

Township of Kingston
Restricted Area By-Law
Zoning By-Law Number 76-26
As Amended

Revised: December 1975; May and July 1976

Dated / Signed and Passed on: July 8, 1976

Updated: November 17, 2021

Note: This is an office consolidation prepared for your convenience.

The original Zoning By-Law and its Amendments should be consulted for accurate reference.

This consolidation contains Freestanding Zoning By-Laws which are not a part of the by-law but are reproduced for your reference.

For accurate reference, any questions regarding this By-law Number 76-26 and the above-noted amendments must be directed to the Planning Department, 1211 John Counter Boulevard Office, or by calling (613) 546-4291 extension 3180.

Copies of any original by-law amendments are obtained through the Office of the City Clerk (613) 546-4291 extension 1375. Thank you.

All zoning By-Laws and updated map schedules may be viewed on our City of Kingston Website:

<http://www.cityofkingston.ca/business/planning-and-development/zoning>

(Office Consolidation)

By-Law Number	Date Passed	Development	Amendments
94-78	June 21, 1994	Rontel Alliston Ltd.	R2-9-H and C2-24-H (Map 3)
94-114	September 20, 1994	W. Holsgrove	C3-14 established (Map 2)
95-03	January 10, 1995	A. Justus	C2-43-H (Map 5)
95-5	January 10, 1995	R. Paul Martin Construction	C2-42 and R1-38 established (Map 3)
95-17	February 8, 1995	Tom Turnbull	A1-10-H and EPA-7 established (Map 2)
95-18	February 7, 1995	A. Justus	Corrects By-Law Number 95-03 (Map 5)
95-19	February 28, 1995	Madathil Jacob	C2-44 (Map 3)
95-21	February 28, 1995	Canadian Tire	C7-3 (Map 3)
95-28	March 7, 1995	Firewood Processing	H Removal (Map 1)
95-30	March 21, 1995	Dacon – Waterloo Village	R2-17-H, R4-24-H created, R4-H, C2-H, OS-5 (Map 5)
95-31	March 21, 1995	Royal Bank	C2-45-H created (Map 5)
95-37	April 4, 1995	Glenburnie United Church	H Removal (Map 1)
95-43	April 13, 1995	West Park Phase 4C	H Removal (Map 4)
95-46	May 2, 1995	M. Pedersen	C2 established (Map 5)
95-47	May 3, 1995	Auden Park West 3B	H Removal (Map 5)
95-48	May 2, 1995	927 Sydenham Road	H Removal (Map 3)
95-49	May 2, 1995	Kalinowski In Trust	R1-34-H, R1-40-H created (Map 4)
95-50	May 2, 1995	Woods Sand & Gravel	M5-T1-H created (Map 2)
95-65	June 20, 1995	Woods Sand & Gravel	H Removal (Map 2)
95-76	June 6, 1995	2 & 38 Development Inc.	amend: Section 23A (3)(d)(i) and Section 23A (3)(d)(viii)

By-Law Number	Date Passed	Development	Amendments
95-83	July 18, 1995	Islamic Society of Kingston, Part Lot 17, Concession 4	-H Symbol removed Schedule A Map
95-84	July 18, 1995	West Park Phase 6	H Removal (Map 4)
95-101	September 5, 1995	Auden Park West	H Removal (Map 5)
95-103	September 5, 1995	Taylor, Jerome	C2-25 extended (Map 3)
95-106	September 19, 1995	Bimji, Shirazali	H Removal (Map 5)
95-113	November 7, 1995	Trinity Developments Inc.	Repealed by OMB – June 4, 1997
95-115	November 7, 1995	Trinity Developments Inc.	Approved as modified by OMB – June 4, 1997
95-119	November 7, 1995	Binnington, George	H Removal (Map 5)
95-121	July 21, 1995	West Park 4C	H removal (Map 4)
95-127	July 21, 1995	Edgar Street	H Removal (Map 5)
95-129	November 7, 1995	Housekeeping	Miscellaneous
95-130	November 7, 1995	Pinehill 1 and 2	H Removal (Map 4)
95-131	November 7, 1995	Cataraqui Woods 7A.1	H Removal (Map 3)
95-135	December 12, 1995	K. Mulrooney Trucking	H Removal (Map 1)
95-136	December 5, 1995	Sackville 4C West Park	H Removal (Map 4)
96-10	January 23, 1996	Bayhill Development Ltd.	M2-28 (Map 5)
96-12	April 2, 1996	Kingston Terminal Properties	C2-46-H and C2-47-H established (Map 5)
96-13	January 23, 1996	548518 Ontario Ltd.	C1-7 (Map 5)
96-25	February 20, 1996	J. Harrison	EPA (Map 1)
96-27	March 5, 1996	Dacon-Roosevelt Drive	H Removal (Map 5)
96-29	April 2, 1996	Dacon-Springfield 2	R11-H and R1-43-H established (Map 5)
96-32	March 5, 1996	Fire Hall	I9 established (Map 1)
96-35	April 23, 1996	Jerome Taylor	H Removal (Map 3)
96-42	April 14, 1996	Housekeeping	Miscellaneous
96-44	May 7, 1996	Margaret Hutt	H Removal (Map 5)
96-48	May 21, 1996	Arbour Ridge 2A	H Removal (Map 5)

