

**MUNICIPALITY OF
PORT HOPE
ZONING BY-LAW 20/2010**



The Municipality of
Port Hope

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PREAMBLE

These pages explain the purpose of this Zoning By-law and how it should be used. **These pages do not form part of the Zoning By-law passed by Council** and are intended only to make the Zoning By-law more understandable and easier to use.

Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended grants the statutory authority to municipalities to zone lands. A zoning by-law can according to Section 34(1):

- Prohibit the use of land or buildings for any use that is not specifically permitted by the by-law;
- Prohibit the erection or siting of buildings and structures on a lot except in locations permitted by the by-law;
- Regulate the type of construction and the height, bulk, location, size, floor area, spacing and use of buildings or structures;
- Regulate the minimum frontage and depth of a parcel of land;
- Regulate the proportion of a lot that any building or structure may occupy;
- Regulate the minimum elevation of doors, windows or other openings and buildings or structures;
- Require that parking and loading facilities be provided and maintained for a purpose permitted by the by-law; and,
- Prohibit the use of lands and the erection of buildings or structures on land that is:
 - Subject to flooding;
 - The site of steep slopes;
 - Rocky, low lying, marshy or unstable;
 - Contaminated;
 - A sensitive groundwater recharge area or headwater area;
 - The location of a sensitive aquifer;
 - A significant wildlife habitat area, wetland, woodland, ravine, valley, or area of natural and scientific interest;
 - A significant corridor or shoreline of a lake, river or stream; or,
 - The site of a significant archaeological resource.

As the result of the above, zoning by-laws do affect the rights of property owners to use land. However, zoning by-laws do not create or affect any interest in land and has no effect on title.

Zoning by-laws in Ontario are not permitted to regulate the user of land, only the use of land. By-laws that are designed to control the user have been determined to not be valid by the courts. Section 35(2) is consistent with these court decisions and it states:

"The authority to pass a by-law under Section 34 does not include the authority to pass a by-law that has the effect of distinguishing between persons who are related and persons who are unrelated in respect to the occupancy or a use of a building or structure or a part of a building or structure, including the occupancy or use as a single housekeeping unit."

Any Official Plan contains general policies that affect the use of land throughout a municipality. These policies specify where certain land uses are permitted and in some instances, specify what regulations should apply to the development of certain lands. However, the Official Plan is a general document that is not intended to regulate every aspect of the built form on a lot. It is for this reason that an Official Plan is not considered to be "applicable law" for the purposes of determining whether a building permit should be issued under the Building Code Act, 1992, S.O. 1992, c.23, as amended. Instead, this is the role of a zoning by-law, with such a by-law being considered "applicable law".

HOW TO USE THIS BY-LAW

In order to reference this By-law most easily, a property owner should follow each of the steps listed below to determine what permissions apply to their particular property.

1. LOCATE THE PROPERTY ON A MAP

Maps in a Zoning By-law are called 'Schedules'. The first step to using this By-law is to refer to the zone schedules (both the main Schedules 'A' and 'B' as well as any special maps contained in Schedule 'C') that can be found on the Municipality's website, at the front counter of the Planning and Development Services Department at the Municipal Office on the copy held by the Clerk's Department. The schedule you are looking at may not be the most up-to-date version, so confirm your findings with a Planner at the Municipality. The online schedules include a key map and series of smaller maps covering the entire Municipality. The zone category will be indicated on the schedules by a symbol or abbreviation. For example, you may see a symbol such as "A" beside your property. This would indicate that your property is within the Agricultural Zone. The zone symbols or abbreviations are explained in Part 2 of the By-law.

Part 2 also provides assistance to help you identify the zone boundaries on the Schedules. For example, if your property appears close to a zone boundary and you are not sure how to determine exactly where that boundary is located, refer to Section 2.4 of the By-law.

2. BY-LAW AMENDMENTS

A Zoning By-law is not a static document. It is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of an earlier Zoning By-law

amendment. While the Municipality strives to keep this By-law up-to-date, more recent amendments may not be included in the version of the By-law you are using. Staff in the Municipality's Planning Department will be able to assist you to confirm if your property has been subject to a more recent By-law amendment.

3. ZONE PROVISIONS

The next step to using this By-law is to determine what uses are permitted on your property and what standards may apply to the uses on your property. Parts 6 to 10 of the By-law identify the permitted uses and zone standards for each zone in the Municipality. Zone standards include minimum lot area, minimum frontage requirements, minimum yard requirements, maximum lot coverage for buildings, maximum permitted height of buildings and, in some cases, the minimum required landscaped open space on the lot.

4. DEFINITIONS

The definitions in Part 3 can assist you if you are not sure of the nature of a permitted use or how it has been defined for the purposes of this By-law. Words that are defined in Part 3 are italicized throughout the By-law. If a word is not italicized, it is not specifically defined. Uses which are not identified as permitted uses within a particular zone are not permitted in that zone.

5. GENERAL PROVISIONS

Now that you are aware of the uses permitted on your property and the specific zone standards that apply to those uses, reference should be made to Part 4 of this By-law. Part 4 contains a more general set of standards known as 'General Provisions' that apply to all properties in all zones throughout the Municipality. For example, the general provisions contain standards that regulate the location of accessory structures on a lot, height exceptions, and non-conforming/non-complying uses that apply to all properties regardless of what zone the property is located.

6. PARKING AND LOADING

Part 5 provides the parking and loading requirements for all uses permitted in the Municipality. If you are considering changing the use of your property or adding a new use to your property, you should review Part 5 to ensure that you are aware of the parking requirements for the proposed use.

7. OVERLAY ZONES, EXCEPTIONS, HOLDING ZONES, TEMPORARY USES, AND INTERIM CONTROL BY-LAWS

Parts 11 through 14 contain specific requirements that may apply to one property or a series of properties. Some properties are within an Overlay Zone, covered

in Part 11 (Overlay Zones) that modify use permissions or performance standards within the particular overlay.

Lands subject to an exception covered in Part 12 (Exceptions) have specific use permissions or zone provisions that have been applied either in response to a landowner request or if there is a public interest objective in applying different rules on a property and/or in an area. The provisions within an exception section are intended to take precedence over any other provision in the By-law, where relevant lands subject to an exception will be specifically identified on the schedules with a number within a set of brackets after the parent zone symbol. Additional reference may be made within this Section to special mapping applicable to such properties.

Part 13 (Holding Provisions) contains specific requirements that describe what conditions need to be met in order to develop or establish new permitted uses on a property. Lands subject to a Hold will be specifically identified on the schedules with the use of a (H) symbol followed by the Holding provision number.

Part 14 (Temporary Use Zones) identifies those properties that are subject to use permissions that only last for a specified period of time. Lands subject to an exception will be specifically identified on the schedules with the use of a (T) symbol followed by the Temporary Use number in front of the parent zone symbol.

8. DESCRIPTION OF ZONES

This section includes an overview of the intent and purpose of each zone.

8.1 Residential Zones (Part 6 of the By-law)

The residential zones implement the policies of the Low, Medium and High Density Residential designations of the Official Plan. Two zones further recognize and permit dwelling units within the Hamlets. A further three zones recognize dwelling units within the Countryside Area.

RES1 – Low Density Residential One

This Zone would permit single detached dwellings and limited accessory uses only. Within this zone are five “sub-zones” that reflect the varied lot frontages and subsequent minimum required yards in Ward 1. These zones are identified as RES1-1 (the largest and widest lots), RES1-2, RES1-3, RES1-4 and RES1-5 (the smallest and narrowest lots). An additional use permission recognizing legal duplex and semi-detached dwellings existing on or before June 21, 1976 (the current R2-1 Zone) will be built into the By-law.

RES2 – Low Density Residential Two

This Zone would permit other forms of low density residential development in addition to single detached dwellings, such as semi-detached and duplex dwellings, in addition to limited accessory uses. Similar to the RES1 Zone, there are two sub-zones (RES2-1 and RES2-2) that reflect the different lot frontage and subsequent minimum required yards in this zone.

RES3 – Medium Density Residential

This Zone applies to the majority of lands (except for those with a current community facility) designated Medium Density Residential in the Official Plan. The list of permitted uses would be fairly broad, permitting all forms of low density residential development as well as various forms of townhouse development and limited accessory uses.

RES4 – High Density Residential

This Zone applies to lands (except for those with a current community facility) designated High Density Residential in the Official Plan. This zone permits higher density forms of development such as townhouse and apartment buildings and limited accessory uses.

RESV1 and RESV2 – Hamlet Residential

These Zones permits low density residential development within the designated Hamlets shown in the Official Plan. The RESV2 Zone requires a larger lot area to accommodate newer septic system requirements and permits more residential uses than the RESV1 Zone.

RESR – Rural Residential

This Zone permits single detached dwellings and limited accessory uses on individual lots within the Countryside Area of Ward 2 (those rural lands outside of the Hamlets and the Oak Ridges Moraine).

RESE – Estate Residential

This Zone permits single detached dwellings and limited accessory uses within existing estate residential subdivisions in the Countryside Area of Ward 2 (those rural lands outside of the Hamlets and the Oak Ridges Moraine).

8.2 Commercial Zones (Part 7 of the By-law)

The Commercial Zones implement the Central, General and Highway Commercial designations of the Official Plan, the Local Commercial areas within Ward 1 as well as existing commercial development within Ward 2.

COM1 – Neighbourhood Commercial

This Zone permits a range of commercial use permissions that are appropriate within a neighbourhood context, such as retail stores, personal service shops, offices and medical clinics. This Zone applies to smaller convenience shops and plazas in Ward 1.

COM2 – General Commercial

This Zone implements the General Commercial and Highway Commercial designations in the Official Plan and applies to comprehensively planned commercial nodes and corridors along major arterial roads in Ward 1. It permits a wide range of retail and service commercial uses.

COM3 – Downtown Commercial

This Zone applies to the historic commercial core of Ward 1 and lands south to the railway line and Lake Ontario shoreline. It permits a broad range of retail and service commercial uses, as well as limited residential development and community facilities.

COMR – Rural Commercial

This Zone applies to lands designated Highway Commercial in Ward 2 in the Official Plan and to other existing commercial properties outside of that designation. It permits a smaller range of retail and service commercial uses than in the General Commercial (COM2) Zone, based upon the availability of partial or private services only.

COMV – Hamlet Commercial

This Zone applies to existing commercial properties in the Hamlets of Welcome and Campbellcroft. It permits a range of retail and service commercial uses.

8.3 Employment Zones (Part 8 of the By-law)

The employment zones implement the General and Service Employment designations, as well as the additional specialized designations, of the Official Plan.

EMP1 – General Employment

This Zone applies to lands designated General Employment in the Official Plan in both Ward 1 and the Rural Employment Areas of Ward 2 (Wesleyville and the intersection of Highway 28 and Dale Road). Permitted uses include industrial and office uses, as well as outdoor storage. This Zone can be characterized as a “traditional” employment zone.

EMP2 – Service Employment

This Zone applies to lands designated Service Employment in the Official Plan in both Ward 1 and the Rural Employment Areas of Ward 2 (Wesleyville and the intersection of Highway 28 and Dale Road). Permitted uses include industrial and office uses, as well as limited service commercial uses, but at a higher density to ensure a high-profile built form.

EMPR – Rural Employment

This Zone applies to remaining employment lands within Ward 2 that are the site of existing industrial uses.

EMPX – Extractive

This Zone recognizes and permits licensed mineral aggregate resource operations under the Aggregate Resources Act.

EMPG – Power Generation

This Zone applies to lands in Wesleyville that are planned for electrical power generation and accessory uses.

EMPW – Waste Management

This Zone applies to sites used for *waste management* purposes in Ward 2.

8.4 Countryside Zones (Part 9 of the By-law)

These zones apply in Ward 2 to all rural lands that are not part of a Hamlet. In other words, these zones apply to farmlands, woodlots and other rural areas.

A – Agricultural

This Zone applies to lands designated as Prime Agriculture in the Official Plan, which are recognized as those lands to be preserved for farming. Permitted uses are limited to agriculture and related uses, including single detached dwellings and limited accessory uses.

RU – Rural

This Zone applies to lands designated as General Agriculture in the Official Plan, which are recognized as those lands that are less ideal for farming. Permitted uses are limited to agriculture and related uses, including single detached dwellings and limited accessory uses.

Oak Ridges Moraine Zones

In 2005, the Municipality adopted its Oak Ridges Moraine Conservation Plan Zoning By-law Amendment. It introduced six new zones into the former Township of Hope By-law, directly implementing that Plan. The new Official Plan recognizes the same six designations as a Secondary Plan for the area, each of which provides the basis for one implementing zone:

- Oak Ridges Moraine – Core (ORM-C), applying where a high concentration of significant environmental features has been identified;
- Oak Ridges Moraine – Environmental Protection (ORM-EP), applying to the majority of lands on the Oak Ridges Moraine and where development is generally discouraged;
- Oak Ridges Moraine – Linkage (ORM-L), applying to lands where a corridor system for the potential natural transfer of wildlife throughout the Oak Ridges Moraine is to be protected;
- Oak Ridges Moraine – Extractive (ORM-MX), applying to licensed mineral aggregate resource operations on the Oak Ridges Moraine;

- Oak Ridges Moraine – Rural (ORM-RU), applying where typical rural land uses are permitted on the Moraine; and,
- Oak Ridges Moraine – Rural Settlement (ORM-RS), applying where potential expansion of the Hamlet of Campbellcroft is contemplated by the Official Plan.

8.5 Other Zones (Part 10 of the By-law)

A series of additional zones are required to complete the implementation of the Official Plan.

IU – Urban Institutional

This Zone applies to community facilities in Ward 1. Permitted uses include any public or community-oriented use, including places of worship, schools, community halls and facilities operated by the Municipality.

IR – Rural Institutional

This Zone applies to community facilities in Ward 2. A smaller list of permitted uses applies in this Zone compared to the Urban Institutional (IU) Zone.

OS – Open Space

This Zone applies to parklands owned and maintained by a public authority throughout the Municipality.

OSR – Major Recreational

This Zone applies to major, private open space uses (active recreation) throughout the Municipality. Permitted uses include golf courses, cross-country facilities, mountain biking facilities and equestrian centres.

EP – Environmental Protection

This Zone applies to Provincially Significant Wetlands and remaining lands designated Natural Environment in the Official Plan, and outside of the Regulatory Floodplain (see Section 7.6 of this Preamble) that contain some form of significant environmental feature. No uses beyond conservation uses and parks without buildings or structures (except those used for erosion or flood control) are permitted.

D – Development

This Zone identifies lands that are designated for development in the Municipality by the Official Plan but have yet to be granted full development permissions.

T – Transportation

This Zone applies to railway lands owned by CP Rail and CN Rail and permits railway uses only.

8.6 Overlay Zones (Part 11 of the By-law)

Overlay Zones are contained in Part 11 of the Zoning By-law. These Zones modify use permissions and performance standards for lands covered by the applicable Overlay, as required by the Official Plan.

EP-F – Environmental Protection - Floodplain

This Overlay Zone restricts full development permissions and performance standards within the overlay to ensure that certain design criteria are carried forward into applicable law to the satisfaction of the Conservation Authority, but only within those areas where limited development is permitted in Section C5.1.1 of the Official Plan.

Landform Conservation Areas 1 and 2

On the Oak Ridges Moraine, an additional cap on the total area disturbed by development is placed upon lands within a Landform Conservation Area identified on Schedule 'C-2' to the Zoning By-law. Two standards apply, based upon the degree of significance attached to the particular feature.

CORPORATION OF THE MUNICIPALITY OF PORT HOPE

BY-LAW NUMBER 20/2010

WHEREAS it is considered desirable to prohibit the *use* of land and the erection and *use* of *buildings* or *structures* except for certain purposes, and to regulate the type of construction and the height, bulk, location, size, *floor area*, character and *use* of *buildings* in accordance with the provisions of Part 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended;

NOW THEREFORE, the *Council* of the *Corporation* of the *Municipality* of Port Hope enacts as follows:

PART 1 - INTERPRETATION AND ADMINISTRATION

1.1 TITLE

This By-law may be referred to as the “*Municipality of Port Hope Zoning By-law*” (“this By-law”) and applies to all lands within the *Municipality of Port Hope*.

1.2 CONFORMITY AND COMPLIANCE WITH BY-LAW

No *person* shall change the *use* of any *building, structure* or land or *erect* or alter any *building* or *structure* or occupy any land or *building* except in accordance with the provisions of this By-law.

1.3 BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND MUNICIPAL LICENSES

The requirements of this By-law must be met before a *building* permit is issued for the erection, addition to or *alteration* of any *building* or *structure*.

Without limiting the generality of the foregoing, this shall include those matters defined as applicable law under Section 1.4.1.3 of Ontario Regulation 350/06 (the *Building Code*).

1.4 INTERPRETATION

Nothing in this By-law shall serve to relieve any *person* from any obligation to comply with the requirements of any other By-law of the *Municipality of Port Hope* or any other requirement of the *County of Northumberland*, the *Province of Ontario* or the *Government of Canada* that may affect the *use* of lands, *buildings* or *structures* in the *Municipality*.

1.5 ENFORCEMENT

Any person or directors or officers of any corporation convicted of a violation of this By-law is liable to penalties in accordance with the provisions of Sections 67 and 67.1 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

1.6 VALIDITY

If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, if it be found to be of no-force and effect, it is the intention of the *Municipality* that each and every other provision of this By-law be applied and in force in accordance with its terms to the extent possible according to law.

1.7 EFFECTIVE DATE

This By-law shall come into force the day it was passed if no appeals are received. If an appeal(s) is received, this By-law, or portions thereof, shall come into force upon the approval of the Ontario Municipal Board and in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended.

1.8 REPEAL OF FORMER BY-LAWS

- a) By-laws 2857/73 (Port Hope) and 3035 (Hope) and all amendments thereto are hereby repealed.
- b) By-law 3350 (Hope) is amended by deleting all of the Parts and Schedules that apply to all lands subject to By-law 3350 except for those lands that are legally described as:
 - (i) Part of Lot 12, Broken Front Concession (1252 and 1845 Baulch Road and adjacent lands as identified on Schedule "B" - Sheet 15).

1.9 MINOR VARIANCES TO FORMER BY-LAWS, AS AMENDED

Where the Committee of Adjustment of the *Municipality* or the Ontario Municipal Board has authorized a minor variance from the provisions of By-laws 2857/73, 3035 and 3350, in respect of any land, *building* or *structure* and the decision of the Committee of Adjustment of the *Municipality* of Port Hope or the Ontario Municipal Board authorizing such minor variance has become final and binding prior to the enactment of this By-law, the provisions of this By-law, as they apply to such land, *building* or *structure*, shall be deemed to be modified to the extent necessary to give effect to such minor variance.

1.10 EXPANSIONS TO LEGAL NON-CONFORMING USES

Where the Committee of Adjustment of the *Municipality* of Port Hope or the Ontario Municipal Board has authorized the expansion of a legal non-conforming use, *building* or *structure* in accordance with Section 45 (2) a) i) of the Planning Act R.S.O. 1990 c.P 13 as amended and the decision of the Committee of Adjustment of the

Municipality of Port Hope or the Ontario Municipal Board authorizing such expansion has become final and binding prior to the enactment of this By-law, the provisions of this By-law, as they apply to such land, *building* or *structure* shall be deemed to be modified to the extent necessary to give effect to such a decision.

1.11 SITE PLAN AGREEMENTS

Where a Site Plan Agreement has been entered into prior to the effective date of this by-law, the provisions of this by-law, as they apply to such land, *building* or *structure*, shall be deemed to be modified to the extent necessary to give effect to such Site Plan Agreement.

1.12 LOTS CREATED BY A WILL

A *lot* created by a Will after July 26, 1990 does not qualify for a *building* permit. If a *lot* created by a Will was created on or before July 26, 1990, a *building* permit may be available provided all other applicable provisions in this By-law are met.

PART 2 - ESTABLISHMENT OF ZONES

2.1 ZONES

The Provisions of this By-law apply to all lands within the limits of the *Municipality* of Port Hope. All lands in the *Municipality* are contained within one or more of the following *Zones*:

ZONE	SYMBOL
Residential Zones (See Part 6)	
Low Density Residential One	RES1-1, RES1-2, RES1-3, RES1-4. RES1-5
Low Density Residential Two	RES2-1, RES2-2
Medium Density Residential	RES3
High Density Residential	RES4
Hamlet Residential One	RESV1
Hamlet Residential Two	RESV2
Rural Residential	RESR
Estate Residential	RESE
Commercial Zones (See Part 7)	
Neighbourhood Commercial	COM1
General Commercial	COM2
Downtown Commercial	COM3
Rural Commercial	COMR
Hamlet Commercial	COMV
Employment Zones (See Part 8)	
General Employment	EMP1
Service Employment	EMP2
Rural Industrial	EMPR
Power Generation	EMPG
Extractive Industrial	EMPX
Waste Management	EMPW
Countryside Zones (See Part 9)	
Agricultural	A
Rural	RU
Oak Ridges Moraine – Core	ORM-C
Oak Ridges Moraine – Environmental Protection	ORM-EP

Oak Ridges Moraine – Extractive Industrial	ORM-MX
Oak Ridges Moraine – Linkage	ORM-L
Oak Ridges Moraine – Rural	ORM-RU
Oak Ridges Moraine – Rural Settlement	ORM-RS

Other Zones (See Part 10)

Institutional – Urban	IU
Institutional – Rural	IR
Open Space	OS
Major Recreational	OSR
Environmental Protection	EP
Transportation	T
Development	D

Overlay Zones (See Part 11)

Environmental Protection – Floodplain	EP-F
Landform Conservation Area	(Schedule ‘C-2’)

2.2 ZONE SYMBOLS

The *Zone* symbols used in this By-law and on the Schedules to this By-law to refer to *lots, buildings and structures* and other parcels of land and to the *use of lots, buildings and structures* and other parcels of land permitted by this By-law.

2.3 ZONE SCHEDULES

The *Zones* and *Zone* boundaries are shown on Schedules ‘A’ and ‘B’ to this By-law.

2.4 DETERMINING ZONE BOUNDARIES

When determining the boundary of any *Zone* as shown on any Schedule forming part of this By-law, the following provisions shall apply:

- a) A boundary indicated as following a highway, *street, lane, railway right-of-way, utility corridor or watercourse* shall follow the *centreline* of such highway, *street, lane, railway right-of-way, utility corridor or watercourse*;
- b) A boundary indicated as substantially following *lot lines* shown on a Registered Plan of Subdivision, or the municipal boundaries of the *Municipality* shall follow such *lot lines*;

- c) A boundary indicated as running substantially parallel to a *streetline* and the distance from the *streetline* is not indicated, the boundary shall be deemed to be parallel to such a *streetline* and the distance from the *streetline* shall be determined according to the scale shown on the Schedule(s);
- d) A boundary indicated as following a *lot line* abutting an unopened road allowance shall follow the *centreline* of such road allowance;
- e) A *zone* boundary indicated as following a shoreline shall follow such shoreline, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- f) Where a *lot* falls into two or more *zones*, each portion of the *lot* shall be used in accordance with the provisions of this By-law for the applicable *zone*; and,
- g) Where none of the above provisions apply the *zone* boundary shall be scaled from the Schedule(s).

In no case is a *Zone* boundary dividing a *lot* into two or more *Zone* categories intended to function as a property boundary.

2.5 EXCEPTION ZONES

Where a *Zone* symbol on the attached schedule(s) is followed by a number enclosed within a set of brackets, the symbol refers to a site-specific exception that applies to the lands noted. Site-specific exceptions are listed in Part 12 of this By-law. Unless specifically amended by the *Zone* Exception, all other provisions of the Parent *Zone* apply.

2.6 HOLDING ZONES

- a) Notwithstanding any other provision in this By-law, where a *Zone* symbol is followed by a set of brackets, a letter “H” and a number contained within those brackets – for example RES4(H1) – the symbol refers to a Holding provision that applies to the lands noted. No *person* shall *use* or permit the land to which the Hold applies for any *use* other than the *use* which legally existed on the date the By-law applying the Holding provision came into effect or the *use(s)* permitted in the By-law enacting the Hold, or expand or replace an existing *building* or *structure* as the case may be, until the

Hold (H) is removed in accordance with the policies of the Official Plan and Section 36 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

- b) Notwithstanding the above, *public uses* in accordance with Section 4.28 of this By-law, *model homes* in accordance with Section 4.15 of this By-law, construction uses in accordance with Section 14.1.1 of this By-law, a sales office in accordance with Section 14.1.2, *wayside pit*, *wayside quarry*, *portable asphalt plant* or *portable concrete plant* in accordance with Section 14.1.3 of this By-law are permitted without the need to remove the Holding provision. In addition, this provision shall not prevent the issuance of a Building Permit to make structural repairs, carry out façade improvements, improve and/or replace plumbing and electrical systems and/or replace openings.

2.7 DEFINITIONS

For the convenience of the reader, all words that are italicized are defined in Part 3 of this By-law.

2.8 LAND OWNERSHIP

No representation or implication is made by the *Municipality* nor should any inference be drawn from the Schedules attached to this By-law as to the ownership of any land and/or rights of access to such land. Ownership and access rights are legal matters that fall solely within the purview of a *court* of competent jurisdiction.

PART 3 - DEFINITIONS

Abattoir means:

A *building or structure* used for the slaughtering or killing of livestock, or poultry, or fowl, and may include the temporary keeping of animals or poultry or fowl, the preparing and packing and shipping of meat for human consumption; in conformity with the regulations contained in the Public Health Act, as amended.

Accessory Farm Employee Accommodation means:

Buildings or structures that are designed to be used for the accommodation of employees of the main *agricultural use* on the same *lot* as the main *agricultural use* on a temporary or permanent basis.

Adult Entertainment means:

A *premises* in which is provided, in pursuance of a trade, calling, business or occupation, *Services or Entertainment Appealing to or Designed to Appeal to Erotic or Sexual Appetites or Inclinations*.

Adult Entertainment Use means:

A *use* that includes an *adult entertainment establishment, adult video store, adult specialty store, body rub establishment*, whether such *use* is a *main or accessory use*.

Adult Specialty Store means:

A *premises* specializing in the sale of materials and products, such as clothing and accessories, appealing to, or designed to appeal to, erotic or sexual appetites or inclinations. An *adult specialty store* may, as an *accessory use*, sell or rent pre-recorded video tapes, video discs, films and or *slides appealing to, or designed to appeal to, erotic or sexual appetites or inclinations*, provided that no greater than 10% of the *gross floor area* of the *premises* is used for such sale or rentals.

Adult Video Store means:

A *premises* where any combination of pre-recorded video tapes, video discs, films or slides *Appealing to, or Designed to Appeal to, Erotic or Sexual Appetites or Inclinations*, or depicting sexual acts, are offered for rent or sale. An *Adult video store* shall not include facilities for the screening or viewing of such products.

Aggregate Transfer Station means:

An area of land where aggregate products are temporarily stored prior to shipment and may include facilities for the administration or management of the business and the storage of required equipment, but does not include the retail sale of aggregate products.

Agricultural Support Use means:

A *premises* used for the storing, blending and distributing agricultural support products such as fertilizers, seed and agricultural chemicals.

Agricultural Use means:

The growing of crops, including *nursery* and horticultural crops; raising of livestock; raising of other animals for food, fur or fiber, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm *buildings* and *structures*.

Agricultural Warehouse means:

A *building* or *premises* used for the storage of agricultural produce and may include facilities for wholesale distribution or an *accessory retail store*, subject to the provisions of this By-law.

Aisle means:

An area of land used by *motor vehicles* to access *parking spaces*.

Alteration means:

Any modification to the structural component of a *building* that results in a change of *use*, or any increase or decrease in the volume or *floor area* of a *building* or *structure*.

Animal Clinic means:

A *premises* where one or more licensed veterinarians and any associated staff provide medical, surgical or similar services solely for domestic pets. This definition may include overnight recovery areas and grooming activities but shall not include any facilities for the cremation or disposal of dead animals or a *kennel*.

Animal Shelter means:

A *premises* where abandoned, lost or rescued animals are sheltered or boarded for the purposes of adoption or claiming shall not but include and *animal clinic* or *kennel*.

“Appealing to, or Designed to Appeal to, Erotic or Sexual Appetites or Inclinations”, when Used to Describe Services or Entertainment includes:

- a) Services or Entertainment of which a principal feature or characteristic is the nudity or partial nudity of any *person*; and,
- b) Services or Entertainment in respect of which the word "nude", "naked", "topless", "bottomless", "sexy", or any other word, picture, symbol or representation having like meaning or implication is used in any advertisement.

Arena means:

A *building* containing an ice surface used for skating related activities and/or trade shows, other recreational activities not requiring an ice surface and other events or gatherings, such as weddings, banquets and conferences.

Art Gallery means:

A *premises* used for any combination of the preservation, exhibition or sale of paintings or other works of art.

Assembly Hall means:

A *building*, or part of a *building*, in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and may include a *banquet hall*, *private club* or fraternal organization.

Auctioneer's Establishment means:

A *premises* used for the sale of items in which the price is determined through bidding and may include, as an *accessory use*, an *outdoor display and sales area*.

Auditorium means:

A *building*, or part of a *building*, in which facilities are provided for athletic, civic, educational, political, religious or social purposes and shall include an *arena*, gymnasium, or other similar facility or *use*.

Balcony means:

An outdoor living area on a partially enclosed platform attached to or extended horizontally from one or more main walls of a *building* and which is not accessed by stairs from the outside.

Banquet Hall means:

A *premises* used for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages may be prepared and served.

Basement means:

One or more *storeys* of a *building* located below the *first storey*.

Bed and Breakfast Establishment means:

Guest rooms are rented and in which sleeping accommodations and meals are provided to the traveling public and is carried out within the principal residence of the proprietor of the establishment.

Billiard Hall means:

A *premises* where the game of billiards is played for commercial purposes.

Boarding or Rooming House means:

Any house or other *building* or portion thereof in which *persons* are harbored, received or lodged for hire, but does not include a *bed and breakfast*, *day nursery*, *hotel*, *hospital*, home for the young or the aged or institution, provided the *hotel*, *hospital*, home or institution is licensed, approved or supervised under any general or specific Act.

Body Rub means:

The kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a *person's* body or part thereof but does not include:

- a) Medical or therapeutic treatment given by a *person* duly qualified, licensed or registered to do so under the laws of the Province of Ontario; and,
- b) Alternative health care services, such as shiatsu and reflexology, given by a *person* duly qualified to provide such services through completion of formal courses and education and training in the provision of such service offered by an organization or institution that has the qualifications to provide such services.

Body Rub Establishment means:

A *premises* where a *Body Rub* is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but shall not include:

- a) Any *premises* where *Body Rubs* are performed for the purpose of medical or therapeutic treatment and are performed by *persons* duly qualified, licensed or registered to do so under the laws of the Province of Ontario; and,
- b) Any *premises* where *Body Rubs* are performed for the purpose of alternative health care services, such as shiatsu and reflexology, given by a *person* duly qualified to provide such services through completion of formal courses and education and training in the provision of such service offered by an organization or institution that has the qualifications to provide such services.

Bowling Alley means:

A *premises* where the game of bowling is played for commercial purposes.

Building means:

A *structure* occupying an area greater than 10.0 square metres consisting of any combination of a wall, roof and floor, or a structural system serving the function thereof, including all plumbing, works, fixtures and service systems appurtenant thereto.

Building, Accessory means:

A detached *building*, the *use* of which is customarily incidental, subordinate or exclusively devoted to the main *use* of *main building* located on the same lot.

Building, Apartment means:

A *building* containing three or more dwelling units that share a common external access to the outside through a common vestibule and a common corridor system.

Building, Main means:

A *building* in which the *main use* for which the lot is *used* is carried on.

