
9.2.2.97.2	<u>Permitted Buildings and Structures:</u>	a) Buildings and structures for the permitted uses.
9.2.2.97.3	<u>Location of Buildings and Structures:</u>	a) The location of existing buildings and structures shall remain as they exist on the day of the passing of this by-law. b) Subsection 9.2.2.97.3 (a) shall not prohibit the erection of new buildings and structures, or the enlargement or extension of existing buildings or structures which are permitted under the provisions of 9.2.2.97.2 provided the erection of new buildings and structures, or the enlargement or extension of existing buildings or structures complies with the applicable provisions of By-law No. 1507 as amended.
9.2.2.97.4	<u>Side Yards:</u>	1.2 metres.
9.2.2.97.5	<u>Exception:</u>	The provisions of subsection 9.2.1.7.2 shall not apply to the area defined in subsection 9.2.2.97.1. ¹⁴⁸
9.2.2.98		
9.2.2.98.1	<u>Defined Area:</u>	R1-98, as shown on Zoning Map Part 2(bi).
9.2.2.98.2	<u>Only Permitted Buildings and Structures:</u>	a) Townhouse Dwelling – Maximum of 8 units. b) Accessory buildings or structures.
9.2.2.98.3	<u>Lot Frontage:</u>	61 metres.

¹⁴⁷ Added new subsection by Clause 4 to By-law 2916, July 29th, 2024

¹⁴⁸ Added new subsection by Clause 6 to By-law 2916, July 29th, 2024

- 9.2.2.98.4 Lot Depth: 53 metres.
- 9.2.2.98.5 Location of Permitted Buildings and Structures:
- a) The permitted buildings and structures identified in Section 9.2.2.98.2 shall be located within the areas shown on Schedule 36.
 - b) Notwithstanding the provisions of Subsection 9.2.2.98.5 a), no buildings or structures, other than a fence or unitary equipment shall be permitted in the area designated open space on Schedule 36 to this by-law, except a front yard or the identified dripline buffer.
- 9.2.2.98.6 Floor Area Ratio: 0.43 maximum
- 9.2.2.98.7 Ground Floor Area: 91 square metres for a permitted townhouse dwelling.
- 9.2.2.98.8 Exception: The provisions of subsection 9.2.1.4, 9.2.1.5, 9.2.1.7, 9.2.1.9, and 9.2.1.10 shall not apply to the area defined in subsection 9.2.2.98.1."
- 9.2.2.98.9 Holding Zone:

Where the symbol "h" appears on a Zoning Map Part or on a Special Zoning Map Part with a Zone Symbol or Special Zone Symbol, notwithstanding the provisions of that zone or special zone, unless with 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. The relevant holding provisions are denoted by the number (if any) immediately following the symbol "h" on the Zoning Map Part or Special Zoning Map Part.

(a) *Holding Provisions:*

- i. *Merging of Legal Parcels – To ensure the orderly development of lands, the "h" symbol shall not be deleted until confirmation has been received by the Municipality that the existing lots of record (Lots 44, 45, and 46, Registered Plan 223) that comprise the area defined in Subsection 9.2.2.98.1 have merged.*
- ii. *Road Widening – To ensure the orderly development of lands, the "h" symbol shall not be deleted until the requested road widening along George Street has been conveyed to the satisfaction of the Municipality of Central Elgin.*

(b) *Permitted Interim Uses: Existing uses.¹⁴⁹*

¹⁴⁹ Added new subsection by Clause 5 to By-law 2942, December 16th, 2024

9.3 RESIDENTIAL ZONE 2 (R2) REGULATIONS

9.3.1.1	<u>Permitted Uses:</u>	1. Cluster housing as Defined in subsection 2.10.2. 2. Accessory uses
9.3.1.2	<u>Permitted Buildings and Structures:</u>	Buildings and structures for the uses permitted in subsection 9.3.1.1.
9.3.1.3	<u>Coverage:</u>	40% maximum.
9.3.1.4	<u>Height:</u>	3 stories maximum.
9.3.1.5	<u>Maximum Floor Area:</u>	120 square metres.
9.3.1.6	<u>Off-Street Parking and Loading:</u>	1.5 parking spaces per dwelling unit ¹⁵⁰
9.3.1.7	<u>Maximum Density:</u>	75 dwelling units per net hectare. ¹⁵¹

9.3.2 SPECIAL USE REGULATIONS

Notwithstanding other applicable provisions of this by-law, and in addition to the General Use Regulations contained in subsection 9.3.1, the special regulations contained in this subsection shall apply to the area or areas defined:

9.3.2.1

9.3.2.1.1	<u>Defined Area:</u>	R2-1, as shown on Zoning Map Part 3(ap).
9.3.2.1.2	<u>Only Permitted Use:</u>	(a) Apartment dwelling. (b) Accessory uses.
9.3.2.1.3	<u>Permitted Buildings and Structures:</u>	Buildings and structures for the uses permitted by Subsection 9.3.2.1.2.
9.3.2.1.4	<u>Minimum Lot Frontage:</u>	6 metres.
9.3.2.1.5	<u>Maximum Ground Floor Area:</u>	3,000m ² for an apartment building.
9.3.2.1.6	<u>Maximum Density:</u>	75 dwelling units per net hectare.
9.3.2.1.7	<u>Maximum Building Height:</u>	6 storeys.
9.3.2.1.8	<u>Location of Buildings and Other Structures:</u>	
	(i) Front Yard:	7.5 metres.
	(ii) Side Yard:	4.5 metre.
	(iii) Rear Yard:	4.5 metres.
9.3.2.1.9	<u>Required Minimum Number of Parking Spaces:</u>	1.5 spaces per dwelling unit.
9.3.2.1.10	<u>Special Setback - Underground Parking Facilities:</u>	Notwithstanding the provisions of subsection 9.3.2.1.8, all parts of an underground parking structure that are not visible from the surface of the ground may be located within 2.5 metres of any lot line provided the depth below grade is sufficient to

¹⁵⁰ Added new subsection by Clause 5 to By-law 2324, September 14th, 1987.

¹⁵¹ Added new clause by Order of OMB R870546, September 14th, 1987.

not impede root systems of trees and other landscaping.

9.3.2.1.11 Holding Zone:

Where the symbol "h" appears on a Zoning Map Part or on a Special Zoning Map Part with a Zone Symbol or 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. The relevant holding provisions are denoted by the number (if any) immediately following the symbol "h" on the Zoning Map Part or Special Zoning Map Part.

(a) Holding Zone Provisions:

h1 - Plan of subdivision - to ensure the orderly development of lands, the "h1" symbol shall not be deleted until a subdivision agreement is entered into for the lands in question with the Municipality.

h2 - Municipal Services - to ensure that there is sewage capacity for the lands in question, the "h2" 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.

9.3.2.1.12 Exceptions: The provisions of subsections 9.3.1 shall not apply to the area affected.¹⁵²

9.3.2.2

9.3.2.2.1 Defined Area: R2-2, as shown on Zoning Map Parts 2(at) and 3(ap).

9.3.2.2.2 Only Permitted Use: (a) Residential use.
(b) Accessory uses.

9.3.2.2.3 Permitted Buildings and Structures: (a) Single detached dwelling
(b) Accessory buildings and structures.

9.3.2.2.4 Minimum Lot Area: 10,000 square metres.

9.3.2.2.5 Minimum Dwelling Unit Ground Floor Area: (a) 74m² for a 1 storey dwelling or a split level dwelling.
(b) 60m² for a 2 storey dwelling.

9.3.2.2.6 Maximum Number of Dwelling Units: 8.

9.3.2.2.7 Maximum Building Height: 2 storeys.

9.3.2.2.8 Maximum Lot Coverage: 40%.

9.3.2.2.9 Required Minimum Number of Parking Spaces: (a) 2 spaces for each dwelling.
(b) 4 spaces for visitor parking.

9.3.2.2.10 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.

¹⁵² Added new subsection by Clause 9 to By-law 2296, September 24th, 2018.

9.3.2.2.11 Definitions:

1. For the purposes of paragraph 9.3.2.2.5(a), “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 9.3.2.2.10, “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 9.3.2.2.10, “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.

9.3.2.2.12 Holding Zone:

Where the symbol “h” appears on a Zoning Map Part or on a Special Zoning Map Part with a Zone Symbol or 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. The relevant holding provisions are denoted by the number (if any) immediately following the symbol “h” on the Zoning Map Part or Special Zoning Map Part.