By-Law Number	Date Passed	Development	Amendments
96-61	July 16, 1996	Shires Lane	R4-26-H established, OS-4 (Map 5)
96-64	July 22, 1996	Wannemacher, D.	C2-5 amended
96-79	September 17, 1996	S. Reino	M2-27 (Map 5)
96-80	September 17, 1996	Auden Park West	H Removal (Map 4)
96-83	September 17, 1996	Cataraqui Woods 7A.2	H Removal (Map 3)
96-88	October 1, 1996	Bayou Rentals Inc.	R2-18 established (Map 3)
96-89	October 1, 1996	J. Allen	H Removal (Map 3)
96-100	October 15, 1996	Barnsley Crescent Driveways	R2-19-H established (Map 4)
96-107	November 5, 1996	Dacon – Midpark Drive	M2-28 modification (Map 5) by OMB – May 27, 1997
96-113	November 19, 1996	T. Tait In Trust	C2-48 established (Map 4)
96-114	November 19, 1996	Bayhill Development Ltd.	R1-H (Map 4)
96-115	November 19, 1996	S. McCullough	I1-10-H established (Map 4)
96-116	November 19, 1996	Edifax Subdivision	R2-9-H, OS-3 (Map 3)
96-121	December 18, 1996	Barnsley Crescent Driveways	Partial H Removal (Map 4)
97-1	January 14, 1997	T. Boffa	A1-11 est., A1-5 amended, EPA (Map 1)
97-6	January 28, 1997	Tim Horton's Donut	"H" Removal (Map 5)
97-29	April 1, 1997	Grantham, P. & S.	"H" Removal (Map 4)
97-33	June 17, 1997	Frontenac County Roads	M1-7-H established (Map 5)
97-38	May 6, 1997	Dacon Corporation Ltd.	"H" Removal (Map 5)
97-47	June 17, 1997	G.A. Wylie	R1-3-H (Map 5)
97-48	June 17, 1997	Bayhill Development Ltd.	"H" Removal (Map 4)
97-57	August 19, 1997	Pinehill Estates – Dacon	"H" Removal (Map 5)

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97-58	June 24, 1997	Dacon – Ringstead	“H” Removal (Map 5)
97-62	July 15, 1997	C. Harnden	OS-10 established (Map 2)
97-63	July 15, 1997	M & G Wylie	“H” Removal (Map 5)
97-69	August 19, 1997	Budget Rent-a-Car	C2-49-H (Map 3)
97-105	November 4, 1997	Trinity Developments Ltd.	H Removal (Map 5)
97-106	November 4, 1997	Dacon Corporation	H Removal (Map 5)
97-103	November 4, 1997	Braebury Homes	R2-20-H established (Map 5)
97-123	December 2, 1997	Goslin	R5-4 text change EPA established (Map 5)
98-56	March 17, 1998	Brothlin Enterprises Limited	“-H” Symbol (Map 5)
98-57	March 17, 1998	Dacon Corporation Limited	R4-25-H to R4-25 “-H” Symbol removed
98-58	March 17, 1998	1011662 Ontario Limited	Remove “-H” symbol; rezone R1-H and R1-36-H to R1 and R1-36 (Map Number 2)
98-101	May 12, 1998	Brothlin Enterprises Limited	Rezone R1-H to R1 (Map Number 5)
98-114	May 26, 1998	Addition to Subsection (3) of Section 12	R1-44-H, R1-45-H, EPA-8, (Map 3)
98-117	May 26, 1998	Bayhill Development Limited	Rezone from R1-H to R1 (Map Number 4)
98-141	June 26, 1998	Braebury Homes Corporation	Remove “H” holding symbol
98-159	July 15, 1998	Rosen Corporation	C2 (Map 5)
98-160	July 15, 1998	Colbornes T.V.	M6-13 (Map 3)
98-161	July 15, 1998	Van Allen	R2-1-T1 (Map 5)
98-163	July 15, 1998	Nina Mohan-Leitch	R2-22-H (Map 5)
98-164	July 15, 1998	Brothlin Enterprises	C2-15 (Map 5)
98-193	August 18, 1998	Jack and Dianne Goslin 790 Progress Avenue	R5-4-H (Map 5) Remove H Symbol Taylor Kidd and Progress Avenue
98-194	August 18, 1998	D & D Auto Service	C5-1 (Map 5)

By-Law Number	Date Passed	Development	Amendments
98-234	September 22, 1998	Jerome D. Taylor Addition to Section 19 (3) (az)	Site specific 'C2-52' (Map Number 3)
98-235	September 22, 1998	Addition to Subsection (3) of Section 18	C1-8
98-268	October 20, 1998	Addition to Section 19(3)(ay); 4 (83C); and 4(121A)	C2-51 (Map Number 5)
98-299	November 17, 1998	Francis Bell	Zone change to EPA-1
98-300	November 17, 1998	Dacon	Zone change to R4-26-H (Map Number 5)
98-301	November 17, 1998	Section 17(3)(g)(iii) and Section 17(3)(g)(iv)	I-7 (Map Number 2)
98-302	November 17, 1998	Changes to Map	-H symbol removed Map Number 2
99-024	December 15, 1998	R. Paul Martin Construction	Section 22(3)(d) (ii); (iii) and (iv)
99-025	December 15, 1998	Section 15A(3) add I	Rosewood Retirement Centre R5-5
99-026	December 15, 1998	Subsection (3) of Section 23A; add I	C7-5
99-53	February 9, 1999	Section 13(3) (w); Section 14(3) (p) R2-8 to R2-23-H	Map Number 3
99-56	February 9, 1999	Lots 24,26, 38 – 40 inclusive Lots 65-68 inclusive Section 13(3) add (u)	R2-8 to R2-21
99-61	February 9, 1999	Section 24 (3) add I M1-5	M1-5 Map Number 1
99-66	February 23, 1999	Section 15 (3) add (z); Section 15 (3) add (aa); Section 14 (3) add (o); Section 19 (3) add (ax)	Map Number 5: R4-27-H; R4-28-H; R3-15-H; C2-50-H; OS; OS-3
99-87	March 24, 1999	Amend section 6(6)	Amend section 6(6)
99-89	March 24, 1999	Section 22 I(i)(iii)(d)	