Building, Multiple-Unit means:

A *building* containing three or more *dwelling units* that are:

- a) Located in a *building* such that some or all of the dwelling units are accessed by a corridor system or entrance and some or all of the dwelling units are accessed directly from the outside; or,
- b) Located within a Co-op or any Plan of Condominium, such as a Common Element Condominium, with each dwelling unit being accessed by a *private road*.

This definition shall not apply in a circumstance where a dwelling unit is considered to either be an *apartment dwelling unit* or a *street townhouse dwelling unit*, as defined by this by-law.

Building Supply Outlet means:

A *premises* in which *building* or construction materials and home improvement materials are offered for retail sale.

Building, Townhouse

A *building* that is vertically divided into a minimum of three and a maximum of eight dwelling units, each of which has independent entrances at grade to the front and rear of the *building*, and each of which shares a common wall that has a minimum height of 2.4 metres and a depth of 6.0 metres, above grade.

Bulk Fuel Storage Facility means:

A *premises* for the bulk storage of petroleum, petroleum products, chemicals, gases or similar substances.

Business Office means:

A *service commercial use* where the affairs of businesses, professions, services, industries, governments, non-profit organizations or like activities are conducted, in which the chief product of labour is the processing and storage of information rather than the production and distribution of goods.

Camping Establishment means:

A tourist establishment consisting of at least five (5) seasonal camping *lots* and comprising land used or maintained as grounds for the camping or temporary parking of *trailers*, motorized *mobile homes*, truck campers, campers or tents, but does not include parks or camping grounds maintained by a *public authority*

Carport means:

A *building* or *structure* which is less than 60% enclosed, and is used for the parking or storage of one or more *motor vehicles*.

Cellar means:

That portion of a *building*, between two floor levels, which has at least half of its height from finished floor to finished ceiling below finished grade level adjacent to the exterior walls of the *building*.

Cemetery means:

Land set aside or used for the interment of human remains and includes a mausoleum, columbarium or other *structure* intended for the interment of human remains.

Centreline means:

With reference to a *public street*, a line drawn parallel to and equidistant from the limits of the *public street* and with reference to a *private street*, a line drawn parallel to and equidistant from the edges of the paved surface of the *private street*.

Commercial Fitness Centre means:

A *premises* in which facilities are provided for recreational or athletic activities such as body-building, gymnastics, martial arts and exercise classes and may include associated facilities such as a sauna, a swimming pool, a solarium, a cafeteria and *accessory retail store*.

Commercial Self-storage Facility means:

A *premises* used for the temporary storage of household items and secured storage areas or lockers which are generally accessible by means of individual loading doors for each storage unit or locker.

Communication Dish means:

A device that is utilized to receive and/or transmit telecommunications radio or television or other data signals.

Community Centre means:

A *building* or *structure* operated by a *public authority* which is used for community activities and other activities such as recreational uses, trade shows, weddings and banquets.

Community Centre, Private means:

A tract of land or *building* or any part of a *building* used by the residents of a planned adult lifestyle/retirement community for the purposes of recreation, athletic, religious or social purposes.

Concrete Batching Plant means:

A *premises* where concrete or concrete products used in *building* or construction are produced, and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the *premises* and the storage and maintenance of required equipment, but does not include the retail sale of finished concrete products.

Conservation Use means:

An area of land that is generally left in its natural state and which is used for any combination of preservation, protection, or improvement of components of the natural heritage system of other lands for the benefit of man and the natural environmental and which may include, as an *accessory use*, hiking trails and cross country ski trails, *buildings* and *structures* such as nature interpretation centres and public information centres.

Contractor's Supply Establishment means:

A *premises* in which materials and supplies for service trade contractors are offered for retail sale.

Contractor's Yard means:

An area of land used for the storing of equipment and materials used in the construction and/or restoration industries and may include a *premises* where a contractor performs shop or assembly work, but does not include an *industrial use, landscaping operation or warehouse*.

Corporation means:

The *Corporation* of the *Municipality* of Port Hope.

Council means:

The *Council* of the *Corporation* of the *Municipality* of Port Hope.

Country Inn means:

A *building* of historic and/or architectural significance, as determined by the *Municipality*, which is used for overnight accommodation, with meals, for the traveling public or day visitors to Port Hope, and which shall also include residential accommodation for the owner.

County means:

The *Corporation* of the *County* of Northumberland.

Court means:

An open, uncovered and unoccupied space appurtenant to a *building* and bounded on two sides by walls of the *main building*.

Crematorium means:

An establishment devoted to the cremation of corpses.

Custom Workshop means:

A *building* or part of a *building* used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes or articles and shall include baking, dressmaking, upholstering, weaving, repair, refinishing of antiques and other art objects, ceramic making, painting, sculpting and the repair of personal effects, but shall not include metal spinning, woodworking or furniture manufacturing, or refinishing of antique automobiles, and further does not include any factory production or any shop or factory otherwise classified or defined in the By-law.

Dating/Escort Services means:

A *premises* where the social needs of those looking for companionship are organized, and which may include meeting rooms and/or dispatch services and/or the storage and parking of *motor vehicles* used by the business.

Day Nursery means:

- a) A *premises* that provides temporary care or guidance, or both temporary care and guidance, for children in accordance with the Day Nurseries Act, R.S.O. 1990, c.D.2, as amended; and,
- b) A *premises* that provides temporary care or guidance, or both temporary care and guidance, for seniors, but shall not include *emergency housing, Group Home Type 1, Group Home Type 2, long term care facility, nursing home, retirement home, senior citizens home* or *treatment centre*.

Deck means:

An uncovered and unenclosed *structure* that is *accessory* to a residential *use* and used as an outdoor living area, with a foundation holding it *erect* and a floor that is above finished grade and shall not include a landing or a stair.

Drive-through Service Facility means:

A *building* or *structure* where goods or services are offered to the public within a parked or stationary vehicle by way of a service window.

Driveway means:

A defined area providing access for *motor vehicles* from a *public* or private *street* or a *lane* to facilities such as a *parking area, parking lot, loading space, private garage, building* or *structure*.

Dry Cleaners Distribution Station means:

A *premises* where articles of fabric are dropped off, stored or picked up by members of the public, but does not include a *dry cleaning establishment*.

Dry Cleaning Establishment means:

Where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and in which only non-flammable solvents are or can be used which do not emit odours or fumes and from which no noise or vibration is emitted.

Dry Industrial Use means:

An *industrial use* that does not utilize water in any manufacturing or processing activities and where water is required for employee *use* only.

Dwelling or Dwelling Unit means:

A room or *suite* of rooms designed or intended for *use* by one or more *persons* living together as one housekeeping unit and containing cooking, eating, living, sleeping and sanitary facilities, each of which has an independent entrance either directly to the outside or through a common vestibule.

Dwelling, Accessory means:

An *accessory dwelling unit* that is located within a *single-detached dwelling unit* or in a non-residential *building*.

Dwelling, Apartment means:

A *dwelling unit* in an *apartment building*.

Dwelling, Duplex means:

A *dwelling unit* in a two storey *building* that is divided horizontally into two *dwelling units*.

Dwelling, Multiple-Unit means:

A *dwelling unit* in a *multiple-unit building*.

Dwelling, Semi-Detached means:

A *dwelling unit* in a *building* containing two *dwelling units* each of which has an independent entrance, either directly from outside or through a common entrance from the outside. A wall that has a minimum *height* of 2.4 metres above *grade* and which has a minimum depth of 6.0 metres is required to separate the pair of *dwelling units* within the same *building*.

Dwelling, Single Detached means:

A *building* containing only one *dwelling unit*, but shall not include a *mobile home*, *park model home*, *travel trailer* or *tent trailer* or *trailer* otherwise designed.

Dwelling, Street Townhouse means:

A *dwelling unit* in a *townhouse building*, with each unit having direct access to a *public street*.

Easement means:

An instrument that is registered on title which provides for the *use* of land subject to the *easement* for sewer, water, drainage or utility purposes and which may include a right-of-way in favour of a *public authority*.

Emergency Housing means:

Emergency shelters or facilities that accommodate not less than three and not more than ten residents, and provide temporary lodging, board, and personal support services to homeless individuals in a 24-hour supervised setting, for up to 30 days.

Emergency Service Facility means:

A *building* that houses emergency personnel, their supplies, equipment and vehicles and may include an ambulance response facility, fire station or police station.

Equestrian Centre means:

An area of land where horses are boarded and taken out to be ridden by their owners, or rented to others and where riding lessons may be given.

Equipment Sales and Rental means:

A *premises* in which heavy machinery and equipment are offered or kept for rent, lease or hire under agreement for compensation.

Erect means:

To build, construct, reconstruct, alter, relocate or, without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing *building* or *structure* by an addition, demolition, enlargement or extension.

Established Grade means:

The average surface elevation at the outside walls of any *building* or *structure*, which is determined by taking the arithmetic mean of the levels of the finished ground surface at every location of change of grade at the outside walls of the *building* or *structure*.

Farm Implement Dealer means:

A *premises* where farm equipment is repaired, serviced, sold or stored.

Farm Produce Outlet means:

A *premises* where farm produce, exclusive of meat or poultry, is offered for retail sale, but shall not include the sale of reprocessed farm produce or an *abattoir*.

Farm Related Tourism Establishment means:

A *commercial farm* that provides, as an *accessory use*, educational and active opportunities to experience the agricultural way of life in the *Municipality*. Such activities may include farm machinery and equipment exhibitions, farm-tours, petting zoos, hay rides, sleigh rides, processing demonstrations, pick your own produce, farm theme playground for children and small scale educational establishments that focus on farming instruction. Overnight camping, amusement parks and recreational *uses* are not permitted.

Farm Vacation Home means:

An establishment that provides sleeping accommodation (including participation in farm activities, meals, services, facilities and amenities for the exclusive *use* of guests) for the traveling or vacationing public in up to three guest rooms within a single *dwelling* that is located on a farm and is the principal residence of the proprietor of the establishment.

Financial Institution means:

A *premises* in which financial services are offered to the public and includes a bank, credit union, trust company, savings office, cheque cashing company, or any other retail banking operation.

Floodplain means:

In the case of inland waterways, those lands subject to flooding during a Regulatory flood, being a Regional Storm centred over any given watershed.

Floodproofing, Dry means:

The *use* of fill, columns or design modifications to elevate *openings* in *buildings* or *structures* above the Regulatory Flood level or the *use* of watertight doors, seals, berms/floodwalls to prevent water from entering *openings* below the Regulatory Flood level.

Floodproofing, Wet means:

The *use* of materials, methods and design measures to maintain structural integrity and minimize water damage in *buildings* or *structures* which are intentionally designed to allow flood waters to enter, as determined by the *Municipality* in consultation with the Ganaraska Region Conservation Authority.

Floor Area means:

The total area of all floors in a *building*, measured between the exterior faces of the exterior walls of the *building* at each floor level.

Floor Area, Gross means:

The aggregate of the areas of each floor of a *building* or *structure* above or below *established grade*, measured between the exterior faces of the exterior walls and the *building* or *structure* excluding the sum of the areas of each floor used, or designed or intended for *use* for the parking of *motor vehicles*, unless the parking of *motor vehicles* is the principal *use* of the *building* or *structure*.

Floor Area, Gross Leasable means:

The total area of all floors in a *building* designated for tenant occupancy and the tenant's exclusive *use* including *basements*, mezzanines, upper *floor areas* and integral storage areas, measured from the centerline partitions and the exterior faces of the exterior walls but not including public or common areas such as *parking spaces* and *parking areas*, malls, corridors, stairways, elevators or machine or equipment rooms.

Floor Area, Ground means:

The area of a *lot* occupied by a *building* or *structure* measured to the interior face of the exterior walls, excluding in the case of a *dwelling* any *private garage*, breezeway, *porch* or verandah.

Floor Area, Net means:

The aggregate of the *floor areas* of a *building* above or below *established grade*, but excluding car *parking areas* within the *building*, stairways, elevator shafts, service or mechanical rooms and penthouses, washrooms, garbage or recycling rooms, staff locker and lunch rooms, loading areas, any space with a floor to ceiling *height* of less than 1.8 metres and any part of a *basement* that is unfinished, is used solely for storage purposes and is not accessible to the public.

Forest Management means:

The management of woodlands, including *accessory uses* such as the construction and maintenance of forest access roads and maple syrup production facilities:

- a) For the production of wood and wood products, including maple syrup;
- b) To provide outdoor recreation opportunities;
- c) To maintain and, where possible, improve or restore conditions for wildlife; and,
- d) To protect water supplies.

Fuel Storage Tank means:

A tank for the bulk storage of petroleum, gasoline, fuel, oil, gas or flammable liquid or fluid but does not include a container for a tank for storage merely incidental to some other *use* of the *premises* where such tank is located.

Funeral Home means:

A *premises* used for providing funeral supplies and services to the public and includes facilities intended for the preparation of the human body for internment.

G.S.C. means:

When used in conjunction with a number, the elevation of the land above sea level according to the Geological Survey of Canada.

Garage, Private means:

An enclosed *building*, or part thereof, designed and used for the storage of one or more *motor vehicles*.

Garden Suite means:

A self-contained detached residential *structure* that is *accessory* to a *single detached dwelling unit* and is designed to be temporary and portable.

Golf Course means:

An outdoor public or private area operated for the purpose of playing golf and which may include, as accessory uses, a *restaurant*, a clubhouse, a *retail store* selling golf equipment and accessories, a fitness centre, a *miniature golf course*, a dwelling unit for an owner/caretaker and other *buildings* or *structures* devoted to the maintenance, administration of the *golf course*.

Golf Driving Range means:

An indoor or outdoor public or private facility dedicated to the driving of golf balls from fixed golf tees and which may include, as accessory uses, a clubhouse, a *retail store* selling golf equipment and accessories, a dwelling unit for an owner/caretaker and other *buildings* and *structures* devoted to the maintenance, administration and operation of the *golf driving range*.

Greenhouse, Commercial means:

A *building* or *structure* for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation, which are not necessarily planted outdoors on the same lot containing such greenhouse, and, which are sold directly from such lot at wholesale or retail.

Group Home Type 1 means:

A *single detached dwelling* unit occupied by not less than six and not more than ten *persons* exclusive of staff and receiving family, who live as a single housekeeping unit and require 24-hour residential, sheltered, specialized or group care and which is licensed, approved or supervised by the Province of Ontario under any general or special Act.

Group Home Type 2 means:

A *single detached dwelling* unit occupied by not less than six and not more than ten *persons* exclusive of staff, who live as a single housekeeping unit and require 24-hour residential, sheltered, specialized or group care and which is licensed, approved, supervised or contracted by the Province of Ontario or the Federal Government under any general or special Act, and which shall be maintained and operated primarily for:

- a) *Persons* who have been placed on probation under The Youth Criminal Justice Act, The Probation Act, the Criminal Code (Canada) as amended or any Act passed to replace the foregoing Acts;
- b) *Persons* who have been released on parole under The Ministry of Correctional Services Act or The Parole Act (Canada) as amended or any Act passed to replace the foregoing Acts; and,
- c) *Persons* who have been charged under The Youth Criminal Justice Act.

Habitable Room means:

A room designed for living, sleeping, eating or food preparation including, but not limited to, a den, *library*, sewing room or enclosed sunroom.

Height means:

With reference to a *building* or *structure*, the vertical distance measured from the *established grade* of such *building* or *structure* to:

- a) The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- b) The declivity of a mansard roof;
- c) The mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof; and,
- d) In case of a *structure* with no roof, the highest point of the said *structure*.

Notwithstanding the above, the *height* of *accessory buildings* and *structures* is the vertical distance measured from the *established grade* of such *building* or *structure* to its highest point.

Home Industry means:

A small-scale *industrial use* on a *commercial farm* which is an *accessory use* to an *agricultural use*. For the purpose of this By-law, a *contractor's yard*, the repairing of *motor vehicles* or paint shop, *mobile homes* and *trailers* are not considered to be *home industries*.

Home Occupation means:

The *use* of part of a *dwelling unit* for the conduct of a profession, trade or occupation that results in a product or service and which is clearly *accessory* to the principal residential *use* of the *dwelling unit*.

Hospital means:

Any institution, *building* or other *premises* established for the treatment of *persons* afflicted with or suffering from sickness, disease or injury.

Hotel means:

A *premises* that contains *suites* with or without private cooking facilities that are rented on a temporary basis to the public or *dwelling units*, or a combination of both, equipped to be occupied as temporary accommodation for the public, and may contain a public dining area, meeting rooms and *accessory* banquet facilities.

Hydrologically Sensitive Feature means:

Permanent and intermittent streams, wetlands, kettle lakes, seepage areas and springs as described in Section 26 of the Oak Ridges Moraine Conservation Plan.

Industrial Use means:

A *premises* used primarily for the purpose of manufacturing, processing, fabrication, assembly, treatment, packaging and incidental storage of goods and materials and may include *accessory* sales and distribution of such products.

Infrastructure means:

A physical *structure* (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, *waste management* systems, electric power transmission facilities, communication/telecommunications facilities, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Institutional Use means:

A *use* that caters to the social, educational, health or religious needs of humans.

Kennel means:

A *premises* used for the breeding, raising, training, sheltering, or boarding of dogs, cats or other household pets.

Key Natural Heritage Feature means:

Wetlands; significant portions of the habitat of endangered, rare and threatened species; fish habitat; areas of natural and scientific interest (life science); significant valleylands; significant woodlands; significant wildlife habitat; sand barrens; savannahs and tallgrass prairies as described in Section 22 of the Oak Ridges Moraine Conservation Plan.

Landscaped Open Space means:

That space on a *lot* that is not covered by *buildings* or *structures* and is used exclusively for *landscaping*.

Landscaping means:

Trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural elements, and may include lands that are used as walkways and *driveways* and ramps that provide access on to the lot from the *street* and shall not include *parking areas*.

Landscaping Operation means:

A *premises* used for the exclusive purposes of providing landscape contracting services, including the incidental storage of landscaping equipment, and may include the *accessory* growing of plants, but shall not include a *commercial greenhouse, nursery* or *retail store*.

Landscaping, Soft means:

That portion of a *lot* comprised of any combination of flowers, grass, shrubs, sod, trees or other horticultural elements that is not covered by architectural elements including but not limited to asphalt, *buildings*, brickwork, concrete, stonework or *structures*.

Lane means:

A public thoroughfare which affords only a secondary means of access to abutting *lots* and which is not intended for general traffic circulation. For the purposes of this By-law, a *lane* is not a *public street*.

Laundry Establishment means:

A *building* or *structure* used for the purpose of collection and distribution of articles or goods of fabric to be subjected to the process of cleaning, in which only water and detergents can be used, and may include a self-service laundry component.

Library means:

A *premises* containing printed, electronic and pictorial material for *public use* for purposes of study, reference and recreation as recognized by the Public Libraries Act, R.S.O. 1990, c.P. 44, as amended.

Livestock means:

Dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds and any other animal raised for food, fur or fibre.

Livestock Facility means:

A *building* where *livestock* are harboured and kept for *use*, propagation, or intended profit or gain and may include associated manure storage.

Loading Space means:

An unobstructed area of land that is used for the temporary parking of one or more *commercial motor vehicles* while merchandise or materials are being loaded to or unloaded from such vehicle.

Long Term Care Facility means:

A *premises* licenses pursuant to Provincial legislation, where a broad range of personal care, support and health services are provided for the elderly, disabled or chronically ill occupants in a supervised setting, and may include one or more accessory uses, such as common dining, lounging, kitchen, recreational or medical offices/clinics, but shall not include a retirement home.

Lot means:

A parcel of land that is registered as a legally conveyable parcel of land in the Land Titles Registry Office.

Lot Area means:

The total horizontal area within the *lot lines* of a *lot*.

Lot Coverage means:

That percentage of the *lot* covered by all *buildings* and shall not include that portion of such *lot area* that is occupied by a *building* or portion thereof that is completely below grade. *Lot coverage* in each *Zone* shall be deemed to apply only to that portion of such *lot* that is located within said *Zone*.

Lot Depth means:

The horizontal distance between the mid-point of the *front lot line* and the mid-point of the *rear lot line*.

Lot Frontage means:

The horizontal distance between the interior side and/or *exterior side lot lines*, with such distance being measured perpendicularly to the line joining the mid-point of the *front lot line* with the mid-point of the *rear lot line* at a point on that line 6.0 metres from the *front lot line*.

In the case of a *lot* with no *rear lot line*, the point where two side *lot lines* intersect shall be the point from which a line is drawn to the mid-point of the *front lot line*. In the case of a *corner lot* with a *sight triangle*, the *exterior side lot line* shall be deemed to extend to its hypothetical point of intersection with the extension of the *front lot line* for the purposes of calculating *lot frontage*.

Lot Line means:

A line delineating any boundary of a *lot*.

Lot Line, Exterior Side means:

The *lot line* of a *corner lot*, other than the *front lot line*, which divides the *lot* from a *public street*.

Lot Line, Front means:

The line that divides the *lot* from the *public street*, but, in the case of:

- a) A *corner lot*, the shortest of the *lot lines* that divides the *lot* from the *public street* shall be deemed to be the *front lot line*;
- b) A *corner lot* where such *lot lines* are of equal length and where one *lot line* abuts a *County* road or Provincial highway, the *front lot line* shall be deemed to be that line which abuts the *County* road or Provincial highway;

- c) A *corner lot* where such *lot lines* are of equal length and where both *lot lines* abut *public streets* under the same jurisdiction, the *Corporation* may designate either *streetline* as the *front lot line*;
- d) A *lot* that does not abut a *public street* but which is separated from a *public street* by a *public park* and which is accessed by a *lane*, the shortest *lot line* that abuts the *public park* shall be deemed to be the *front lot line*; and,
- e) A *through lot*, the longest of the *lot lines*, which divides the *lot* from the *public streets*, shall be deemed to be the *front lot line*. If both such *lot lines* are of equal length, the *Corporation* may designate either *streetline* as the *front lot line*.

Lot Line, Interior Side means:

A *lot line*, other than a *rear lot line* that does not abut a *public street*.

Lot Line, Rear means:

The *lot line* opposite to, and most distant from, the *front lot line*.

Lot, Corner means:

A *lot* at the intersection of two or more *public streets* or upon two parts of the same *public street* with such *street* or *streets* containing an angle of not more than 135 degrees or a *lot* upon which the tangents at the *street* extremities of the *interior side lot lines* contain an angle of not more than 135 degrees. The corner of a *lot* on a curved corner shall be that point on the *streetline* nearest the point of intersection of the said tangents.

Lot, Interior means:

A *lot* that is not a *corner lot* or a *through lot*.

Lot, Through means:

A *lot* bounded on opposite sides by a *public street*. However, if the *lot* qualifies as being both a *corner lot* and a *through lot*, such *lot* is deemed to be a *corner lot* for the purposes of this By-law.

Main Building Façade Means:

- a) The exterior wall of the *building* on the *first storey* that contains the front door to the *building*; or,
- b) In the case of a *corner lot*, the exterior wall of the *building* on the *first storey*.

Marina means:

A *building, structure* or place, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired and/or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

Medical Office means:

A *premises* used for the medical, dental, surgical, and therapeutic treatment of human beings including clinics operated by a number or variety of medical professionals, but does not include a public or private *hospital*.

Micro-brewery means:

A *premises* used for the small-scale production of beer or spirits produced for consumption on the same *premises* and retail sale and may include, as *accessory uses*, a *business office* and *restaurant*.

Mineral Aggregate Resource Operation means:

- a) Lands under license or permit, other than for a *wayside pit or quarry*, issued in accordance with the Aggregate Resources Act, or successors thereto; and,
- b) Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate and derived products such as asphalt and concrete or in the production of secondary related products.

Mineral aggregate resources are gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act, R.S.O. 1990, c.A.8, as amended, suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act, R.S.O. 1990, c.M.14, as amended.

Miniature Golf Course means:

A *premises* where the game of mini-putt is played using artificially constructed holes.

Minimum Distance Separation (MDS) means:

The mathematical tool to determine a recommended distance between livestock and manure storage facilities and non-agricultural *uses*.

Mobile Home means:

Any *dwelling* that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more *persons* in accordance with Canadian Standards Association (CSA) Z240, but does not include a *park model home*, travel *trailer* or tent *trailer* or *trailer* otherwise designed.

Mobile Home Park means:

Land that has been provided and designed for the location of two or more occupied *mobile homes*.

Model Home means:

A *building* that is used on a temporary basis as a sales office and/or as an example of the type of *dwelling* that is for sale in a related development and which is not occupied or used for human habitation.

Modular Home means:

A prefabricated *building* or *structure* which is designed to provide a permanent *dwelling unit* for one or more *persons* and which is placed on a finished permanent foundations. This definition shall not include a *mobile home*, a travel *trailer* or tent *trailer* or a *trailer* otherwise defined.

Motel means:

A *premises* that contains *suites* with no private cooking facilities that are rented on a temporary basis to the public with each room being accessed directly from the outside.

Motor Vehicle means:

An automobile, motorcycle, motor-assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a *street car*, or other *motor vehicles* running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-*building* machine.

Motor Vehicle Body Shop means:

A *premises* used for the painting, repairing of the interior, exterior, or undercarriage of *motor vehicle* bodies. *Motor vehicle washing establishments* are not an *accessory use*.

Motor Vehicle, Commercial means:

A *motor vehicle* having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket, wagon, fire apparatus, police patrol, motor bus and tractor used for hauling purposes on the highways and any vehicle bearing commercial license plates.

Motor Vehicle Dealership means:

A *premises* used for the sale and/or rental of new and/or used *motor vehicles* and may include, as *accessory uses*, a *motor vehicle service station* and *motor vehicle body shop*.

Motor Vehicle Gasoline Bar means:

A *premises* where gasoline or other motor fuels and oil are kept for sale and delivery directly into a *motor vehicle*, and may include an *accessory retail store*, but shall not include a *motor vehicle* repair establishment or a *motor vehicle washing establishment*.

Motor Vehicle Repair Garage means:

A *premises* used for the repairing of *motor vehicles*, but shall not include the sale of *motor vehicle* fuels or a *motor vehicle body shop*. *Motor vehicle washing establishments* are not an *accessory use*.

Motor Vehicle Service Station means:

A *premises* used for the sale of *motor vehicle* fuels and which may include the following *accessory uses*: *retail store*, *restaurant*, *personal service shop*, *transit station*, *motor vehicle* rental, *motor vehicle repair shop* and *motor vehicle washing establishment*.

Motor Vehicle Washing Establishment means:

A *premises* in which the mechanical or hand washing of *motor vehicles* is carried out.

Mountain Biking Facility means:

An area of land with trails used by non-motorized mountain bikes and which may include, as *accessory uses*, a *restaurant*, a club house, a *retail store* selling mountain bike equipment and accessories, *commercial fitness centres*, a *dwelling unit* for an owner/caretaker and other *buildings* or *structures* devoted to the maintenance, administration and operation of the *mountain biking facility*.

Municipality means:

The *Municipality* of Port Hope.

Museum means:

A *premises* used for the preservation of a collection of any combination of paintings, other works of art, objects of natural history, mechanical, scientific or philosophical inventions, instruments, models or designs and which may also include a *library*, reading rooms, laboratories and *accessory business office*.

Net Developable Area means:

The area of a *lot* or *site*, less any area that is within a *key natural heritage feature* or a *hydrologically sensitive feature*.

Non-Complying means:

A *building*, *structure* or *lot* that does not comply with the regulation(s) of this By-Law.

Non-Conforming means:

A *use* that is not a permitted *use* in the *Zone* in which the said *use* is situated.

Nursery means:

A *building* or part of a *building* and land adjacent thereto for growing, displaying and sale of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation and may include, as an *accessory use*, the sale of goods, products and equipment for gardening or *landscaping* purposes.

Nursing Home means:

A *premises* in which lodging is provided with or without medical care and treatment in accordance with the Nursing Homes Act, R.S.O. 1990, c.N.7, as amended.

Obnoxious Use means:

A *use* which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste or other material generated by the *use*, and without limiting the generality of the foregoing, shall include any *uses* which may be declared to be a noxious or offensive trade or business.

Opening means:

An area of a main wall that is open from the outside to the inside and which is treated in a manner that offers a view to the inside from the outside.

Outdoor Display and Sales Area means:

An outdoor open space area where produce or merchandise is displayed or sold and where services are provided in conjunction with a business located within a *building* or *structure* on the same *lot*.

Outdoor Storage means:

An area of land used in conjunction with a business located within a *building* or *structure* on the same *lot*, for the storage of goods and materials.

Outdoor Storage Use means:

An *outdoor storage* area forming the main *use* of a *lot*, such as a *motor vehicle* wrecking *yard*, a *motor vehicle* storage compound or construction equipment or materials *yard*.

Park, Private means:

An open space or recreational area other than a *public park*, operated on a commercial or private member basis, and which includes one or more of the following facilities or activities:

- a) Areas for walking, horse back-riding and cross-country skiing;

- b) Recreational or playground areas such as picnic areas, tennis *courts*, lawn bowling greens, outdoor skating rinks, athletic fields and *accessory buildings* which may include change rooms, meeting rooms and washrooms.

Any area of land under the jurisdiction of a *public authority* that is designed and/or maintained for active or passive recreational purposes. Without limiting the generality of the foregoing, a park may include municipal parks and playgrounds, *golf courses*, swimming pools, splash pads, sport courts, bowling greens, *arenas*, boating facilities and sports fields and ancillary retail *uses*.

Park, Public means:

Any area of land under the jurisdiction of a *public authority* that is designed and/or maintained for active or passive recreational purposes. Without limiting the generality of the foregoing, a park may include municipal parks and playgrounds, swimming pools, splash pads, sport courts, bowling greens, boating facilities and sports fields and ancillary retail *uses*.

Parking Area means:

An open area of land not located on a *public street*, private street or *lane* that is used for the parking of four or more *motor vehicles*, but shall not include any area where *motor vehicles* for sale or repair are kept or stored and shall not include a driveway that provides access to a ground oriented residential *dwelling unit*.

Park Model Home means:

A *trailer* designed for temporary human habitation having permanent running gear attached and meeting CSA Standard Z241.

Parking Lot, Commercial means:

An area of land used for the parking of *motor vehicles* for a fee, with such *use* forming the principal *use* of a *lot*.

Parking Space means:

An unobstructed space for the exclusive *use* of parking of a *motor vehicle*.

Patio, Restaurant means:

An outside area that is *accessory* to a *restaurant* and where food and/or beverages are prepared and/or served in conjunction with the *restaurant use*.

Person means:

Any human being, association, firm, partnership, incorporated company, *corporation*, agent or trustee, and the heirs, executor or other legal representatives of a *person* to whom the context can apply.

Personal Service Shop means:

A *premises* in which services involving the care of *persons* or their apparel are offered and includes a barber shop, a hair dressing shop, a beauty shop, a shoe repair establishment, a *dry cleaners distribution station*, photographer's *studio*, tailor, travel agent, day spa, tanning salon, diet centre or similar service establishments.

Place of Amusement means:

A *premises* that contains facilities that offer games of skill and competition for the amusement of the public, such as motion simulation rides, virtual reality games, video games, computer games, laser games and similar types of *uses*, but does not include casinos or any other establishment accommodating gambling or gaming activities, wagering or betting, video lottery and gaming machines or any other similar type of gambling *use*.

Place of Entertainment means:

A motion picture or live *theatre*, *arena*, *auditorium*, planetarium, concert hall and other similar *uses* but shall not include an *adult entertainment use*, any *use* entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling *use*.

Place of Worship means:

A *premises* used by a charitable religious group(s) for the practice of religious rites.

Planting Strip means:

An area which shall be used for no purpose other than *landscaping*, including decorative rock treatments or other required structural features, a row of trees or a continuous massing of deciduous and coniferous shrubs. The remainder of such *planting strip* shall be used for no purpose other than *landscaping* features, planting trees, shrubs, annuals and/or perennials, grass or similar vegetation. Walkways and *driveways* accessing the lot from the street are permitted to cross a *planting strip*.