(a) Holding Zone Provisions:

h1 - Plan of subdivision - to ensure the orderly development of lands, the “h1” symbol shall not be deleted until a subdivision agreement is entered into for the lands in question with the Municipality.

h2 - Municipal Services - to ensure that there is sewage capacity for the lands in question, the “h2” 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.

h3 - Natural Heritage – To ensure that significant natural heritage species and habitat are protected from negative impacts due to development, the “h3” symbol shall not be removed until such studies and permits as may be required for the removal of trees and vegetation within the area, particularly within the eastern woodland, and in the northwest corner of the subject property where a Category 2 and Category 3 Butternut are located, and until such further studies, permits, and/or monitoring for SAR (Butternut, Little Brown Myotis, Northern Myotis, Tri-colored Bat, and American Badger) as may be required to be conducted in consultation with the MNRF Aylmer District in accordance with the recommendations found in “Seaglass in Port Stanley, Scoped Environmental Impact Study” prepared by Natural Resource Solutions Inc. (Project No. 1823, dated February 2018).

(b) Permitted Interim Uses: Existing uses.

9.3.2.2.13 Exceptions: The provisions of subsection 9.3.1 shall not apply to the area affected.¹⁵³

9.3.2.3

9.3.2.3.1 Defined Area: R2-3, as shown on Zoning Map Part 1(bw).

9.3.2.3.2 Only Permitted Use:

- (a) Apartment dwelling.
- (b) Accessory uses.

¹⁵³ Added new subsection by Clause 11 to By-law 2296, September 24th, 2018.

9.3.2.3.3	<u>Permitted Buildings and Structures:</u>	<i>Buildings and structures for the uses permitted by Subsection 9.3.2.3.2.</i>
9.3.2.3.4	<u>Minimum Lot Frontage:</u>	<i>45 metres.</i>
9.3.2.3.5	<u>Maximum Ground Floor Area:</u>	<i>1,400m² for an apartment building.</i>
9.3.2.3.6	<u>Maximum Number of Dwelling Units:</u>	<i>62.</i>
9.3.2.3.7	<u>Maximum Building Height:</u>	<i>5 storeys, but no building or structure shall exceed a height of 19 metres measured in accordance with Subsection 2.26 of this By-law.</i>
9.3.2.3.8	<u>Location of Buildings and Other Structures:</u>	<i>Any building or structure permitted by subsection 9.3.2.3.3 shall be located a minimum of 3.0 metres from any lot line.</i>
9.3.2.3.9	<u>Encroachments:</u>	<i>A balcony accessory to a dwelling unit may encroach into the setback required by subsection 9.3.2.3.8 by a maximum of 1.5 metres, however, no balcony shall be closer than 2.4 metres to the lot line abutting Edith Cavell Boulevard.</i>
9.3.2.3.10	<u>Lateral Step Backs:</u>	<i>An apartment building permitted by subsection 9.3.2.3.3 shall incorporate lateral stepbacks substantially as shown on Schedules 34 and 35 to this by-law.</i>
9.3.2.3.11	<u>Required Minimum Number of Parking Spaces:</u>	<i>1.5 spaces per dwelling unit.</i>
9.3.2.3.12	<u>Parking Space Size:</u>	<i>The minimum size for a parking space required by subsection 9.3.2.3.11 shall be 2.75m x 5.5m.</i>
9.3.2.3.13	<u>Exceptions:</u>	<i>The provisions of subsections 9.3.1.1, 9.3.1.2, 9.3.1.4 and 9.3.1.7 shall not apply to the area defined in subsection 9.3.2.3.1.¹⁵⁴</i>
9.3.2.4		
9.3.2.4.1	<u>Defined Area:</u>	<i>R2-4, as shown on Zoning Map, Parts 4(x) and 5(w).</i>
9.3.2.4.2	<u>Only Permitted Uses:</u>	<ul style="list-style-type: none"> a) <i>Residential use.</i> b) <i>Accessory uses.</i>
9.3.2.4.3	<u>Only Permitted Buildings and Structures:</u>	<ul style="list-style-type: none"> a) <i>Cluster housing.</i> b) <i>Accessory buildings and structures.</i>
9.3.2.4.4	<u>Maximum Coverage:</u>	<i>50%</i>
9.3.2.4.5	<u>Minimum Front Yard:</u>	<i>7.5 metres.</i>
9.3.2.4.6	<u>Minimum Rear Yard:</u>	<i>1 metres.</i>
9.3.2.4.7	<u>Minimum Side Yard:</u>	<ul style="list-style-type: none"> a) <i>Interior – 1 metre.</i> b) <i>Exterior – 3 metres.</i>
9.3.2.4.8	<u>Maximum Building Height:</u>	<i>2 storeys.</i>
9.3.2.4.9	<u>Ground Floor Area:</u>	<ul style="list-style-type: none"> <i>1 storey dwelling – 74 square metres.</i> <i>2 storey dwelling – 42 square metres.</i>

¹⁵⁴ Subsection approved by Local Planning Appeal Tribunal, Case No. PL180077, June 26, 2020.

- 9.3.2.4.10 Off-Street Parking: 1.5 spaces per unit.
- 9.3.2.4.11 Parking Space Size: For the purposes of subsection 9.3.2.4.8, parking spaces will be 2.75 metres x 5.5 metres.
- 9.3.2.4.12 Exceptions: The provisions of subsection 9.3.1.5, shall not apply to the area defined in subsection 9.3.2.4.1.

9.3.2.4.13 Holding Zone:

Where the symbol "h" appears on a Zoning Map Part or on a Special Zoning Map Part with a Zone Symbol or 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. The relevant holding provisions are denoted by the number (if any) immediately following the symbol "h" on the Zoning Map Part or Special Zoning Map Part.

(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.¹⁵⁵

9.3.2.5

- 9.3.2.5.1 Defined Area: R2-5, as shown on Zoning Map, Part 4(y) and Part 5(x).
- 9.3.2.5.2 Only Permitted Uses: a) Apartment dwelling
b) Accessory uses.
- 9.3.2.5.3 Permitted Buildings and Structures: Buildings and structures for the uses permitted by Subsection 9.3.2.5.2
- 9.3.2.5.4 Minimum Lot Area: 4,000 square metres
- 9.3.2.5.5 Maximum Coverage: 40%
- 9.3.2.5.6 Minimum Front Yard: 7.5 metres.
- 9.3.2.5.7 Minimum Rear Yard: 9 metres.
- 9.3.2.5.8 Minimum Side Yard: a) Interior – 4.5 metres.
b) Exterior – 6 metres.
- 9.3.2.5.9 Maximum Building Height: 6 storeys.
- 9.3.2.5.10 Maximum Ground Floor Area: 3,000 square metres for an apartment building.
- 9.3.2.5.11 Off-Street Parking: 1.5 spaces per unit.
- 9.3.2.5.12 Parking Space Size: For the purposes of subsection 9.3.2.5.11, parking spaces will be 2.75 metres x 5.5 metres.
- 9.3.2.5.13 Maximum Density: 110 dwelling units per net hectare.
- 9.3.2.5.14 Exceptions: The provisions of subsection 9.3.1.5, 9.3.1.6 and

¹⁵⁵ Added new subsection by Clause 7 to By-law 2392, July 22nd, 2019.

9.3.1.7 shall not apply to the area defined in subsection 9.3.2.5.1.

9.3.2.5.15 Holding Zone:

Where the symbol "h" appears on a Zoning Map Part or on a Special Zoning Map Part with a Zone Symbol or 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. The relevant holding provisions are denoted by the number (if any) immediately following the symbol "h" on the Zoning Map Part or Special Zoning Map Part.