By-Law Number	Date Passed	Development	Amendments
99-118	April 24, 1999	Fernmoor 3	R1 and EPA Map Number 5
99-119	April 20, 1999	Lot 26, Concession 4	M5-1 Map Number 1
99-199	June 1, 1999	Section 19(3) add (ba)	C2-53 Map Number 5
99-200	June 1, 1999	Section 22(3)(h)	R1 and C5-8 Map Number 4
99-203	June 1, 1999	Section 12(3) add (aq)	R1-44
99-205	June 1, 1999	Section 30 (2) add (a)	AP-1
99-226	June 15, 1999	Riotrin Properties (Kingston) Inc	Section 22 (3)(l)(iii)(d)
99-297	September 21, 1999	976653 Ontario Inc. Virgil Marques	-H Symbol R2-9
99-314	September 23, 1999	976653 Ontario Inc. Virgil Marques	H Symbol Removed R2-9-H
99-316	September 23, 1999	Dacon Corporation	Section 15(3) add (bb) R4-29
99-318	September 23, 1999	Section 15(3) add (cc)	R4-30-H Map Number 5
99-319	September 23, 1999	1213522 Ontario Inc. Section 13(3) add (x)	Map Number 3 Lots: 32, 32, 35, 41, 45, 46, 47, 48, 49, 60, 61, 62 and 81 R2-24
99-321	September 28, 1999	Section 27(3) add (b) Section 10(3) add (d)	M4-2 M4-2-H
OMB Decision /Order Number 1353 – July 16, 1999		Section 16 (3) add (d)	ER-4
99-323	September 23, 1999	Section 16(3) add I	ER-5
99-351	November 16, 1999	Dacon Corporation Smuggler's Cove South Part Lots 5 and 6, Concession 1	Re: 94-111 Remove H Holding Symbol R-1-H Os-3 Open Space Zone

2000-13	December 21, 1999	Section 20(3) add (o)	C3-15 Map Number 3
2000-14	December 21, 1999	Taggart Construction Leonard Venditti	Site specific M2-16 to M2-24 Map Number 5 Section 25(3)(x)
2000-46	February 8, 2000	A. & C. Boffa Part Lots 10 and 11, Concession 4	Map Change only Remove '-H' Holding Symbol re: "A1-11-H"
2000-67	February 22, 2000	Mancora Development Limited – Phase 1 Conservatory Pond Subdivision Part Lot 5 Concession 1	Map Change only Remove '-H' Symbol Re: "R3-15-H"
2000-87	March 21, 2000	1) Section 22 (3) (i) (iii) I and 2) Section 22 (3) (i) (iv)	1) Maximum permitted floor area for Non-Department Store DSTM uses – from 241,000 to 300,000 and 2) Retail Store Uses
2000-100	April 18, 2000	Part of Lot 5, Concession 3 Zanette Subdivision	Map Change Only H Holding Symbol R1-44-H R1-45-H
2000-113	April 18, 2000	979 Sydenham Road	To permit home occupation selling items not created on the premises
2000-128	May 2, 2000	Tanner Drive, Arbour Crescent, Melrose and Dolshire Streets Brothlin enterprises Limited	Map Change Only H Holding Symbol R1-36-H RE-6-H
2000-144	May 16, 2000	Site Specific 780 Development Drive	-Map 5 – M2-29 -re: to permit retail / wholesale uses, a lunch counter and a seasonal outdoor market
2000-145	May 16, 2000	Part 3 of Reference Plan 13R-15299, Part of Lot 7,	Site specific Part 3 Plan 13R-15299

		Concession 3 Princess Street Frontage 930 Woodbine Road	
2000-170	June 13, 2000	2945 Princess Street Part Lots 3 and 4, Plan 448	Zone Change; R-1; R1-12
2000-176	June 28, 2000	Edifax Development; Grand Trunk Avenue and Weston Crescent	Remove –H Holding Symbol re: R2-9-H zone
2000-203	July 1, 2000	949 Limestone Drive	-R1 Zone to R1-45 -Section 12 (as)
2000-235	September 12, 2000	B. & M. Lyon Lots 1, Reg. Plan 434 2400 Princess Street	Remove –H Holding Symbol C2-1H
2000-262	September 26, 2000	Blocks 50 and 54, Reg. Plan 1968 between 3127 and 3135 Princess Street	Map 3 – R1 C3-H Highway Commercial to R1 Type 1 Residential
2001-01	December 8, 2000	Part of Lot 36 Concession 6	Map 1 (see *note above) Change to R1 Zone
2001-44	January 23, 2001	Site Specific 1051 Midland Drive	Map 3 (see *note above) Rezone from R1 to C2-55-H
2001-77	February 21, 2001	North Side of Princess Street, West of Andersen Drive and South of Ellesmeer Avenue	'C2-1-H' Special General Commercial To Zone 'C2-54-H' Special General Commercial And 'MU1-H' Mixed Use Of By-Law Number 97-102 To 'C2-54-H' Special General Commercial

2001-92	March 20, 2001	CaraCo Development Corporation – Part Lot 14, Concession 2, Cobblestone Ridge Subdivision	Section 13 (3) R2-25
2001-94	March 20, 2001	North Side Of Princess Street, East Of Andersen Drive – ‘D’ Development To Zone ‘LDR*1-H’ Special Low Density Residential Of By-Law Number 97-102 – Dacon Corporation Ltd., Pinehill II Subdivision	Map change only Map Number 3 Change from ‘D’ to ‘LDR*1-H’
2001-97	April 3, 2001	Kalinowski, Part Of Lots 3 and 4, Concession 2, Lots 1-17 And Block 18)	Remove The ‘H’ Holding Symbol Related To The ‘R1-39-H And R1-40-H’ Zone;
2001-144	June 5, 2001	Administrative amendments	Sections 4, 5, 9 and 10 New sub-sections
2001-160	June 19, 2001	Section – Special Requirement M3	Section 26 M3-1 and Section 4
2001-162	June 19, 2001	Site Specific Zoning – R1-39 To R1-48 Kalinowski	Part Of Lots 3 And 4, Con. 2, Former Township Of Kingston, Now Lot 17 City Of Kingston)