Porch means:

A *structure* with a roof and at least one side that is open and unenclosed, that is accessed by stairs from grade and which provides access to the *first storey* of a *dwelling unit*.

Portable Asphalt Plant means:

A facility:

- a) With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and,
- b) Which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable Processing Plant means:

Equipment for the crushing, screening or washing of sand and gravel aggregate materials, but not including a *concrete batching plant* or an asphalt plant, which equipment is capable of being readily drawn or readily propelled by a *motor vehicle* and which equipment is not considered permanently affixed to the site.

Power Generation Facility means:

A facility for the generation of electricity, but shall not include a *solar panel* or *wind turbine*.

Premises means:

Area of a *building* occupied or used by a business or enterprise. In a multiple tenancy *building* occupied by more than one (1) business, each business area shall be considered a separate *premises*. Each individual unit proposed and/or registered in a draft Plan of Condominium shall also be considered an individual *premises*.

Printing or Publishing Establishment means:

A *premises* wherein printing, photocopying, blue printing, duplicating, publishing or lithography are conducted.

Privacy Area means:

An outdoor area exclusively used by the occupants of a *dwelling unit* but shall not include a *parking area*, *driveway* or ingress or egress ramp.

Private Club means:

A *premises* used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social or cultural purposes. This definition does not include *uses* that are normally carried out as a commercial enterprise.

Private Home Daycare means:

The temporary care for reward or compensation of five children or less who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.

Private Road means:

A private thoroughfare not under the jurisdiction of the *Corporation*, the *County* of Northumberland or the Province of Ontario or created through the registration of a plan of condominium.

Public Authority means:

Any Provincial, Regional or Municipal commission, board, or authority or any quasi-public body that is controlled by a *public authority* such as a public transit commission and which for the purposes of this definition include public or private utilities which provide *infrastructure* for *public use*.

Public Use means:

Any *use* of land, *buildings* or *structures* by or on behalf of a *public authority*.

Public Works Yard means:

A facility where materials are stored in addition to the indoor and/or *outdoor storage* of *motor vehicles* and equipment owned and operated by a *public authority* and may include a *business office* as an *accessory use*.

Queuing Lane means:

An area of land that is used exclusively for *motor vehicles* whose occupants are waiting to be provided with goods, materials or services.

Queuing Space means:

An unobstructed space for the exclusive use by a *motor vehicle* within a *queuing lane* while awaiting service.

Recreational Trailer, Vehicle or Boat means:

Any vehicle that is suitable for being attached to a *motor vehicle* for the purpose of being drawn or is self-propelled, and may be capable of being used on a short term recreational basis for living, sleeping or eating accommodation of human beings and includes a travel *trailer*, pick-up camper, motorized camper, boat *trailer*, or tent *trailer*.

Recreational Trailer, Vehicle or Boat Sales Establishment means:

A *premises* used for the sale of *recreational trailers, vehicles or boats* and may include, as an *accessory use*, the repair and storage of *recreational trailers, vehicles or boats*.

Resort Establishment means:

A *premises* designed for the traveling or vacationing public, and that has facilities for accommodation and may serve meals or provide *kitchen facilities* within each unit and may furnish equipment, supplies or services to *persons* for recreational purposes, but does not include a *camping establishment, hotel, mobile home park or private park*.

Restaurant means:

A *premises* in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the *building* and which may include the preparation of food in a ready-to-consume state for consumption off the *premises*.

Restaurant, Take-Out means:

A *premises* where prepared food is primarily consumed outside of the *premises* and where no more than six seats for customers are provided.

Retail Store means:

A *premises* in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the general public but does not include an *adult specialty store, adult video store, building supply outlet, commercial greenhouse, farm produce outlet, nursery, supermarket, specialty food store or motor vehicle use.*

Retail Store, Accessory means:

A *retail store accessory* to a permitted non-residential use.

Retirement Home means:

A *premises* that provides accommodation primarily to retired *persons* or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

Salvage Yard means:

An area outside of an enclosed *building* where scrap metal and *motor vehicles* are disassembled and dismantled, or where *motor vehicles* in an inoperable condition or used *motor vehicle* parts are stored or re-sold.

Saw and/or Planing Mill means:

A *building, structure* or area where timber is cut, sawed or planed, either to finished lumber, or as an intermediary step and may include facilities for the kiln drying of lumber and may or may not include the distribution of such products on a wholesale or retail basis.

School Portable means:

A temporary *building* or *structure* designed to serve as a classroom on a *lot* that is also the site of a *public school.*

School, Commercial means:

A *premises* used as a school conducted for gain, including a *studio* of a dancing teacher or a music teacher, an art school, a golf school, school of calisthenics, business or trade school and any other such specialized school.

School, Private means:

A *premises* used as an academic school which secures the major part of its funding from sources other than government agencies.

School, Public means:

A *premises* used as an academic school under the jurisdiction of a Provincially approved educational institution or parochial school operated on a non-profit basis.

Second Level Lodging Home means:

A *single detached dwelling* which has been converted as a lodging or rooming house and is occupied by not less than eleven *persons* and not more than twenty *persons* exclusive of staff, who live under supervision as a single housekeeping unit and require 24-hour residential, sheltered, specialized or group care.

Senior Citizens Home means:

Any home for Senior Citizens sponsored and administered by any public agency or any service club, church or other non-profit organization, either of which obtains its financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and such homes shall include auxiliary *uses* such as club and lounge facilities, usually associated with Senior Citizens' development.

Service Commercial Use means:

A *premises* where clerical, business, professional and administrative services such as banking, accounting, insurance, investment and financial planning, land *use* planning, engineering or architectural services or the services of other consultants are provided and may include *personal service shops*.

Service Shop means:

A *service commercial use* in which the repair of household articles is primarily carried out but shall not include shops for the repair of internal combustion engines, *motor vehicles* or other similar *uses*.

Setback means:

The horizontal distance from a property line or defined physical feature such as a *stable top of bank* measured at right angles from such line or feature to the nearest part of any *building* or *structure* or amenity area or other component of a *use* that is subject to the *setback* on the *lot*.

Sidewalk means:

A paved area within the municipal right-of-way that is designed for use by pedestrians.

Sight Triangle means:

The triangular space on a *lot* formed by two intersecting *streetlines* and a line drawn from a point on one *streetline* across such *lot* to a point in the other *streetline*, each such point being the required distance from the point of intersection of the *streetlines* (measured along the *streetlines*). Where the two *street* lines do not intersect at a point, the point of intersection of the *streetlines* shall be deemed to be the intersection of the projection of the *streetlines* or the intersection of the tangent to the *streetlines*.

Sign means:

Any board, plate, panel, object, surface or device upon, within, against, through or by which there is inscribed, painted, affixed, borne, or projected any declaration, demonstration, insignia or illustration used for the purpose of direction, information, advertisement, promotion or identification including any *Sign Structure* related thereto, structural trim, and advertising device related thereto.

Solar Panel means:

A device that is designed to convert the energy of the sun into electricity.

Spa Room means:

A room in a private establishment which offers patrons services such as personal hygiene, grooming, relaxation therapy, hydro-therapy and licensed massage therapy on a one-to-one basis.

Special Needs Housing means:

Any housing, including dedicated facilities, that is designed to accommodate individuals with specific needs beyond economic needs and includes: *long term care facilities* and *retirement homes*, where varying degrees of support services are provided including meal preparation, laundry, housekeeping, respite care and attendant services; *emergency housing*; and *nursing homes*.

Specialty Food Store means:

A *premises* specializing in a specific type or class of foods such as an appetizer store, bakery, butcher, delicatessen, fish, gourmet and similar foods.

Stable Top of Bank means:

The line which defines the transition between tableland and sloping ground at the crest of a slope associated with a *watercourse*, as determined by an approved Geotechnical Study or by the appropriate Conservation Authority.

Storage Container means:

Any portable device that is open or closed, in which a material can be stored, handled, treated, transported, recycled or disposed of.

Storey means:

That portion of a *building* between the surface of a floor and the floor, ceiling or roof immediately above.

Storey, First means:

The *storey* with its floor closest to *established grade* and having its ceiling more than 1.8 metres above grade.

Stormwater Management Facility means:

An end-of-pipe management facility being a detention or retention basin, which may include a permanent pool, designed to temporarily store and treat collected stormwater runoff and release it at a controlled rate or direct it for an intended reuse.

Street, Private means:

A private right-of-way that is used by *motor vehicles* but is not owned by the *Municipality* or any other *public authority*.

Street, Public means:

A roadway owned and maintained by a *public authority* and for the purposes of this By-law does not include a *lane* or any private *street*.

Streetline means:

The limit of a road allowance and is the dividing line between a *lot* and a *street*.

Structure means:

Anything that is *erected*, built or constructed of parts joined together and attached or fixed permanently to the ground or any other *structure*.

For the purpose of this By-law, a fence that has a *height* of 1.8 metres or less, a retaining wall that has a *height* of 1.0 metre or less, a light standard and a *sign* shall be deemed not to be *structures*.

Structure, Accessory means:

A detached *structure*, the *use* of which is customarily incidental, subordinate or exclusively devoted to the main *use* or *main building* located on the same *lot*.

Studio means:

Any *premises* or part thereof used as a working place for the creation of paintings, sculptures, pottery, video and other pictures or objects that are the subject of art.

Suite means:

A single room or series of rooms of complementary *use*, operated under a single tenancy, and includes:

- a) *Dwelling units*;
- b) Individual guest rooms in a *bed and breakfast, motet, hotel, boarding or rooming house* and dormitories; and,
- c) Individual stores and individual or complementary rooms for business and personal services occupancies.

Supermarket means:

A *premises*, containing a complete departmentalized food store selling a comprehensive line of groceries, baked goods, fresh fruit and vegetables, canned goods, dairy products, frozen foods, and fresh and frozen meats. Other lines may include confectionary, drugs and cosmetics, household supplies and articles, hardware, commercial service *uses* such as dry cleaning and financial services, and a seasonal garden centre.

Swimming Pool Pumps, Filters and Heaters means:

The equipment necessary to operate an *outdoor swimming pool*.

Swimming Pool, Outdoor means:

Any privately owned body of water located outdoors, contained in part or in whole by artificial means, in which the depth of water of any point can exceed 0.6 metres and which is used or capable of being used for swimming, diving or bathing.

Tattoo Parlour means:

A *premises* where art is generally permanently marked on the human skin with ink.

Taxi Service Depot/Dispatch Establishment means:

A *premises* where taxi's and/or limousine taxis are dispatched from and where such vehicles may be parked and/or stored.

Theatre means:

A *premises* that is used for the showing of motion pictures or for dramatic, musical or live performances. For the purposes of this definition, an *adult entertainment* establishment is not considered to be a *theatre*.

Trade and Convention Centre means:

A *premises* where facilities are provided for the displaying of goods and services for the general public, such as an auto show or a computer trade show or where groups of people meet for civic, educational, political, religious or social purposes.

Trailer means:

Any vehicle so constructed that it is suitable for being attached to a *motor vehicle* for the purpose of being drawn or propelled by the *motor vehicle* and is capable of being used for the transport of goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.

Trailer, Tourist means:

A *trailer* capable of being used for the temporary living, sleeping or eating accommodation of *persons* notwithstanding that its running gear is or may be removed.

Transit Station means:

A *building* or *structure* or parts thereof or an area of land that is used for temporary parking of transit vehicles and the picking-up and dropping off of passengers.

Transport Terminal means:

The *use* of land for the purpose of storing, servicing, washing, repairing or loading of trucks and transport *trailers* with materials or goods that are not manufactured, assembled, warehoused, or processed on the same *lot*, but does not include an *aggregate transfer station* or *waste transfer facility*.

Treatment Centre means:

A *single detached dwelling* which is occupied by not more than 20 *persons* exclusive of staff, who live as a single housekeeping unit, and require 24-hour residential, sheltered, specialized or group care, and treatment and rehabilitation for addiction to drugs or alcohol.

Unitary Equipment means:

Any apparatus used for the purpose of heating, cooling, changing of air, refrigeration, pumping or filtering of water or any other equipment used for these purposes, except for an air conditioning unit located in a window *opening*.

Use means:

The purpose for which any portion of a *lot*, *building* or *structure* is designed, arranged, intended, occupied or maintained.

Use, Accessory means:

A *use* that is customarily incidental to, subordinate to or exclusively devoted to the *main use* located on the same *lot*.

Use, Main means:

The principal purpose for which a *lot*, *building* or *structure* is designed, arranged, intended, occupied or maintained.

Waste Composting Facility means:

- a) Any land upon, into, in or through which, or *building* or *structure* in which organic waste that is to be diverted from landfill is deposited, stored, processed and recycled into compost; and,
- b) Any operation carried out or machinery or equipment used in connection with the depositing, storage, transfer, processing or recycling referred to in clause (a).

Waste Management Facility means:

- a) Any land upon, into, in or through which, or *building* or *structure* in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed; and,
- b) Any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a).

Such a facility shall require an environmental assessment under the Environmental Assessment Act, R.S.O. 1990, c.E.18 as amended (Ontario) or the Canadian Environmental Assessment Act, 1992 c.37, as amended (Canada).

Waste Recycling Facility means:

The *use* of land, *buildings* or *structures* for the collection and processing of materials such as paper, plastic, glass, metal, styrofoam and other similar materials for recycling, but shall not include a *waste composting facility* or *waste transfer facility*.

Waste Storage Area means:

A space allocated either within a *main building* or in an *accessory building* or *structure* where garbage, refuse or recycling materials are temporarily stored while awaiting disposal, but does not include any storage for hazardous waste or materials.

Waste Transfer Facility means:

The *use* of land, *buildings* and *structures* for the collection of waste into bulk containers for the further transport to a *waste management facility*, *waste composting facility*, *waste recycling facility* or other waste disposal facility.

Water Supply means:

An adequate distribution system of underground piping and related storage, including pumping and purification appurtenances operated by a municipal *corporation* and/or the Ministry of the Environment and/or any public utilities commission for *public use*.

Watercourse means:

A body of water or the natural channel for a perennial stream of water.

Wayside Pit or Quarry means:

A temporary pit or quarry opened and used by or for a *public authority* solely for purpose of a particular project or contract of road construction and which is not located within the right-of-way of a *public street*.

Wellhead Protection Area means:

The surface and subsurface area surrounding a water well or well field that supplies a public water system and through which contaminants are reasonably likely to move so as eventually to reach the water well or well field.

Wheelchair Ramp means:

A ramp that is designed to provide access to a *building* from *grade* by the physically disabled.

Yard means:

An open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *buildings* or *structures* except as specifically permitted in this By-law.

Yard, Exterior Side means:

The *yard* of a *corner lot* extending from the *front yard* to the *rear yard* between the *exterior side lot line* and the nearest main walls of the *main building* or *structure* on the *lot*.

Yard, Front means:

A *yard* extending across the full width of the *lot* between the *front lot line* and the nearest main walls of the *main building* or *structure* on the *lot*.

Yard, Interior Side means:

A *yard* other than an exterior side *yard* that extends from the *front yard* to the *rear yard* between the *interior side lot line* and the nearest main walls of the *main building* or *structure* on the *lot*.

Yard, Minimum Required means:

The minimum distance of a *yard* required from a *lot line*. No part of a required minimum *yard* for a *building* or *structure* shall be included as part of a required minimum *yard* for another *building* or *structure*. In calculating *minimum required yards*, the minimum horizontal distance from the respective *lot lines* shall be used.

Yard, Rear means:

A *yard* extending across the full width of the *lot* between the *rear lot line* and the nearest main walls of the *main building* or *structure* on the *lot*.

Zone means:

A designated area of land *use(s)* shown on the Zoning Schedules of this By-law.

PART 4 - GENERAL PROVISIONS

The provisions of this section of the By-law shall apply to all lands within the *Municipality* of Port Hope, unless otherwise specified.

4.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

All accessory buildings, structures and uses are subject to the following provisions:

- a) Where this By-law provides that land may be used or a *building* or *structure* may be *erected* or used for a purpose, that purpose shall include any *accessory buildings, structures* or *uses* located on the same *lot* as the *main use* to which they are related.
- b) No *accessory building* or *structure* shall be used for human habitation or an occupation for gain or profit, except if specifically permitted by this By-law.
- c) No *accessory building* or *structure* shall be *erected* on a *lot* prior to the erection of the *main building* on the *lot*.
- d) No *accessory building* or *structure* or part thereof shall be located within an *easement* that is in favour of a *public authority*.
- e) For the purpose of *setback* calculations, natural gas or electricity meters and air conditioning units, dog houses, freestanding mail boxes, entrance pillars, statues, storage lockers under 1.0 metres high, freestanding arbours or pergolas, pool pumps and filters not inside *accessory buildings*, flag poles, free standing trellises, school bus shelters, composters, planters, light standards and barbeques are not considered *structures* for the determination of *setbacks* in Section 4.1 of this By-law.
- f) Standards for *accessory buildings* and *structures* are set out in Tables 4.1 and 4.2, below:

Table 4.1: Provisions for Urban Residential, Commercial, Employment and Institutional Zones

	RES1, RES2, RES3, RES4	COM1, COM2, COM3, COM4, EMP1, EMP2, EMPR	IU
Permitted <i>yards</i>	Interior Side, Exterior Side and Rear	Interior Side, Exterior Side and Rear	Interior Side, Exterior Side and Rear
<i>Setback from front lot line</i>	Not permitted any closer to <i>front lot line</i> than <i>main building</i> from <i>front lot line</i> .	Not permitted any closer to <i>front lot line</i> than <i>main building</i> from <i>front lot line</i> .	Not permitted any closer to <i>front lot line</i> than <i>main building</i> from <i>front lot line</i> .
<i>Setback from exterior side lot line</i>	Not permitted any closer to <i>exterior lot line</i> than <i>main building</i> from <i>exterior lot line</i> . Notwithstanding the above, a detached <i>private garage</i> in the <i>rear yard</i> shall not be located any closer than 5.5 metres from the <i>exterior side lot line</i> .	Not permitted any closer to <i>exterior lot line</i> than <i>main building</i> from <i>exterior lot line</i> .	Not permitted any closer to <i>exterior lot line</i> than <i>main building</i> from <i>exterior lot line</i> .
Minimum required <i>setback</i> from <i>interior side</i> and <i>rear lot line</i>	1.2 metres	1.2 metres	1.2 metres
Maximum <i>height</i> for detached <i>private garage</i>	5.0 metres	n/a	n/a
Maximum <i>height</i> for all other <i>accessory buildings and structures</i> (1)	4.0 metres	4.0 metres	4.0 metres
Maximum <i>floor area</i> for any <i>accessory buildings and structures</i>	10% of the <i>lot area</i>	n/a	10% of the <i>lot area</i>
Maximum number of <i>accessory buildings and structures</i> per <i>lot</i>	1 <i>private garage/carport</i> and 1 <i>accessory building</i> or <i>structure</i>	2	2

Table 4.2: Provisions for Countryside and Open Space Zones

	Countryside Zones	RESV1, RESV2, RESR, RESE	COMR, COMV, EMPR, EMPD, EMPG	OS, OSR
Permitted <i>yards</i>	Interior and Rear	Interior and Rear	Interior and Rear	Interior and Rear
Minimum required <i>setback</i> from <i>front</i> or <i>exterior side lot line</i>	Not permitted in <i>minimum required yard</i> for <i>main building</i>	Not permitted any closer to <i>front lot line</i> than the <i>main building</i> from <i>front lot line</i> .	Not permitted in <i>minimum required yard</i> for <i>main building</i>	Not permitted any closer to <i>front lot line</i> than the <i>main building</i> from <i>front lot line</i> .
Minimum required <i>setback</i> from <i>interior side</i> and <i>rear lot line</i>	1.2 metres increased to 7.5 metres adjacent to a Residential, Commercial or Employment Zone boundary	1.2 metres	3.0 metres	3.0 metres
Maximum <i>height</i> for detached <i>private garage</i>	5.0 metres	5.0 metres	n/a	n/a
Maximum <i>height</i> for all other <i>accessory buildings</i> and <i>structures</i> (Shall not apply to <i>buildings</i> used for <i>livestock</i> , agricultural machinery and agricultural products such as hay)	5.0 metres (1)	5.0 metres	n/a	n/a
Maximum <i>floor area</i> for all <i>accessory buildings</i> and <i>structures</i>	5% of the <i>lot area</i> (1)	5% of the <i>lot area</i>	n/a	n/a

SPECIAL PROVISIONS

1. Shall not include *buildings* used for *livestock*, agricultural machinery and agricultural products such as hay.

4.1.1 Private Garages

In addition to those provisions in Tables 4.1 and 4.2, the following provisions shall also apply to *private garages* attached to single detached, semi-detached and townhouse *dwelling*s in Residential Zones on *lots* with less than 15.0 metres *lot frontage*:

- a) No part of a *private garage* that is *attached* to a *dwelling* shall be closer to the *front lot line* than the *main building facade* except for the following:

- i) Where the *building* has a covered *porch* the *private garage* may extend 3.0 metres beyond the *main building facade* provided that the *private garage* is not closer to the *front lot line* than the *porch*.
 - ii) Where the *building* does not have a covered *porch* the *private garage* may extend 1.0 metres beyond the *main building facade*.
- b) No part of a *private garage* that is attached to a *dwelling* shall be closer than 1.2 metres to an *interior side lot line*.
 - c) Where a *private garage* is located in a *rear yard* it shall be set back 1.2 metres from the *rear lot line*.
 - d) Where a *private garage* is accessed from a *lane*, it shall be set back 2.4 metres from the *lot line* dividing the *lot* from the *lane*.
 - e) The minimum width for a *private garage*, measured between the inside of the walls, shall be 3.0 metres.
 - f) The maximum width for a *private garage*, measured between the outside of the walls facing a *front lot line*, shall be 50% of the *lot frontage* or 12.0 metres, whichever is lesser.

4.1.2 Gatehouses and Parking Shelters

The following provisions shall also apply to gatehouses and parking shelters:

- a) Notwithstanding any other provision of this By-law, a gatehouse not exceeding 10.0 square metres in *floor area* shall be permitted in any part of a front or exterior side *yard* in a High Density Residential (RES4) *Zone* or any Employment *Zone*.
- b) Nothing in this By-law shall apply to prevent the erection of a parking shelter for *use* solely by parking attendants or security personnel in any part of a *parking area* except within a *sight triangle*, provided that such parking shelter does not exceed 4.5 metres in *height* and 5.0 square metres in *gross floor area*.

4.1.3 Shipping Containers

Shipping containers and *trailers* shall not be placed or used on any *lot* in a Residential, Commercial or Service Employment (EMP2) *Zone* and shall only be located on a *lot* as an *accessory structure* used in conjunction with a permitted *agricultural use* or *transport terminal*.

4.1.4 Unitary Equipment

Unitary equipment shall be subject to the following requirements:

- a) *Unitary equipment* is not permitted in the *front yard*;
- b) *Unitary equipment* shall be located no closer to the *interior* or *exterior side lot lines* than the *minimum required interior and exterior side yards* for the *main building* from the applicable *lot lines*;
- c) *Unitary equipment* shall be set back a minimum of 5.0 metres from the *rear lot line*; and,
- d) In any non-residential *Zone*, *unitary equipment* shall meet the minimum *setback* requirements for a *main building* from Residential *Zone* boundaries.

Notwithstanding the above, any *unitary equipment* attached to a *townhouse building* shall be permitted to encroach into any *required yard*, but shall be set back a minimum of 0.5 metres from the *interior side lot line*.

4.1.5 Waste Storage Areas

Accessory waste storage areas are permitted in all *zones*, provided that:

- a) Where such a standard applies, an *accessory building* or *structure* used mainly as a *waste storage area* shall not be included in the total permitted *lot coverage* for *accessory buildings* and/or *structures* on a *lot*: and,
- b) An *accessory building* containing a *waste storage area* shall be located:
 - i) In an *interior side yard* or *rear yard* only;
 - ii) No closer to any *lot line* than required for an *accessory building* or *structure* by this By-law;
 - iii) No closer to any Residential *Zone* boundary than required for an *accessory building* in a non-Residential *Zone* by this By-law;
 - iv) No closer to any Open Space or Environmental *Zone* boundary than required for an *accessory building* by this By-law;
 - v) Outside of any required landscaped area or landscaped buffer; and,

- vi) Shall not occupy any required *parking spaces*, *loading spaces* access to *parking spaces* and *loading spaces* or *driveways*.

4.1.6 Recreational Structures

Outdoor swimming pools and hot tubs are permitted in accordance with Tables 4.1 and 4.2, except that no part of any *outdoor swimming pool* or hot tub shall be permitted within any *required yard*. For the purposes of this Section, setbacks shall be measured to the water's edge.

4.2 ACCESSORY DWELLING UNITS

4.2.1 Residential Zones

Where an *accessory dwelling unit* is permitted in a Residential Zone in this By-law:

- a) The maximum number of *accessory dwelling units* permitted on a *lot* shall be 1;
- b) An *accessory dwelling unit* shall only be permitted within a *single dwelling unit*;
- c) The *accessory dwelling unit* shall be located entirely within the same *main building* as the *single detached* or *semi-detached dwelling unit*; and,
- d) The *required parking spaces* for the *accessory dwelling unit* and *single detached* or *semi-detached dwelling unit* shall not be provided as tandem parking.

4.2.2 Commercial Zones

Where an *accessory dwelling unit* is permitted in a Commercial Zone in this By-law:

- a) The maximum number of *accessory dwelling units* permitted on a *lot* shall be 1, except in the Downtown Commercial (COM3) Zone, where there is no maximum;
- b) The portion of floor area within the *first storey* of a *building* and within 12.0 metres of any *streetline* is used for commercial purposes.

Notwithstanding the above, entrances and lobbies associated with the *accessory dwelling* may be located in

this area provided that no more than 30% of the wall facing the *streetline* is occupied by entrances or lobbies; and,

- c) No *dwelling unit* shall be located within a portion of a non-residential *building* that is used:
 - i) To house livestock;
 - ii) As part of a *bulk fuel storage* operation or any *premises* that has flammable fluids or hazardous materials stored in bulk for commercial purposes;
 - iii) For a *motor vehicle body shop*;
 - iv) For a *motor vehicle gasoline bar*;
 - v) For a *motor vehicle repair garage*;
 - vi) For a *motor vehicle sales and/or rental establishment*;
or,
 - vii) For a *motor vehicle service station*.

4.3 ACCESSORY FARM EMPLOYEE ACCOMMODATION

Where accessory farm employee accommodation is a permitted use:

- a) Any *lot* upon which *accessory farm employee accommodation* is located shall be occupied as a residence by the operator of the business;
- b) Any *building* and any associated activity area used for the *accessory farm employee accommodation* shall be located no further than 30.0 metres from a *single detached dwelling* or barn on the same *lot* and no closer than 15.0 metres from any *lot line*;
- c) *Buildings* or *structures* for *accessory farm employee accommodation* shall only be located on a *lot* with a minimum *lot area* of least 40.0 hectares;
- d) The maximum *gross floor area* for *accessory farm employee accommodation* shall be 80.0 square metres;
- e) The *driveway* accessing the *accessory farm employee accommodation* shall be shared with the *driveway* that is utilized for the principal use on the *lot*; and,
- f) The use is clearly secondary and *accessory* to the principal use on the same *lot*.

4.4 COMMUNICATION DISHES

No *communication dish* shall have a diameter of greater than 1.3 metres and shall not be more than 1.3 metres wide at its widest point. In addition, all *communication dishes* shall be attached to the *main building* on the *lot*. Notwithstanding the above, there are no restrictions on the size or location of a *communication dish* in any *Employment Zone*, or *Countryside Zone*, except that they are not permitted in a required *yard*.

4.5 DECKS

4.5.1 Decks That Have a Height of Less Than 0.6 Metres

A *deck* that has an average floor *height* of less than 0.6 metre above the ground at the wall the deck is located against or attached to shall be permitted to encroach into the *required rear* and *interior side yards*, provided that:

- a) The *deck* is located no closer to the *interior* and *exterior side lot line* than the *interior* and *exterior side yard* requirement for the *main building*; and,
- b) The *deck* is located no closer than 1.0 metre from the *rear lot line*.

Notwithstanding the above provisions, stairs used to access a *deck* are permitted to encroach within 0.8 metres of any *lot line*.

4.5.2 Decks That Have a Height of 0.6 Metres or Greater

A *deck* that has a floor *height* of 0.6 metres or greater above the ground at the wall the deck is located against or attached to shall be permitted to encroach into the *required rear yard*, provided that:

- a) The *deck* shall be located no closer than 3.0 metres to the *rear lot line*;
- b) The *deck* shall be located no closer to the *interior side lot line* than the *interior side yard* requirement for the *main building*; and,
- c) The *deck* shall be located no closer to the *exterior side lot line* than the *exterior side yard* requirement for the *main building*.

Notwithstanding the above provisions, stairs used to access a *deck* are permitted to encroach within 0.8 metres of any *lot line*.

4.6 DWELLING UNITS BELOW GRADE

A *dwelling unit* may be permitted below *finished grade* provided that the finished floor level of the *dwelling unit* is not more than 1.2 metres below the highest *finished grade* level immediately adjacent to the *dwelling unit*.

4.7 DWELLING UNITS ON A LOT

Unless otherwise permitted in this By-law, no more than one *dwelling unit* shall be permitted on any *lot*.

4.8 ENCROACHMENT OF ARCHITECTURAL FEATURES

- a) Architectural features such as sills, belt courses, cornices, chimney breasts, pilasters, roof overhangs, window bays and balconies are permitted to encroach into any *required yard* a distance of no more than 0.6 metres, but in no case shall the architectural feature or *balcony* be located closer than 0.6 metres to any *lot line*.
- b) There is no restriction on the location of gutters, eavestroughs or rainwater collectors.
- c) If a window bay encroaches into a required interior or *rear yard* in accordance with Section 4.8(a), it shall be cantilevered over *grade* and extend no more than 1.0 metre into the required *yard* and be no more than 3.0 metres wide.
- d) If a window bay encroaches into the required *front* or *exterior side yard* in accordance with Section 4.8(a), the window bay is not required to be cantilevered and it can encroach into such *yard* a distance of 1.0 metre, provided it is no more than 3.0 metres wide. The width of the window bay can be increased to 4.0 metres if a *porch* does not abut the main wall of the *dwelling unit*.
- e) Stairs accessing a *basement* or cellar are not permitted to encroach into the required *front, exterior* and *interior side yards*.

4.9 ESTABLISHED BUILDING LINES

4.9.1 Reduced Front Yard

Notwithstanding any other provision of this By-law, where a vacant *lot* exists between two developed *lots*, with the *main building* on one or both of the developed *lots* having a *front yard* less than the *minimum required front yard* for the applicable *zone*, the *required*

front yard of the vacant *lot* is permitted to be the average of the *front yards* of the two developed *lots*.

4.9.2 Increased Front Yard

Notwithstanding any other provision of this By-law, where a vacant *lot* exists between two developed *lots*, with the *main building* on both of the developed *lots* having a *front yard* greater than the *minimum required front yard* for the applicable zone, the *minimum required front yard* of the vacant *lot* shall be the average of the *front yards* of the two developed *lots*.

4.10 FRONTAGE ON A PUBLIC STREET

Unless otherwise specified by this By-law, no *person* shall *erect* any *building* or *structure* and no *person* shall *use* any *building* or *structure*, *lot* or parcel unless the *lot* or parcel to be so used, or upon which the *building* is situated or *erected* or proposed to be *erected*:

- a) Abuts or fronts on a *street* which is assumed by by-law by a *public authority* for maintenance purposes; or,
- b) Is being constructed pursuant to a Subdivision Agreement with a *public authority*; or,
- c) Fronts on a year round maintained *public street* that was not established as a consequence of Registering a Plan of Subdivision; or,
- d) Is a private *street* within a Plan of condominium that either provides direct access to a *public street* or which connects with other private *streets* within a Plan of Condominium or other Plans of Condominium to access a *public street* or original road allowance.