(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.¹⁵⁶

9.3.2.6

- 9.3.2.6.1 Defined Area: R2-6, as shown on Zoning Map, Part 4(y) and Part 5(x).
- 9.3.2.6.2 Only Permitted Uses:
- a) Apartment dwelling
 - b) Long term care facility
 - c) Assisted living facility
 - d) Accessory uses.
- 9.3.2.6.3 Permitted Buildings and Structures: Buildings and structures for the uses permitted by Subsection 9.3.2.6.2
- 9.3.2.6.4 Minimum Lot Area: 4,000 square metres
- 9.3.2.6.5 Maximum Coverage: 40%
- 9.3.2.6.6 Minimum Front Yard: 7.5 metres.
- 9.3.2.6.7 Minimum Rear Yard: 9 metres.
- 9.3.2.6.8 Minimum Side Yard:
- a) Interior – 4.5 metres.
 - b) Exterior – 6 metres.
- 9.3.2.6.9 Maximum Building Height: 6 storeys.
- 9.3.2.6.10 Maximum Ground Floor Area: 3,000 square metres for an apartment building.
- 9.3.2.6.11 Off-Street Parking:
- a) 1.5 spaces per unit – Apartment dwelling
 - b) 0.75 spaces per unit – Long term care and Retirement home
- 9.3.2.6.12 Parking Space Size: For the purposes of subsection 9.3.2.6.11, parking spaces will be 2.75 metres x 5.5 metres.
- 9.3.2.6.13 Maximum Density: 110 dwelling units per net hectare.
- 9.3.2.6.14 Definitions:

¹⁵⁶ Added new subsection by Clause 4 to By-law 2393, July 22nd, 2019.

1. For the purposes of paragraph 9.3.2.6.2 b), "Long term care facility" means a building or part thereof:
 - a) that is regulated by the Ontario Ministry of Health & Long-Term Care;
 - b) that is the residence of a person;
 - c) where residents are provided with twenty-four (24) hour nursing care and supervision; and
 - d) where residents are furnished with meals.
2. For the purposes of paragraph 9.3.2.6.2 c), "Assisted living facility" means a multi-unit residential building where:
 - a) individuals reside who require minimal to moderate assistance with daily living activities such as bathing, toileting, ambulating, and self-administration of medications; and
 - b) residents are provided meals.
 - c) cooking facilities within the dwelling unit shall be limited to a kitchenette.

9.3.2.6.15 Exceptions: The provisions of subsection 9.3.2.5, 9.3.2.6 and 9.3.2.7 shall not apply to the area defined in subsection 9.3.2.6.1."

9.3.2.6.16 Holding Zone:

Where the symbol "h" appears on a Zoning Map Part or on a Special Zoning Map Part with a Zone Symbol or 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. The relevant holding provisions are denoted by the number (if any) immediately following the symbol "h" on the Zoning Map Part or Special Zoning Map Part.

(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.¹⁵⁷

BUSINESS ZONES

BUSINESS (B) ZONE REGULATIONS

SECTION 10

10. 1. EXISTING USES IN BUSINESS ZONES

- 10.1.1. 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.
- 10.1.2. Sub-section 10.1.1. shall not prohibit the erection of accessory buildings or structures, or the enlargement or extension of buildings or other structures which are permitted under the provisions of subsections 10.3., 10.4., 10.5. and 10.7. provided the erection, enlargement or extension is in conformity with the applicable provisions of this by-law other than sub-section 10.1.1.
- 10.1.3. Where the frontage, depth and/or area of a lot on which buildings and other structures are located is less than that required in sub-sections 10.3., 10.4., 10.5., and 10.7., the lot frontage, depth and/or area which lawfully exist on the day of the passing of this by-law shall be the minimum lot frontage, the minimum depth, and minimum lot area of such lot for the purposes of this by-law.

10.2. BUSINESS ZONE 1 (B1) REGULATIONS

10.2.1 GENERAL USE REGULATIONS

- 10.2.1.1 Permitted Uses:
- a) Retail Store
 - b) Restaurant
 - c) Business Office
 - d) Personal Service Shop
 - e) Dwelling Units above the main or first storey
 - f) Accessory Uses
- 10.2.1.2 Permitted Buildings and Structures: No building or structure shall be erected except for the uses permitted by subsection 10.2.1.1.
- 10.2.1.3 Lot Frontage: 9 metres.
- 10.2.1.4 Side Yard: Nil except where a side yard of a lot in this zone abuts a residential zone, in which case the minimum side yard depth of the yard that so abuts shall be 3 metres.
- 10.2.1.5 Rear yard: Nil except where a rear yard of a lot in this zone abuts a residential zone, in which case the minimum rear yard depth of the yard that so abuts shall be 3 metres.
- 10.2.1.6 Height: 10 metres.
- 10.2.1.7 Off-Street Parking: The owner or occupant of a building or structure erected in the B1 zone and used for a purpose permitted in the zone shall provide and maintain a parking lot containing the minimum number of parking spaces set forth below:
- | <u>Permitted Purpose or Use</u> | <u>Minimum Number of Parking Spaces</u> |
|---|---|
| Retail Store | 1 space per 50 m ² of floor area |
| Restaurant | 1 space per 50 m ² of floor area |
| Business Office | 1 space per 50 m ² of floor area |
| Personal Service Shop | 1 space per 50 m ² of floor area |
| Dwelling Units above the main or first storey | 1.25 spaces per dwelling unit |
- 10.2.1.8 Residential Uses: The minimum floor area of any dwelling unit erected in any building in this zone shall be as follows:
- | <u>Dwelling unit</u> | <u>Floor area</u> |
|----------------------|-------------------|
| Bachelor | 28m ² |
| one bedroom | 42m ² |
| two bedroom | 56m ² |
| three bedroom | 70m ² |
- 10.2.1.9 Existing Uses:
- (a) Notwithstanding any other provision in this by-law, the height and location of any buildings and other structures and the frontage of the lot on which the buildings and other structures are located shall remain as they lawfully exist on the day of the passing of this by-law.
 - (b) Subsection 10.2.1.9(a) shall not prohibit the erection of accessory buildings or structures, or the erection, enlargement, or extension of buildings and other structures which are permitted under the provisions of subsection 10.2.1 provided the erection, enlargement or

extension is in conformity with the applicable provisions of this by-law other than subsection 10.2.1.9(a).

10.2.2 SPECIAL USE REGULATIONS

Notwithstanding any other provisions of this By-law, the special use regulations contained in this subsection and the general use regulations contained in subsection 10.2 shall, except as hereinafter provided, apply to the area or areas defined below.

10.2.2.1

- 10.2.2.1.1 Defined Area: B1-1 as shown on Zoning Map, Parts 1(aw) and 3(ag).
- 10.2.2.1.2 Other Permitted Uses: Marine Facility
- 10.2.2.1.3 Other Permitted Buildings and Structures: Buildings and structures for the use permitted in subsection 10.2.2.1.2.
- 10.2.2.1.4 Off Street Parking: .5 parking spaces per berth or mooring

10.2.2.2

- 10.2.2.2.1 Defined Area: B1-2 as shown on Zoning Map, Part 1(aw).
- 10.2.2.2.2 Other Permitted Uses: (a) a Commercial Fishing Use as defined in subsection 2.10.1. of By-law No. 1507.
- 10.2.2.2.3 Other Permitted Buildings and Structures: Buildings and structures for the use permitted in subsection 10.2.2.2.2(a).

(B1-3 property rezoned to B1-12 by Clause 3 to By-law 30, March 23rd, 1998.)

10.2.2.4

- 10.2.2.4.1 Defined Area: B1-4 as shown on Zoning Map, Part 1(aw).
- 10.2.2.4.2 Additional Permitted Uses: Manufacturing and assembly of kayaks and boats within a fully enclosed building.
- 10.2.2.4.3 Additional Permitted Buildings and Structures: Buildings and Structures for the additional uses permitted by subsection 10.2.2.4.2.
- 10.2.2.4.4 Maximum Floor Area: 25 square metres for the additional uses permitted By 10.2.2.4.2.
- 10.2.2.4.5 Minimum Number of Parking Spaces: Manufacturing: 1.0 spaces per 25 square metres of floor area.¹⁵⁸

10.2.2.5

- 10.2.2.5.1 Defined Area: B1-5 as shown on Zoning Map, Part 3(ag).
- 10.2.2.5.2 Other Permitted Uses: Marine Facility, including the service, repair or fueling of marine pleasure craft, notwithstanding subsection 2.34.2 of By-law No. 1507.
- 10.2.2.5.3 Other Permitted Buildings and Structures: Buildings and structures for the use permitted in subsection 10.2.2.5.2.¹⁵⁹

¹⁵⁸ Added new subsection by Clause 4 to By-law 3010, August 12th, 1996.

¹⁵⁹ Added new subsection by Clause 6 to By-law 3010, August 12th, 1996.

(B1-6 property rezoned to B1-18 by Clause 2 to By-law 745, January 24th, 2005.)

(B1-7 property rezoned to B1-16 by Clause 2 to By-law 468, June 24th, 2002.)