2001-163	June 19, 2001	Site Specific – 1341 – 1381 Midland Avenue	Rezone From C3 To C2-56
2001-180	July 20, 2001	Site Specific – 824 to 832 Norwest Road	To Permit a Veterinary Clinic As An Accessory Use To A Retail Store
2001-183	July 20, 2001	North Side Of Woodbine Road, Between Wise Street And Megan’s Street – George and May Hogeboom	‘D’ Development, ‘R1’ Residential and ‘EPA’ Environmental Protection Area To Zones ‘R1’ Residential, ‘R1-45-H’ Special Residential and ‘EPA-8’ Special Environmental Protection Area
2001-209	September 13, 2001	Cataraqui Woods Subdivision Phase 8A, Part Of Lot 8, Concession 3	Remove The ‘-H’ Holding Symbol Related To The ‘R2-23-H’ Zone And ‘R3-16-H” Zone
2001-219	September 25, 2001	1875 Westbrook Road, Part Lot 3, Concession 5)	Removal Of “-H” Symbol
2001-234	September 25, 2001	Site Specific – 616 to 670 Gardiners Road	To Add a supermarket as a permitted use and establish a maximum floor area for the use
2001-255	October 23, 2001	Rezone To Permit Residential Development)	Rezone to Permit Residential Development
2001-256	October 23, 2001	Rezone from M3-H to M3-2-H	

2001-268	November 20, 2001	Site Specific – To Include A Contractor’s Yard, An Open Storage Use And Top Soil Screening On The Property	
2002-18	December 18, 2001	Dacon Corporations; Part of Block 123, Registered Plan Number 1955	Removal of the “H” Holding Symbol
2002-19	December 18, 2001	Site Specific – Part Of Lot 2, Concession 3 W.A.	Rezone To Residential Type 1 And Special Development ‘D-3’ To Permit Single Family Residential Development On A Provisionally Approved Severed Lot And Recognize The Resulting Retained Lands
2002-37	January 22, 2002	Site Specific – Krapitz Lot 5 and 4 Concession 3	Rezone to R1 to R1-50
2002-38	January 22, 2002	Site Specific 1110 Woodbine Road	Rezone to Residential Type 1 and Special Residential to permit single family residential Development on two provisional approved severed lots and recognize the resulting retained lands and rezone the area of a lot addition special residential.

2002-64	March 19, 2002	Site Specific Part Lots 7 and 8 Concession 4	To permit the establishment of an outdoor recreation and family camping facility on the property
2002-65	March 19, 2002	Site Specific 130 Days Road	Rezone to special institutional (i) zone i-11 to permit a call centre and general office uses
2002-67	March 19, 2002	1177 Woodbine Road	rezone to residential to recognize the existing use of the property and satisfy condition of provisionally approved lot addition
2002-68	March 19, 2002	Site Specific Part Lot 17 and 18 Concession 5	Rezone to Special Residential R1-52
2002-69	March 19, 2002	Site Specific Industrial Lot 441, Lots 11 and 12 Concession 4	Cataraqui Industrial Estates, From extractive Industrial (M5) to a Special Restricted General Industrial M6- 14 Zone
2002-109	May 7, 2002	Rontel Subdivision, Phase 2 – Part of Lot 9, Concession 3	Remove '-H' Holding Symbol 'R2-9H' Zone
2002-110	May 7, 2002	Midland Park" Subdivision, Phase 1, Stage 1 Lots 1 to 18, 60 to 87 and 128 to 145 Inclusive) Part of Lot 9, Concession 3	Remove the '-H Holding Symbol Related to the 'R2-8-H' Zone

2002-111	November 11, 2002	Remove '-H' Holding Symbol	To Remove the '-H' Holding symbol related to the 'R2-8'H' Zone Midland Park Subdivision Phase 1 Stage 2
2002-113	May 7, 2002	Site Specific – 2599 Mclvor Road	To Permit an Office / Shop Use and Enclosed and Outside Screened Storage for Archer Pumps Limited and to Recognize the Existing Side Yard Setback for the Storage Garage.
2002-114	May 7, 2002	North and South sides of Tanner Drive, between Arbour Crescent And Melrose Street	R2-9 Special residential and R3-6 Special Residential to Zones R2-26 Special Residential and R3-17 Special Residential Tamarack Corp
2002-128	May 21, 2002	Site Specific 3192 Creekford Road	Rezone to Modified General Agricultural Zone 'A2-5
2002-149	June 18, 2002	Site Specific 4105 Bath Road	Rezone change to R1-47
2002-206	August 13, 2002	Amend modified General Commercial zone C2-26 to permit a veterinary Clinic	Modify General Commercial
2002-213	September 3, 2002	Remove the -H Holding symbol	McDonalds Restaurant Part Lot 9 Concession 3

2002-226	September 17, 2002	2560 Princess Street – amend the C7-3 Industrial Commercial Zone for automatic car wash facility	Amend the C7-3 to permit a car wash Schedule 'A' and text changes. File Number D14-174-02
2002-227	September 17, 2002	3199 Princess Street rezone to modified residential	Rezone to modified residential to permit an office for household cleaning operation File Number: D14-178-02
2002-229	September 17, 2002	Map change at 2392 Princess St. to LDR-1-H	Zone change from C2031-H to LDR-1-H File Number D14-164-02
2002-321	November 19, 2002	Text changes for Parking Provisions	Parking Provision changes Text only
2003-29	December 17, 2002	Site Specific 596 McKay Street Part Lot 8 Concession 2	Map 5 Schedule 'A' zone change from M2 to M2-10 File Number D14-182-02
2003-47	January 21, 2003	Remove H symbol to the M6-14-H Zone Robinson Properties Inc. 1456 Centennial Drive	Remove H symbol 1456 Centennial Drive File Number D28-47-02
2003-48	January 21, 2003	Site Specific 3272 Creekford Road Schedule 'A' and Section 10(3) text change	To rezone lands from A2 to A2-6 (Modified General Agricultural) File Number D14-186-02