For the purposes of this By-law, the *front lot line* of a *lot* separated from a *public street* by a reserve or a Block of land owned by a *public authority* shall be deemed to abut such a *public street*.

4.11 HEIGHT EXCEPTIONS

The *height* requirements of this By-law shall not apply to:

- a) Any ornamental roof construction features including but not limited to domes, chimneys, towers, steeples, spires, belfries, cupolas or any architectural *structure* used to screen mechanical equipment;

- b) Any mechanical features, such as *structures* containing a mechanical penthouse or the equipment necessary to control an elevator provided that such equipment does not project more than 5.0 metres above the highest point of the roof and does not occupy greater than 50% of the area of the roof;
- c) A lightning rod;
- d) A weather vane or other weather monitoring device;
- e) A fire station drying tower;
- f) *Mineral aggregate resource operations*;
- g) *Buildings and structures* associated with a *public works yard*;
- h) Clock towers and monuments;
- i) Flagpoles and light standards;
- j) *Agricultural buildings and structures*; and,
- k) Towers used for telecommunications, electricity transmission lines or water storage tanks.

4.12 HOME INDUSTRY

Where a *home industry* is a permitted use:

- a) The maximum number of employees permitted to be engaged in the business and working in the *home industry*, in addition to the residents of the *dwelling unit*, shall be as follows:
 - i) On *lots* less than or equal to 0.6 hectares in area – 1 employee;
 - ii) On *lots* having an area of greater than 0.6 hectares and less than or equal to 1.7 hectares – 2 employees;
 - iii) On *lots* greater than 1.7 hectares in area – 3 employees; or,
 - iv) In all other *Zones* – 0 employees;
- b) Any *lot* upon which a *home industry* is located shall also be occupied as a residence by the operator of the business;
- c) A *home industry* shall be permitted within an *accessory building*. Any *accessory building* used for the *home industry*

shall be located no further than 30.0 metres from the detached *dwelling* on the same *lot* and no closer than 30.0 metres from any *lot line*;

- d) A *home industry* shall only be located on a *lot* with a minimum *lot area* of least 4.0 hectares;
- e) The maximum *gross floor area* dedicated to the *home industry* shall not exceed 200.0 square metres;
- f) The *driveway* accessing the *home industry* shall be shared with the *driveway* that is utilized for the main *use* on the *lot*;
- g) The *use* shall be clearly secondary and *accessory* to the main *use* on the same *lot*;
- h) Only the sale of goods that are primarily manufactured, processed, fabricated or produced on the *premises* is permitted;
- i) *Outdoor storage* of goods or materials is permitted subject to Section 4.23 of this By-law, provided that the area occupied by such *outdoor storage* does not exceed 50% of the *gross floor area* of the *home industry*;
- j) Only currently licensed *motor vehicles*, associated with the *home industry*, are parked or stored on the *lot* and within an *interior side* or *rear yard*;
- k) There is no external advertising other than a *sign erected* in accordance with the *Municipality's Sign By-law*;
- l) The following *uses* shall not be permitted as a *home industry*:
 - i) Construction/*landscaping* contractors *yards*; and,
 - ii) Any *use* involving the storage, repair, maintenance, painting and/or towing of *motor vehicles* or recreational vehicles; and,
- m) *Home industry uses* shall not include the generation of or storage of *hazardous waste*, *liquid industrial waste*, or any severely toxic contaminant listed in Schedule 3 contaminants of Ontario Regulation 347 of the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended, and shall not generate *sewage effluent* in excess of 4,500 litres per day.

No more than one home industry, home occupation or custom workshop shall be permitted on a lot, and in no case shall there be a home industry, home occupation and custom workshop in the same dwelling unit.

4.13 HOME OCCUPATION AND CUSTOM WORKSHOP

Where a home occupation or custom workshop is a permitted use:

- a) *A home occupation or custom workshop shall be conducted as an indoor accessory use within a permitted dwelling unit or an accessory building or structure without changing the primary residential character thereof;*
- b) The maximum number of employees that may be engaged in the business and working in the *dwelling unit* or an *accessory building or structure*, in addition to the residents of the *dwelling unit*, shall be as follows:
 - i) In the Low Density Residential One (RES1), Low Density Residential Two (RES2), Hamlet Residential One (RESV1), Hamlet Residential Two (RESV2), or Rural Residential (RESR) *Zone*, as well as any Countryside *Zone* or the Estate Residential (RESE) *Zones* on *lots* less than or equal to 0.6 hectares in area – 1 employee;
 - ii) In any Countryside *Zone* or the Estate Residential (RESE) *Zones* on *lots* having an area of greater than 0.6 hectares and less than or equal to 1.7 hectares – 2 employees;
 - iii) In any Countryside *Zone* or the Estate Residential (RESE) *Zones* on *lots* greater than 1.7 hectares in area – 3 employees; or,
 - iv) In all other *Zones* – 0 employees.
- c) *Any dwelling unit containing a home occupation or custom workshop shall be occupied as a residence by the operator of the business;*
- d) *The home occupation or custom workshop is not conducted in whole or in part in any yard, driveway or required parking space;*
- e) *The maximum gross floor area dedicated to the home occupation or a custom workshop shall be in accordance with the maximums identified in Table 4.3, below:*

Table 4.3: Maximum Floor Area for a Home Occupation or Custom Workshop

Zones	Maximum Gross Floor Area (GFA)	
	Conducted within the dwelling unit	Conducted within an accessory building
<ul style="list-style-type: none"> • RES1 • RES2 	25% GFA	10% of the <i>lot area</i>
<ul style="list-style-type: none"> • RESV1 • RESV2 • RESR • Any Countryside Zone and RESE on <i>lots</i> less than or equal to 0.6 hectares in area 	25% GFA	50.0 m ²
<ul style="list-style-type: none"> • Any Countryside Zone and RESE on <i>lots</i> having an area of greater than 0.6 hectares and less than or equal to 1.7 hectares 	25% GFA	100.0 m ²
<ul style="list-style-type: none"> • Any Countryside Zone and RESE on <i>lots</i> greater than 1.7 hectares in area 	25% GFA	140.0 m ²
<ul style="list-style-type: none"> • All other Zones, where permitted 	25% GFA	Not permitted

Note: *Floor area* in *basement* or *cellar* not to be included within calculation

- f) There are no goods, wares or merchandise offered or exposed for sale, or sold or kept for sale on the *premises* other than those produced on the *premises*;
- g) There is no *outside storage* of materials, goods or vehicles in conjunction with the *home occupation use*;
- h) There is no external advertising other than a *sign erected* in accordance with the *Municipality's Sign By-law*;
- i) There is no parking of *commercial motor vehicles* permitted, only one *commercial motor vehicle* trip shall be generated per day and no *commercial motor vehicle* shall visit the property between the hours of 8:00 pm and 8:00 am;
- j) A *custom workshop* shall not create noise, vibration, fumes, odour, dust, glare or radiation that is detectable outside of the *dwelling unit* or *accessory building* containing the *custom workshop*;
- k) The following *uses* shall not be permitted as a *home occupation* or *custom workshop*:

- i) *Adult entertainment use;*
- ii) *Animal clinic;*
- iii) *Construction/landscaping contractor's yards;*
- iv) *Dating/escort services;*
- v) *Industrial use;*
- vi) *Kenel;*
- vii) *Medical office;*
- viii) *Nursing home;*
- ix) *Place of amusement;*
- x) *Restaurant;*
- xi) *Retail store;*
- xii) *Tattoo parlours;*
- xiii) *Taxi service depot/dispatch establishments; and,*
- xiv) *Any use involving the storage, repair, maintenance, painting and/or towing of motor vehicles or recreational vehicles.*

No more than one home industry, home occupation or custom workshop shall be permitted on a lot, and in no case shall there be a home industry, home occupation and custom workshop in the same dwelling unit.

4.14 MINIMUM DISTANCE SEPARATION

Notwithstanding any other *yard* or *setback* provisions in this By-law to the contrary no residential, institutional, commercial, industrial or recreational *use* located on a separate *lot* and otherwise permitted by this By-law shall be *erected* or altered unless it complies with the *Minimum Distance Separation* (MDS I) Formula as developed by the Ontario Ministry of Agriculture and Rural Affairs, attached as Schedule 'D' to this By-law.

Notwithstanding any other *yard* or *setback* provision in this By-law to the contrary no *building* housing livestock or manure handling facility shall be *erected* or expanded unless it complies with the *Minimum Distance Separation* (MDS II) Formula as developed by the Ontario Ministry of Agriculture and Rural Affairs, attached as Schedule 'D' to this By-law.

4.15 MODEL HOMES

Model homes shall only be permitted on lands that have received Draft Plan of Subdivision Approval for residential purposes provided that:

- a) Not more than the lesser of 4 or 10% of the total number of residential units contained in the draft approved Plan of Subdivision are constructed as *model homes*;

- b) The *model home* is built within a *lot* defined by the draft approved Plan of Subdivision;
- c) The *model home* complies with all other requirements of this By-law; and,
- d) A *Model Home* Agreement is entered into with the *Municipality*.

4.16 MULTIPLE USES ON A LOT

- a) Where any *building, structure* or land is used for more than one purpose the said *building, structure* or land shall comply with the provisions of this By-law relating to each *use*. In the case of a conflict, the more stringent provision shall apply.
- b) Within any Countryside *Zone* or the Rural Residential (RESR), Estate Residential (RESE), Rural Commercial (COMR) or Rural Industrial (EMPR) *Zones*, a *building* shall be *set back* a minimum of 10.0 metres from any *dwelling unit* in a separate *building* on the same *lot*.

4.17 MULTIPLE ZONES ON ONE LOT

Where a *lot* is divided into more than one *zone* under the provisions of this By-law, each such portion of the *lot* shall be used in accordance with the zone provisions of this By-law for the applicable *zone*.

The *lot area* and *lot frontage* requirements of the most restrictive *zone* on the *lot* shall be applied to the entire *lot*.

This provision does not apply to lands that are subject to a Holding (H) Provision. This provision is also subject to Section 4.7 of this By-law.

4.18 NON-COMPLYING BUILDINGS AND STRUCTURES

4.18.1 Replacement, Enlargement, Repair or Renovation

A *non-complying building* or *structure* that does not comply with this By-law, but which was legally *erected/altere*d in accordance with the by-laws in force at the time of construction and/or *alteration* is permitted to be replaced, enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) Does not further encroach into a required *yard*;
- b) Does not increase the amount of *floor area* or volume in a required *yard*;

- c) Does not in any other way increase a situation of non-compliance; and,
- d) Complies with all other applicable provisions of this By-law.

4.18.2 Reconstruction

Nothing in this By-law shall apply to prevent the reconstruction of any legally existing *building* or *structure* that is accidentally damaged or destroyed by causes beyond the control of the owner or where the owner has obtained a demolition permit from the *Municipality*. Such a *building* or *structure* is permitted to be reconstructed in accordance with the previously existing standards, even if such did not conform with one or more of the provisions of this By-law provided that a *building* permit for the reconstruction is obtained within 24 months of the damage being done and, where applicable, that the *building* or *structure* is improved to meet the appropriate *dry* or *wet floodproofing* standard of the Ganaraska Region Conservation Authority, but that the non-compliance may not be further increased.

4.18.3 Permitted Exterior Extension, Alteration and Reconstruction

On the exterior of a *building* or *structure*, the installation of eavestroughs, siding, brick or insulation whose sole purpose is to improve the exterior of a *building* or *structure* that was lawfully used for a purpose not permissible within the *zone* in which it is located prior to the effective date of this By-law shall be permitted provided that the *floor area* of the *building* or *structure* is not expanded in any way, except in conformity with this By-law.

4.18.4 Permitted Interior Alteration

The interior of any *building* or *structure* that was lawfully used for a purpose not permissible within the *zone* in which it is located prior to the effective date of this By-law, is permitted to be reconstructed or structurally altered, in order to render the *building* or *structure* more convenient for the existing purpose for which it was lawfully used.

4.18.5 Restoration to a Safe Condition

Nothing in this By-law shall prevent the repair, strengthening or restoration to a safe condition of any *building* or *structure* or part thereof that was lawfully used for a purpose not permissible within the *zone* in which it is located prior to the effective date of this By-law, or the *rebuilding* of such *building* or *structure* if it has been destroyed by means beyond the control of the owner, provided that the dimensions or *use* of the original *building* or *structure* or of any *yards* appurtenant thereto, are not altered in any way except in conformity with this By-law unless these changes are necessary to provide for flood proofing.

In cases where a *building* or *structure* or part thereof is found to be unsafe due to radioactive contaminated landfill or materials, this provision shall permit the correction of the condition.

4.18.6 Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or *use*, for a purpose prohibited by this By-law, of any *building* or *structure* for which plans have, prior to the date of passing of this By-law, been approved by the Chief *Building* Official, so long as the *building* or *structure*, when *erected*, is used and continues to be used for the purpose for which it was *erected*.

4.18.7 Non-compliance as a Result of Acquisition by a Public Authority

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a *public authority*, such acquisition results in a contravention of this By-law relating to minimum *yards* and/or *setbacks*, *lot coverage* or maximum permitted *gross floor area* or *net floor area*, then the lands so acquired shall be deemed to continue to form part of the *lot* upon which the *building* or *buildings* are located in determining compliance with this By-law.

4.18.8 Driveways and Required Parking Spaces

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a *public authority*, such acquisition results in a contravention of this By-law relating to the minimum required number of *parking spaces*, minimum size of *parking spaces*, minimum width of a *driveway*, location of *parking spaces* and/or *driveways* or minimum required *setbacks* and/or *yards* for *driveways* and/or *parking spaces*, then the lands so affected are deemed to comply with this By-law to the extent it complied with this By-law on the day before the expropriation was finalized.

4.18.9 Non-compliance as a Result of New Road Construction

Notwithstanding any other provision in this By-law, where as a result of the establishment of a new public road abutting a *lot* that would have been considered an *interior lot* prior to the establishment of the public road, such *lot* shall continue to be considered an *interior lot* for the purposes of determining compliance with this By-law.

4.19 NON-COMPLYING LOTS

4.19.1 Existing Lots

A *lot* in existence prior to the effective date of this By-law that does not meet the *lot area* and/or *lot frontage* requirements of the applicable *Zone*, is permitted to

be used and *buildings* and *structures* thereon be *erected*, enlarged, repaired or renovated provided the *use* conforms with this By-law and the *buildings* or *structures* comply with all of the other provisions of this By-law.

4.19.2 Non-compliance as a Result of Acquisition by a Public Authority

Notwithstanding any other provision of this By-law to the contrary, where, as a result of the acquisition of part of a *lot* by a *public authority*, the *lot*, after the acquisition, is a *non-complying lot*, such *non-complying lot* may be used for any purpose permitted by this By-law within the *Zone* in which the *lot* is located, provided that:

- a) Such *lot* as reduced is accessible to vehicular traffic from a road either directly or via private access;
- b) No change is made to such *lot* or to any *building* or *structure* thereon, subsequent to the date of the said acquisition, that would increase the degree of any non-conformity resulting from such acquisition or that would contravene any other provision hereof; and,
- c) This provision is not construed as mitigating or legalizing any non-conformity or contravention pertaining to such *lot* prior to the date of such acquisition.

4.19.3 Lot Subject to a Consent to Sever

Notwithstanding any other provision of this By-law to the contrary, where an existing *lot* has a lesser lot area and/or *lot frontage* than required by this By-law and is the subject of a consent to a land severance, an amendment to this By-law to recognize the further reduction in *lot area* and/or *lot frontage* will not be required, provided that all other applicable zone standards of this By-law are complied with.

4.19.4 Part of Lot 34, Broken Front Concession and Part of Lots 34 and 35, Concession 1

Sections 4.19.1, 4.19.2 and 4.19.3 above shall not apply to Part of Lot 34, Broken Front Concession and Part of Lots 34 and 35, Concession 1, as shown on Schedule 'C-1' to this By-law, with the exception of the following lots as shown on Registrars Compiled Plan No. 173:

- a) Provided they are combined and treated as one *lot*, each pair of Lots 49 and 50, Lots 161 and 162, Lots 175 and 176, Lots 275 and 276, Lots 286 and 287, and Lots 360 and 361; and,

- b) Lots 1, 2, 51, 52, 158, 163, 164, 165, 170, 172, 173, 205, 206, 207, 217, 236, 237, 238, 239, 241, 243, 277, 278, 283, 284, 285 and 288.

4.20 NON-CONFORMING USES

The provisions of this By-law shall not apply to prevent the *use* of any existing *lot, building* or *structure* for any purpose prohibited by this By-law if such existing *lot, building* or *structure* was lawfully used for such purpose, prior to the effective date of this By-law and provided that the *lot, building* or *structure* continues to be used for that purpose and is not altered in any way except in conformity with this By-law.

4.21 OPENINGS

4.21.1 Facing a Lot Line

An *opening* for a door that provides access to the interior of a *main building* and/or an *accessory building* shall not be permitted in any portion of a wall facing a *lot line* that is located less than 1.2 metres from the same *lot line*.

4.21.2 External Stairs to a Basement Prohibited

An *opening* providing access for stairs from the outside of a *building* to a *basement* or *cellar* shall not be permitted in any *required yard*.

4.22 OUTDOOR DISPLAY AND SALES

Where an outdoor display and sales area is permitted as an accessory use:

- a) The *outdoor display and sales area* shall comply with the following *setbacks*:
 - i) Maximum distance between an *outdoor display and sales area* and *building* containing the principal *use* of the *lot* – 12.0 metres;
 - ii) Minimum required *interior side yard* for an *outdoor display and sales area* – 3.0 metres;
 - iii) Minimum required *rear yard* for an *outdoor display and sales area* – 3.0 metres;
 - iv) Minimum *set back* for an *outdoor display and sales area* from a Residential *Zone* boundary – 7.5 metres.
- b) The maximum permitted area for an *outdoor display and sales area* shall be 200% of the *floor area* of the *main building* on the same *lot*;

- c) The *outdoor display and sales area* must be located outside of any required *parking spaces*, loading areas and required *planting strips*;
- d) The *outdoor display and sales area* shall be established and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and comprised in whole or in part of one or more materials including asphalt, concrete, concrete or brick pavers, gravel or similar materials. and,
- e) *Motor vehicle dealerships* or the *accessory sale of motor vehicles* where permitted by this By-law, are not subject to the provisions of Sections 4.22(a), (b) and (c) of this By-law.

4.23 OUTDOOR STORAGE

4.23.1 General Provision

Where accessory outdoor storage is permitted in a zone:

- a) *Outdoor storage* shall be permitted only in a *rear* or *interior side yard* and shall not be located any closer than 18.0 metres to any *streetline*, including the Highway 401 *streetline*;
- b) The *height* of stored materials shall not exceed 4.5 metres;
- c) *Outdoor storage* shall be screened by opaque fencing with a minimum *height* of 2.75 metres;
- d) *Outdoor storage* is not permitted within any *yard* adjoining a residential *zone* boundary; and,
- e) The maximum permitted area for *outdoor storage* shall be the lesser of 30% of the *lot area* or twice the ground *floor area* of the *main building* on the *lot*.

4.23.2 Agricultural Uses

Outdoor storage of farm-related materials shall be permitted *accessory to an agricultural use*. The provisions of Section 4.23.1 above shall not apply.

4.24 PATIOS

Restaurant patios are permitted *accessory* to any *restaurant* provided that:

- a) A *restaurant* patio shall be permitted in any *yard* with no required *setback* to the applicable *lot line*, except that in a *rear yard* it shall be located no closer to the *rear lot line* than required for an *accessory building* by this By-law;
- b) Notwithstanding Subsection (a) above, a *restaurant* patio shall not be permitted within a *sight triangle* required by this By-law;
- c) Notwithstanding Subsection (a) above, a *restaurant* patio shall not be located within any *planting strip* required by Section 4.25 of this By-law;
- d) Notwithstanding Subsection (a) above, a *restaurant* patio shall be *setback* a minimum of 7.5 metres from any Residential *Zone*;
- e) The maximum *height* of a *restaurant* patio shall be 4.0 metres except if it is on a roof; and,
- f) A *restaurant* patio shall be screened by fencing with a minimum *height* of 1.0 metre.

4.25 PLANTING STRIPS

4.25.1 Location

- a) A 3.0 metre-wide *planting strip* abutting the full length of the *lot line* shall be required:
 - i) Where a *lot* in any Commercial or Employment *Zone* or in the Institutional Rural (IR) *Zone* abuts an *interior side* or *rear lot line* of a *lot* in any Residential *Zone*;
 - ii) Where a *lot* in the Medium Density Residential (RES3) *Zone* abuts a *lot* in a Low Density Residential One (RES1) or Low Density Residential Two (RES2) *Zones*;
 - iii) Where a *lot* in the High Density Residential (RES4) *Zone* abuts a *lot* in a Low Density Residential One

(RES1), Low Density Residential Two (RES2) Zone or Medium Density Residential (RES3) Zones; and,

- iv) Along a *streetline* between a *parking area* and a *street* where *parking areas* are located adjacent to a *street* in any Zone except the Downtown Commercial (COM3) Zone.
- b) A 4.5 metre wide *planting strip* abutting the full length of the *lot line* shall be required:
 - i) Along a *streetline* where a *lot* contains an *apartment building*.
- c) Where *parking areas* are connected to *parking areas* on adjacent *lots*, a *planting strip* is not required.
- d) Where there is an opaque wall or fence having a *height* of 1.5 metres or more, the width of the *planting strip* is permitted to be reduced to 1.8 metres in width.

4.25.2 Contents

Required *planting strips* shall contain one or more of the following screening devices:

- a) A continuous row of trees;
- b) A continuous hedgerow of evergreens, bushes or shrubs;
- c) A berm;
- d) A wall; or,
- e) A fence.

4.25.3 Design

Screening devices comprising a required *planting strip* shall:

- a) Be arranged so as to form a dense or opaque screen or barrier;
- b) Be designed to have an ultimate *height* of not less than 1.8 metre above the elevation of the ground at the nearest *lot line*, provided that they do not obstruct a *sight triangle*; and,

- c) Be uninterrupted except where traversed by pedestrian walkways or permitted *driveways*, in which case no such screening devices shall be required within 1.0 metre thereof.

4.25.4 Landscaped Open Space

A *planting strip* or buffer screen referred to in this Section is permitted to form a part of any *landscaped open space* required by this By-law and is also permitted to form part of a required *yard*.

4.26 PORCHES

4.26.1 Size of Porches

The floor of any *porch* that is located between a *main wall* of a *building* and a *streetline* shall extend at least 1.5 metres towards the *streetline* from the main wall that abuts the *porch*. Windows, stairs, columns, piers and/or railings associated with the *porch* are permitted to encroach within this area. Notwithstanding the above, a portion of the *porch* is not required to extend 1.5 metres towards the *streetline* provided it extends no more than 0.8 metres along the main wall.

4.26.2 Encroachments into Yards

- a) *Porches* and the stairs used to access a *porch*, with the *porch* having a maximum elevation of 3.0 metres, with the elevation being measured from the floor of the *porch* to the underside of the rafters or ceiling of the *porch* are permitted to encroach:
 - i) Into the required *front yard* and *exterior side yard* a distance of 2.5 metres, provided that no part of the *porch* shall be located closer than 1.2 metres from the *front or exterior side lot line*;
 - ii) Into the required *rear yard* a distance of 2.5 metres; and,
 - iii) Into the required *interior side yard* a distance of 2.5 metres, provided that no part of the *porch* is located closer than 1.2 metres from the *interior side lot line*.
- b) In addition to a *porch*, an underground cold *cellar* is permitted to encroach into any required *yard*, provided the underground cold *cellar* is located entirely underneath the *porch*.

- c) Eaves and eavestroughs associated with a *porch* shall be permitted to encroach an additional 0.6 metres beyond what is permitted by this Section into any required *yard*. There is no restriction on the location of gutters.

4.27 PROHIBITED USES

4.27.1 All Zones

The following *uses*, activities and/or objects shall be prohibited in any *Zone*:

- a) The *use* of any tent, *trailer* or *motor vehicle* for human habitation, except where such tent, *trailer* or *motor vehicle* is located in a campground, in a *trailer park* or in a *mobile home park*;
- b) The *use* of any *accessory building or structure* or boathouse for human habitation;
- c) The *use* of a truck, bus, coach body or rail car for human habitation or for storage purposes;
- d) The storage of disused rail cars, streetcars, buses, truck bodies or *trailers* without wheels;
- e) The parking or storage of *trailers* or *commercial motor vehicles* on a vacant *lot*;
- f) The parking or storage of *trailers* or *commercial motor vehicles* on a vacant *lot* for the purposes of advertising;
- g) The *outdoor storage* of partially dismantled *motor vehicles* or *trailers* or *motor vehicle* or *trailer* parts unless otherwise permitted by this By-law;
- h) *Obnoxious uses*;
- i) The manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, creosote, explosives, fireworks, glue, petroleum or tar; and,
- j) The bulk storage of industrial chemicals, fuels and oils, hazardous waste or liquid industrial waste unless specifically permitted by as defined under Environmental Protection Act, R.S.O. 1990, c.E. 19, as amended.

4.27.2 Oak Ridges Moraine

In addition to Section 4.27.1 of this By-law, the following *uses* are prohibited in the Oak Ridges Moraine – Core (ORM-C), Oak Ridges Moraine – Environmental Protection (ORM-EP), Oak Ridges Moraine – Extractive Industrial (ORM-MX), Oak Ridges Moraine – Linkage (ORM-L), Oak Ridges Moraine – Rural (ORM-RU) and Oak Ridges Moraine – Rural Settlement (ORM-RS) *Zones*:

- a) Generation or storage of hazardous or liquid industrial waste;
- b) *Waste composting facility*;
- c) *Waste management facility*;
- d) *Waste transfer facility*;
- e) Organic soil conditioning facilities;
- f) Snow storage and disposal facilities;
- g) Bulk storage tanks that are not equipped with an approved secondary containment device; and,
- h) The *use*, creation, handling or storage of alfatoxin, tetrachlorodibenzo-p-dioxin, pentachlorodibenzo-p-dioxin, hexachlorodibenzo-p-dioxin, tetrachlorodibenzo furan or other contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

4.28 PUBLIC USES

4.28.1 Permitted Locations

- a) *A public use* shall be permitted in all *zones* other than the:
 - i) Environmental Protection (EP) *Zone*;
 - ii) Oak Ridges Moraine – Core (ORM-C) *Zone*;
 - iii) Oak Ridges Moraine – Environmental Protection (ORM-EP) *Zone*;
 - iv) Oak Ridges Moraine – Extractive Industrial (ORM-MX) *Zone*;
 - v) Oak Ridges Moraine – Linkage (ORM-L) *Zone*;
 - vi) Oak Ridges Moraine – Rural (ORM-RU) *Zone*; and,
 - vii) Oak Ridges Moraine – Rural Settlement (ORM-RS) *Zone*.

- b) Nothing in this By-law shall prevent the *use* of any land, *building* or *structure* for *infrastructure* and as a *public street* nor prevent the installation of a utility including a water main, sanitary sewer, storm sewer, gas main, pipeline or overhead or underground hydro, sewage pumping station, municipal well and related *structure*, water storage tower, water reservoir, telecommunications/communications *infrastructure* or other utility supply or communication line.

4.28.2 Regulations for Public Uses

Where a *public use* is permitted, the following provisions shall apply:

- a) Such *public use* shall comply with all applicable *zone* standards, parking and loading requirements of the *Zone* in which it is located;
- b) No *outdoor storage* shall be permitted unless such *outdoor storage* is specifically permitted in the *Zone* in which the *public use* is located;
- c) Notwithstanding subsection (a) above, *buildings* and *structures* which are used for the storage of road maintenance materials within a *public works yard* owned by a *public authority* shall be exempt from the *height* requirements of this By-law;
- d) Any *accessory uses* to a *public use* shall be clearly incidental and *accessory* to the principal *use*; and,
- e) Any above-ground, utility or *public use* which is located in a Residential *Zone* shall be located and maintained in general harmony with the residential *buildings* permitted in such *Zone*.

4.29 RAMPS AND BARRIER-FREE ACCESS

Nothing in this By-law shall prevent the location of a barrier-free entrance that conforms to the requirements of Section 3.8 (Barrier-Free Design) of the Ontario *Building Code* (Ontario Regulation 350/06) or its successor.

4.30 REDUCTION OF REQUIREMENTS

No *person* shall change the purpose for which any *lot* or *building* is *used*, erect or enlarge any *building* or *structure* or sever any lands from any existing *lot* if the effect of such action is to cause the original, adjoining, remaining or new *building*, *structure* or *lot* to be in contravention of this By-law.

4.31 SCHOOL PORTABLES

School portables are considered to be *main buildings* by this By-law.

4.32 SERVICES REQUIRED

4.32.1 Urban Area

No land, *building* or *structure* in the following *Zones* shall be used and no *building* or *structure* shall be *erected*, used or altered after the passage of this By-law unless the use is to be serviced by Municipal sewage and water services:

- a) Low Density Residential One (RES1);
- b) Low Density Residential Two (RES2);
- c) Medium Density Residential (RES3);
- d) High Density Residential (RES4);
- e) Neighbourhood Commercial (COM1);
- f) General Commercial (COM2), but only for those lands within this *Zone* as shown on Schedule 'A' to this By-law;
- g) Downtown Commercial (COM3);
- h) General Employment (EMP1), but only for those lands within this *Zone* as shown on Schedule 'A' to this By-law;
- i) Service Employment (EMP2), but only for those lands within this *Zone* as shown on Schedule 'A' to this By-law; and,
- j) Institutional Urban (IU).

4.32.2 Hamlets and the Countryside Area

In all other *zones*, the establishment of any type of sewage disposal system, except a Class IV or VI system as defined by the *Building Code Act*, 1992, S.O. 1992, c.23, as amended, is not permitted on vacant *lots* that existed on the date this By-law comes into effect.

4.32.3 Other Dwelling Units in the Hamlet Areas

Notwithstanding Section 4.32.2 above an *apartment dwelling*, a *duplex dwelling*, a multiple *dwelling* and a townhouse *dwelling* shall not be *erected*, used or altered in the Hamlet Residential Two (RESV2) *Zone* after the passage of this By-law unless the *use* is to be serviced by municipal sewage and water services.

4.33 SIGHT TRIANGLES

4.33.1 Application

Notwithstanding any other provision of this By-law, a *sight triangle* shall be required on a *corner lot* at an at-grade intersection of two or more *streets* that is measured according to the provisions set out in Table 4.4, below:

Table 4.4: Sight Triangle Dimensions (Distance from Lot Line to Point of Intersection)

		Subject lot has access onto a:		
		Local street	Collector street	County Road or Provincial Highway
Other right-of-way	Local road	3.0 metres	5.0 metres	9.0 metres
	Collector road	5.0 metres	7.0 metres	9.0 metres
	Arterial or Provincial Highway	9.0 metres	9.0 metres	9.0 metres

The provisions of this Section shall not apply to any *lot* located in the Downtown Commercial (COM3) *Zone* or where this By-law does not require any *front* or *exterior side yard*.

4.33.2 Prohibition of Obstructions

Within any part of a *sight triangle* as defined herein:

- a) No *building*, *structure*, *sign*, wall or fence shall be *erected*, located or placed, in whole or in part;
- b) No vehicle shall be parked or stored; and,

- c) Landscaping materials are permitted to be located or allowed to grow and any land raised, but in no case greater than 1.0 metre in height above the average elevation of the *site triangle*, determined by averaging the elevations of the three corner points thereof, or being located in such a manner as to impede or obstruct in any way the field of view across such *site triangle* for persons driving vehicles on an abutting street.