10.2.2.8

10.2.2.8.1 Defined Area: B1-8 as shown on Zoning Map, Part 1(aw).

10.2.2.8.2 Other Permitted Uses: The storage, cutting and partial assembly of canvas products for retail sale as an accessory use.

10.2.2.8.3 Height: 22 metres.¹⁶⁰

10.2.2.9

10.2.2.9.1 Defined Area: B1-9 as shown on Zoning Map, Parts 1 (aw) and 3 (ag).

10.2.2.9.2 Other Permitted Uses: Tea-room and residential use on the main or first floor.¹⁶¹

10.2.2.10

10.2.2.10.1 Defined Area: B1-10 as shown on Zoning Map, Parts 1(aw) and 3(ag).

10.2.2.10.2 Other Permitted Uses: Residential use on the main or first floor.¹⁶²

10.2.2.11

10.2.2.11.1 Defined Area: B1-11 as shown on Zoning Map, Part 3(ag).

10.2.2.11.2 Only Permitted Uses:

- (a) pottery
- (b) retail sale of pottery products
- (c) residential use on the main or first floor
- (d) accessory uses.

1 0.2.2.11 .3 Exceptions: The provisions of subsections 1 0.2.1.1 shall not apply to the area defined in subsection 10.2.2.11.¹⁶³

10.2.2.12

10.2.2.12.1 Defined Area: B1-12 as shown on Map Part 1(ax).

10.2.2.12.2 Other Permitted Uses: Motel

10.2.2.12.3 Maximum Number of Motel Units: 2 motel units.

1 0.2.2.12.4 Other Permitted Buildings and Structures: Buildings and structures for the use permitted in subsection 10.2.2.12.2.

1 0.2.2.12.5 Off-Street Parking: 1 parking space per motel unit.¹⁶⁴

10.2.2.13

10.2.2.13.1 Defined Area: B1-13, as shown on Zoning Map, Part 1(ay).

10.2.2.13.2 Additional Permitted Uses:

- (a) Single detached dwelling;
- (b) Bed and breakfast establishment as defined in subsection 10.2.2.13.5.

10.2.2.13.3 Permitted

¹⁶⁰ Added new subsection by Clause 15 to By-law 3010, August 12th, 1996.

¹⁶¹ Added new subsection by Clause 17 to By-law 3010, August 12th, 1996.

¹⁶² Added new subsection by Clause 19 to By-law 3010, August 12th, 1996.

¹⁶³ Added new subsection by Clause 21 to By-law 3010, August 12th, 1996.

¹⁶⁴ Added new subsection by Clause 4 to By-law 30, March 23rd, 1998.

	<u>Buildings and Structures:</u>	<i>Buildings and structures existing on the day of the passing of this By-law.</i>
10.2.2.13.4	<u>Off Street Parking:</u>	<i>5 parking spaces shall be provided and maintained at all times.</i>
10.2.2.13.5	<u>Definitions:</u>	<i>The following definition shall apply to the Defined Area:</i> <i><u>Bed and Breakfast Establishment</u> means a single detached dwelling in which the owner resides and in which no more than four rooms are supplied for gain and profit, with or without meals, for the temporary accommodation of the travelling public, but does not include a boarding house, motel or restaurant.</i>
10.2.2.13.5	<u>Exceptions:</u>	<i>The provisions of subsection 10.2.1.2 and 10.2.1.7 shall not apply to the area defined in subsection 10.2.2.13.1.¹⁶⁵</i>
10.2.2.14		
10.2.2.14.1	<u>Defined Area:</u>	<i>B1-14, as shown on Zoning Map, Part 1(ba).</i>
10.2.2.14.2	<u>Additional Permitted Uses:</u>	<i>(a) Performing Arts Theatre; (b) Institutional use; (c) Art Gallery; (d) Meeting and Exhibition Rooms.</i>
10.2.2.14.3	<u>Additional Permitted Buildings and Structures:</u>	<i>Buildings and structures for the uses permitted by subsection 10.2.2.14.2.¹⁶⁶</i>
10.2.2.15		
10.2.2.15.1	<u>Defined Area:</u>	<i>B1-15, as shown on Zoning Map, Part 1(be).</i>
10.2.2.15.2	<u>Additional Permitted Use:</u>	<i>Inn</i>
10.2.2.15.3	<u>Additional Permitted Buildings and Structures:</u>	<i>Buildings and structures for the use permitted by subsection 10.2.2.15.2.</i>
10.2.2.15.4	<u>Definition:</u>	<i>For the purposes of paragraph 10.2.2.15.2 "Inn" means a building, a group of buildings or part of a building containing sleeping accommodation for the public and may contain rooms for meetings and where persons not necessarily travelers, may, for a price, obtain sleeping accommodation or meals and beverages, or hold meetings or engage in recreational activities.</i>
10.2.2.15.5	<u>Additional Off Street Parking Requirements:</u>	<i>Inn - 1.25 spaces per room Meeting rooms - 1 space per 50m² of floor area.¹⁶⁷</i>
10.2.2.16		
10.2.2.16.1	<u>Defined Area:</u>	<i>B1-16, as shown on Zoning Map, Part 1(bd).</i>
10.2.2.16.2	<u>Additional Permitted Uses:</u>	<i>a) a residential use b) Inn</i>
10.2.2.16.3	<u>Additional Permitted Buildings and Structures:</u>	<i>Buildings and structures for the uses permitted by</i>

¹⁶⁵ Added new subsection by Clause 3 to By-law 97, April 12th, 1999.

¹⁶⁶ Added new subsection by Clause 3 to By-law 113, May 25th, 1999.

¹⁶⁷ Added new subsection by Clause 3 to By-law 246, September 25th, 2000.

	10.2.2.16.2.	
10.2.2.16.4	<u>Height:</u>	11 metres
10.2.2.16.5	<u>Front Yard:</u>	8 metres
10.2.2.16.6	<u>Definition:</u>	For the purposes of paragraph 1 0.2.2.16.2(b), "Inn" means a building, a group of buildings or part of a building containing sleeping accommodation for the public and may contain rooms for meetings and where persons not necessarily travelers may, for a price, obtain sleeping accommodation or meals and beverages, or hold meetings or engage in recreational activities.
10.2.2.16.7	<u>Additional Off Street Parking Requirements:</u>	Residential use - 2 spaces Inn - 1.25 spaces per room Meeting rooms - 1 space per 50m ² of floor area.
10.2.2.16.8	<u>Exceptions:</u>	The provisions of subsections 10.2.1.6 and 10.2.2.7 shall not apply to the area defined in subsection 10.2.2.16.1. ¹⁶⁸

(B1-17 zone deleted by Clause 1 to By-law 1821, January 26th, 2015.)

10.2.2.18

10.2.2.18.1	<u>Defined Area:</u>	B1-18, as shown on Zoning Maps, Part 1(bf), Part 3(ai) and Part 4(w).
10.2.2.18.2	<u>Other Permitted Uses:</u>	Motel, hotel or tourist cabins.
10.2.2.18.3	<u>Height:</u>	3 storey maximum.
10.2.2.18.4	<u>Off Street Parking:</u>	1 space per hotel /motel suite.
10.2.2.18.4	<u>Exceptions:</u>	The provisions of subsection 10.2.1.6 shall not apply to the area defined in subsection 10.2.2.18.1. ¹⁶⁹

10.2.2.19

10.2.2.19.1	<u>Defined Area:</u>	B1-19, as shown on Zoning Map, Part 1(bl).
10.2.2.19.2	<u>Additional Permitted Use:</u>	A "bed and breakfast establishment" as defined in subsection 10.2.2.19.3.
10.2.2.19.3	<u>Definition:</u>	For the purposes of this amendment, a <u>Bed and Breakfast Establishment</u> means a single detached dwelling in which the owner resides and in which no more than four rooms are supplied for gain and profit, with or without meals, for the temporary accommodation of the travelling public, but does not include a group home, boarding house, motel or restaurant.
10.2.2.19.4	<u>Off-Street Parking:</u>	One parking space per room made available for the use permitted by Subsection 10.2.2.19.2 shall be provided and maintained at all times.
10.2.2.19.5	<u>Location of Accessory Building:</u>	A storage shed, with a maximum floor area of 33 square metres, is permitted within the area defined in Subsection 10.2.2.19.1, subject to the following:

¹⁶⁸ Added new subsection by Clause 3 to By-law 468, June 24th, 2002.

¹⁶⁹ Added new subsection by Clause 3 to By-law 745, January 24th, 2005.