2003-50	January 21, 2003	Site Specific – 776 Hillside Drive; 1180 Hudson Drive temp rezone for a second detached dwelling	Map 4 change to R1-1-T File Number D14-184-02
2003-52	January 21, 2003	(Site Specific – 623 Braeside Crescent– Temporary Rezoning To Permit A Second Dwelling Unit To Be Located In The Basement Of The Existing Dwelling)	Map Number 5 of Schedule “A”, as amended, is hereby further amended by changing to ‘R2-21’ the zone symbol of the land shown as “zone change to ‘R2-1-T1’ on Schedule “A” attached hereto. And Section 13 adding text – Temporary R2 Zones.
2003-68	February 18, 2003	Map Number 2 Sch. ‘A’ changing ‘D’ to R1H and OS	To rezone East side of Westbrook Road south of the Hydro one Corridor ‘D’ development zone to zones R1 Residential and OS open space – Tony Matias File Number D14-152-02
2003-79	March 18, 2003	Site Specific – 911 Bath Road	Map 5 changed from C2-35-H to C2 on Schedule ‘A’ File Number D14-189-02
2003-99	May 6, 2003	Rona Home and Garden Schedule ‘A’ Lands subject to H Removal	Schedule ‘A’ remove the –‘H’ Symbol Part Lot 14 Concession 3 File Number D28-50-03

2003-102	May 6, 2003	Site Specific – 411 Malabar	Map 5 – change Zone from R4-18-H to I and R4-18-H to R4-31 Section 15(3) File Number D14-176-02
2003-121	May 20, 2003	Site Specific – 1167, 1169, 1171, 1173, 1175, 1195, 1199, 1211 and 1231 Katherine Crescent 1063, 1065, 1067, 1070, 1072, 1078, 1082 and 1084 Wise St and 1059 Megan’s Street Westwoods Subdivision 13M-24	Map 3 change Zone from R1-45 to R155 File Number D14-194-03
2003-164	June 17, 2003	Administrative amendments to Section 12(3), 13(3) and 4(27)	Schedule ‘A’ Map 1 and Map 4 File Number D14-203-03
2003-181	June 15, 2003	“R3-17-H” “R2-26-H and “R1-36-H” zones Tamarack (Arbour Ridge) Corp. Part of Lots 12 and 13 Concession 2 Tanner Drive and Melrose Street	Remove –H Holding symbol part of lots 12 and 13 Concession 2 Tanner Drive and Melrose Street
2003-197	June 15, 2003	*Zone change from D to MU*1-H on Schedule A *Zone change from D t LDR-1*2-H on Schedule A	*Map 3 of Cataraqui North 97-102 *Map Number 3 Cataraqui North 97-102 File Number: D09-25-02 and D14-181-02

2003-200	July 15, 2003	Site Specific – 860 Norwest Road – Zone “R5-6” Modified Residential Type 5 Zone	Map Number 5 New subsection 15(a)(3)© File Number D14-177-02
2003-204	July 15, 2003	Site Specific – 1114 Len Birchall Way – Kingston Norman Rogers Airport	Zone Maps 4 and 5 from AP and AP-1 to BP-H and Map 5 from R1-H to AP-1 and Amendments to Section 30(1) and Section 30(3)(a) and new Section 30A to be added File Number D14-157-02
2003-351	July 29, 2003	Site Specific Zoning – C2-23, 875 Counter Street Part of lot 16, Concession 3	And Section 19(3)(w) amended. File Number D-14-197-03
2003-353	July 29, 2003	Site Specific 787 to 791 Shires Way	Map 5 zone change from R4-26 to R4-29 and Section 15(3)(bb) text amendments File Number D14-196-03
2003-371	September 9, 2003	Site Specific – 1234/1240/1250 Gardiners Road to permit the Development of Self-Service Storage Facilities	Rezone to Modified Restricted General Industrial Zone ‘M6-10’ File Number D14-208-03

2003-372	September 9, 2003	Site Specific Zoning – (Lots 1 to 139, except Lots 76, 80, 81, and 137)	Special Residential Zone 'R2-8 to Special Residential Zone 'R2-28' Registered Plan Number 13M-36 File Number D14-201-03
2003-381	September 16, 2003	Administrative amendments Model Homes and to Maintain development potential	New Definition subsection 4.; Amending Section 5(13)(a); adding new General Provision subsection 5(27); new subsection 6(6)(i)(c); New subsection 5(28)
2003-391	September 23, 2003	Remove –H Holding symbol related to the "C2-1-H Zone 2339 Princess St. Map 5 of Schedule 'A'"	Andrew Isbester File Number D28-52-03
2003-402	October 28, 2003	Remove '-H' Holding symbol related to the 'C2-H' Zone	Richard Moore 1029 Bayridge Drive File Number D28-54-03
2004-3	December 2, 2003	Site Specific 1351 McAdoo's Lane, Kingston West	Restricted Agricultural 'A1' Zone to Holding General Industrial M1-9-H File Number D14-206-03

2004-4	December 2, 2003	Site Specific 1361 Westbrook Road, Kingston West	Holding Special Restricted Agricultural 'A1-10-H' Zone to restricted Agricultural A1 Zone and Special Environment Protection Area EPA-7 to Environmental Protection Area, Part Lot 3 Conc. 3 WA File Number D14-215-03
2004-18	December 16, 2003	Site Specific Registered Plan Number 13M-26/1955	Modifications to the Special Residential Zone 'R2-25' File Number D14-224-03
2004-20	December 16, 2003	Zone change	Map 1 of Sch. 'A' change to A1 from EPA File Number D14-199-03
2004-24	January 6, 2004	Remove 'H' symbol North side of Woodbine Road west of Bayridge Drive	Map 3 of Schedule 'A' Rezone File Number D28-49-03
2004-31	January 20, 2004	Site Specific Zoning 1245 Midland Avenue	Special Highway Commercial C#-13 to Special General Commercial C2-58 Zone File Number D14-225-03