4.33.2 Permitted Encroachments

Notwithstanding Section 4.33.2 a) above, architectural features such as sills, belts courses, cornices, parapets, pilasters or other similar ornamental *structures* shall be permitted to encroach into a *sight triangle* in accordance with Section 4.8 a) of this By-law.

4.34 SIGNS

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any *sign* provided such *sign* complies with the By-laws of the *Municipality* and is *accessory* to the use of the land on which it is located.

4.35 SOLAR PANELS

4.35.1 General Provisions

- a) *Solar panels* are permitted as set out in Table 4.5, below:

Table 4.5: Standards for Solar Panels

Land Use	Permitted Location	Maximum Height
<i>Single detached, semi-detached, duplex and townhouse dwellings in the RES1, RES2, RES3 and RES4 Zones</i>	Roof Ground mounted platform	Panels are permitted to extend a maximum of 1.0 metre perpendicular to a roof surface. It is classified as an <i>accessory structure</i> .
Residential, industrial and commercial <i>buildings</i> 12.0 metres in <i>height</i> or over.	Roof Ground mounted platform	Panels are permitted to extend a maximum of 5.0 metres beyond the highest point of the roof. It is classified as an <i>accessory structure</i> .
Residential, industrial and commercial <i>buildings</i> under 12.0 metres in <i>height</i> (not including <i>single-detached, semi-detached duplex and townhouse dwellings</i> in the RES1, RES2, RES3 and RES4 Zones)	Roof Ground mounted platform	Panels are permitted to extend a maximum of 2.0 metres beyond the highest part of the roof. It is classified as an <i>accessory structure</i> .
Rural residential or <i>agricultural</i>	Roof Ground mounted platform	Panels are permitted to extend a maximum of 1.0 metre in <i>height</i> , measured perpendicular to a roof surface. It is classified as an <i>accessory structure</i> .

- b) Free-standing, ground mounted *solar panels* shall be included in the calculation of *lot coverage*. For the purposes of this By-law, such a *solar panels* is deemed to be an *accessory structure*.

4.35.2 Prohibited Zones

Notwithstanding Section 4.35.1 above, a *solar panel* shall not be permitted in the following *Zones*.

- a) Environmental Protection (EP) *Zone*;
- b) Open Space (OS) *Zone*; and,
- c) Environmental Protection – *Floodplain* (EP-F) *Zone*,

4.36 SPECIAL SETBACKS

4.36.1 Group Homes

- a) Notwithstanding any other *setback* provision in this By-law to the contrary, the *minimum required setbacks* between a *Group Home Type 1, Group Home Type 2 or Treatment Centre* in the Low Density Residential One (RES1), Low Density Residential Two (RES2), Hamlet Residential One (RESV1) and Hamlet Residential Two (RESV2) *Zones*, shall be as identified in Table 4.6, below:

Table 4.6: Group Home Setbacks in Ward 1

Other Facility:		Subject facility is a:	
		Group Home Type 1	Group Home Type 2, Treatment Centre
Other Facility:	Group Home Type 1	400 metres	1,000 metres
	Group Home Type 2, Treatment Centre	1,000 metres	1,000 metres

- b) Notwithstanding any other *setback* provision in this By-law to the contrary, the *minimum required setbacks* between a *Group Home Type 1, Group Home Type 2 or Treatment Centre* in the Agricultural (A) or Rural (RU) *Zones*, shall be as identified in Table 4.7, below:

Table 4.7: Group Home Setbacks in Ward 2

Other Facility:		Subject facility is:	
		Group Home Type 1	Group Home Type 2, Treatment Centre
Other Facility:	Group Home Type 1	2,500 metres	4,000 metres
	Group Home Type 2, Treatment Centre	4,000 metres	4,000 metres

4.36.2 County Roads and Provincial Highways and Railroads

Notwithstanding any other provision in this By-law, all *buildings* and *structures* shall be located no closer than:

- a) 59.0 metres from the *centreline* of Highway 401;
- b) 30.0 metres from the *centre-line* of any other Provincial Highway; and,
- c) 27.0 metres from the *centre-line* of a *County Road*.

4.36.3 Lake Ontario Shoreline

Notwithstanding any other provision in this By-law, all *buildings* and *structures* shall be set back a minimum of 30.0 metres inland from the 72.9 metre *G.S.C.* elevation.

4.36.4 TransCanada Pipeline

Notwithstanding any other provisions in this By-law, no permanent *building* or *structure* shall be located within 7.0 metres of the TransCanada pipeline right-of-way. *Accessory structures* shall have a minimum *setback* of at least 3.0 metres from the limit of the TransCanada right-of-way. No *building* or *structure* is permitted within 3.0 metres of the TransCanada right-of-way.

4.36.5 Trans-Northern Pipeline

Notwithstanding any other provision in this By-law, no permanent *building* or *structure* shall be located within 10.0 metres of the Trans-Northern pipeline right-of-way.

4.36.6 Railroads

Notwithstanding any other provision in this By-law, all *buildings* and *structures* containing a *dwelling unit*, a *place of worship*, a *day nursery* and/or a *private* or *public school* shall be located no closer than 30 metres from the right-of-way owned by a Federally regulated railway company.

4.37 THROUGH LOTS

Where a *lot*, which is not a *corner lot*, has *lot frontage* on more than one *street*:

- a) The *setback* and *front yard* requirements contained herein shall apply on each *street* in accordance with the provisions of the *Zone* or *Zones* in which such *lot* is located; and,

- b) *Accessory buildings* and structures shall be permitted in the applicable *yard* having the greater depth in accordance with Section 4.1 of this By-law.

4.38 TRAVEL TRAILERS, RECREATIONAL VEHICLES AND CAMPERS

4.38.1 Outdoor Parking and Storage

The outdoor parking and storing of a *recreational vehicle*, truck camper, camper *trailer*, *trailer* and licensed off-road *recreational vehicle* shall be prohibited in all Residential and Countryside *Zones* except that a total of one *recreational vehicle*, truck camper, camper *trailer*, *trailer* or licensed off-road *recreational vehicle*, is permitted to be stored outdoors on the same *lot* where the owner of said *recreational vehicle* resides in a Residential *Zone*, provided that it meets the *setbacks* for an *accessory building* and where the required *parking spaces* for the use on the *lot* are satisfied, and only in the following *yards*:

- a) In the *rear* or *interior side yard*, provided that it meets the *setbacks* for an *accessory building* within the limits of the *lot*; and,
- b) In the *front yard*, provided that it meets the *minimum required front yard* standard for the applicable *zone*.

4.38.2 Use

- a) The use of *trailers*, *travel trailers*, *recreational vehicles*, truck campers, and camper *trailers* for commercial purposes or habitation shall be prohibited in all *Zones* except in areas where such use is expressly permitted by this By-law.
- b) No other form of *trailer* or *vehicle* shall be used for human habitation unless expressly permitted by this By-law.

4.39 USES OF LOTS WITHOUT BUILDINGS

Unless expressly permitted by this By-law, no permitted use in any Residential, Commercial or Employment *Zone* is permitted unless a *main building* is *erected* on the same *lot*.

PART 5 - PARKING AND LOADING PROVISIONS

5.1 APPLICABILITY OF THIS SECTION

- a) The parking and *loading space* requirements of this Part of the By-law shall not apply to any *use* in existence at the date of passing of this By-law so long as the *floor area*, as it existed at such date, is not increased.
- b) If an addition is made to the *building* that increases the *floor area*, additional parking and *loading spaces* shall be required to be provided for the additional *floor area* as required by the regulations of this By-law.
- c) If the *use* of lands or a *building* or part of a *building* is changed to a *use* that requires additional parking than what existed as of the date of passing of this By-law, additional parking and *loading spaces* shall be required in accordance with the regulations of this By-law.

5.2 GENERAL PARKING PROVISIONS

5.2.1 Restriction on Use of Land, Buildings and Structures

No *person* shall *use* any land, *building* or *structure* in any *Zone* for any purpose permitted by this By-law, unless the minimum number of *parking spaces* required are provided in accordance with the provisions of this Part of the By-law.

5.2.2 Calculation of Parking Requirements

5.2.2.1 Rounding of Requirements

Where the minimum number of *parking spaces* is calculated on the basis of a rate or ratio, the required number of *parking spaces* shall be rounded to the next higher whole number where the calculated required number of *parking spaces* results in a fraction of a *parking space*.

5.2.2.2 More than One Use on a Lot

The parking requirements for more than one *use* on a single *lot* or for a *building* containing more than one *use*, shall be the sum total of the parking requirements for each of the component *uses*, unless otherwise noted.

5.2.2.3 Requirements Based on Capacity

Where the number of *parking spaces* required in accordance with this By-law is based upon the “capacity” of a *use*, such capacity shall be equal to the maximum capacity of any *building* or *structure* pertaining to such *use*, as determined by the Ontario *Building Code*, relevant fire safety regulations or, where applicable, the Liquor Licensing Board or Ontario or other public agency having jurisdiction, whichever capacity is less.

5.2.3 Dimensions of Parking Spaces

5.2.3.1 General Requirements

- a) Where *parking spaces* are provided in a surface *parking area*, or on a *driveway* each *parking space* shall have a width of not less than 2.7 metres and a length of not less than 5.5 metres.
- b) Where *parking spaces* are provided in an enclosed or underground *parking garage*, such *parking spaces* shall have a width of not less than 2.7 metres and a length of not less than 5.4 metres.
- c) Where required *parking spaces* are provided within a *private garage accessory* to a detached, semi-detached or townhouse *dwelling*, with such a *private garage* being a single car garage or a double car garage with a separating wall, each *parking space* shall have a width of not less than 2.9 metres and length of not less than 6.0 metres and a *height* clearance of not less than 2.1 metres. A minimum area of 2.9 metres wide by 5.3 metres long by 2.1 metres high of this space shall be unobstructed by any component of any *structure*, including stairs.
- d) Where *parking spaces* are provided within a *private garage accessory* to a detached, semi-detached or townhouse *dwelling*, with such a *private garage* being a single car garage or a double car garage with no separating wall, each *parking space* shall have a width of not less than 2.75 metres and length of not less than 6.0 metres and a *height* of not less than 2.1 metres. A minimum area of 5.5 metres wide by 5.3 metres long by 2.1 metres high of this space shall be unobstructed by any component of any *structure*, including stairs.

5.2.3.2 Parallel Parking

Where principal access to a *parking space* is located on its longest side, such *parking space* shall have a minimum width of 2.75 metres and a minimum length of 6.9 metres.

5.2.3.3 Single Stacked Angled Parking

Where principal access to a *parking space* is located on its shortest side, and where *landscaped open space*, a *sidewalk* or a wall abuts the *parking spaces* along the opposite shorter side, and where the *parking space* is provided at any angle between ten and seventy degrees, measured between the edge of the pavement and the longer side of the *parking space*, such *parking space* shall have a minimum width of 2.75 metres and a minimum length of 6.4 metres.

5.2.3.4 Compact Car Parking

Notwithstanding any other provision of this Part of the By-Law to the contrary, where 10 or more *parking spaces* are required on a *lot*, the minimum rectangular dimensions required for not more than 10% of such *parking spaces* shall be a width of 2.5 metres and a length of 5.5 metres, provided that any such *parking space* is clearly identified as being reserved for the parking of small cars only.

5.2.4 Location of Required Parking

5.2.4.1 Same Lot as the Use

All *parking spaces* shall be located on the same *lot* as the *use* that requires the parking.

5.2.4.2 When Off-site Parking May be Permitted

Notwithstanding Section 5.2.4.1 above, required *parking spaces* for any *use* within the Downtown Commercial (COM3) *Zone* are permitted to be located on another *lot* within 300.0 metres of the *lot* on which parking would be required for a *use*, provided that:

- a) An agreement with the *Municipality* is registered against title of both such registered *lots* binding and requiring the owner(s) thereof to maintain such *parking spaces* for the duration of the *building*, *structure* or *use* for which they are required; and,
- b) The off-site parking is located on a *lot* held under the same ownership and is in the same *Zone* as the subject *lot*; or,
- c) The main *use* is a permitted *use* on both *lots*; or,

- d) The *lot* on which the parking is being provided is located in a *zone* that permits a parking *lot*.

5.2.4.3 Yards where Parking Areas are Permitted

Outdoor *parking areas* shall be permitted in any part of any *yard*, except that no part of any *parking area* shall be located:

- a) Within a *sight triangle* in accordance with Section 4.32 of this By-law;
- b) In any required *front yard* or required exterior side *yard* in any Countryside, Open Space (OS) or Residential *Zone*;
- c) Closer to any *street* having a width of more than 10.0 metres than:
 - i) The minimum required interior side and minimum required read *yard* in an Industrial *Zone*;
 - ii) 1.0 metre in any Commercial, Institutional Urban (IU), Institutional Rural (IR), Open Space (OS) or Major Recreational (OSR) *Zone*; or,
 - iii) 2.0 metres in any Countryside, Rural Employment (EMPR4), Waste Disposal (EMPD), Power Generation (EMPG), Extractive Industrial (EMPX) or Institutional Rural (IR) *Zone*; and,
- d) Closer to any Residential *Zone* than:
 - i) The minimum required interior side and minimum required read *yard* in an Industrial *Zone*;
 - ii) 1.0 metre in any Commercial, Institutional Urban (IU), Institutional Rural (IR), Open Space (OS) or Major Recreational (OSR) *Zone*; or,
 - iii) 3.0 metres in any Countryside, Rural Employment (EMPR), Waste Disposal (EMPD), Power Generation (EMPG), Extractive Industrial (EMPX) or Institutional Rural (IR) *Zone*.

5.2.5 Surface Treatment

All *parking spaces*, *loading spaces*, *queuing lanes* and *spaces*, *parking areas*, *parking lots* and all *driveways* and *aisles* providing, access thereto shall be established and maintained with a stable surface, treated so as to prevent the

raising of dust or loose particles and comprised in whole or in part of one or more materials including asphalt, concrete, concrete or brick pavers, gravel or similar materials. The use of similar materials which provide for the infiltration of water into the ground is also permitted.

Notwithstanding the above, this requirement shall not apply in any Countryside Zone and the Open Space (OS) Zones.

5.2.6 Exclusive Use of a Parking Space

Any *parking space* shall be unobstructed and available for parking purposes and used exclusively for that purpose at all times, unless otherwise specified in this By-law.

5.2.7 Parking Required for Outdoor Patios

Parking spaces are not required for any *outdoor patio* that occupies less than 40% of the *net floor area* of the *restaurant* it serves. Where the *outdoor patio* occupies an area equal to or greater than 40% of the *net floor area* of the *restaurant* it serves, *parking spaces* shall be *required* at the required minimum requirement specified in Section 5.3 of this By-law for that portion of the *outdoor patio* greater than 40% of the *net floor area* of the *restaurant* it serves.

5.2.8 Access to Parking Areas and Parking Spaces

5.2.8.1 Double Parking

Each required *parking space* shall be accessible at all times for parking a vehicle without the necessity of moving any other vehicle, except that nothing in this By-law shall apply to prevent the parking of a vehicle in any part of a *driveway accessory* to a *duplex dwelling*, *single detached dwelling*, *semi-detached dwelling* or *street townhouse dwelling*.

5.2.8.2 Width of Parking Aisles

The minimum width of an aisle providing access to a *parking space* within a *parking area* shall be 3.5 metres, except as set out in Table 5.1, below in the case of angled off-*street* parking accessed by a one-way aisle.

Table 5.1: Width of Parking Aisles

Angle of Parking (Degrees)		Minimum Required Aisle Width (Metres)
Equal to	Less than	
0	45	3.5
45	56	4.3
56	70	6.5
70	90	6.7

5.2.8.3 Width of Access Ramps and Driveways in Non-Residential Zones

Access ramps and *driveways* accessing a *parking area* or parking *lot* shall be a minimum of 3.0 metres in width for one-way traffic and a minimum of 6.0 metres in width for two-way traffic, and in no case shall be not more than 9.0 metres in width.

5.2.9 Cash-in-Lieu of Parking

Parking spaces required by Sections 5.3 and 5.6 of this By-law shall not be required if the *Municipality* has entered into an agreement with the landowner respecting the payment of cash-in-lieu of some or all of the parking required in accordance with Section 40 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

5.2.10 Unlicensed Motor Vehicles and Motor Vehicle Uses

- a) The parking of an unlicensed motor vehicle on a lot shall be permitted only as an accessory use to a motor vehicle sales and/or rental establishment, motor vehicle body shop or a motor vehicle repair garage located on the same lot; and,
- b) No part of any *lot* in a Residential *Zone* shall be used for the parking or storage outdoors of any vehicle, other than a recreational vehicle, where such vehicle does not bear a valid license plate and currently valid validation tag, except for not more than 1 such vehicle in either an *interior side yard*, *private garage* or *carport*.

5.2.11 Parking Garages

Parking garages shall comply with the provisions for the *main building* in accordance with this By-law. No *setbacks* or *yards* shall be required for any portion of a parking garage if it is constructed completely below the *established grade*. This exemption shall also apply to ventilation shafts and housings, stairways and other similar facilities associated with below grade parking garages that extend from below *established grade*.

5.3 NON-RESIDENTIAL PARKING REQUIREMENTS

The number of *parking spaces* required for non-residential *uses* shall be calculated in accordance with the standards set out in Table 5.2, below:

Table 5.2: Non-Residential Parking Requirements

Use	Minimum Parking Space Requirement (Net floor area unless otherwise specified)
<i>Adult Entertainment Parlour</i>	1/5.8 m ² nfa
<i>Adult Specialty Store</i>	1/20 m ² nfa
<i>Adult Video Store</i>	1/20 m ² nfa
<i>Animal Clinic</i>	1/16.9 m ² nfa
<i>Arena</i>	1/3 fixed seats
<i>Art Gallery</i>	1/40 m ² nfa
<i>Assembly Hall</i>	1/6 persons capacity
<i>Banquet Hall</i>	1/5.8 m ² nfa
<i>Billiard Hall</i>	1/20 m ² nfa
<i>Bowling Alley</i>	4/lane
<i>Business Office</i>	1/30 m ² nfa
<i>Commercial Fitness Centre</i>	1/20 m ² nfa
<i>Commercial Self-Storage Facilities</i>	1/5 m ² nfa for the <i>business office</i> plus 1/100 m ² of the <i>building(s)</i> used for storage, except where the <i>driveway</i> access to the storage unit has a minimum width of 7.0 metres, in which case no additional parking shall be required
<i>Community Centre</i>	1/10 m ² nfa
<i>Day Nursery</i>	1.5/classroom plus 1/30 m ² nfa
<i>Dry Cleaning Establishment</i>	1/12 m ² nfa
<i>Financial Institution</i>	1/18 m ² nfa
<i>Funeral Home</i>	Minimum 10 spaces, plus an additional 1/13 m ² nfa
<i>Golf Course</i>	24 spaces/9 holes
<i>Golf Driving Range</i>	1.5/tee
<i>Greenhouse, Commercial</i>	1/20 m ² nfa
<i>Hospital</i>	1/21 m ² nfa
<i>Hotel</i>	1/room
<i>Industrial Use</i>	1/30 m ² for the first 1,000 m ² nfa, plus 1/100 m ² nfa for the <i>floor area</i> between 1,000.1 m ² and 5,000 m ² nfa, plus 1/200 m ² nfa for the <i>net floor area</i> in excess of 5,000.1 m ² nfa
<i>Kennel</i>	1/16.5 m ² nfa
<i>Library</i>	1/26.5 m ² nfa
<i>Medical Office</i>	5 spaces OR 1/16.9 m ² nfa, whichever is greater
<i>Miniature Golf Course</i>	1.25/tee
<i>Motel</i>	1.1/room
<i>Motor Vehicle Body Shop</i> <i>Motor Vehicle Repair Garage</i> <i>Motor Vehicle Service Station</i>	1/20m ² nfa for the <i>business office</i> , plus any spaces required for <i>accessory uses</i>
<i>Motor Vehicle Dealership</i>	1/20 m ² nfa for the <i>motor vehicle sales and/or rental establishment</i> , plus any spaces required for <i>accessory uses</i> .
<i>Motor Vehicle Gas Bar</i>	1/20 m ² nfa
<i>Motor Vehicle Rental Establishment</i> <i>Motor Vehicle Sales and/or Rental Establishment</i>	1/20 m ² nfa
<i>Museum</i>	1/40 m ² nfa
<i>Personal Service Shop</i>	1/20 m ² nfa
<i>Place of Worship</i>	1/4 persons of worship area capacity OR 1/9 m ² nfa of worship area capacity, whichever is greater
<i>Restaurant</i>	1/9.3 m ² nfa

Use	Minimum <i>Parking Space</i> Requirement (<i>Net floor area</i> unless otherwise specified)
<i>Restaurant, Take-Out</i>	1/16.6 m ² nfa
<i>Retail Store</i>	1/20 m ² nfa
<i>School, Commercial</i>	1/20 m ² nfa
<i>School, Private</i>	4/classroom
<i>School, Public</i>	
<i>Service Shop</i>	1/20 m ² nfa
<i>Supermarket</i>	1/13.8 m ² nfa
<i>Theatre</i>	1/4 seats
<i>Trade and Convention Centre</i>	1/20 m ² nfa, plus any spaces required for any <i>accessory restaurant</i> and/or <i>banquet hall</i>
<i>Transport Terminal</i>	1/85 m ² nfa
<i>Warehouse</i>	
<i>Wayside Pit or Quarry</i>	Any spaces required for the <i>business office</i>
Any other non-residential use not specified in this table	1/30 m ² nfa

5.4 BARRIER-FREE PARKING SPACES

Barrier-free *parking spaces* for the exclusive *use* of physically disabled *persons* shall be provided in accordance with Tables 5.3 and 5.4, below:

Table 5.3: Barrier-free Parking Requirements for a Hospital or Medical Office

Total Number of Automobile <i>Parking Spaces</i> Provided	Minimum Required Number of Barrier-free <i>Parking Spaces</i>
1-30	1
31-60	2
61-100	3
For each additional 30 spaces or part thereof	1 additional space

Table 5.4: Barrier-free Parking Requirements for All Other Uses

Total Number of Automobile <i>Parking Spaces</i> Provided	Minimum Required Number of Barrier-free <i>Parking Spaces</i>
1-19	0
20-100	1
101-200	2
For each additional 100 spaces or part thereof	1 additional space

- a) A barrier-free *parking space* shall have minimum rectangular dimensions of 4.5 metres by 5.5 metres;
- b) A barrier-free *parking space* shall be located on level ground readily accessible to an entrance to such *building*; and,

- c) A barrier-free *parking space* shall be clearly identified and reserved for the exclusive use of physically disabled persons.

5.5 GENERAL RESIDENTIAL PARKING PROVISIONS

5.5.1 Location of Parking

- a) The parking of *motor vehicles* associated with a residential use is only permitted within a parking garage, surface *parking area*, *private garage*, *carport* or on a *driveway* accessing an individual *dwelling unit*, a *private garage* or a *carport*.
- b) No vehicle shall be parked on an unsurfaced area of any *front* or *exterior side yard*.
- c) A *parking area* shall be set back 1.0 metre from a *streetline*.
- d) A *parking area* associated with an apartment or *multiple-unit building* shall be set back 7.5 metres from a *streetline*, 3.0 metres from an *interior side lot line* and 1.8 metres from the *building* on the same *lot*.

5.5.2 General Parking Provisions for Ground Oriented Residential Dwelling Units

- a) Within a *front* or *exterior side yard*, *motor vehicle* parking is only permitted on a *driveway*.
- b) A *driveway* associated with a ground-oriented residential *dwelling* shall provide direct access to a *private garage*, *carport* or *parking space*.
- c) *Motor vehicles* shall not be parked parallel to the *streetline* on any *driveway* unless expressly permitted by this By-law.
- d) There shall be no *motor vehicle* parking between an outside wall of an attached *private garage* that faces an *exterior side lot line*, a *front lot line* or a *rear lot line*.
- e) Subject to the provisions for circular *driveways*, only one *driveway* is permitted per *lot*.

5.5.3 Driveways in Residential Zones

5.5.3.1 Maximum and Minimum *Driveway* Width

- a) The minimum *driveway* width shall be 3.0 metres.
- b) The maximum *driveway* width shall be equal to the *garage door width* plus 1.5 metres or 6.1 metres, whichever is greater, provided a minimum of 40% of the area of the *front* or *exterior side yard* in which the *driveway* is located is the site of *soft landscaping*.
- c) Notwithstanding Section 5.5.3.1(b) above, the maximum width of a *driveway* at the *streetline* shall be 6.1 metres.
- d) When a *garage door* opening used for *motor vehicle* access faces an *interior side lot line*, the maximum *driveway* width in the *front yard* is 6.1 metres.

5.5.3.2 Entrances for Driveways

- a) *Driveways* used for providing access for the parking of *motor vehicles*, shall:
 - i) Not be located within a *sight triangle*, except that, where a *lot* is occupied by a *semi-detached dwelling unit*, the *driveway* shall be located along the *front lot line* or *exterior side lot line*, at the location furthest removed from the intersection; and,
 - ii) Comply with any applicable regulations of the *Municipality, County* or the Ministry of Transportation pertaining to entrances onto public roads.

5.5.3.3 Provisions for Circular Driveways

On *lots* within any Residential zone that have a *lot frontage* less than 22.0 metres, only one *driveway* from a *public street* onto the *lot* is permitted. If such a *lot* has a frontage of 22.0 metres or greater, a second *driveway* is permitted, provided:

- a) The *main building* is *setback* at least 15.0 metres from the *streetline*;
- b) The *driveways* are at least 7.0 metres apart, measured at the *streetline*;

- c) The second *driveway* allows a *motor vehicle* alternate access to a lot, and connects from the *streetline* to the main *driveway* providing access to the *private garage, carport* or other *parking spaces*; and,
- d) No more than 50% of the area of the *front yard* and 30% of the width of the *lot frontage* is used for *driveway* purposes.

5.5.4 Parking of Commercial Motor Vehicles in Residential Zones

- a) The parking or storage of one *commercial vehicle* per *dwelling unit* on a *lot* is permitted in any Residential *Zone*, provided the *commercial vehicle* has a registered gross vehicle weight of 3,400 kilograms or less.
- b) Notwithstanding Section 5.5.5(a) above, a maximum of two *commercial vehicles* per *dwelling unit* on a *lot* is permitted in any Countryside *Zone*.
- c) If the *commercial motor vehicle* is a school bus, it is permitted to exceed a weight of 3,400 kilograms within the Countryside *Zones*, as well as any Commercial or Employment *Zone*, but shall not exceed the 5.0 metre wheelbase.

5.6 RESIDENTIAL PARKING REQUIREMENTS

The number of *parking spaces* required for residential *uses* shall be calculated in accordance with the standards set out in Table 5.5, below:

Table 5.5: Residential Parking Requirements

Use	Minimum Parking Space Requirement
<i>Bed and Breakfast Establishment</i>	1/room or <i>suite</i> used for the purpose of lodging for the traveling public, in addition to the required parking for the <i>dwelling unit</i>
<i>Boarding or Rooming House</i>	2 spaces, plus 0.5 space/room for every separate room designed as accommodation
<i>Crisis Care Facility</i> <i>Emergency Housing</i> <i>Group Home Type 1</i> <i>Group Home Type 2</i> <i>Treatment Centre</i>	0.25/beds
<i>Custom Workshop</i> <i>Home Industry</i> <i>Home Occupation</i>	1 space, but only if the <i>use</i> occupies a <i>gross floor area</i> of 15.0 m ² or greater.
<i>Dwelling, Accessory</i> <i>Garden Suite</i>	1/unit, in addition to the required parking for the <i>dwelling unit</i>
<i>Dwelling, Accessory in the Downtown Commercial (COM3) Zone</i>	1/unit
<i>Dwelling, Apartment</i>	1.25/unit, plus 0.25/unit dedicated for visitor parking in a <i>building</i> containing 4 or more <i>dwelling units</i>
<i>Dwelling, Duplex</i>	1.5/unit
<i>Dwelling, Multiple Unit</i>	2/unit, plus 0.25 spaces/unit dedicated for visitor parking
<i>Dwelling, Semi-Detached</i> <i>Dwelling, Single Detached</i>	2/unit
<i>Dwelling, Street Townhouse</i>	2/unit, provided 3 spaces are provided for every two <i>dwelling units</i> in a <i>building</i> containing 8 or more <i>dwelling units</i>
<i>Long Term Care Facility</i> <i>Nursing Home</i>	0.5/bed
<i>Mobile Home</i>	1/unit
<i>Retirement Home</i>	4 spaces, plus 0.5 <i>parking spaces</i> for each of the first 30 guest rooms, plus 0.25 <i>parking spaces</i> for each additional guest room

5.7 LOADING

5.7.1 Restriction on Use of Land, Buildings and Structure

No *person* shall use any *apartment building* containing 50 or more *dwelling units*, *public use* or any land, *building* or *structure* in any Commercial or Employment Zone for any purpose permitted by this By-law, unless *loading spaces* are provided in accordance with the provisions of this Section of the By-law.

5.7.2 Calculation of Loading Requirements

The *loading space* requirements for more than one *use* on a single *lot* or for a *building* containing more than one *use*, shall be the sum total of the *loading space* requirements for each of the *uses*, unless otherwise noted.

5.7.3 Loading Space Requirements

The minimum number of *loading spaces* required on a *lot* shall be based on the number of *dwelling units*, or the *floor area*, of all of the *buildings* on the *lot* for which *loading spaces* are required in accordance with the standards set out in Tables 5.6 and 5.7, below:

Table 5.6: Loading Spaces for Specific Uses

<i>Use</i>	<i>Loading Spaces Required</i>
<i>Apartment building</i> containing 50 or more <i>dwelling units</i>	1
<i>Motor vehicle sales and/or rental establishment</i>	1

Table 5.7: Loading Spaces for All Other Uses

<i>Gross Floor Area</i>	<i>Loading Spaces Required</i>
Less than 300.0 m ² gfa	0
300.0 m ² to 3,700.0 m ² gfa	1
3,700.1 m ² to 9,250.0 m ² gfa	2
9,250.1 m ² to 14,800.0 m ² gfa	3
Over 14,800.0 m ² gfa	3, plus 1 additional <i>loading space</i> for each additional 7,400 m ² gfa or part thereof

Notwithstanding Table 5.7 above, no more than 1 *loading space* shall be required for all *net floor area* on a *lot* devoted to *business offices*.

5.7.4 Loading Space Exemptions

Notwithstanding any other provision of Section 5.7 *loading spaces* are not for the following:

- a) Any *use* in the Downtown Commercial (COM3) Zone.
- b) *Commercial self storage facilities*.

5.7.5 Dimensions of Loading Spaces

Each *loading space* shall be a minimum of 3.7 metres wide, 9.0 metres long and have a minimum vertical clearance of 4.3 metres.

5.7.6 Location of Required Loading Spaces

Loading spaces shall:

- a) Be located on the same *lot* for the *use* or *building* for which it is required;
- b) Be located within 15.0 metres of the *use* or *building* for which it is required;
- c) Not be permitted in the *front yard* or *exterior side yard*, and shall not be located in any *required yard*;
- d) In a Residential *Zone*, be set back a minimum of 10.0 metres from any *streetline* and 3.0 metres from an *interior side* or *rear lot line*; and,
- e) In a Commercial, Institutional or Employment *Zone*, be set back a minimum of 10.0 metres from any *streetline* or residential *zone* boundary, but is permitted within this area if the *loading space* is located entirely within a *building* or *structure* on a floor above the *first storey* or below *established grade*.

5.7.7 Exclusive Use of a Loading Space

Any required *loading space* shall be unobstructed and available for loading purposes and used exclusively for that purpose at all times, unless otherwise specified in this By-law.