Maximum Height: 5.5 metres.
Setback from
Easterly Lot Line: 0.61 metres.
Setback from
Northerly Lot Line: 0.61 metres.¹⁷⁰

10.2.2.20

10.2.2.20.1 Defined Area: B1-20, as shown on Zoning Maps, Part 1(bn).

10.2.2.20.2 Additional Permitted Use: Residential use on the main or first floor.¹⁷¹

10.2.2.21

10.2.2.21.1 Defined Area: B1-21, as shown on Zoning Map, Part 1(bq).

10.2.2.21.2 Height: 43 feet.

10.2.2.21.3 Exceptions: The provisions of subsection 10.2.1.6 shall not apply to the area defined in subsection 10.2.2.21.1.¹⁷²

10.2.2.22

10.2.2.22.1 Defined Area: B1-22, as shown on Zoning Map, Part 1(bv).

10.2.2.22.2 Additional Permitted Use: Clinic¹⁷³

10.2.2.23

10.2.2.23.1 Defined Area: B1-23, as shown on Zoning Map Part 1(by).

10.2.2.23.2 Additional Permitted Uses: Production uses associated to the permitted uses.

10.2.2.23.3 Permitted Buildings and Structures:

- i) Buildings that exist at the time of passing of the by-law.
- ii) Accessory structures.

10.2.2.23.4 Exceptions: The provisions of subsection 2.3.1, 10.2.1.2, 10.2.1.3, 10.2.1.4, 10.2.1.5 and 10.2.1.7 shall not apply to the area defined in subsection 10.2.2.23.1.¹⁷⁴

10.2.2.23

10.2.2.23.1 Defined Area: B1-23, as shown on Zoning Map, Part 1(bw).

10.2.2.23.2 Exceptions: The provisions of subsection 10.2.1.5 shall not apply to the area to the area defined in subsection 10.2.2.23.1.¹⁷⁵

10.2.2.25

10.2.2.25.1 Defined Area: B1-25, as shown on Zoning Map Part 3(at).

10.2.2.25.2 Additional Permitted Uses: a) A Medical Centre as defined in subsection 2.34.1;

¹⁷⁰ Added new subsection by Clause 3 to By-law 1145, June 8th, 2009.

¹⁷¹ Added new subsection by Clause 3 to By-law 1210, January 18th, 2010.

¹⁷² Added new subsection by Clause 4 to By-law 1821, January 26th, 2015.

¹⁷³ Added new subsection by Clause 3 to By-law 2320, January 14th, 2019.

¹⁷⁴ Added new subsection by Clause 3 to By-law 2414, October 15th, 2019.

¹⁷⁵ Subsection approved by Local Planning Appeal Tribunal, Case No. PL180077, June 26, 2020.

b) *A Day Nursery as licensed under the Day Nurseries Act.*

10.2.2.25.3 *Additional Permitted Buildings and Structures:* *Buildings and structures for the uses permitted in subsection 10.2.2.25.2.*

10.2.2.25.4 *Side Yards:* *3 metres.*

10.2.2.25.5 *Off-Street Parking:* *A minimum of 5 parking spaces shall be provided.*

10.2.2.25.6 *Exceptions:* *The provisions of subsection 10.2.1.4 shall not apply to the lands defined in subsection 10.2.2.25.1.¹⁷⁶*

¹⁷⁶ Added new subsection by Clause 5 to By-law 2726, August 18th, 2022.

10.3. BUSINESS ZONE 2 (B2) REGULATIONS

10.3.1. GENERAL USE REGULATIONS

10.3.1.1.	<u>Permitted Uses:</u>	Automobile service Station.
10.3.1.2.	<u>Lot Frontage:</u>	150 feet.
10.3.1.3.	<u>Lot Depth:</u>	150 feet.
10.3.1.4.	<u>Permitted Buildings and Structures:</u>	Buildings and other structures associated with the permitted uses.
10.3.1.5.	<u>Coverage:</u>	20% maximum
10.3.1.6.	<u>Location of Buildings and Structures:</u>	
	10.3.1.6.1. <u>Front Yard:</u>	(a) 60 feet for buildings; (b) 15 feet for pump islands; (c) 10 feet for signs;
	10.3.1.6.2. <u>Side Yards:</u>	(a) 15 feet for buildings and pump islands; (b) 5 feet for signs.
10.3.1.6.3.	<u>Rear Yard:</u>	5 feet.
10.3.1.6.4.	<u>Distance from Existing Residential Buildings:</u>	No building or pump island shall be erected less than 25 feet from an existing residential building.

10.3.2 SPECIAL USE REGULATIONS

Notwithstanding any other provisions of this By-law, the special use regulations contained in this subsection and the general use regulations contained in subsection 10.3.1 shall, except as hereinafter provided, apply to the area or areas defined below.

<i>10.3.2.1</i>		
	<i>10.3.2.1.1 <u>Defined Area:</u></i>	<i>B2-1 as shown on Zoning Map, Part 1 (f)</i>
	<i>10.3.2.1.2 <u>Other Permitted Uses:</u></i>	<i>A variety store, a grocery store or a combined variety-grocery store.</i>
	<i>10.3.2.1.3 <u>Other Permitted Building and Structures:</u></i>	<i>Buildings and Structures for the uses permitted by subsection 10.2.3.1.2</i>
	<i>10.3.2.1.4 <u>Location of Uses Buildings and Structures:</u></i>	<i>Uses, buildings and structures shall be located in accordance with Schedule 10 to this By-law.</i>
	<i>10.3.2.1.5 <u>Off-Street Parking:</u></i>	<i>No use shall be made of the area defined in subsection 10. 3. 2.1.1 or any building or structure located thereon unless there is provide and maintained a minimum of 9 parking spaces within the area designated parking area on Schedule 10 to this By-law.</i>
	<i>10.3.2.1.6 <u>Exceptions:</u></i>	<i>The provisions of subsections 10.3.1.2, 10. 3.1.3 and 10.3.1.5 to 10.1.6.4 inclusive shall not apply to uses permitted in the area defined in subsection 10.3.2.1.1.11.¹⁷⁷</i>

¹⁷⁷ Added new subsection by Clause 1 to By-law 1848, October 2nd, 1978.

10.4. BUSINESS ZONE 3 (B3) REGULATIONS

10.4.1.1.	<u>Permitted Uses:</u>	A motel, motor hotel or tourist cabins, a restaurant or other commercial eating place, refreshment stand, fruit or vegetable retail stand.
10.4.1.2.	<u>Permitted Buildings:</u>	Buildings for permitted uses including accessory buildings.
10.4.1.3.	<u>Lot Frontage:</u>	(a) Motel, motor hotel or tourist cabins: 200 feet; (b) other permitted uses: 100 feet.
10.4.1.4.	<u>Lot Depth:</u>	200 feet.
10.4.1.5.	<u>Coverage:</u>	25% maximum.
10.4.1.6.	<u>Height:</u>	2 storey maximum.
10.4.1.7.	<u>Location of Buildings and other Structures:</u>	
	10.4.1.7.1. <u>Front Yard:</u>	(a) Buildings: 80 feet. (b) Signs: 10 feet.
	10.4.1.7.2. <u>Side Yards:</u>	10 feet.
	10.4.1.7.3. <u>Rear Yard:</u>	10 feet.
10.4.1.8.	<u>Off-street Parking:</u>	The entire front yard shall be provided for parking including not more than two driveways having a maximum width of 25 feet.
10.4.1.9.	<u>Extended Yards:</u>	Where a Business Zone 3 (B3) abuts a Residential Zone, a yard of 20 feet shall be provided on the business lot at all lot lines common to both zones.
10.4.1.10.	<u>Accessory Residential Use:</u>	One dwelling unit shall be permitted in conjunction with a Business Zone 3 (B3) use provided the accessory dwelling unit an area of 4,000 square feet of land is provided in addition to the minimum area required for the permitted use.

10.4.2 SPECIAL USE REGULATIONS

Notwithstanding any other provisions of this By-law, the special use regulations contained in this subsection and the general use regulations contained in subsection 10.4.1 shall, except as hereinafter provided, apply to the area or areas defined below.