2004-49	February 17, 2004	Zone change 3943 and 3963 Clark Road Kingston West	From general agricultural 'A2' to restricted agricultural 'A1' and a zone change from Restricted agricultural 'A1' zone and General agricultural 'A2' zone to a special restricted agricultural 'A1-13' zone File Number D14-227-03
2004-50	February 17, 2004	Zone change 3262 and 3272 Creekford Road	From general agricultural 'A2' File Number D14-229-03
2004-75	March 30, 2004	Site Specific – 842 Fortune Crescent	Rezone to Modified Restricted General industrial Zone (M6-15) to permit showroom / display / Retail File Number D14-234-03
2004-79	March 30, 2004	Site Specific 2454 Perth Road Amend Map 1 to rezone lands from Highway Comm. C3 to Site Specific General Commercial Zone C2-59	Rezone to modified general commercial zone to permit expansion of the Glenburnie Grocery Store and additional File Number D14-221-03
2004-80	March 30, 2004	Zone Change File Number D14-231-03	Amend zoning map 4 of schedule 'A' as amended by changing to R1 the zone symbol of the lands shown as zone change from D-1 to R1 on Sch. 'A'

2004-96	April 20, 2004	Zone Change	(Zone Change From General Agricultural "A2" Zone To A Site Specific Special General Agricultural "A2-7" Zone – 3375 Van Order Road). File Number D14-233-03
2004-97	May 4, 2004	Site Specific	(Site Specific Zoning– Development "D" Zone and Special Residential Type 2 "R2-28" Zone to a Holding Special Residential Type 2 "R2-28-H" Zone and Special Open Space "OS-3" Zone, Parts of Lots 8 & 9, Concession 3) File Number D14-217-03
2004-124	May 18, 2004	Add Automobile Service Station, Retail Store, Clinic And Restaurant Uses At 680 Development Drive)	(Zone Modification To The Holding Special Local Commercial "C1-6-H" Zone Appeal filed against this by-law June 16th Appeal withdrawn and Declaration dated February 2, 2006 sent to Planning File Number:R040120

2004-133	June 1, 2004	'H' Removal	To Remove The "-H" Holding Symbols Related To The "R3-15-H", "R4-27-H" "R4-28-H", And "C2-50-H" Zones – Part Of Lot 5, Concession 1, "Conservatory Pond" Subdivision, Phase 2, East Side Of Bayridge Drive, South Of Coverdale Drive. (Clause (h), Report Number 54) File Number D28-003-2004
2004-181	June 15, 2004	Zone change	From 'D' to MU1*2-H and EPA and D to OS1 of B.L. 97-102 Parts of Lots 12 and 13 Concession 3 Township of Kingston File Number D14-236-03
2004-184	June 15, 2004	Zone change	From 'D' and 'C7' zone to Site specific General Shopping Centre Commercial (C5-11) zone – first Pro shopping centres for Wal-Mart

2004-239	July 14, 2004	Zone Change	Change The Provisions Of The R3-4 Zone On Approximately 3 Hectares Of Land (Lots 1 To 70 And Part Of Blocks 297, 303, 304 And 305, Plan 1853) To Allow Single-Family Detached Dwellings To Be Located On Lots With A Frontage Of 40 Feet – Homestead Land Holdings Limited.
2004-241	July 14, 2004	Site Specific	(Site Specific – 1600 Bath Road – Zone C5-4-H, Modified General Shopping Centre Commercial Holding Zone). (Clause (4), Report Number 68)
2004-254	August 18/04	Remove –H Holding Symbol	Related to ‘C5-11-H’ Zone (Wal-Mart Canada Corp, in the former Township of Kingston)
2004-277	September 7/04	Remove –H Holding Symbol	Remove The “-H” Holding Symbol Related To The “R2-28-H” Zone (Jovinton Developments Inc., Part Of Lot 9, Concession 3, West Side Of Midland Avenue, North Of Tivoli Avenue, In The Former Township Of Kingston, Midland Park Subdivision, Phase 1, Stage 2A).

2004-292	September 7/04	Zone Change	Zone Change From Residential "R1" Zone To A Special Residential "R1-56" Zone – 1775 Highway #38)
2004-294	September 7/04	Site Specific	(Site Specific Zoning – Westbrook Meadows Subdivision – Rezone To "R1-58-H" Modified Residential Type 1 Holding, "R4-32-H" Modified Residential Type 4 Holding, "EPA" Environmental Protection Area, And "OS" Open Space, To Permit The Development Of Single Detached Dwellings And A Senior Citizens Apartment Dwelling House As Well As To Provide For Open Space Areas)
2004-295	September 7/04	Zone Change	Zone Change From The Surface Industrial "M3" Zone To A Special Residential "R1-57" Zone – 1414 Audrey Street)
2004-296	September 7/04	Site Specific	(Site Specific Zoning – "C5-11-H" Modified General Shopping Centre Commercial Zone, 700 Gardiners Road To Permit The Development Of Retail Commercial Uses).

2004-297	September 7/04	Site Specific	(Site Specific Zoning – “C5-9”, Modified General Shopping Centre Commercial Zone, 616-670 Gardiners Road).
2004-307	September 21/04	Site Specific	Site Specific Zoning – Special General Commercial “C2-60” Zone, 2722-2754 Princess Street, Kingston West)
2004-309	September 21/04	Zone Change	(Zone Change From The General Industrial “M1” Zone To A Special Highway Commercial “C3-16” Zone And “EPA” Environmental Protection Area Zone – 3667-3669 Princess Street).
2004-312	September 21/04	Site Specific	(Site Specific – 1259 Gardiners Road – Rezone To Modified Restricted General Industrial Zone “M6-17” To Permit A Range Of Additional Uses).