5.8 QUEUING LANES FOR DRIVE-THROUGH SERVICE FACILITIES

5.8.1 Queuing Lane Requirements

Where *drive-through service facilities* are permitted, *queuing lanes* are required and shall be exclusive of any other *parking space*, *loading space* and *aisle* requirements contained within this By-law and shall be provided in accordance with the provisions of this Part.

5.8.2 Ingress and Egress Space Requirements

The minimum queuing space requirements within a designated *queuing lane* shall be in accordance with the standards set out in Table 5.8, below:

Table 5.8: Queuing Lane Requirements

Use Associated with Drive-Through Service Facility	Minimum Required Ingress Queuing Spaces	Minimum Required Egress Queuing Spaces
<i>Financial Institution</i>	4	1
<i>Restaurant</i>	12	2
<i>Motor Vehicle Service Station</i>	3	n/a
<i>Motor Vehicle Washing Establishment</i>	10	2
<i>All Other Uses</i>	3	1

5.8.3 Location of Ingress and Egress Spaces

Required ingress spaces shall be located before the first point of contact and required egress spaces shall be located after the final point of contact.

5.8.4 Length of Queuing Lane

The length of the *queuing lane* associated with the *drive-through service facility* shall be the total number of required ingress spaces and egress spaces.

5.8.5 Multiple Queuing Lane Requirements

Where multiple *queuing lanes* are provided on a *lot*, the queuing space requirements shall be provided for each individual queuing lane in compliance with the provisions of Section 5.8 of this By-law.

5.8.6 Size of Queuing Space

All queuing spaces shall be rectangular in shape, with a minimum width of 3.0 metres and a minimum length of 7.0 metres.

5.8.7 Setbacks for Queuing Lanes

Queuing lanes and all order boxes using voice communication to order shall be located no closer than:

- a) 12.2 metres from any *streetline*; and,
- b) 30.0 metres from any Residential *Zone*.

5.8.8 Relation to Front and Exterior Side Lot lines

No *queuing lanes*, order boxes, and openings associated with a *drive through service facility* shall be located in the wall facing the *front* or *exterior side lot line* unless all of the components of a *drive through service facility* are located no closer than 12.2 metres from the *front* and *exterior side lot lines*.

5.8.9 Delineation of Queuing Lane Requirements

Queuing lanes shall be unobstructed and shall be clearly delineated by pavement markings or physical barriers, and shall be independent of the balance of the *parking area* and loading area.

5.9 BICYCLE PARKING REQUIREMENTS

- a) Bicycle *parking spaces* are required for the *uses* listed in Table 5.9, below, in addition to any required *parking spaces* for *motor vehicles*:

Table 5.9: Bicycle Parking Requirements

Use	Required Bicycle Parking Spaces
<i>Retail Store</i> <i>Service Commercial Uses</i> <i>Institutional Uses</i>	2 spaces plus 1 space/1,000.0 m ² nfa
<i>Industrial Uses having 1,000 m² nfa or greater</i>	2 spaces plus 0.25 spaces/1,000.0 m ² nfa
<i>School, Private</i> <i>School, Public</i>	1 space/10 students capacity, plus 1 space/35 employees capacity

- b) Each bicycle *parking space* shall have a minimum length of 1.8 metres and a minimum width of 0.6 metres.
- c) Notwithstanding Section 5.9(a) above, bicycle *parking spaces* shall not be required in the Downtown Commercial (COM3) *Zone*.

PART 6 - RESIDENTIAL ZONES

6.1 LIST OF APPLICABLE ZONES

Low Density Residential One	RES1-1, RES1-2, RES1-3, RES1-4, RES1-5
Low Density Residential Two	RES2-1, RES2-2
Medium Density Residential	RES3
High Density Residential	RES4
Hamlet Residential One	RESV1
Hamlet Residential Two	RESV2
Rural Residential	RESR
Estate Residential	RESE

6.2 GENERAL PROHIBITION

No *person* shall, within any Residential *Zone*, *use* or permit the *use* of any land, or *erect, alter, enlarge, use* or maintain any *building* or *structure* for any *use* other than as permitted in Table 6.1 and in accordance with the standards contained in Tables 6.2, 6.3, 6.4, 6.5, 6.6 and 6.7, below, the General Provisions contained in Part 4 and the Parking and Loading Provisions contained in Part 5 of this By-law.

6.3 PERMITTED USES

Uses permitted in a *Zone* are denoted by the symbol 'X' in the column applicable to that *Zone* and corresponding with the row for a specific permitted *use* in Table 6.1, below. Any number(s) following the symbol 'X', *zone* heading, or identified permitted *use*, indicates that one or more conditions apply to the *use* noted or, in some cases, to the entire *Zone*. Conditions are listed at the end of the Permitted Use Table 6.1:

Table 6.1: Permitted Uses in the Residential Zones

USE	RES 1	RES 2	RES 3	RES 4	RES V1	RES V2	RES R	RES E
<i>Dwelling, Single Detached</i>	X	X	X		X	X	X	X (1)
<i>Dwelling, Semi-Detached</i>	X (2)	X	X					
<i>Bed and Breakfast Establishment</i>	X	X	X		X	X	X	
<i>Boarding or Rooming House</i>		X	X		X	X	X	
<i>Custom Workshop (5)</i>	X	X	X	X	X	X	X	X
<i>Day Nursery</i>	X	X	X	X	X	X	X	
<i>Dwelling, Accessory (6)</i>	X	X	X					
<i>Dwelling, Apartment</i>				X		X (3)		
<i>Dwelling, Duplex</i>	X (2)	X	X			X (3)		
<i>Dwelling, Multiple-Unit</i>			X	X		X (3)		
<i>Dwelling, Street Townhouse</i>			X	X		X (3)		
<i>Group Home Type 1 (4)</i>		X			X	X	X	
<i>Home Occupation (5)</i>	X	X	X	X	X	X	X	X
<i>Mobile Home</i>								
<i>Mobile Home Park</i>								
<i>Private Home Daycare</i>	X	X	X	X	X	X	X	
<i>Retirement Home</i>			X	X				
<i>Senior Citizen Home</i>			X	X		X (3)		

SPECIAL PROVISIONS

1. Minimum *floor area* for a *single detached dwelling* – 140.0 square metres.
2. Only *uses* legally existing on or before June 21, 1976.
3. Subject to Section 4.32 (Services Required) of this By-law.
4. Subject to Section 4.36.1 (Special Setbacks – Group Homes) of this By-law.
5. Subject to Section 4.13 (*Home occupations* and *Custom workshops*) of this By-law.
6. Subject to Section 4.2.1 (*Accessory – Residential Zones*) and within a *single detached dwelling* or *semi-detached dwelling* only.

6.4 ZONE STANDARDS

No *person* shall within any *Zone* use or permit the *use* of any *lot* or *erect, alter, use any building* or *structure* except in accordance with the following *zone* standards in Tables 6.2, 6.3, 6.4, 6.5, 6.6 and 6.7, below. Any number(s) following the *zone* standard, *zone* heading or description of the standard indicates an additional *Zone* requirement. These additional standards are listed at the end of Tables 6.2, 6.3, 6.4, 6.5, 6.6 and 6.7:

Table 6.2: Standards for the Low Density Residential One (RES1) Zone

Zone	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Front Yard	Minimum Required Exterior Side Yard	Minimum Required Interior Side Yard	Minimum Required Rear Yard	Maximum Height
RES1-1	700.0 m ²	18.0 m	7.5 m	7.5 m	1.2 m (1)	7.5 m	11.0 m
RES1-2	460.0 m ² (2)	15.0 m (3)	6.0 m	3.0 m (4)	1.2 m (5)	7.5 m	11.0 m
RES1-3	415.0 m ² (6)	13.7 m (7)	6.0 m	3.0 m (4)	1.2 m (5)	7.5 m	11.0 m
RES1-4	370.0 m ² (8)	12.0 m (9)	6.0 m	3.0 m (4)	1.2 m (5)	7.5 m	11.0 m
RES1-5	310.0 m ² (8)	12.0 m (9)	6.0 m	3.0 m (4)	1.2 m (5)	7.5 m	11.0 m

SPECIAL PROVISIONS

1. Shall be increased to 3.0 metres on one side only.
2. Minimum *lot area* for a *corner lot* – 505.0 square metres.
3. Minimum *lot frontage* for a *corner lot* – 16.5 metres.
4. *Minimum required exterior side yard* for a *private garage* or *carport* – 5.5 metres.
5. *Minimum required interior side yard* for a *private garage* or *carport* – 1.2 metres. Shall be increased to 3.0 metres on one side only on a *lot* where no attached *private garage* or *carport* is provided.
6. Minimum *lot area* for a *corner lot* – 465.0 square metres.
7. Minimum *lot frontage* for a *corner lot* – 15.2 metres.
8. Minimum *lot area* for a *corner lot* – 425.0 square metres.
9. Minimum *lot frontage* for a *corner lot* – 13.7 metres.
10. Minimum *lot area* for a *corner lot* – 390.0 square metres.
11. Minimum *lot frontage* for a *corner lot* – 11.7 metres.

Table 6.3: Standards for the Low Density Residential Two (RES2-1) Zone

Building	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Front Yard	Minimum Required Exterior Side Yard	Minimum Required Interior Side Yard	Minimum Required Rear Yard	Maximum Height
<i>Single Detached Dwelling</i>	460.0 m ² (1)	15.0 m (2)	6.0 m	3.0 m (3)	1.2 m (4)	7.5 m	11.0 m
<i>Semi-Detached Dwelling</i>	350.0 m ² /unit	9.0 m/unit	6.0 m	6.0 m	1.2 m (5)	7.5 m	11.0 m
<i>Duplex Dwelling</i>	700.0 m ²	18.0 m	6.0 m	6.0 m	1.8 m (6)	7.5 m	11.0 m
<i>Boarding or Rooming House</i>	555.0 m ²	18.0 m	6.0 m (7)	6.0 m (7)	1.2 m (7)(8)	7.5 m (7)	11.0 m
<i>Group Home Type 1 (9)</i>	555.0 m ²	18.0 m	6.0 m (7)	6.0 m (7)	1.2 m (7)(8)	7.5 m (7)	11.0 m

SPECIAL PROVISIONS

1. Minimum *lot area* for a *corner lot* – 505.0 square metres.
2. Minimum *lot frontage* for a *corner lot* – 16.5 metres.
3. *Minimum required exterior side yard* for a *private garage* or *carport* – 5.5 metres.
4. *Minimum required interior side yard* for a *private garage* or *carport* – 1.2 metres. Shall be increased to 3.0 metres on one side only on a *lot* where no attached *private garage* or *carport* is provided.
5. Minimum required *interior side yard* where a *lot* does not have an attached *private garage* or *carport on one side* – 3.7 metres. Shall be reduced to zero along the *interior side lot line* that is also the location of a common wall.
6. On an *interior lot*, shall be increased to 3.7 metres on one side only.
7. If a *dwelling unit* was legally existing as of June 21, 1976, it is permitted to be converted for use as a *boarding or lodging house* or *Group Home Type 1* if the *dwelling unit* encroaches into any *minimum required yard* for a *boarding or lodging house* or *Group Home Type 1* provided that no further encroachment into the applicable *yard* is permitted.
8. Shall be increased to 3.0 metres on one side only.
9. Subject to Section 4.36.1 (Special Setbacks – Group Homes) of this By-law.

Table 6.4: Standards for the Low Density Residential Two (RES2-2) Zone

<i>Building</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Required Front Yard</i>	<i>Minimum Required Exterior Side Yard</i>	<i>Minimum Required Interior Side Yard</i>	<i>Minimum Required Rear Yard</i>	<i>Maximum Height</i>
<i>Single Detached Dwelling</i>	270.0 m ² (1)	9.0 m (2)	6.0 m	3.0 m (3)	1.2 m (4)	7.5 m	11.0 m
<i>Semi-Detached Dwelling</i>	300.0 m ² /unit (5)	9.0 m/unit (2)	6.0 m	6.0 m	1.2 m (6)	7.5 m	11.0 m
<i>Duplex Dwelling</i>	700.0 m ²	18.0 m	6.0 m	6.0 m	1.8 m (7)	7.5 m	11.0 m
<i>Boarding or Rooming House</i>	555.0 m ²	18.0 m	6.0 m	6.0 m	1.2 m (8)	7.5 m	11.0 m
<i>Group Home Type 1 (9)</i>	555.0 m ²	18.0 m	6.0 m	6.0 m	1.2 m (8)	7.5 m	11.0 m

SPECIAL PROVISIONS

1. Minimum *lot area* for a *corner lot* – 315.0 square metres.
2. Minimum *lot frontage* for a *corner lot* – 10.5 metres per *dwelling unit*.
3. *Minimum required exterior side yard* for a *private garage* or *carport* – 5.5 metres.
4. *Minimum required interior side yard* for a *private garage* or *carport* – 1.2 metres. Shall be increased to 3.0 metres on one side only on a *lot* where no attached *private garage* or *carport* is provided.

5. Minimum *lot area* for an end unit on a *corner lot* or an end unit abutting an – 350.0 square metres.
Minimum *lot area* on an *interior lot* with two *semi-detached dwelling units* – 600.0 square metres.
Minimum *lot area* on a *corner lot* with two *semi-detached dwelling units* – 650.0 square metres.
6. *Minimum required interior side yard* for an attached *private garage* or *carport* – 1.2 metre.
Minimum required interior side yard where a *lot* does not have an attached *private garage* or *carport on one side* – 3.0 metres.
Shall be reduced to zero along the *interior side lot line* that is also the location of a common wall.
7. On an *interior lot*, shall be increased to 3.7 metres on one side only.
8. Shall be increased to 3.0 metres on one side only.
9. Subject to Section 4.36.1 (Special Setbacks – Group Homes) of this By-law.

Table 6.5: Standards for the Medium Density Residential (RES3) Zone

<i>Building</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Required Front Yard</i>	<i>Minimum Required Exterior Side Yard</i>	<i>Minimum Required Interior Side Yard</i>	<i>Minimum Required Rear Yard</i>	<i>Maximum Height</i>
<i>Single Detached Dwelling</i>	270.0 m ² (1)	9.0 m (2)	6.0 m	3.0 m (3)	1.2 m (4)	7.5 m	11.0 m
<i>Semi-Detached Dwelling</i>	300.0 m ² /unit (5)	9.0 m/unit (6)	6.0 m	6.0 m	1.2 m (7)	7.5 m	11.0 m
<i>Duplex Dwelling</i>	460.0 m ² (8)	15.0 m (9)	6.0 m	3.0 m (10)	1.2 m (11)	7.5 m	11.0 m
<i>Triplex Dwelling</i>	550.0 m ² (12)	18.0 m (13)	6.0 m	3.0 m (10)	2.0 m (14)	7.5 m	11.0 m
<i>Boarding or Rooming House</i>	555.0 m ²	18.0 m	6.0 m	6.0 m	1.2 m (15)	7.5 m	11.0 m
<i>Multiple-Unit Dwelling</i>	4,000.0 m ²	50.0 m	7.5 m	7.5 m	6.0 m (16)	6.0 m (17)	11.0 m
<i>Street townhouse Dwelling</i>	180.0 m ² /unit (18)	6.0 m/unit (19)	6.0 m	3.0 m	2.0 m (20)	7.5 m	11.0 m

SPECIAL PROVISIONS

1. Minimum *lot area* for a *corner lot* – 315.0 square metres.
2. Minimum *lot frontage* for a *corner lot* – 10.5 metres per *dwelling unit*.
3. *Minimum required exterior side yard* for a *private garage* or *carport* – 5.5 metres.
4. *Minimum required interior side yard* for a *private garage* or *carport* – 1.2 metres. Shall be increased to 3.0 metres on one side only on a *lot* where no attached *private garage* or *carport* is provided.
5. Minimum *lot area* for an end unit on a *corner lot* – 350.0 square metres.

- Minimum *lot area* on an *interior lot* with two *semi-detached dwelling units* – 600.0 square metres.
- Minimum *lot area* on a *corner lot* with two *semi-detached dwelling units* – 650.0 square metres.
6. Minimum *lot frontage* for an end unit on a *corner lot* – 10.5 metres.
Minimum *lot frontage* for an *interior lot* with two *semi-detached dwelling units* – 18.0 metres.
Minimum *lot frontage* for a *corner lot* with two *semi-detached dwelling units* – 19.5 metres.
 7. *Minimum required interior side yard* for an attached *private garage* or *carport* – 1.2 metre.
Minimum required interior side yard where a *lot* does not have an attached *private garage* or *carport on one side* – 3.0 metres.
Shall be reduced to zero along the *interior side lot line* that is also the location of a common wall.
 8. Minimum *lot area* for a *corner lot* – 505.0 square metres.
 9. Minimum *lot frontage* for a *corner lot* – 16.5 metres.
 10. *Minimum required exterior side yard* for an attached *private garage* or *carport* – 5.5 metres.
 11. *Minimum required interior side yard* for an attached *private garage* or *carport* – 1.0 metre;
Minimum required interior side yard where a *lot* does not have an attached *private garage* or *carport on one side* – 3.0 metres.
 12. Minimum *lot area* for a *corner lot* – 600.0 square metres.
 13. Minimum *lot frontage* for a *corner lot* – 19.0 metres.
 14. *Minimum required interior side yard* where a *lot* does not have an attached *private garage* or *carport on one side* – 3.0 metres.
 15. Shall be increased to 3.0 metres on one side only.
 16. *Minimum required interior side yard* abutting a *street townhouse dwelling* – 3.0 metres;
Minimum required interior side yard abutting a *single detached dwelling, semi-detached dwelling or duplex dwelling* – 7.5 metres.
 17. *Minimum required interior side yard* abutting a *street* or a *single detached dwelling, semi-detached dwelling or duplex dwelling* – 7.5 metres.
 18. Minimum *lot area* for an end unit on an *interior lot* – 240.0 square metres;
Minimum *lot area* for a *corner lot* – 270.0 square metres;
Minimum required amenity area on a *lot* – 36.0 square metres.
 19. Minimum *lot frontage* for an end unit on an *interior lot* – 8.0 metres;
Minimum *lot frontage* for a *corner lot* – 9.0 metres.
 20. Required on one side of an end unit only.

Table 6.6: Standards for the High Density Residential (RES4) Zone

<i>Building</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Required Front Yard</i>	<i>Minimum Required Exterior Side Yard</i>	<i>Minimum Required Interior Side Yard</i>	<i>Minimum Required Rear Yard</i>	<i>Maximum Height</i>
<i>Apartment Dwelling</i>	1.0 ha	60.0 m	7.5 m (1)	7.5 m (1)	7.5 m (1)	7.5 m (1)	n/a
<i>Multiple-Unit Dwelling</i>	4,000.0 m ²	50.0 m	7.5 m	7.5 m	6.0 m (2)	6.0 m (3)	11.0 m
<i>Street Townhouse Dwelling</i>	180.0 m ² /unit (4)	6.0 m/unit (5)	6.0 m	3.0 m	2.0 m (6)	7.5 m	11.0 m
<i>Senior Citizens Home</i>	n/a	n/a	6.0 m	6.0 m	7.5 m	7.5 m	11.0 m

SPECIAL PROVISIONS

1. Plus an additional 1.0 metre for every 3.0 metres or part thereof by which the *apartment building* exceeds a height of 15.0 metres.
2. *Minimum required interior side yard* abutting a *street townhouse dwelling* – 3.0 metres;
Minimum required interior side yard abutting a *single detached dwelling, semi-detached dwelling or duplex dwelling* – 7.5 metres.
3. *Minimum required interior side yard* abutting a *street* or a *single detached dwelling, semi-detached dwelling or duplex dwelling* – 7.5 metres.
4. *Minimum lot area* for an end unit on an *interior lot* – 240.0 square metres;
Minimum lot area for a *corner lot* – 270.0 square metres;
Minimum required amenity area on a *lot* – 36.0 square metres.
5. *Minimum lot frontage* for an end unit on an *interior lot* – 8.0 metres;
Minimum lot frontage for a *corner lot* – 9.0 metres.
6. Required on one side only.

Table 6.7 – Standards for Ward 2 Residential Zones

<i>Zone</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Required Front Yard</i>	<i>Minimum Required Exterior Side Yard</i>	<i>Minimum Required Interior Side Yard</i>	<i>Minimum Required Rear Yard</i>	<i>Maximum Lot Coverage</i>	<i>Minimum Landscaped Open Space</i>	<i>Maximum Height</i>
RESV1	2,800.0 m ²	30.0 m	10.0 m	10.0 m	3.0 m	10.0 m	30%	30%	11.0 m
RESV2	8,000.0 m ²	30.0 m	12.0 m	12.0 m	3.0 m	12.0 m	30%	30%	11.0 m
RESR	4,000.0 m ²	45.0 m	15.0 m	15.0 m	6.0 m	15.0 m	30%	30%	11.0 m
RESE	6,000.0 m ²	45.0 m	15.0 m	15.0 m	6.0 m	15.0 m	30%	30%	11.0 m

PART 7 - COMMERCIAL ZONES

7.1 LIST OF APPLICABLE ZONES

Neighbourhood Commercial	COM1
General Commercial	COM2
Downtown Commercial	COM3
Rural Commercial	COMR
Hamlet Commercial	COMV

7.2 GENERAL PROHIBITION

No *person* shall, within any *Commercial Zone*, *use* or permit the *use* of any land, or *erect, alter, enlarge, use* or maintain any *building* or *structure* for any *use* other than as permitted in Table 7.1, in accordance with the standards contained in Table 7.2, the General Provisions contained in Part 4 and the Parking and Loading provisions contained in Part 5 of this By-law.

7.3 PERMITTED USES

Uses permitted in a *Commercial Zone* are denoted by the symbol 'X' in the column applicable to that *Zone* and corresponding with the row for a specific permitted *use* in Table 7.1, below. Any number(s) following the symbol 'X', *zone* heading, or identified permitted *use* indicates that one or more conditions apply to the *use* noted or, in some cases, to the entire *Zone*. Conditions are listed at the end of the Permitted *Use* Table:

Table 7.1: Permitted Uses

USE	COM1	COM2	COM3	COMR	COMV
<i>Animal Clinic</i>		X		X	X
<i>Art Gallery</i>			X		X
<i>Assembly Hall</i>		X	X		X
<i>Auctioneer's Establishment</i>			X	X	
<i>Billiard Hall</i>	X	X	X	X	
<i>Building Supply Outlet</i>		X		X	
<i>Business Office</i>	X	X	X	X	X
<i>Camping Establishment</i>				X	
<i>Commercial Fitness Centre</i>	X	X	X		X
<i>Country Inn</i>			X		X
<i>Day Nursery</i>		X	X		X
<i>Drive-through Service Facility (2)</i>		X		X	
<i>Dry Cleaners Distribution Station</i>	X	X	X		X
<i>Dwelling, Accessory (3)</i>	X	X	X		X
<i>Emergency Service Facility</i>	X	X	X	X	X
<i>Farm Implement Dealer</i>		X		X	
<i>Financial Institution</i>		X	X		X
<i>Funeral Home</i>		X	X		

USE	COM1	COM2	COM3	COMR	COMV
<i>Greenhouse, Commercial</i>		X		X	
<i>Hotel (1)</i>		X	X		X
<i>Laundry Establishment</i>		X	X		
<i>Library</i>			X		X
<i>Medical Office</i>	X	X	X		X
<i>Micro-brewery</i>			X		
<i>Miniature Golf Course</i>		X			
<i>Motel (1)</i>		X			X
<i>Motor Vehicle Dealership</i>		X		X (5)	
<i>Motor Vehicle Body Shop</i>		X	X (5)	X (5)	X (5)
<i>Motor Vehicle Gasoline Bar</i>		X	X (5)	X (5)	X (5)
<i>Motor Vehicle Repair Garage</i>		X	X (5)	X (5)	X (5)
<i>Motor Vehicle Service Station</i>		X	X (5)	X (5)	X (5)
<i>Motor Vehicle Washing Establishment</i>		X			
<i>Museum</i>			X		X
<i>Nursery</i>				X	
<i>Outside Display and Sales Area, Accessory (4)</i>		X	X	X	X
<i>Parking Lot, Commercial</i>			X		
<i>Personal Service Shop</i>	X	X	X	X	X
<i>Place of Amusement</i>		X	X		X
<i>Place of Entertainment</i>		X	X		X
<i>Place of Worship</i>			X		
<i>Printing or Publishing Establishment</i>	X		X		X
<i>Private Club</i>		X	X	X	
<i>Recreational Trailer, Vehicle or Boat Sales Establishment</i>		X		X	
<i>Resort Establishment (1)</i>				X	
<i>Restaurant</i>	X	X	X	X	X
<i>Restaurant, Take-Out</i>	X	X	X	X	X
<i>Retail Store</i>	X	X	X	X	X
<i>School, Commercial</i>		X	X		X
<i>Service Shop</i>		X	X		X
<i>Specialty Food Store</i>	X	X	X		X
<i>Studio</i>		X	X		X
<i>Supermarket</i>		X			
<i>Taxi Service Depot/Dispatch Establishment</i>		X	X		X
<i>Theatre</i>		X	X		X
<i>Trade and Convention Centre</i>			X		
<i>Transit Station</i>		X	X		X

SPECIAL PROVISIONS

1. Subject to Section 7.5 of this By-law.
2. Maximum number of *drive-through service facilities* permitted on a *lot* – 2.
3. Subject to Section 4.2.2 (*Accessory dwellings* – Commercial Zones) of this By-law.
4. Subject to Section to 4.22 (Outdoor Display and Sales) of this By-law.
5. Only legally existing *uses* and related *floor area* as of the date of the passing of this By-law.

7.4 ZONE STANDARDS

No *person* shall within any Commercial Zone use or permit the use of any *lot* or *erect, alter* or use any *building* or *structure* except in accordance with the zone standards in Table 7.2, below. Any number(s) following the zone standard, zone heading or description of the standard indicates an additional Zone requirement. These additional standards are listed at the end of Table 7.2:

Table 7.2: Zone Standards in the Commercial Zones

<i>Zone</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Required Front Yard</i>	<i>Minimum Required Exterior Side Yard</i>	<i>Minimum Required Interior Side Yard</i>	<i>Minimum Required Rear Yard</i>	<i>Maximum Height</i>
COM1	Twice the <i>net floor area</i>	n/a	6.0 m	7.5 m	6.0 m	6.0 m	11.0 m
COM2	3,700.0 m ²	60.0 m	3.0 m	7.5 m (1)	0.0 m (1)	0.0 m (1)	11.0 m
COM3	n/a	30.0 m	n/a	n/a	(2)	n/a	14.0 m (3)
COMR	6,000.0 m ²	30.0 m	15.0 m	15.0 m	12.0 m	15.0 m	10.0 m
COMV	3,000.0 m ²	30.0 m	10.0 m	10.0 m	10.0 m	10.0 m	10.0 m

SPECIAL PROVISIONS

1. *Minimum required yard* abutting a Residential Zone – 9.0 metres.
2. *Minimum required interior side yard* for that portion of a mixed use building that contains *dwelling units* which have *openings* to *habitable rooms* facing the *interior side lot line* – 4.5 metres.
3. *Minimum building height* – 7.5 metres.

7.5 HOTEL, MOTEL, RESORT ESTABLISHMENT

Notwithstanding Table 7.2 above, the following additional zone standards will apply in any zone where a *hotel*, a *motel* or a *resort establishment* is a permitted use.

- a) Minimum distance between two walls opposite each other in a *court* form – 21.0 metres;
- b) Minimum distance between two walls opposite each other where both walls contains *openings* to *habitable rooms* – 15.0 metres;
- c) Minimum distance between two walls opposite each other where one wall contains *openings* to *habitable rooms* – 7.5 metres;

- d) Minimum distance between two walls opposite each other where neither wall contains *openings* to *habitable rooms* – 3.0 metres;
- e) Minimum required *interior side yard* where the main wall contains an *opening* to a *habitable room* – 7.5 metres; and,
- f) Minimum required *rear yard* where the main wall contains an *opening* to a *habitable room* – 7.5 metres.

PART 8 - EMPLOYMENT ZONES

8.1 LIST OF APPLICABLE ZONES

General Employment	EMP1
Service Employment	EMP2
Rural Employment	EMPR
Extractive	EMPX
Power Generation	EMPG
Waste Management	EMPW

8.2 GENERAL PROHIBITION

No *person* shall, within any *Employment Zone*, *use* or permit the *use* of any land, or *erect, alter, enlarge, use* or maintain any *building* or *structure* for any *use* other than as permitted in Table 8.1 and in accordance with the standards contained in Table 8.2, the General Provisions contained in Part 4 and the Parking and Loading Provisions contained in Part 5 of this By-law.

8.3 PERMITTED USES

Uses permitted in an *Employment Zone* are denoted by the symbol 'X' in the column applicable to that *Zone* and corresponding with the row for a specific permitted *use* in Table 8.1, below. Any number(s) following the symbol 'X', *zone* heading, or identified permitted *use*, indicates that one or more conditions apply to the *use* noted or, in some cases, to the entire *Zone*. Conditions are listed at the end of the Permitted *Use* Table 8.1:

Table 8.1: Permitted Uses in the Employment Zones

USE	EMP1	EMP2	EMPR	EMPX	EMPG	EMPW
<i>Abattoir</i>			X			
<i>Aggregated Transfer Station</i>				X		
<i>Agricultural Support Use</i>			X			
<i>Agricultural Use</i>			X	X	X	X
<i>Agricultural Warehouse</i>		X				
<i>Animal Clinic</i>			X			
<i>Animal Shelter</i>	X		X			
<i>Assembly Hall</i>		X	X			
<i>Banquet Hall</i>	X	X				
<i>Building Supply Outlet</i>	X		X			
<i>Business Office</i>	X	X	X			
<i>Commercial Fitness Centre</i>	X	X				
<i>Conservation Use</i>				X		
<i>Contractor's Supply Establishment</i>	X	X				
<i>Contractor's Yard</i>	X		X			
<i>Drive-Through Service Facility</i>		X				

USE	EMP1	EMP2	EMPR	EMPX	EMPG	EMPW
Dry Cleaner's Distribution Station		X				
Dry Cleaning Establishment	X	X				
Dry Industrial Use	X	X	X		X	
Emergency Service Facility	X	X	X		X	
Equipment Sales and Rental Establishment	X		X			
Farm Implement Dealer	X	X	X			
Financial Institution		X				
Funeral Home		X				
Hotel		X				
Industrial Use	X	X				
Landscaping Operation	X		X			
Laundry Establishment	X	X				
Mineral Aggregate Resource Operation				X		
Motel		X				
Motor Vehicle Body Shop	X		X			
Outdoor Display and Sales Area, Accessory (4)	X	X	X			
Outdoor Storage, Accessory (5)	X	X	X	X	X	
Personal Service Shop		X (3)				
Power Generation Facility					X	
Place of Entertainment		X				
Printing and Publishing Establishment	X	X	X			
Private Club		X				
Public Works Yard	X		X			
Restaurant		X				
Retail Store, Accessory	X (1)	X (1)	X (1)			
Salvage Yard	X (2)		X			
Saw and/or Planing Mill			X			
School, Commercial	X	X (3)				
School, Private		X (3)				
Service Shop	X	X (3)				
Studio	X					
Taxi Service Depot/ Dispatch Establishment	X		X			
Waste Composting Site						X
Waste Management Facility						X
Waste Recycling Facility					X	X
Waste Transfer Facility						X

SPECIAL PROVISIONS

1. Maximum permitted *net floor area* – The greater of 10% of the *net floor area* of the principal *use* or 75.0 square metres.
2. Only legally existing *uses* as of the date of passing of this By-law, are permitted.
3. Provided the *use* occupies no more than 20% of the *net floor area* of a multiple unit *building*.
4. Subject to Section 4.22 (*Outdoor Display and Sales*) of this By-law.
5. Subject to Section 4.23 (*Outdoor Storage*) of this By-law.