10.4.2.1		
	10.4.2.1.1 <u>Defined Area:</u>	B3-1 as shown on Zoning Maps, Parts 1(n), 3(j) and 4(k).
	10.4.2.1.2 <u>Other Permitted Uses:</u>	A Restricted Business Use.
	10.4.2.1.3 <u>Lot Frontage:</u>	35 metres.
	10.4.2.1.4 <u>Lot Depth:</u>	59 metres.
	10.4.2.1.5 <u>Height:</u>	3 storey maximum.
	10.4.2.1.6 <u>Exceptions:</u>	The provisions of subsections 10.4.1.3, 10.4.1.4, 10.4.1.6 10.4.1.7, 10.4.1.8 10.4.1.9, and 10.4.1.10 shall not apply to the area defined in subsection 10.4.2.1.1. ¹⁷⁸

(B3-2 property rezoned to B1-18 through By-law 745, January 24th, 2005.)

¹⁷⁸ Added new subsection by Clause 4 to By-law 1989, February 2nd, 1981.

(Subsection 10.5 (B4 zone) deleted by Clause 8 to By-law 3010, August 12th, 1996.)

10.6. BUSINESS ZONE 5 (B5) REGULATIONS

1 0.6.1. GENERAL USE REGULATIONS

10.6.1.1	<u>Permitted Uses:</u>	(a) Any Restricted Business Use carried on within a completely enclosed building and with no vehicular traffic into and out of the front of the building from any front yard, but not including a shopping centre; (b) Institutional Uses; (c) Dwelling units above the main or first storey of the main building; (d) Home occupations; (e) Accessory uses.
10.6.1.2.	<u>Permitted Buildings:</u>	Buildings for permitted uses.
10.6.1.3.	<u>Lot Frontage:</u>	(a) 30 feet (b) 15 feet where access is provided to the rear of the lot from a public lane or road other than through the front yard of the lot or a residential zone.
10.6.1.4.	<u>Lot Depth:</u>	165 feet.
10.6.1.5.	<u>Coverage:</u>	40% maximum.
10.6.1.6.	<u>Building Size:</u>	
	10.6.1.6.1	Where the lot frontage is 15 feet the entire frontage of the lot shall be occupied by the main building having a minimum depth, measured from and at right angles to the building line, of 40 feet and a minimum height of one storey.
	10.6.1.6.2.	Where the lot frontage is more than 15 feet the main building on the lot shall have a frontage of not less than 15 feet and a minimum depth measured from and at right angles to the building line, of 40 feet and a minimum height of one storey.
10.6.1.7.	<u>Height:</u>	(a) 35 feet maximum for the main buildings and the front wall of the main building shall be continuous for the full height of the building. (b) 20 feet maximum for accessory Buildings.
10.6.1.8.	<u>Floor Area Ratio:</u>	0. 80 maximum.
10.6.1.9.	<u>Locations of Buildings and Structures:</u>	
	10.6.1.9.1. <u>Front Yard:</u>	80 feet.
	10.6.1.9.2. <u>Side Yards:</u>	(a) 15 feet wide where access to the rear of the lot is not provided for otherwise; (b) No side yard shall be required where access is provided to the rear of the lot from a public lane or roadway other than through the front yard of the lot or a residential zone; (c) Where a side yard must be provided, one side yard only shall be required; (d) Where two side yards are provided, each side yard shall be 15 feet; (e) A side yard at a side street lot line shall not be required; (f) Where a Business Zone 5 (B5) abuts a Residential Zone, a side yard of 20 feet shall

be provided on the business zone lot at the side lot line common to both zones.

- 10.6.1.9.3. Rear Yard: 35 feet.
- 10.6.1.9.4. Accessory Buildings: An accessory building shall not be located between the front lot line and the front of the main building.
- 10.6.1.10. Off-Street Parking: The entire front yard shall be provided for parking including driveways.
- 10.6.1.11. Residential Uses:
- (a) Where sanitary sewers are not available and dwelling units above the main or first storey of the main building are provided, for each dwelling unit an area of 4,000 square feet of land shall be provided on the lot in addition to the minimum area required for the permitted business use.
 - (b) The minimum floor area per dwelling unit shall be 600 square feet not including stairways and hallways.

10.6 Business Zone 5 (B5) Regulations

- 10.6.1.1 Permitted Uses: *Commercial Fishing Use as defined in subsection 2.10.1.*
- 10.6.1.2 Permitted Buildings and Structures: *Buildings and structures for the uses permitted in subsection 10.6.1.1.*
- 10.6.1.3 Lot Frontage: *20 metres.*
- 10.6.1.4 Lot Depth: *40 metres.*
- 10.6.1.5 Coverage: *30%.*
- 10.6.1.6 Floor Area Ratio: *0.60 maximum.*
- 10.6.1.7 Height: *10 metres.*
- 10.6.1.8 Front Yard: *6 metres.*
- 10.6.1.9 Side Yards: *3 metres.*
- 10.6.1.10 Rear Yard: *7 metres.*
- 10.6.1.11 Off-Street Parking and Loading: *Off-street and loading facilities shall be provided on the same lot on which the use is located and may be provided in the front, side or rear yard.¹⁷⁹*

10.6.2 SPECIAL USE REGULATIONS:

Notwithstanding any other provisions of this By-law, the Special Use Regulations contained in this subsection and the General Use Regulations contained in subsection 10.6 shall, except as hereinafter provided, apply to the area or areas defined in this subsection.

(B5-1 property rezoned B1-2 through Clause 3 to By-law 2382, June 6th, 1988.)

- 10.6.2.2
- 10.6.2.2.1 Defined Area: *B5-2 as shown on the Zoning, Map, Part 1(am);*
- 10.6.2.2.2 Off-Street Parking: *No use shall be made of the area defined in subsection 10.6.2.2.1 or any building or structure located thereon unless there is provided and maintained five parking spaces.*
- 10.6.2.2.3 Exceptions: *The provisions of subsection 10.6.1.3 to 10.6.1.12*

¹⁷⁹ Added new section by Clause 5 to By-law 2054, August 9th, 1982.

inclusive shall not apply to uses permitted in the area defined in subsection 10.6.2.2.1.¹⁸⁰

¹⁸⁰ Added new section by Clause 5 to By-law 2467, July 24th, 1989.

10.7. BUSINESS ZONE 6 (B6) REGULATIONS

10.7.1. GENERAL USE REGULATIONS

- 10.7.1.1. Permitted Uses:
 - (a) Any Restricted Business Use carried on within a completely enclosed building and with no vehicular traffic into and out of the front of the building from any street or front yard, but not including a shopping centre;
 - (b) Institutional uses;
 - (c) Dwelling units above the main or first storey of the main building;
 - (d) Home occupations;
 - (e) Accessory uses.

- 10.7.1.2. Permitted Buildings: Buildings for permitted uses.

- 10.7.1.3. Lot Frontage:
 - (a) 30 feet.
 - (b) 15 feet where access is provided to the rear of the lot from a public lane or road other than through the front yard of the lot or a residential zone.

- 10.7.1.4. Lot Depth: 150 feet.

- 10.7.1.5. Coverage: 40% maximum.

- 10.7.1.6. Building Size:
 - 10.7.1.6.1. Where the lot frontage is 15 feet the entire frontage of the lot shall be occupied by the main building having a minimum depth, measured from and at right angles to the building line, of 40 feet and a minimum height of one storey.
 - 10.7.1.6.2. Where the lot frontage is more than 15 feet the main building on the lot shall have a frontage of not less than 15 feet and at right angles to the building line, of 40 feet and a minimum height of one storey.

- 10.7.1.7. Height:
 - (a) 35 feet maximum for the main building and the front wall of the main building shall be continuous for the full height of the building;
 - (b) 20 feet maximum for accessory buildings.

- 10.7.1.8. Floor Area Ratio: 0.80 maximum.

- 10.7.1.9. Location of Buildings And Structures:
 - 10.7.1.9.1. Front Yard: A front yard shall not be required.
 - 10.7.1.9.2. Side Yards:
 - (a) 15 feet where access to the rear of the lot is not provided for otherwise.
 - (b) No side yard shall be required where access is provided to the rear of the lot from a public lane or road other than from the fronting street or through a residential zone;
 - (c) where a side yard must be provided, one side yard only shall be required;
 - (d) Where two side yards are provided, each side yard shall be 15 feet;
 - (e) A side yard at a side street lot line shall not be required,
 - (f) Where a Business Zone 6 (B6) abuts a Residential Zone, a side yard of 20 feet shall be provided on the business zone lot at the side lot line common to both zones.