8.4 ZONE STANDARDS

No person shall within any Employment Zone use or permit the use of any lot or erect, alter, use any building or structure except in accordance with the zone standards in Table 8.2, below. Any number(s) following the zone standard, zone heading or description of the standard indicates an additional Zone requirement. These additional standards are listed at the end of Table 8.2.

Table 8.2: Zone Standards in the Employment Zones

Zone	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Front Yard	Minimum Required Exterior Side Yard	Minimum Required Interior Side Yard	Minimum Required Rear Yard	Maximum Lot Coverage	Maximum Height
EMP1 Full Services	n/a	30.0 m	15.0 m (1)	15.0 m (1)	3.0 m (2)	12.0 m (3)	n/a	n/a
EMP1 Partial or Private Services	4,000.0 m ²	30.0 m	20.0 m	20.0 m	10.0 m	15.0 m	50%	12.0 m
EMP2 Full Services	4,000.0 m ²	45.0 m	15.0 m (1)	15.0 m (1)	3.0 m (2)	12.0 m (3)	n/a	12.0 m
EMP2 Partial or Private Services	4,000.0 m ²	30.0 m	20.0 m	20.0 m	10.0 m	15.0 m	50%	12.0 m
EMPR	4,000.0 m ²	30.0 m	20.0 m	20.0 m	10.0 m	15.0 m	50%	12.0 m
EMPX	n/a	n/a	30.0 m	15.0 m	15.0 m	30.0 m	n/a	n/a
EMPG	n/a	n/a	15.0 m	15.0 m	6.0 m	15.0 m	30%	11.0 m
EMPW	n/a	n/a	100.0 m	15.0 m	6.0 m	15.0 m	30%	11.0 m

SPECIAL PROVISIONS

1. *Minimum required yard* abutting any Zone that is not an Employment, Open Space (OS) or Major Recreational (OSR) Zone – 24.0 metres.
2. *Minimum required yard* abutting any Zone that is not an Employment, Open Space (OS) or Major Recreational (OSR) Zone – 18.0 metres.
3. *Minimum required yard* abutting any Zone that is not an Employment, Open Space (OS) or Major Recreational (OSR) Zone – 21.0 metres.

PART 9 - COUNTRYSIDE ZONES

9.1 LIST OF APPLICABLE ZONES

Agricultural	A
Rural	RU
Oak Ridges Moraine – Core	ORM-C
Oak Ridges Moraine – Environmental Protection	ORM-EP
Oak Ridges Moraine – Extractive Industrial	ORM-MX
Oak Ridges Moraine – Linkage	ORM-L
Oak Ridges Moraine – Rural	ORM-RU
Oak Ridges Moraine – Rural Settlement	ORM-RS

9.2 GENERAL PROHIBITION

No *person* shall, within any Countryside *Zone*, *use* or permit the *use* of any land, or *erect, alter, enlarge, use* or maintain any *building* or *structure* for any *use* other than as permitted in Table 9.1 and in accordance with the standards contained in Table 9.2, the General Provisions contained in Part 4 and the Parking and Loading Provisions contained in Part 5 of this By-law.

9.3 PERMITTED USES

Uses permitted in the Countryside *Zones* are denoted by the symbol 'X' in the column applicable to that *Zone* and corresponding with the row for a specific permitted *use* in Table 9.1, below. Any number(s) following the symbol 'X', *zone* heading, or identified permitted *use*, indicates that one or more conditions apply to the *use* noted or, in some cases, to the entire *Zone*. Conditions are listed at the end of the Permitted *Use* Table 9.1:

Table 9.1: Permitted Uses in the Countryside Zones

USE	A	RU	ORM-C	ORM-EP	ORM-MX	ORM-L	ORM-RU	ORM-RS
Aggregate Transfer Station					X			
Agricultural Use	X	X	X			X	X	X
Bed and Breakfast Establishment	X	X	X			X	X	X
Boarding or Rooming House	X	X						
Conservation Use	X	X	X	X (2)	X	X	X	X
Custom Workshop	X (3)	X (3)						
Dwelling, Single Detached	X	X	X (H5)	X (H5)	X (H5)	X (H5)	X (H5)	X (H5)
Equestrian Centre	X	X						
Farm Employee Accommodation, Accessory	X (4)	X (4)						
Farm Produce Outlet, Accessory	X	X				X	X	X
Farm Related Tourism Establishment	X	X						
Farm Vacation Home			X			X	X	X
Forest Management	X	X						
Group Home Type 1	X (5)	X (5)						
Home Industry	X (6)	X (6)						
Home Occupation	X (3)	X (3)	X (3)			X (3)	X (3)	X (3)
Kennel		X (1)						
Mineral Aggregate Resource Operation					X			
Park, Public	X	X	X	X (2)		X	X	X
Private Home Daycare	X	X	X			X	X	X
Legal existing uses on November 15, 2001			X	X	X	X	X	X

SPECIAL PROVISIONS

1. Only legally existing *uses* as of the date of passing of this By-law.
2. No *buildings* or *structures* are permitted, unless for flood or erosion control.
3. Subject to Section 4.13 (*Home Occupations* and *Custom Workshop*) of this By-law.
4. Subject to Section 4.3 (*Accessory Farm Employee Accommodation*) of this By-law.
5. Subject to Section 4.36.1 (*Special Setbacks – Group Homes*) of this By-law.
6. Subject to Section 4.12 (*Home Industries*) of this By-law.
- H5. Subject to a Holding (H5) provision, as detailed in Row 5 on Table 13.1 in Part 13 of this By-law.

9.4 ZONE STANDARDS

No *person* shall within any *Countryside Zone* use or permit the use of any *lot* or *erect, alter* or use any *building* or *structure* except in accordance with the *zone* standards in Table 9.2, below. Any number(s) following the *zone* standard, *zone*

heading or description of the standard indicates an additional *Zone* requirement. These additional standards are listed at the end of Table 9.2:

Table 9.2: Zone Standards in the Countryside Zones

<i>Zone</i>	<i>Minimum Lot Frontage</i>	<i>Minimum Lot Area</i>	<i>Minimum Required Front Yard</i>	<i>Minimum Required Exterior Side Yard</i>	<i>Minimum Required Interior Side Yard</i>	<i>Minimum Required Rear Yard</i>	<i>Maximum Height</i>	<i>Maximum Lot Coverage</i>
A	165.0 m	40.0 ha	15.0 m	15.0 m	15.0 m (1)	15.0 m	10.0 m	10% (2)
RU	165.0 m	40.0 ha	15.0 m	15.0 m	15.0 m (1)	15.0 m	10.0 m	10% (2)
ORM-C (3)	165.0 m	40.0 ha	15.0 m	15.0 m	6.0 m	15.0 m	12.0 m	30% (4)
ORM-EP (3)	165.0 m	40.0 ha	15.0 m	15.0 m	6.0 m	15.0 m	12.0 m	30% (4)
ORM-L (3)	165.0 m	40.0 ha	15.0 m	15.0 m	6.0 m	15.0 m	12.0 m	30% (4)
ORM-MX (3)	165.0 m	40.0 ha	30.0 m	30.0 m	15.0 m	15.0 m	n/a	30% (4)
ORM-RU (3)	165.0 m	40.0 ha	15.0 m	15.0 m	6.0 m	15.0 m	12.0 m	30% (4)
ORM-RS (3)	30.0 m	2,800.0 m ²	10.0 m	10.0 m	6.0 m	10.0 m	12.0 m	30% (4)

SPECIAL PROVISIONS

1. Minimum *required interior side yard* for a *single detached dwelling* – 6.0 metres.
2. Maximum *lot coverage* for a *single detached dwelling* – 30%.
3. Maximum ground *floor area* permitted for a non-agricultural *building or structure* – As it existed on November 15, 2001.
Maximum permitted increase in *gross floor area* for a non-agricultural *building or structure* – 100% of the ground *floor area* that existed on November 15, 2001.
4. Subject to Section 11.2 (Landform Conservation Area) for those lands indicated on Schedule 'C-2' of this By-law.

PART 10 - OTHER ZONES

10.1 LIST OF APPLICABLE ZONES

Institutional – Urban	IU
Institutional – Rural	IR
Open Space	OS
Major Recreational	OSR
Environmental Protection	EP
Development	D
Transportation	T

10.2 GENERAL PROHIBITION

No *person* shall, within any Institutional, Open Space, Environmental Protection, Development or Transportation *Zone*, use or permit the use of any land, or *erect, alter, enlarge, use* or maintain any *building* or *structure* for any use other than as permitted in Table 10.1, in accordance with the standards contained in Table 10.2, the General Provisions contained in Part 4 and the Parking and Loading Provisions contained in Part 5 of this By-law.

10.3 PERMITTED USES

Uses permitted in any Institutional, Open Space, Environmental Protection, Development or Transportation *Zone* are denoted by the symbol 'X' in the column applicable to that *Zone* and corresponding with the row for a specific permitted use in Table 10.1, below. Any number(s) following the symbol 'X', *zone* heading, or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire *Zone*. Conditions are listed at the end of the Permitted Use Table 10.1:

Table 10.1: Permitted Uses in the Other Zones

USE	IU	IR	OS	OSR	EP	D	T
Activities related to the principal use of the lands as a rail corridor							X
<i>Agricultural Use</i>				X (1)	X (1)	X (1)	
<i>Arena</i>	X	X	X (5)				
<i>Art Gallery</i>	X	X					
<i>Assembly Hall</i>	X	X		X			
<i>Business Office, Accessory</i>	X	X		X			
<i>Camping Establishment</i>				X			
<i>Cemetery</i>	X	X					
<i>Commercial Fitness Centre</i>				X			
<i>Community Centre</i>	X	X	X (5)				
<i>Community Centre, Private</i>	X	X		X			

USE	IU	IR	OS	OSR	EP	D	T
Conservation Use			X		X (2)		
Custom Workshop (4)						X	
Day Nursery, Accessory	X	X					
Dwelling Unit, Accessory	X (3)	X (3)					
Emergency Housing	X	X					
Emergency Service Facility	X	X					
Equestrian Facility				X			
Golf Course				X			
Golf Driving Range				X			
Home Occupation (4)						X	
Hospital	X	X					
Library	X	X					
Long Term Care Facility	X						
Marina			X (5)	X			
Miniature Golf Course				X			
Mountain Biking Facility				X			
Museum	X	X	X (5)				
Nursing Home	X						
Park, Private	X	X	X	X	X (2)		
Park, Public	X	X	X		X (2)		
Personal Service Shop				X			
Place of Worship	X	X					
Public Works Yard	X	X					
Restaurant				X			
Retail Store				X			
Retirement Home	X						
School, Commercial				X			
School, Private	X	X					
School, Public	X	X					
Senior Citizens Home	X						
Stormwater Management Facility			X				
Studio	X	X		X			
Uses legally existing on the effective date of this By-law						X	

SPECIAL PROVISIONS

1. Only *agricultural uses* and *buildings* that existed on the effective date of this By-law are permitted.
2. No *buildings, structures* and site alteration are permitted, unless for flood or erosion control.
3. Permitted only as an *accessory use* to a *place of worship*.
4. Subject to Section 4.13 (*Home Occupations* and *Custom Workshop*) of this By-law.
5. If operated as a *public uses* by the *Municipality*.

10.4 ZONE STANDARDS

No *person* shall within any Institutional, Open Space, Environmental Protection, Development or Transportation *Zone use* or permit the *use* of any *lot* or *erect, alter, use* any *building* or *structure* except in accordance with the following *zone*

standards. Any number(s) following the *zone* standard *zone* heading or description of the standard indicates an additional *Zone* requirement. These additional standards are listed at the end of Table 10.2:

Table 10.2: Zone Standards

Zone	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Front Yard	Minimum Required Rear Yard	Minimum Required Interior Side Yard	Minimum Required Exterior Side Yard	Maximum Lot Coverage	Maximum Height
IU	n/a	n/a	6.0 m	7.5 m	6.0 m	6.0 m	n/a	19.0 m
IR	3,000 m ²	30.0 m	15.0 m	15.0 m	10.0 m	15.0 m	40%	11.0 m
OS	n/a	n/a	6.0 m	7.5 m	7.5 m	6.0 m	n/a	11.0 m
OSR	n/a	n/a	6.0 m	7.5 m	7.5 m	6.0 m	n/a	11.0 m
EP	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
D	n/a	n/a	15.0 m	15.0 m	6.0 m	15.0 m	30%	n/a
T	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

PART 11 - OVERLAY ZONES

Notwithstanding any other provision of this By-law to the contrary, within the areas shown on the Schedules to this By-law as being within one of the following *Overlay Zones*, the following provisions shall additionally apply to or, where applicable, supersede the parent *Zone* standards on lands within the applicable *Overlay Zone*.

11.1 ENVIRONMENTAL PROTECTION – FLOODPLAIN (EP-F) ZONE

- a) Within the Environmental Protection – *Floodplain* (EP-F) *Overlay Zone* as shown on Schedules 'A' and 'B' to this By-law, no land shall be used and no *buildings* or *structures* shall be *erected* or used except for those in accordance with any regulations of, and subject to the approval of, the *Municipality* (satisfactory to the policies of Section C5.1.1 of the Official Plan), the Ganaraska Region Conservation Authority and, where applicable, pursuant to the Lakes and Rivers Improvement Act, R.S.O. 1990, c.L.13, as amended, the Fisheries Act, R.S.C. 1985, C.F-14, as amended, or the Public Lands Act, R.S.O. 1990, c.P.43, as amended.
- b) Any *use*, *building* or *structure* that legally existed on the effective date of this By-law:
 - i) Shall be subject to the provisions of Sections 4.18 and 4.20 of this By-law;
 - ii) The minimum elevation for any door, window or other *opening* for any *building* or *structure* within 30 metres of the 72.9 metres G.S.C. elevation shall be 73.2 metres; and,
- c) The minimum elevation for any door, window or other *opening* for any other *building* or *structure* within the *Municipality* shall be equal to the *dry floodproofing* elevation as determined by the Ganaraska Region Conservation Authority.

11.2 LANDFORM CONSERVATION AREA

For lands within a Class 1 or Class 2 Landform Conservation Area as shown on Schedule 'C-2' to this By-law, the following additional specific *Zone Standards* shall apply:

11.2.1 Class 1 Landform Conservation Areas

- a) Maximum permitted *total disturbed area for development* permitted on a *lot* in a Class 1 Landform Conservation Area – 25%;
- b) Maximum permitted *total disturbed area for development* permitted on a *lot* in a Class 2 Landform Conservation Area – 50%.

11.2.2 Class 2 Landform Conservation Areas

- a) Maximum permitted *net developable area* of the site that is disturbed – 50%;
- b) Maximum permitted impervious surface coverage within the *net developable area* of the site – 20%.

PART 12 - EXCEPTIONS

12.1

Where a *Zone* symbol is followed by a set of brackets and a number contained within those brackets – for example, A(1) – the provisions of this By-law are modified for the lands to which the *zone* exception applies as set out in Table 12.1, below.

In Table 12.1:

- 12.1.1 Column 1 identifies the *Zone(s)* subject to the exception;
- 12.1.2 Column 2 sets out the exception number, amending By-law number and map location of each exception which corresponds to an area of the *Municipality* identified on the Zoning Schedules by the same number, contained within a set of brackets following a *Zone* symbol, denoting an exception;
- 12.1.3 Column 3 sets out the additional *uses* permitted in the *zone* exception, if applicable;
- 12.1.4 Column 4 sets out the only *uses* permitted in the *zone* exception, if applicable;
- 12.1.5 Column 5 sets out the prohibited *uses* in the *zone* exception, if applicable; and,
- 12.1.6 Column 6 sets out the new or modified standards for the *zone* exception, if applicable.

All other provisions of the *zone*, unless specifically modified or amended by this Part, continue to apply to the lands subject to this Section.

Table 12.1: Site-specific Exceptions

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
A ORM-EP ORM-V	1 (3350) (B-VariouS)			(i) Any dwelling unit.	
IR	2 (3350) (B-24)		(i) Places of worship; (ii) Guest house, accessory.		(i) Maximum lot coverage for all buildings – 10% (ii) Minimum required landscaped open space – 30%

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
RESV 1	3 (3376) (B-24)				(i) Minimum required <i>gross floor area</i> for a <i>dwelling unit</i> – 186.0 metres; (ii) For the purposes of this <i>Zone</i> , the minimum <i>gross floor area</i> shall not include the <i>basement</i> or <i>cellar</i> .
COM2	4 (3427) (3448) (66/2005) (B-18)		(i) <i>Assembly hall</i> ; (ii) <i>Banquet hall</i> ; (iii) <i>Building supply outlet</i> ; (iv) <i>Business office</i> ; (v) <i>Dry cleaner's distribution station</i> ; (vi) <i>Hotel</i> ; (vii) <i>Medical office</i> ; (viii) <i>Motel</i> ; (ix) <i>Motor vehicle gasoline bar</i> ; (x) <i>Motor vehicle service station</i> ; (xi) <i>Motor vehicle washing establishment</i> ; (xii) <i>Outside display and sales area, accessory</i> ; (xiii) <i>Personal service shop</i> ; (xiv) <i>Place of entertainment</i> ; (xv) <i>Private club</i> ; (xvi) <i>Retail store</i> ; (xvii) <i>Restaurant</i> ; (xviii) <i>Restaurant, take-out</i> .		
A RU	5 (68/2008) (B-19)	(i) <i>Retail store</i> .			(i) Maximum <i>gross floor area</i> for a <i>retail store</i> – 353.0 square metres.
EMP1	6 (20/2010) (B-18.)	(i) <i>Salvage yard</i> .			

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
RES3	7 (2965/75) (A-11)				(i) <i>Maximum height – 3.7 metres.</i>
OS	8 (3132/78) (A-9)	(i) <i>Assembly hall;</i> (ii) <i>Museum;</i> (iii) <i>Accessory dwelling units on the second storey only.</i>			(i) <i>Maximum number of accessory dwelling units – 1;</i> (ii) <i>Maximum number of buildings permitted – 1.</i>
COM2	9 (46/85) (A-3)				(i) <i>An accessory dwelling unit is permitted within a building used for a motor vehicle repair shop.</i>
RES1-2	10 (19/87) (A-13)				(i) <i>Minimum required front yard – 45.0 metres.</i>
RES1-1	11 (20/87) (A-14)				(i) <i>Minimum required front yard – 5.9 metres;</i> (ii) <i>Minimum required interior side yard – 2.4 metres.</i>
RES2-1	12 (12/88) (A-9)				(i) <i>The lot shall be deemed to have frontage onto Howard Street until the Municipality constructs the future cross-town road.</i>
COM2	13 (25/89) (A-9)			(i) <i>Equipment sales and rental establishment;</i> (ii) <i>Hotel;</i> (iii) <i>Motel;</i> (iv) <i>Outdoor display and sales area, accessory to an equipment sales and rental establishment;</i> (v) <i>Place of entertainment.</i>	

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
COM2	14 (78/89) (59/2001) (A-11)			(i) <i>Motor vehicle gas bar,</i> (ii) <i>Motor vehicle service station.</i>	(i) Minimum required number of <i>parking spaces</i> for a <i>shopping centre</i> – 1 space/18.6 square metres <i>gross leasable floor area</i> ; (ii) Minimum required number of <i>parking space</i> for a <i>business office</i> – 1 space/33.8 square metres <i>gross leasable floor area</i> ; (iii) Minimum required number of barrier-free <i>parking space</i> – 6.
RES2-1	15 (35/90) (A-6)				(i) For the purposes of this <i>Zone</i> “ <i>Height</i> ” shall mean the vertical distance from the finished grade level of the <i>building</i> or <i>structure</i> to the highest point of the <i>building</i> or <i>structure</i> and for the purposes of this definition, a <i>structure</i> shall include a fence and freestanding wall. (ii) For the purposes of this <i>Zone</i> “ <i>Finished Grade Level</i> ” shall mean the elevation of the finished surface of the ground abutting the external wall of the <i>building</i> or <i>structure</i> nearest to a <i>public street</i> but shall not include any embankment in lieu of steps. (iii) The <i>building</i> envelope shall be as delineated by the dotted lines shown on Schedule ‘C-13’ of this By-law.

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
COM1	16 (07/92) (09/2007) (A-14)	(i) <i>Business office;</i> (ii) <i>Dry cleaners distribution station;</i> (iii) <i>Financial Institution;</i> (iv) <i>Personal service shop;</i> (v) <i>Restaurant;</i> (vi) <i>Restaurant, take-out;</i> (vii) <i>Retail store.</i>			(i) <i>Maximum lot coverage – 25%.</i>
COM3	17 (15/92) (A-6)				(i) <i>Maximum gross floor area of a place of amusement – 204.0 square metres;</i> (ii) <i>A place of amusement shall be limited to the ground floor area;</i> (iii) <i>Maximum number of mechanical or electronic machines or devices for use as a game, entertainment or amusement by the public – 11.</i>
COM2	18 (07/93) (A-11)		(i) <i>Retail store.</i>	(i) <i>Supermarket;</i> (ii) <i>Drug store.</i>	
EMP1	19 (31/93) (A-12)				(i) <i>Minimum required elevation for an opening – 80.22 metres elevation G.S.C.;</i> (ii) <i>All buildings shall be located within the hatched area shown on Schedule ‘C-14’ of this By-law;</i> (iii) <i>Areas outside of the hatched area on Schedule ‘C-14’ of this By-law shall be used only for access driveways, landscaped open space and in-ground facilities associated with stormwater or servicing of the lands.</i>

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
EMP2	20 (47/93) (37/03) (A-14)	(i) <i>Building supply outlet;</i> (ii) <i>Motor vehicle sales and/or rental establishment;</i> (iv) <i>Restaurant, accessory.</i>			(i) Parking shall be permitted in <i>required front and exterior side yards;</i> (ii) Minimum required <i>planting strip</i> provided along the south limit of the Zone – 10.0 metres, and shall include an earth berm.
RES2-1	21 (48/93) (A-5)				(i) <i>Minimum required rear yard</i> – 8.0 metres; (ii) Maximum <i>lot coverage</i> – 35%; (iii) Minimum required setback from the <i>centreline</i> of John Street – 12.0 metres.
RES2-1	22 (56/93) (A-6)		(i) <i>Multiple-unit dwelling.</i>	(i) <i>Bed and breakfast;</i> (ii) <i>Boarding or rooming house.</i>	(i) Maximum number of <i>dwelling units</i> – 3.
RES3	23 (2901/74) (A-13)		(i) <i>Street townhouse dwelling;</i>		(i) All <i>buildings</i> shall be located within the hatched area shown on Schedule 'C-3' of this By-law.
EMP1	24 (12/95) (A-13)	(i) <i>Commercial fitness centre;</i> (ii) <i>Private club.</i>			
RES4	25 (16/95) (A-2)		(i) <i>Apartment dwelling.</i>		(i) Maximum number of <i>dwelling units</i> – 43. (ii) <i>Minimum required interior side yard</i> – 6.0 metres; (iii) Minimum required number of <i>parking spaces</i> – 54 spaces, inclusive of handicapped stalls; (iv) 85% of the minimum required number of <i>parking spaces</i> shall be provided below grade.

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
COM2	26 (24/95) (A-11)		(i) <i>Place of amusement.</i>		(i) Maximum <i>gross floor area</i> of a <i>place of amusement</i> – 234.7 square metres; (ii) Location of a <i>place of amusement</i> – <i>basement</i> floor level of the westerly most <i>building</i> on the subject property only.
OSR	27 (15/90) (A-4)				(i) Minimum <i>lot area</i> – 0.4 hectares; (ii) Maximum <i>height</i> of a <i>building</i> or <i>structure</i> – 3.7 metres; (iii) Maximum height of a Clubhouse – 3 storey or 14m (whichever is the lesser) building (plus an observation deck up to 18m); (iv) Minimum required <i>landscaped open space</i> – 5%; (v) When the <i>lot area</i> of any block shown on Schedule 'C-12' of this By-law is reduced by 10% or less as a result of the registration of a Plan of Subdivision, the affected block may continue to be developed in accordance with the requirements of this <i>Zone</i> .
RES4	28 (15/90) (A-4)		(i) <i>Apartment dwelling</i> ; (ii) <i>School, public</i> ; (iii) <i>Street townhouse dwelling</i> .		1. Zone Standards for Residential Uses: (i) Minimum <i>lot area</i> – as shown on Schedule 'C-12' of this By-law; (ii) Minimum <i>lot frontage</i> – as shown on Schedule 'C-12' of this By-law; (iii) Maximum <i>height</i> , excluding Block 1 and Block 2 as shown on Schedule 'C-12' of this By-law – 4 storeys or 14.0 metres, whichever is

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>the lesser;</p> <p>(iv) Maximum <i>height</i> for Block 1 and Block 2 identified on Schedule 'C-12' of this By-law – 2 storeys or 10.0 metres, whichever is the lesser;</p> <p>(v) Maximum <i>lot coverage</i> of all <i>buildings</i> and <i>structures</i> – 30%;</p> <p>(vi) Maximum coverage by an open <i>parking area</i>, <i>driveways</i> and vehicular movement areas – 25%;</p> <p>(vii) Maximum number of <i>dwelling units</i> – Block 1: 36, Block 2: 48, Block 3: 72, Block 4: 52, Block 5: 52, Block 6: 27, Block 7: 41, Block 8: 64, Block 12: 5, Block 13: 5;</p> <p>(viii) All <i>buildings</i> and <i>structures</i> shall be erected within the <i>Building Envelope</i> delineated on Schedule 'C-12' of this By-law. Notwithstanding the above, where a 10.0 metre setback is required for <i>buildings</i> or <i>structures</i> in Block 2, an <i>accessory building</i> or <i>structure</i> shall be permitted up to but not closer than 6.0 metres of the lot line;</p> <p>(ix) Minimum required <i>landscaped open space</i> – 30%;</p> <p>(x) An <i>accessory building</i> is permitted within any yard in Block 1 delineated on Schedule C-12 of this By-law;</p> <p>(xi) Maximum <i>height</i> of an <i>accessory building</i> on Block 1 as</p>

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>delineated on Schedule 'C-12' of this By-law – 3.7 metres;</p> <p>(xii) Each <i>parking space</i> shall have a width of not less than 2.7 metres and a length of not less than 5.5 metres;</p> <p>(xiii) Uncovered <i>parking areas</i> are permitted in all <i>yards</i> provided that no part of any <i>parking area</i> other than a <i>driveway</i> is located within 6.0 metres to any <i>streetline</i> and is closer than 3.0 metres to any <i>side lot line</i> or <i>rear lot line</i> or within 1.8 metres of any residential <i>building</i> located on the <i>lot</i>;</p> <p>(xiv) When the <i>lot area</i> of any block shown on Schedule 'C-12' of this By-law is reduced by 10% or less as a result of the registration of a Plan of Subdivision, the affected block may continue to be developed in accordance with the requirements of this <i>Zone</i>.</p> <p>2. Zone Standards for a School:</p> <p>(i) Shall be subject to the standards of the IU <i>Zone</i>.</p>
COM1	29 (15/90) (A-4)		<p>(i) <i>Accessory dwelling unit</i>;</p> <p>(ii) <i>Art gallery</i>;</p> <p>(iii) <i>Business office</i>;</p> <p>(iv) <i>Community centre</i>;</p> <p>(v) <i>Dry cleaner's distribution station</i>;</p> <p>(vi) <i>Financial institution</i>;</p>		<p>(i) Minimum <i>lot area</i> – as shown on Schedule 'C-12' of this By-law;</p> <p>(ii) Minimum <i>lot frontage</i> – as shown on Schedule 'C-12' of this By-law;</p> <p>(iii) Maximum <i>height</i> – 3 storeys or 14 metres, whichever is the lesser;</p>

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
			(vii) <i>Library</i> ; (viii) <i>Medical office</i> ; (ix) <i>Museum</i> ; (x) <i>Personal service shop</i> ; (xi) <i>Restaurant</i> ; (xii) <i>Retail store</i> ; (xiii) <i>School, commercial</i> ; (xiv) <i>Service shop</i> ; (xv) <i>Studio</i> .		(iv) Maximum <i>lot coverage</i> of all <i>buildings</i> and <i>structures</i> – 30%; (v) Maximum <i>gross floor area</i> for residential <i>uses</i> – twice the <i>gross floor area</i> for commercial <i>uses</i> ; (vi) Maximum <i>gross floor area</i> for commercial <i>uses</i> within an individual block – 1,000.0 square metres; (vii) Maximum <i>gross floor area</i> for a <i>retail store</i> – 260.0 square metres; (ix) All <i>buildings</i> and <i>structures</i> shall be erected within the <i>Building Envelope</i> delineated on Schedule ‘C-12’ of this By-law; (x) Minimum required <i>landscaped open space</i> for a mixed use <i>building</i> – 30%; (xi) Minimum required <i>landscaped open space</i> for a commercial <i>building</i> only – 10%; (xii) Minimum required number of <i>parking spaces</i> for commercial <i>uses</i> – 1/18.6 sq.m of <i>gross leasable floor area</i> ; (xiii) Minimum required number of <i>parking spaces</i> for residential <i>uses</i> – 1.5 spaces per <i>dwelling unit</i> ; (xiv) Each <i>parking space</i> shall have a width of not less than 2.7 metres and a length of not less than 5.5 metres. (xv) Minimum required number of <i>loading spaces</i> – 1;

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>(xvi) Uncovered <i>parking areas</i> are permitted in all <i>yards</i> provided that no part of any <i>parking area</i> other than a <i>driveway</i> is located within 6.0 metres of any <i>street line</i> and no closer than 2.0 metres of any <i>side lot line</i> or 4.5 metres of a <i>rear lot line</i> or within 1.8 metres of any residential <i>building</i> located on the <i>lot</i>;</p> <p>(xvii) When the <i>lot area</i> of any block shown on Schedule 'C-12' of this By-law is reduced by 10% or less as a result of the registration of a Plan of Subdivision, the affected block may continue to be developed in accordance with the requirements of this <i>Zone</i>.</p>
COM2	30 (15/90) (A-4)		<p>(i) <i>Art gallery</i>;</p> <p>(ii) <i>Assembly Hall</i>;</p> <p>(iii) <i>Business office</i>;</p> <p>(iv) Club house for a <i>golf course</i> situated on another <i>lot</i>;</p> <p>(v) <i>Commercial fitness centre</i>;</p> <p>(vi) <i>Financial institution</i>;</p> <p>(vii) <i>Hotel</i>;</p> <p>(viii) <i>Library</i>;</p> <p>(ix) <i>Museum</i>;</p> <p>(x) <i>Personal service shop</i>;</p> <p>(xi) <i>Restaurant</i>;</p> <p>(xii) <i>Retail store</i>;</p> <p>(xiii) <i>School, private</i>;</p> <p>(xv) <i>Studio</i>.</p>		<p>(i) Minimum <i>lot area</i> – As shown on Schedule 'C-12' of this By-law;</p> <p>(ii) Minimum <i>lot frontage</i> – As shown on Schedule 'C-12' of this By-law;</p> <p>(iii) Maximum <i>lot coverage</i> of all <i>buildings</i> and <i>structures</i> – 30%;</p> <p>(iv) All <i>buildings</i> and <i>structures</i> shall be erected within the <i>Building Envelope</i> delineated on Schedule 'C-12' of this By-law;</p> <p>(v) Maximum <i>height</i> of a <i>building</i> or <i>structure</i> – 14.0 metres;</p> <p>(vi) Maximum <i>gross floor area</i> for a <i>retail store</i> – 260.0 square metres;</p> <p>(viii) Minimum required</p>

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<i>landscaped open space – 10%;</i> (ix) <i>Maximum gross leasable floor area for uses other than a hotel, an assembly hall, restaurant, club house or other recreational uses – 1,000.0 square metres;</i> (x) <i>Minimum required number of parking spaces for those uses other than a hotel, an assembly hall, private club, private school, public school, club house and recreational uses – 1 space/18.6 square metres of gross leasable floor area;</i> (xi) <i>Each parking space shall have a width of not less than 2.7 metres and a length of not less than 5.5 metres;</i> (xii) <i>Minimum required number of loading spaces – 1 space/500.0 square metres of gross leasable floor area;</i> (xiii) <i>When the lot area of any block shown on Schedule ‘C-12’ of this By-law is reduced by 10% or less as a result of the registration of a Plan of Subdivision, the affected block may continue to be developed in accordance with the requirements of this Zone.</i>
COM2	31 (10/96) (A-1)			(i) <i>Motor vehicle gas bar;</i> (ii) <i>Motor vehicle service station.</i>	(i) <i>Maximum width of an ingress and egress ramp – 10.8 metres, measured along the streetline;</i> (ii) <i>Required parking spaces are permitted</i>

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>to be provided on an abutting <i>lot</i>, provided that the abutting <i>lot</i> is in a Commercial <i>Zone</i>;</p> <p>(iii) Maximum <i>gross leasable floor area</i> – 4,400.0 square metres, excluding the <i>floor area</i> of the mezzanine and stand-alone storage <i>buildings accessory</i> to a permitted <i>use</i> in existence on March 11, 1996.</p>
COM2	32 (10/96) (A- 1)				<p>(i) Maximum <i>gross leasable floor area</i> – 1,125.0 square metres;</p> <p>(ii) No frontage is required onto a <i>public street</i>;</p> <p>(iii) The <i>front lot line</i> shall be the <i>lot line</i> along the west side of the subject <i>lot</i>.</p>
COM2	33 (14/98) (61/2003) (94/2004) (A-1)				<p>(i) Required <i>parking spaces</i> are permitted to be provided on an <i>abutting lot</i>, provided that the abutting <i>lot</i> is in a Commercial <i>Zone</i>;</p> <p>(ii) Maximum <i>lot area</i> used for an <i>accessory outdoor display and sales area</i> – 1,400.0 square metres;</p> <p>(iii) Minimum required setback for an <i>accessory outdoor display and sales area</i> from the Toronto Road <i>streetline</i> – 50.0 metres;</p> <p>(iv) Maximum <i>gross leasable floor area</i> for a <i>retail store</i> – 500.0 square metres;</p> <p>(v) Maximum <i>gross leasable floor area</i> for a <i>supermarket</i> – 5,900.0 square metres;</p>

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					(vi) Maximum gross leasable floor area for a motor vehicle gasoline bar – 35.0 square metres; (vii) Minimum setback for loading space from rear lot line - 1.5 metres.
COM2	34 (32/98) (A-12)	(i) Industrial use; (ii) Custom workshop; (iii) Printing and publishing establishment.	(i) Assembly hall; (ii) Farm implement dealer; (iii) Greenhouse commercial; (iv) Hotel; (v) Medical office; (vi) Motel; (vii) Motor vehicle body shop; (viii) Motor vehicle washing establishment; (ix) Personal service shop; (x) Place of amusement; (xi) Recreational trailer, vehicle or boat sales establishment; (xii) Specialty food store; (xiii) Supermarket.		(i) Minimum required rear yard – 7.0 metres; (ii) Maximum number of main buildings per lot – 1; (iii) Minimum required landscaped open space – 5%; (iv) Minimum required planting strip required along a streetline – 3.0 metres; (v) Maximum gross floor area for a retail store accessory to an industrial use – 10% of the gross floor area of the industrial use.
OS	35 (32/98) (A-12)		(i) Business office, accessory; (ii) Conservation use; (iii) Nursery; (iv) Park.		(i) Minimum required front yard – 2.0 metres; (ii) Minimum required interior yard – 2.0 metre; (iii) Minimum required yard, all yards, for a parking area – 7.5 metres; (iv) Maximum lot coverage – 20%; (v) Minimum required landscaped open space – 75%.
RES1-1	36 (47/98) (A-10)			(i) Human habitation within an accessory	(i) Minimum required front yard – 6.2 metres;

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
				<i>building.</i>	(ii) Maximum <i>height</i> of an <i>accessory building</i> – 8.4 metres; (iii) Maximum <i>accessory building</i> dimensions – 7.5 metres wide by 14.2 metres long; (iv) For the purposes of this <i>Zone</i> , “ <i>Height</i> ” shall mean the vertical distance from the average grade level at the <i>building</i> face closest to the street to the highest point of the <i>accessory building</i> or <i>structure</i> .
RES2-1	37 (65/99) (A-11)	(i) <i>Single detached dwelling.</i>			(i) The <i>lot</i> shall be deemed to have access to a <i>public street</i> over an unopened road allowance.
EMP1	38 (8/2000) (A-14)				(i) <i>Minimum required front yard</i> – 55.0 metres; (ii) <i>Minimum required setback</i> from an EP-F <i>Zone</i> boundary – 3.0 metres; (iii) <i>Maximum gross floor area</i> – 929.0 square metres; (iv) <i>Maximum ground floor area</i> – 465.0 square metres; (v) <i>Maximum height</i> – 12.0 metres.
COM2	39 (2922/74) (A-11)		(i) <i>Hotel.</i>		(i) <i>Maximum height</i> – 19.5 metres.
RES3	40 (38/2000) (12/2002) (40/2005) (A-9)				(i) <i>Minimum required interior side yard</i> – 1.2 metres; (ii) <i>Minimum lot frontage</i> – 7.55 metres.
OSR OS	41 (6/2000) (A-5)				(i) <i>Maximum gross floor area</i> of all <i>accessory buildings</i> and <i>structures</i> – 185.8 square metres; (ii) <i>Maximum height</i> of

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>an accessory building or structure – 4.5 metres;</p> <p>(iii) Minimum required yard, north yard – 30.5 metres;</p> <p>(iv) Minimum required landscaped open space – 95%.</p> <p>(v) The minimum required level of protection from hazards associated with the shoreline of Lake Ontario shall be the 1:100 year flood level of Lake Ontario being 76.2 metres G.S.C. plus a 50.0 metres, maximum, horizontal effect for wave action, or, the 100 year erosion limit, whichever is the greater.</p>
RES1-2	42 (44/2000) (A-5)				<p>(i) Maximum number of guest rooms – 2;</p> <p>(ii) Maximum gross floor area of a bed and breakfast – 25% of the gross floor area of the dwelling unit.</p>
EMP1	43 (48/2000) (A-14)	<p>(i) Commercial fitness centre;</p> <p>(ii) Motor vehicle body shop;</p> <p>(iii) Motor vehicle dealership;</p> <p>(iv) Motor vehicle gasoline bar;</p> <p>(v) Motor vehicle repair garage;</p> <p>(vi) Motor vehicle sales and rental establishment;</p> <p>(vii) Motor vehicle washing establishment;</p> <p>(viii) Private club;</p> <p>(ix) Recreational trailer, vehicle or boat sales establishment;</p>			<p>(i) Maximum lot area permitted for the accessory outdoor display and sale area associated with motor vehicles or recreational vehicles – 66%;</p> <p>(ii) Minimum required floor area before an accessory restaurant is permitted – 1,000.0 square metres.</p>

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
		(x) <i>Restaurant, accessory.</i>			
COM3	44 (13/2002) (A-10, A-11)	(i) <i>Apartment dwelling;</i> (ii) <i>Multiple-unit dwelling;</i> (iii) <i>Street townhouse dwelling.</i>			(i) Minimum <i>lot area</i> – 46.5 square metres per <i>dwelling unit</i> ; (ii) Minimum required <i>setback</i> from <i>centreline</i> of a <i>public street</i> – 10.0 metres.
COM2	45 (41/2002) (A-2)				(i) No <i>opening</i> shall be permitted on the north elevation of any <i>building</i> located less than 9.0 metres from the northern <i>lot line</i> on that portion of a wall located higher than 3.0 metres above <i>finished grade</i> .
OSR	46 (OMB Dec. 1075) (A-4)		(i) As shown on Schedule 'C-4' of this By-Law.		(i) As shown on Schedules 'C-4' and 'C-5' of this By-law.
RES3	47 (OMB Dec. 1075) (A-4)		(i) As shown on Schedule 'C-4' of this By-law.		(i) As shown on Schedules 'C-4' and 'C-5' of this By-law.
RES3	48 (OMB Dec. 1075, 1990, 2292) (A-4)		(i) As shown on Schedule 'C-4' of this By-law.		(i) As shown on Schedules 'C-4' and 'C-5' of this By-law.
RES3	49 (OMB Dec. 1075, 1990, 2292) (A-4)		(i) As shown on Schedule 'C-6' of this By-law.		(i) As shown on Schedules 'C-6' and 'C-7' of this By-law.
RES2-1	50 (OMB Dec. 1075, 1990, 2292) (A-3, A-4)		(i) As shown on Schedule 'C-6' of this By-law.		(i) As shown on Schedules 'C-6' and 'C-7' of this By-law.
RES3	51 (OMB Dec. 1075, 1990, 2292) (A-4)		(i) As shown on Schedule 'C-6' of this By-law.		(i) As shown on Schedules 'C-6' and 'C-7' of this By-law.
RES4	52 (OMB Dec.		(i) As shown on Schedule 'C-6'		(i) As shown on Schedules 'C-6' and

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
	1075, 1990, 2292) (A-4)		of this By-law.		'C-7' of this By-law.
IU	53 (OMB Dec. 1075, 1990, 2292) (A-4)		(i) As shown on Schedule 'C-6' of this By-law.		(i) As shown on Schedules 'C-6' and 'C-7' of this By-law.
COM1	54 (OMB Dec. 1075, 1990, 2292) (A-3)		(i) As shown on Schedule 'C-6' of this By-law.		(i) As shown on Schedules 'C-6' and 'C-7' of this By-law.
OSR	55 (OMB Dec. 1075, 1990, 2292) (A-3)		(i) As shown on Schedule 'C-6' of this By-law.		(i) As shown on Schedules 'C-6' and 'C-7' of this By-law.
OS	56 (OMB Dec. 1075, 1990, 2292) (A-4)		(i) As shown on Schedule 'C-6' of this By-law.		(i) As shown on Schedules 'C-6' and 'C-7' of this By-law.
RES2- 1	57 (OMB Dec. 1075, 1990, 2292) (A-3)		(i) As shown on Schedule 'C-8' of this By-law.		(i) As shown on Schedules 'C-8' and 'C-9' of this By-law.
RES3	58 (OMB Dec. 1075, 1990, 2292) (A-3)		(i) As shown on Schedule 'C-8' of this By-law.		(i) As shown on Schedules 'C-8' and 'C-9' of this By-law.
RES4	59 (OMB Dec. 1075, 1990, 2292) (A-3)		(i) As shown on Schedule 'C-8' of this By-law.		(i) As shown on Schedules 'C-8' and 'C-9' of this By-law.
IU	60 (OMB Dec. 1075, 1990, 2292) (A-3)		(i) As shown on Schedule 'C-8' of this By-law.		(i) As shown on Schedules 'C-8' and 'C-9' of this By-law.
OS	61 (OMB Dec. 1075, 1990, 2292)		(i) As shown on Schedule 'C-8' of this By-law.		(i) As shown on Schedules 'C-8' and 'C-9' of this By-law.

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
	(A-3)				
RES2-1	62 (OMB Dec. 1075, 1990, 2292) (A-2)		(i) As shown on Schedule 'C-10' of this By-law.		(i) As shown on Schedules 'C-10' and 'C-11' of this By-law.
RES3	63 (OMB Dec. 1075, 1990, 2292) (A-3)		(i) As shown on Schedule 'C-10' of this By-law.		(i) As shown on Schedules 'C-10' and 'C-11' of this By-law.
OS	64 (OMB Dec. 1075, 1990, 2292) (A-3)		(i) As shown on Schedule 'C-10' of this By-law.		(i) As shown on Schedules 'C-10' and 'C-11' of this By-law.
OS	65 (OMB Dec. 1075, 1990, 2292) (A-3)		(i) As shown on Schedule 'C-10' of this By-law.		(i) As shown on Schedules 'C-10' and 'C-11' of this By-law.
EMP1	66 (92/2004) (A-14)				(i) Maximum number of <i>model homes</i> - 3; (ii) An <i>accessory outdoor display and sales area</i> shall be limited to the <i>yard</i> abutting Highway 401.
RES3	67 (51/2005) (A-13)				(i) Minimum required <i>setback</i> from the 'EP-F' Zone – 3.0 metres.
RES2-1	68 (74/2005) (A-10)	(i) <i>Medical office.</i>			(i) <i>Minimum required interior side yard</i> – 0.55 metres on one side; (ii) <i>Minimum required rear yard</i> – 18.0 metres; (iii) <i>Minimum required landscaped open space</i> – 30%.
RES1-1	69 (84/2005) (A-5)	(i) <i>Country Inn.</i>			(i) Maximum number of guest rooms – 7; (ii) Maximum number of spa rooms – 7; (iii) Maximum <i>floor area</i> for the storage and kitchen associated with a <i>hotel</i> – 90.0

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					square metres; (iv) Minimum required number of <i>loading spaces</i> – 1; (v) <i>Minimum required yard for a parking space or parking area</i> – 2.0 metres; (vi) Minimum required <i>planting strip</i> along any <i>lot line</i> – 1.0 metre.
RES1-1	70 (84/2005) (A-5)		(i) <i>Parking area</i> ; (ii) <i>Single detached dwelling</i> .		(i) <i>Minimum required yard for a parking space or parking area</i> – 1.5 metres.
A	71 (3400) (B-17)	(i) <i>Agricultural produce plant</i> .			
RES2-1	72 (18/2003) (A-12)	(i) <i>Group Home Type 2</i> .			
A	73 (11/2003) (B-17)			(i) <i>Barn for the purposes of housing livestock</i> .	
RES2-1	74 (56/84) (A-9)				(I) Maximum number of <i>single detached dwellings</i> – 3.
COMR	75 (3350) (B-22)		(i) <i>Motor vehicle repair garage</i> .		
EMPR	76 (3350) (B-18)		(i) <i>Industrial use</i> ; (ii) <i>Retail store</i> ; (iii) <i>Transport terminal</i> .		
OSR	77 (3350) (B-23)		(i) <i>Camping establishment</i> ; (ii) <i>Greenhouse, accessory</i> ; (iii) <i>Miniature golf course, accessory</i> ; (iv) <i>Recreational trailer, vehicle or boat sales establishment, accessory</i> ; (v) <i>Retail sale of</i>		(i) <i>Minimum required yard, all yards</i> – 15 metres; (ii) Maximum <i>lot coverage</i> – 40%; (iii) Minimum required <i>landscaped open space</i> – 40%.

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
			propane fuel.		
EMPR	78 (3350) (B-18)		(i) <i>Agricultural support use;</i> (ii) <i>Outdoor storage.</i>		(i) <i>Minimum required interior side yard – 15.0 metres.</i>
EMPR	79 (3350) (B-17)		(i) <i>Abattoir;</i> (ii) <i>Retail store, accessory, within the main building.</i>		(i) <i>Minimum required front yard – 76.0 metres.</i>
EMPR	80 (3350) (B-25)		(i) <i>Abattoir;</i> (ii) <i>Retail store, accessory, within the main building.</i>		
EMPR	81 (3350) (B-19)		(i) <i>Agricultural support use;</i> (ii) <i>Retail store, accessory.</i>		
EMPR	82 (3350) (06/2011) (B-18)		(i) <i>Agricultural warehouse;</i> (ii) <i>Animal clinic;</i> (iii) <i>Business office, accessory;</i> (iv) <i>Farm implement dealer;</i> (v) <i>Industrial use;</i> (vi) <i>Outdoor storage, accessory;</i> (vii) <i>Retail store, accessory;</i> (viii) <i>Service shop.</i> (ix) <i>Single detached dwelling, accessory.</i>		(i) <i>Single detached dwelling is ancillary to a permitted non-residential use and occupied by the owner, caretaker, watchman or other similar person, and family, as is employed on the lot on which such dwelling house is located.</i>
EMPR	83 (3350) (B-17)		(i) <i>Motor vehicle repair shop.</i>		
EMPR	84 (3350) (B-18)		(i) <i>Dry industrial use.</i>		
COM2	85 (20/2010) (A-2)	(i) <i>Industrial use.</i>			
RES3	86 (104/2009)		(i) <i>Apartment building containing a</i>		(i) <i>Minimum required front yard – 12 metres;</i>

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
	(A-10)		maximum of 24 dwelling units.		(ii) <i>Minimum required exterior side yard – 20 metres;</i> (iii) <i>Minimum required rear yard – 1.5 metres;</i> (iv) <i>Minimum number of parking spaces required – 1 space per dwelling unit.</i>
COM2	87 (80/2009) (A-1)	(i) <i>Auctioneer's Establishment;</i> (ii) <i>Outdoor storage, accessory.</i>		(i) <i>Motor vehicle body shop;</i> (ii) <i>Place of Amusement;</i> (iii) <i>Specialty food store;</i> (iv) <i>Supermarket.</i>	(i) <i>Minimum required setback from the Toronto Road and Highway 401 streetlines for accessory outdoor display and sales, accessory outdoor storage and loading spaces – 2.0 metres;</i> (ii) <i>Minimum required yard abutting the Toronto Road streetline – 2.0 metres;</i> (iii) <i>Minimum required exterior side yard – 20.0 metres;</i> (iv) <i>Minimum required yard, all other yards – 3.0 metres;</i> (v) <i>Minimum required width of planting strip required abutting the Toronto Road streetline – 6.0 metres;</i> (vi) <i>Minimum required width of planting strip abutting all other streetlines – 3.0 metres;</i> (vii) <i>Minimum required number of parking spaces for a retail store – 1/18.5 square metres gross leasable floor area.</i>
RES3	88 (84/2010) (A-10)				(i) <i>Minimum lot area - 166.14 square metres;</i> (ii) <i>Minimum lot frontage - 8.6 metres;</i> (iii) <i>Minimum front yard</i>

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<ul style="list-style-type: none"> - 4.0 m (adjacent to Harcourt Street) - 6.0 m (adjacent to Hope Street) (iv) Minimum <i>exterior side yard</i> - 3.5 m; (v) Minimum <i>rear yard</i> <ul style="list-style-type: none"> - 4.0 m (adjacent to RES3-86 zone) - 2.5m (adjacent to RES3-88 zone).
COM1	89 (92/2010) (A-9)	(i) Drive-through Window for a Convenience Retail Purpose.			(i) The Drive-through Window shall only apply to a Convenience Retail Purpose which <i>use</i> primarily sells food and closely related household items which are stocked so as to attract those consumers principally residing in the immediately surrounding area.
RES1-4	90 (01/2010) (A-1)				(i) Minimum required <i>front yard</i> - 4.5 metres; (ii) Minimum required <i>rear yard</i> - 6.0 metres; (iii) Minimum required <i>interior side yard</i> - 1.2 metres and where an attached <i>garage</i> or <i>carport</i> is provided, the minimum <i>side yard</i> on one side may be 1.0 metre.
RES4	91 (51/98) (A-2)				(i) Minimum <i>lot area</i> - 0.6 hectares (ii) Maximum residential density - 150 <i>dwelling units</i> per hectare
D	92 (65/2009) (B-18)				(i) Minimum <i>lot area</i> shall be 19 hectares; (ii) Minimum <i>front setback</i> shall be 10 metres; (iii) Minimum <i>setback</i> adjacent to the 'RESV1' Zone shall be 3 metres; (iv) Minimum westerly <i>setback</i> adjacent to the 'RESV1' Zone

Col.1	Col. 2	Col. 3	Column 4	Column 5	Column 6
Zone	Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Provisions
					<p>shall be 30 metres;</p> <p>(v) Maximum number of residential <i>units</i> shall be one (1);</p> <p>(vi) The existing <i>accessory structure</i> (workshop) shall be a permitted <i>use</i> for up to two (2) years from the date of the passing of this By-law, or until such time as all or a portion of the workshop is converted to a residential <i>use</i> or a new <i>single detached</i> residential <i>unit</i> is constructed on the subject lands.</p>

PART 13 - HOLDING PROVISIONS

- 13.1** Notwithstanding any other provision in this By-law, where a *Zone* symbol is followed by a set of brackets, a letter “H” and a number contained within those brackets – for example RES4(H1) – the symbol refers to a Holding provision that applies to the lands noted. No *person* shall *use* or permit the land to which the Hold applies for any *use* other than the *use* which legally existed on the date the By-law applying the Holding provision came into effect or the *use(s)* permitted in the By-law enacting the Hold, or expand or replace an existing *building* or *structure* as the case may be, until the Hold (H) is removed in accordance with the policies of the Official Plan and Section 36 of the Planning Act, R.S.O. 1990, c.P.13, as amended.
- 13.2** Notwithstanding the above, public uses in accordance with Section 4.28 of this By-law, model homes in accordance with Section 4.15 of this By-law constructions uses in accordance with Section 14.1.1 of this By-law, a sales office in accordance with Section 14.1.2, *asphalt plant* or *portable concrete plant* in accordance with Section 14.1.3 of this By-law are permitted without the need to remove the Holding provision.
- 13.3** *The Municipality* may pass a By-law pursuant to Section 36 of the Planning Act, R.S.O. 1990, c.P. 13, as amended to remove the Holding (H) Symbol, thereby placing the lands in the *zone* indicated by the *zone* symbol, when all of the applicable requirements have been met. For the purposes of this By-law, a number of distinct holding provisions have been applied as set out in Table 13.1, below:
- 13.4** In Table 13.1:
- 13.1.1 Column 1 sets out the number of each Holding (H) provision which corresponds to an area of the *Municipality* identified on the Zoning Schedules by the same number, contained within a set of brackets following a *Zone* symbol, denoting a Holding (H) provision;
 - 13.1.2 Column 2 identifies the general applicability of the Holding (H) provision;
 - 13.1.3 Column 3 identifies the property subject to the Holding (H) provision;
 - 13.1.4 Column 4 sets out the conditions for removal of the Holding (H) provision;
 - 13.1.5 Column 5 identifies the date of enactment of the Holding (H) provision;

All other provisions of this By-law continue to apply to the lands subject to this Section.

Table 13.1: Holding (H) Provisions

Col. 1	Column 2	Column 3	Column 4	Col. 5
Symbol	Application	Property/ Legal Description	Conditions for Removal	Date Enacted
H1	Lands where a development agreement is required	Multiple properties	The Holding (H1) provision may be lifted once the <i>Municipality</i> is satisfied that an appropriate Subdivision Agreement and/or Site Plan Agreement and/or Development Agreement has been executed.	Jun. 29, 2010
H2	Former <i>waste management facilities</i> and adjacent lands	Multiple properties	The Holding (H2) provision may be lifted once the <i>Municipality</i> is satisfied that the proposed <i>use</i> and/or development will be compatible with the <i>waste management facilities</i> in accordance with Section C17 (<i>Solid Waste Management</i>) of the Official Plan.	Jun. 29, 2010
H3	LLRWM Evaluation Area	Multiple properties	The Holding (H3) provision may be lifted once the <i>Municipality</i> is satisfied that the proposed development will be compatible with the Low-Level Radioactive Waste Management Area in accordance with Section D4.4 (<i>Low-Level Radioactive Waste Management</i>) of the Official Plan.	Jun.29, 2010
H4	Oak Ridges Moraine Environmental Review	Multiple Properties	The Holding (H4) provision may be lifted once an appropriate Natural Heritage Evaluation and Hydrological Evaluation are completed to the satisfaction of the <i>Municipality</i> and the appropriate Conservation Authority, in accordance with the policies of the Oak Ridges Moraine Conservation Plan.	Apr. 12, 2005
H5	New <i>single detached dwellings</i> on the Oak Ridges Moraine	All properties in the following <i>Zones</i> : - ORM-C - ORM-EP - ORM-MX - ORM-L - ORM-RU - RM-RS	The Holding (H5) provision may be lifted once an appropriate Natural Heritage Evaluation and Hydrological Evaluation are completed to the satisfaction of the <i>Municipality</i> and the appropriate Conservation Authority, in accordance with the policies of the Oak Ridges Moraine Conservation Plan, and once <i>The Municipality</i> is satisfied that a Site Plan Agreement has been executed.	Apr. 12, 2005

Col. 1	Column 2	Column 3	Column 4	Col. 5
Symbol	Application	Property/ Legal Description	Conditions for Removal	Date Enacted
H6	Factory Outlet Mall Site	Part of <i>Lot 2</i> , Concession 2	The Holding (H6) provision may be lifted once a Traffic Impact Analysis and Servicing Impact Study are completed to the satisfaction of the Director of Public Works, the necessary drawings and agreements concerning the alignment and reconstruction of Telephone Road are completed to the satisfaction of the Director of Public Works and an appropriate Site Plan Agreement has been executed.	Oct. 25, 2005

PART 14 - TEMPORARY USE ZONES

14.1 MUNICIPALITY-WIDE

14.1.1 Construction Uses

Nothing in this By-law shall prevent *uses* incidental to construction, such as a construction camp or other such temporary work camp, tool shed, scaffold or other *building* or *structure* incidental to the construction, only for so long as the same are necessary for work in progress that has neither been finished nor abandoned.

14.1.2 Sales Office

Nothing in this By-law shall prevent the *use* of land for a sales office for the sale of residential, industrial or commercial *suites* (excluding a *model home*) provided that the *suites* to be sold are to be located on lands within the limits of the *Municipality*, and provided the lands are not within the following *zones*:

- a) Agricultural (A) *Zone*;
- b) Oak Ridges Moraine – Core (ORM-C) *Zone*;
- c) Oak Ridges Moraine – Environmental Protection (ORM-EP) *Zone*;
- d) Oak Ridges Moraine – Extractive Industrial (ORM-MX) *Zone*;
- e) Oak Ridges Moraine – Linkage (ORM-L) *Zone*;
- f) Oak Ridges Moraine – Rural (ORM-RU) *Zone*;
- g) Oak Ridges Moraine – Rural Settlement (ORM-RS) *Zone*;
- h) Environmental Protection (EP) *Zone*;
- i) Open Space (OS) *Zone*;
- j) Major Recreational (OSR) *Zone*; and,
- k) Environmental Protection – *Floodplain* (EP-F) *Zone*.

14.1.3 Wayside Pit or Quarry, Portable Asphalt and Concrete Plants

A *wayside pit* or *wayside quarry*, *portable asphalt plant* or *portable concrete plant* is permitted in any *Zone* with the exception of the following *zones*:

- a) Agricultural (A) *Zone*;
- b) Oak Ridges Moraine – Core (ORM-C) *Zone*;
- c) Oak Ridges Moraine – Environmental Protection (ORM-EP) *Zone*;
- d) Oak Ridges Moraine – Extractive Industrial (ORM-MX) *Zone*;
- e) Oak Ridges Moraine – Linkage (ORM-L) *Zone*;
- f) Oak Ridges Moraine – Rural (ORM-RU) *Zone*;
- g) Oak Ridges Moraine – Rural Settlement (ORM-RS) *Zone*;
- h) Environmental Protection (EP) *Zone*;
- i) Open Space (OS) *Zone*;
- j) Major Recreational (OSR) *Zone*; and,
- k) Environmental Protection – *Floodplain* (EP-F) *Zone*.

Notwithstanding the above, in no case shall a *wayside pit* or *wayside quarry* be located closer than 150.0 metres to a Residential *Zone* boundary or 90.0 metres from a *dwelling unit*, whichever is the greater.

14.1.4 Garden Suite

A *garden suite* shall only be permitted where identified as a permitted *use* in this By-law. Unless otherwise modified or amended otherwise, all provisions of the *zone* the subject *lot* is located within shall apply to the *garden suite*.

14.2 SITE-SPECIFIC PERMISSIONS

Where on Schedules to this By-law, a *zone* symbol is preceded by the letter “T”, a number and a dash, one or more additional but temporary *uses* are permitted on the lands noted until the permission granted by the site specific Temporary *Use* By-law expires in accordance with the policies of the Official Plan and

Section 39 of the Planning Act, R.S.O. 1990, c.P.13, as amended. Table 14.1, below, identifies the *Temporary Use Zones* within the *Municipality*.

In Table 14.1:

- 14.2.1 Column 1 sets out the temporary *use* symbol of each temporary *use* permission which corresponds to an area of the *Municipality* identified on the Zoning Schedules by the same symbol, preceding a dash and a *Zone* symbol, denoting a temporary *use* permission;
- 14.2.2 Column 2 identifies the *Zone* subject to the Temporary *Use* By-law;
- 14.2.3 Column 3 identifies the property subject to the Temporary *Use* By-law;
- 14.2.4 Column 4 sets out the temporary *uses* permitted;
- 14.2.5 Column 5 sets out any *zone* standards and other special provisions applicable to the temporary *use(s)*;
- 14.2.6 Column 6 identifies the date of enactment of the Temporary *Use* By-law;
- 14.2.7 Column 7 identifies the date of expiry of the Temporary *Use* By-law;
- 14.2.8 All other provisions of this By-law continue to apply to the lands subject to this Section.

Table 14.1: Temporary Use Permissions

Col. 1	Col. 2	Column 3	Column 4	Column 5	Col. 6	Col. 7
Exception Number	Zone	Subject Property	Temporary Uses Permitted	Special Provisions	Date Enacted	Date Expires
T1 (26/2004) (B-20)	A	Part of Lot 25, Concession 8 (7824 Agar Road)	(i) <i>Garden suite</i> .	(i) Maximum <i>gross floor area</i> for a <i>garden suite</i> – 65.0 square metres; (ii) Maximum <i>height</i> for a <i>garden suite</i> – 4.5 metres; (iii) Maximum <i>lot coverage</i> – 30%.	Apr. 6, 2004	Apr. 6, 2014
T2 (55/2009) (B-19)	RU	Part of Lots 11 and 12, Concession 4 (6300 6 th Line)	(i) <i>Garden suite</i> .	(i) Access to both <i>dwellings</i> (principal & garden suite) shall be limited to the same driveway; (ii) Maximum <i>gross floor area</i> for a <i>garden suite</i> – 90.0 square metres; (iii) Maximum <i>height</i> for a <i>garden suite</i> – 4.5 metres; (iv) One <i>garden suite</i> shall be permitted on the subject lands; (v) Maximum <i>lot coverage</i> – 30%.	Jun. 23, 2009	Jun. 23, 2019

Col. 1	Col. 2	Column 3	Column 4	Column 5	Col. 6	Col. 7
Exception Number	Zone	Subject Property	Temporary Uses Permitted	Special Provisions	Date Enacted	Date Expires
				(vi) The garden suite shall be located within a building envelope with the following <i>setbacks</i> : <ul style="list-style-type: none"> • Minimum <i>setback</i> from northern property line - 6 metres; • Minimum <i>setback</i> from western property line - 6 metres; • Minimum <i>setback</i> from 6th Line - 200 metres; • Minimum <i>setback</i> from eastern property line - 296 metres. 		

PART 15 - ENACTMENT

15.1 FORCE AND EFFECT

This By-law shall come into effect in accordance with the Planning Act, R.S.O. 1990, c.P.13, as amended.

15.2 READINGS BY COUNCIL

BY-LAW READ A FIRST AND SECOND TIME THIS 29th DAY OF June, 2010.

BY-LAW READ A THIRD AND FINAL TIME AND FINALLY PASSED THIS 29th DAY OF June, 2010.

MAYOR: _____
Linda Thompson

(Municipal Seal)

CLERK: _____
S.C. Dawe

15.3 CERTIFICATION

I hereby certify that the foregoing is a true copy of Zoning By-law 20/2010 as enacted by the *Council* of the *Corporation* of the *Municipality* of Port Hope on the 29th day of June, 2010.

CLERK: _____