	10.7.1.9.3.	<u>Rear Yard:</u>	35 feet.
10.7.1.10		<u>Off-Street Parking:</u>	One parking space shall be provided for every 600 square feet of lot area on the same lot on which the use is located, in addition to the rear yard required in subsection 10.7.1.9.3. of this by-law.
10.7.1.11.		<u>Off-Street Loading:</u>	An area measuring 35 feet at right angles from the rear face of the main building for the full width of the lot shall be reserved as a loading area, including area for the movement and turning of vehicles.
10.7.1.12.		<u>Residential Uses:</u>	(a) Where sanitary sewers are not available and dwelling units above the main storey or first storey of the main buildings are provided, for each dwelling unit an area of 4,000 square feet of land shall be provided on the lot in addition to the minimum area required for the permitted business use; (b) The minimum floor area per dwelling unit shall be 600 square feet not including stairways and hallways.

10.7.2 SPECIAL USE REGULATIONS

Notwithstanding any other provisions of this by-law, the Special Use Regulations contained in this subsection and the General Use Regulations contained in subsection 10.7.1 shall, except as hereinafter provided, apply to the area or areas defined in this subsection.

10.7.2.1.			
	10.7.2.1.1	<u>Defined Area:</u>	B6-1 as shown on the Zoning Map, Part 1(a).
	10.7.2.1.2	<u>Other Permitted Uses:</u>	Plumbing Shop. ¹⁸¹

10.7.2 SPECIAL USE REGULATIONS

Notwithstanding any other provisions of this by-law, the special regulations contained in this subsection and the general regulations contained in subsection 10.7.1 shall, except as hereinafter provided, apply to the area or areas defined below:

10.7.2.1			
	10.7.2.1.1	<u>Exceptions:</u>	<i>The provisions of subsections 10.7.1.4, 10.7.1.9.2 10.7.1.10 and 10.7.1.11 shall Not apply to the lands and buildings within the defined area.</i>
	10.7.2.1.2	<u>Defined Area:</u>	B6-1 as shown on the Zoning Map, Part 3(e).
	10.7.2.1.3	<u>Lot Depth:</u>	132 feet
	10.7.2.1.4	<u>Location of Buildings and structures:</u>	
	10.7.2.1.4.1	<u>Side Yard:</u>	1 $\frac{1}{2}$ feet. ¹⁸²

(No B6-2 zone enacted.)

10.7.2.3			
	10.7.2.3.1	<u>Defined Area:</u>	B6-3 as shown on the Zoning Map, Part 1(b).
	10.7.2.3.2	<u>Permitted Buildings and Structures:</u>	<i>Buildings for permitted uses, only within the building area defined in subsection 10.7.2.3.1., and shown on Zoning Map 1(b).¹⁸³</i>

¹⁸¹ Added new section by Clause 1 to By-law 1677, April 8th, 1974.

¹⁸² Added new section by Clause 1 to By-law 1768, November 15th, 1976.

¹⁸³ New subsection added by By-law 1880 May 7th, 1979.

- 10.7.2.3.3 Off-Street Parking: *There shall be provided and maintained at all times a minimum of five parking spaces within the area designated "Parking Area" on Schedule 5.*
- 10.7.2.3.4 Planting Area: *The area designated "Planting Area" on Schedule 5 shall not be used except for landscaping purposes and there shall be provided and maintained at all times within the "BUFFER Strip" shown on Schedule 5 a row of shrubs which at maturity are at least 4 feet in height and so planted as to substantially obstruct the view through such hedge.*
- 10.7.2.3.6 Exceptions: *The provisions of sub-sections 10.7.1.4, 10.7.1.6, 10.7.1.9, 10.7.1.10, and 10.7.1.11 shall not apply to the land defined in sub-section 10.7.2.3.¹⁸⁴*
- 10.7.2.4
- 10.7.2.4.1 Defined Area: *B6-4 as shown on Zoning Map, Part 3(h).*
- 10.7.2.4.2 Exception: *Notwithstanding the provisions of subsection 10.7.1.10, two parking spaces shall be provided and maintained within the area defined by subsection 10.7.2.4.1.¹⁸⁵*

(B6-5 property rezoned to B6-17 by Clause 2 to By-law 1120, February 9th, 2009.)

(B6-6 property rezoned to B1 through Clause 3 to By-law 2385, June 27th, 1988.)

(B6-7 zone deleted by By-law 1965, September 3rd, 1980.)

(B6-8 property rezoned to B1-16 through Clause 2 to By-law 468, June 24th, 2002.)

(B6-9 property rezoned to B1-8 through Clause 14 to By-law 3010, August 12th, 1996.)

(B6-10 property rezoned to B1-9 through Clause 16 to By-law 3010, August 12th, 1996.)

(B6-11 property rezoned to B1-10 through Clause 18 to By-law 3010, August 12th, 1996.)

10.7.2.12

- 10.7.2.12.1 Defined Area: *B6-12, as shown on Zoning Map, Part 1(v).*
- 10.7.2.12.2 Other Permitted uses: *Residential use on the main or first floor.*
- 10.7.2.12.3 Location of Buildings and Structures: *No Buildings or structures shall be erected or used unless erected within the "Building Area" shown on Schedule 17 to this By-law.*
- 10.7.2.12.4 Off- Street Parking: *No use shall be made of the area defined in subsection 10.7.2.12.1 or any building or structure located thereon unless there is provided and maintained 12 parking spaces within the area outlined in heavy solid lines on Schedule 18 to this By-law*
- 10.7.2.12.5 Exceptions: *The provisions of subsections 10.7.1.1 (b), (c) and (d), 10.7.1.1.4, 10.7.1.1.5, 10.7.1.1.6, 10.7.1.1.9, 10.7.1.1.10, 10.7.1.1.11 and 10.7.1.1.12 shall not apply to the area defined in subsection 10.7.2.12.1.¹⁸⁶*

(B6-13 property rezoned to B1-11 through Clause 20 of By-law 3010, August 12th, 1996.)

(B6-14 property rezoned to B1-18 through Clause 2 to By-law 745, January 24th, 2005.)

(B6-15 property rezoned to B1-6 through Clause 9 to By-law 3010, August 12th, 1996.)

¹⁸⁴ Added new subsection by Clause 3 to By-law 1836, June 26th, 1978.

¹⁸⁵ Added new subsection by Clause 3 to By-law 1841, July 24th, 1978.

¹⁸⁶ Added new subsection by Clause 4 to By-law 2198, September 23rd, 1985.

(B6-16 zone deleted by Clause 4 to By-law 97, April 12th, 1999.)

10.7.2.17

- | | | |
|-------------|--|---|
| 10.7.2.17.1 | <u>Defined Area:</u> | B6-17, as shown on zoning Map, Part 1(bk). |
| 10.7.2.17.2 | <u>Only Permitted Uses:</u> | A "private club" as defined in subsection 2.40.1. |
| 10.7.2.17.3 | <u>Permitted Buildings and Structures:</u> | Buildings and structures for the use permitted by subsection 10.7.2.17.2. |
| 10.7.2.17.4 | <u>Minimum Lot Area:</u> | 1,500 square metres. |
| 10.7.2.17.5 | <u>Minimum Interior Side Yard:</u> | 3.05 metres. ¹⁸⁷ |

¹⁸⁷ Added new subsection by Clause 3 to By-law 1120, February 9th, 2009.

10.8 BUSINESS ZONE 7 (B7) REGULATIONS

10.8.1 GENERAL USE REGULATIONS

10.8.1.1	<u>Permitted Use:</u>	A retail food store.
10.8.1.2	<u>Permitted Buildings and Structures:</u>	Buildings and structures for the use permitted in subsection 10.8.1.1.
10.8.1.3	<u>Lot Frontage:</u>	Notwithstanding any other provisions of this By-law, the front lot line shall be deemed to be the street boundary line adjacent to Colborn Street (Highway No. 4) and the minimum lot frontage required shall be 50 metres.
10.8.1.4	<u>Lot Depth:</u>	73 metres.
10.8.1.5	<u>Maximum Floor Area:</u>	940 square metres.
10.8.1.6	<u>Coverage:</u>	30% maximum.
10.8.1.7	<u>Height:</u>	8 metres.
10.8.1.8	<u>Front Yard:</u>	10 metres.
10.8.1.9	<u>Side Yard:</u>	3 metres.
10.8.1.10	<u>Rear Yard:</u>	3 metres.
10.8.1.11	<u>Off-Street Parking:</u>	Off-street parking and loading facilities shall be provided on the same lot on which the use is located and may be located in the front, side or rear yard. ¹⁸⁸

¹⁸⁸ Added new subsection by Clause 5 to By-law 2140, November 16th, 1984.

INSTITUTIONAL ZONES

INSTITUTIONAL (IN) ZONE REGULATIONS

SECTION 11

11.1 EXISTING USES IN INSTITUTIONAL 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.

11.2 INSTITUTIONAL ZONE (IN) REGULATIONS

11.2.1. GENERAL USE REGULATIONS

- 11.2.1.1. Permitted Uses: Governmental, hospital and religious institutions, educational institutions under the direction of Public School Board, the High School Board, and the Separate School Board, and Public Utilities.
- 11.2.1.2. Permitted Buildings: Buildings for permitted uses.
- 11.2.1.3. Location of Buildings and Structures:
 - 11.2.1.3.1. Front Yard: 20 feet.
 - 11.2.1.3.2. Side Yards: 15 feet.
 - 11.2.1.3.3. Rear Yard: 15 feet.
- 11.2.1.4. Off-Street Parking:
 - (a) Governmental uses; 1 parking space for each 400 square feet of floor space.
 - (b) Hospital uses; 5 parking spaces for each 4 beds;
 - (c) Religious uses; 1 parking space for each 4 seats in the main auditorium;
 - (d) Educational uses;
 - 1. Elementary Schools; 3 spaces plus 1 space per classroom;
 - 2. Secondary Schools; 8 spaces plus 1 space per classroom;
 - (e) Public Utilities;
 - 1. Offices; 1 parking space for each 400 square feet of floor space;
 - 2. Service Areas; 1 space for each 9,000 square feet of service area, up to 5 spaces, plus 1 space for each additional 18,000 square feet of service area.

11.2.2. SPECIAL USE REGULATIONS

Notwithstanding other applicable provisions of this by-law, and in addition to the General Use Regulations contained in Subsection 11.2.1., the special regulations contained in this Subsection shall apply to the area or areas defined;

- 11.2.2.1. Defined Area: SIN-1 as shown on the zoning Map Part 3(a) and Part 5(a);
- Permitted Uses: Institutional uses.
- Building Area, Parking Area and Planting Area: As shown on Map Part 6.¹⁸⁹

¹⁸⁹ Subsection revised by By-law 1609.

- 11.2.2.2
- 11.2.2.2.1 Defined Area: *IN-2 as shown on the Zoning Map Part 4 (a)*
- 11.2.2.2.2 Other Permitted Uses: *As provided on Schedule "1" to this By-Law*
- 11.2.2.2.3 Other Permitted Buildings or Structures: *Buildings and structures for the permitted uses.*
- 11.2.2.2.4 Other Requirements: *there shall be provided and maintained at all times a parking area with not less than 20 spaces and a planning area as designated on Schedule "1".¹⁹⁰*
- 11.2.2.3
- 11.2.2.3.1 Defined Area: *IN-3 as shown on Zoning Map, Part 3(1).*
- 11.2.2.3.2 Off-street Parking: *There shall be provided and maintained at all times, a minimum of 15 parking spaces within the defined area.*
- 11.2.2.3.3 Exceptions: *The provisions of subsection 11.2.1.4 shall not apply to the lands defined in subsection 11.2.2.3.1.¹⁹¹*

(IN-4 zones as established by By-laws 2037 and 2320 were repealed through Clauses 1 and 2 of By-law 2726 on August 18th, 2022.)

¹⁹⁰ Added new subsection by Clause 1 to By-law 1733, June 7th, 1976.

¹⁹¹ Added new subsection by Clause 4 to By-law 1963, August 25th, 1980.

INDUSTRIAL ZONES

INDUSTRIAL ZONE (C) REGULATIONS

SECTION 12

12.1 EXISTING USES IN INDUSTRIAL ZONES

- 12.1.1. 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.
- 12.1.2. Sub-section 12.1.1. shall not prohibit the erection of accessory buildings or structures, or the enlargement or extension of buildings or other structures. which are permitted under the provisions of sub-section 12.2., provided the erection, enlargement or extension is in conformity with the applicable provisions of this by-law other than subsection 12.1.1.

12.2 INDUSTRIAL ZONE 1 (C1) REGULATIONS

12.2.1. GENERAL USE REGULATIONS

- 12.2.1.1. Permitted Uses:
- (a) Industrial-commercial use;
 - (b) Office use in connection with an industrial-commercial use;
 - (c) Industrial-commercial accessory uses;
 - (d) Living quarters for a watchman or caretaker and his family whose duties are essential to the maintenance of an industrial-commercial use, and which living quarters shall be permitted only on the same lot or land where such industrial-commercial use is located.
- 12.2.1.2. Permitted Buildings and other Structures: Buildings and other structures for the permitted uses.
- 12.2.1.3. Lot Area: 15,000 square feet minimum.
- 12.2.1.4. Lot Frontage: 100 feet.
- 12.2.1.5. Lot Depth: 150 feet.
- 12.2.1.6. Coverage: 50% maximum.
- 12.2.1.7. Floor area Ratio: 0.50 maximum.
- 12.2.1.8. Location of Buildings and other Structures:
- 12.2.1.8.1. Front Yard: 20 feet.
 - 12.2.1.8.2. Side Yards: 15 feet.
 - 12.2.1.8.3. Rear Yard: 35 feet.
- 12.2.1.9. Off-Street Parking: An area comprising part of the side or rear yards and equal to the floor area of the buildings, shall be available and maintained for the parking of motor vehicles on the same lot on which the use is located.
- 12.2.1.10. Off-Street Loading: Off-street loading facilities shall be provided on the same lot on which the use is located and may be provided in the front, side or rear yard.
- 12.2.1.11 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 or Open Space Zone.*
 - 2. *An Adult Entertainment Parlour shall be permitted only in a freestanding, single use building or structure.¹⁹²*

(C1-1 zone deleted by Clause 3 to By-law 2467, July 24th, 1989.)

(C1-2 zone deleted by Clause 4 to By-law 2467, July 24th, 1989.)

- 12.2.2.3
- 12.2.2.3.1 Defined Area: C1-3 as shown on Zoning Map, Part 1(m).
 - 12.2.2.3.2 Other Permitted Uses: Repair and sale of antiques and collectables.¹⁹³

¹⁹² Added new subsection by Clause 4 to By-law 310, April 17th, 2001.

12.2.2.4		
12.2.2.4.1	<u>Defined Area:</u>	<i>C1-4 as shown on the Zoning Map 3(ae).</i>
12.2.2.4.2	<u>Additional Permitted Uses:</u>	<i>Naval Reserve Training and Berthing Facility; Accessory Uses.</i>
12.2.2.4.3.	<u>Additional Permitted Buildings and Structures:</u>	<i>Buildings and Structures for the additional uses permitted by subsection 12.2.2.4.2.</i>
12.2.2.4.4	<u>Lot Area:</u>	<i>0.45 ha</i>
12.2.2.4.5	<u>Minimum Number of Parking Spaces:</u>	<i>14 spaces.</i>
12.2.2.4.6	<u>Exceptions:</u>	<i>The provisions of subsections 12.2.1.3; 12.2.1.4; 12.2.1.5; 12.2.1.8; and 12.2.1.9; shall not apply to the area defined in subsection 12.2.2.4.1.¹⁹⁴</i>

¹⁹³ Added new subsection by Clause 3 to By-law 1967, September 15th, 1980.

¹⁹⁴ Added new subsection by Clause 4 to By-law 2808, November 22nd, 1993.

DYNAMIC BEACH STANDARD (DBS) REGULATIONS

SECTION 13

13.1 GENERAL USE REGULATIONS

- | | | |
|---------|--|--|
| 13.1.1. | <u>Defined Area:</u> | <i>DBS as shown on Zoning Map Parts 1(av), 2(ab) and Schedule 22.</i> |
| 13.1.2. | <u>Permitted Uses:</u> | <i>(a) Conservation and Beach management practices;
(b) Beach Recreational Uses.</i> |
| 13.1.3. | <u>Permitted Buildings and Structures:</u> | <i>(a) No building or structure shall be erected for any purpose.
(b) Notwithstanding subsection 13.1.3 (a) the following buildings and structures are permitted:
(i) Buildings and structures erected by the Municipal Corporation or Conservation Authority for uses permitted by subsection 13.1.2 including, but not limited to, lifeguard stands and snow or sand fences.¹⁹⁵</i> |

¹⁹⁵ Added new section by Clause 5 to By-law 2999, May 27th, 1996.