2004-314	September 21, 2004	Site Specific	Site Specific Zoning – Waterloo Village Phase 4 – Rezone To “R2-26-H” Modified Residential Type 2 Holding, “C2-28-H” Modified General Commercial Holding, To Permit The Development Of Single, Semi Detached And Row House Dwellings And An Automobile Service Station – Part Lots 12, 13 and 14, Concession 2).
2004-315	September 21, 2004	Zone Change	1745 Woodbine Road, Part Of Mile Square Block, Concession 2, Kingston West, Rezoning From “D” Development To Residential Type 1 “R1” Zone – 1745 Woodbine Road).
2005-333	November 9, 2004	Remove –H Holding Symbol	Related to the C2-1-H zone Petro Canada Subway and A&W Restaurants
2004-354	November 30, 2004	-H Holding Symbol	700 Gardiners Road, Zoning Map Number 5 to Schedule ‘A’ rezone subject land from C5-10-H to C5-10 Modified General Shopping Centre Commercial

2004-357	November 30, 2004	Site Specific	650 Fortune Crescent – rezone to M4-3 Special Disposal Industrial Zone Administrative amendments: Section 27(3)I be added for the zone change to M4-3
2005-8	December 14, 2004	Zone Change	Zone Change From General Industrial “M1” Zone, Restricted Agricultural “A1” Zone And The Site Specific Restricted Agricultural “A1-7” Zone To The Site Specific “M1-5” Zone – 1645 Sydenham Road.
2005-43	February 15, 2005	Remove –H Holding symbol	Kingston KIA Dealership Map Number 3 of Schedule 'A' C2-H Zone
2005-51	March 1, 2005	Remove –H Holding symbol	Jovinton Developments Remove –H Holding symbol Map 3 of Schedule 'A'
2005-54	March 1, 2005	Site Specific Rezone Waterloo Village Phase 4	Rezone to R2-27-H, R2-29-H and R2-30-H Modified Res. Type 2 Holding zones to permit the development of single semi detached and row house dwellings and amend setback and lot coverage provisions

2005-55	March 1, 2005	Site Specific 566 and 578 Cataraqui Woods Drive Zone change	From restricted General Industrial M6 zone to a special restricted general Industrial M6-18 zone
2005-80	April 5, 2005	Site Specific – 977-987 Sunnyside Road	From A1 to R1 and R1-60
2005-81	April 5, 2005	Site Specific – 1555 Sydenham Road	From R1-22 to C1-9
2005-83	April 5, 2005	Site Specific – 3188 Princess Street	From C3 and D to C3-17
2005-120	May 3, 2005	Site Specific – Grand Trunk Sub.	Rezone to R2-9-H, C2-10-H, OS-3
2005-142	June 7, 2005	Site Specific – 743 Cataraqui Woods Drive	Rezone from R2-18-H to C2-61-H
2005-156	June 7, 2005	Site Specific – 2800 Highway #38 Glenvale Industrial Park	Rezone from M1 to M1-10
2005-196	August 2, 2005	Site Specific – 2555 McIvor Road	Rezone from A1 to A1-14
2005-197	August 2, 2005	Part Lot 15, Con 3, former Township of Kingston	Delete 'D' Zone and 'C3' Zone

2005-199	August 2, 2005	Site Specific – 690-768, 770 and 774 Gardiners Road and 599 Taylor Kidd Boulevard	Permit Development of Automotive Centre
2005-207	August 23, 2005	Site Specific Zoning – ‘M6-1’ To ‘M6-19’, 505 O’Connor Drive, Kingston West	New subsection 28A
2005-210	August 23, 2005	Administrative Amendments	
2005-218	August 23, 2005	Remove –H Holding Symbol	Westside Storeys, Map Number 5 of Schedule ‘A’, C5-4-H Zone
2005-222	August 23, 2005	Remove ‘-H’ Holding Symbol Related To The ‘R2-27-H’, ‘R2-29- H’, ‘R2-30-H’ And ‘C2-28-H’ Zones	Part Of Lots 12 Through 14, Concession 2, South Side Of Taylor Kidd Boulevard, East Of Gardiner’s Road
2005-228	September 6, 2005	Remove ‘-H’ Holding Symbol; Rezone from ‘R2-28-H’ Modified Residential Type 2 Zone to Zone ‘R2-28’ Modified Residential Type 2 Zone	Lots 17 to 25 inclusive of Registered Plan 13M-57
2005-236	September 6, 2005	Remove the ‘-H’ Symbol Related to the ‘R2-9-H’ Zone	Grandtrunk Avenue Subdivision – Part Of 2 Ref. Plan 13R-17672, Part 1 Ref. Plan 13R-17674 and Lot 1 Reg. Plan 1972

2005-237	September 6, 2005	Remove The '-H' Holding Symbol Related To The 'C2-28-H' Zone	Ultramar Gas Station, Convenience Store And Car Wash', 434 Taylor-Kidd Boulevard – Part Of Lots 12 and 13, Concession 2, Plan 1956, Part Block 3
2005-244	September 6, 2005	Site Specific Zoning – 920 Sydenham Road, Part Lot 16, Concession 3, Lot 1 Of 13R17836 In Kingston West	Rezone From 'R1' Residential Type 1 Zone To 'C1-10' Modified Local Commercial Zone, To Permit The Development Of A Business Or Professional Office
2006-24	January 10, 2006	590 And 620 Cataraqui Woods Drive, Kingston West	Zone Change From 'M6' To 'M6-19', 590 And 620 Cataraqui Woods Drive, Kingston West
2006-27	January 10, 2006	Site Specific General Commercial Holding, To Permit The Development Of A Supermarket Site Specific Zoning – 2327 Princess Street, Kingston West	Map Change only Rezone From 'R2-9-H' Site Specific Residential Type 2 Holding To 'C2-1-H-
2006-30	January 10, 2006	Zoning Administration	

2006-34	January 10, 2006	Site Specific Zoning – 2040 Unity Road, Kingston West	Rezone From General Industrial ('M1') Zone To Special General Commercial ('C2-62') Zone, To Permit The Development Of A Vehicle Sales Business And A Limited Number Of Other Commercial Uses
2006-38	January 26, 2006	Site Specific 1456 Centennial Drive North-East Corner Of Gardiners Road And Centennial Drive	Zone change from Special Restricted General Industrial 'M6-14-H' Zone To Special Business Park 'Bp-1' Zone
2006-40	January 26, 2006	Site Specific Zoning 1237 Collins Bay Road, Kingston West	M5' To 'R2-31-H And 'OS'
2006-42	January 26, 2006	Administrative Amendments	
2006-63	February 21, 2006	980 Collins Bay Road, Kingston West	Modify The Site Specific Zoning 'C1-11'
2006-74	April 4, 2006	Princess Street	Remove The '-H' Holding Symbol Related To The 'C2-1-H' Zone
2006-78	April 4, 2006	1610 Anne Street	To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston

2006-94	April 18, 2006	Westbrook Meadows	To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston
2006-95	April 18, 2006	Maple Creek Subdivision	To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston
2006-96	April 18, 2006	1484 Centennial Drive	Remove The '-H' Holding Symbol Related To The 'BP-1-H' Zone
2006-101	May 2, 2006	2491 Princess Street	Remove Schedule 'B-5'
2006-102	May 2, 2006	2487-2491 Princess Street	To Permit The Development Of A Senior Citizen Apartment Dwelling House
2006-103	May 2, 2006	920 Gardiners Road	To Permit A Mix Of Commercial And High Density Residential Development
2006-105	May 2, 2006	2185 Perth Road, Kingston West	Modify the Site Specific Zoning – 'M5-3
2006-107	May 2, 2006	1350 Gardiners Road	Zone To Permit the Development of Recreational uses, uses Accessory to a Recreational use, a Free-Standing Restaurant and Reduced Parking Requirements
2006-119	May 16, 2006	Creeksford Subdivision	Remove the '-H' Holding Symbol related to 'R1-H' Zone
2006-120	May 16, 2006	Midland Park Subdivision	Remove The '-H' Holding Symbol Related

2006-124	May 23, 2006	965 Woodbine Road	To The 'R2-28-H' Zone Rezone to 'R1' Residential Type 1 Zone to permit a single family dwelling
2006-128	May 23, 2006	607 Norris Court	Rezone to 'M6-19' Restricted General Industrial Zone
2006-147	June 6, 2006	743 Cataraqui Woods Drive	To Remove The '-H' Holding Symbol Related To The 'C2-61-H' Zone
2006-153	June 20, 2006	546 Gardiners Road	Rezone to M1-7 to include 'manufacturing plant' and 'assembly plant' as permitted uses, to lift the '-H' Holding Symbol
2006-156	June 20, 2006	1875 Bath Road	Remove the '-H' Holding Symbol Related To The 'C2-45-H' Zone
2006-157	June 20, 2006	2280 Princess Street	Remove The '-H' Holding Symbol Related To The 'C2-1-H' Zone
2006-168	July 18, 2006	2442 Princess Street	Remove The '-H' Holding Symbol Related To The 'C2-1-H' Zone
2006-169	July 18, 2006	Waterloo Village Subdivision	Remove The '-H' Holding Symbol Related To The 'R2-27-H' Zone
2006-205	August 23, 2006	1237 Collins Bay Road	Modify the Site Specific Zoning – 'R2-31-H' Zone
2007-14	December 12, 2006	2602 Perth Road	Zone change from Special General Agricultural 'A2-2' Zone to Special Restricted General Industrial 'M6- 20'

2007-15	December 12, 2006	485 O'Connor Drive	Zone Change from Special Restricted General Industrial 'M6-1' Zone to a Holding Special Restricted General Industrial 'M6-22' Zone
2007-20	December 12, 2006	1533 McAdoo's Lane	Modify Site Specific Zoning- 'OS-12-H'
2007-40	January 23, 2007	564 Tanner Drive	Modify Site Specific Zoning- '1-12-H'
2007-41	January 23, 2007	1020 Gardiners Road	Map Change only Rezone to 'M6-19' Restricted General Industrial Zone
2007-73	March 6, 2007	991 Sydenham Road	modify the existing 'C3-15' Special Highway Commercial Zone
2007-75	March 6, 2007	1208 to 1210 Westbrook Road	Modify Site Specific Zoning – 'R-67'
2007-77	March 6, 2007	2435 Princess Street	Modify Site Specific Zoning – 'C5-7-H'
2007-103	May 1, 2007	1104 to 1110 Italia Lane	Modify Site Specific Zoning – 'A1-15'
	Passed on: April 7, 2009	Note: May 1, 2007 By-law Number 2007-103 received 1 st /2 nd readings and held for 3 rd reading pending Provisional Consent and approved by the Committee of Adjustment and the necessary Private Road / Private Services Agreements. Passed at Council on April 7, 2009. No appeals filed and Declaration prepared May 8, 2009.	
2007-113	May 15, 2007	2600 Unity Road, Part Lot 11, Concession 6; Parts 1 to 3 Plan 13R-2484, Susan Corcoran	Zone 'A2' To Special Requirement 'A2-8-H' / Lot Created By Severance

2007-125	June 19, 2007	1709 Westbrook Road	Site Specific Zoning – 'M4-4-H'
2007-128	June 19, 2007	Westgate Village Subdivision 1237 Collins Bay Road	Remove The '-H' Holding Symbol Related To The 'R2-31-H' Zone
2007-148	July 24, 2007	Proposed LCBO development, 1089 Midland Avenue	Remove the 'H' Holding Symbol Related to the 'C2-H' Zone
2007-151	August 14, 2007	630 Fortune Crescent	Rezone to 'M6-19' Restricted General Industrial Zone
2007-159	August 14, 2007	Administrative Amendments	Sections 4, 5,13, 18, 19, 20, 21, 22, 23A and 28A
2007-189	October 2, 2007	Proposed Contractors Shop, 619 McKay Street	'H' Holding Symbol Related To The 'M2-21-H' Zone
2007-199	October 16, 2007	2628 Princess Street	Modify Site Specific Zoning – 'C7-6'
2007-210	November 6, 2007	2435 Princess Street	Modify Site Specific Zoning – 'C5-7-H'
2007-213	November 6, 2007	1586 Centennial Drive	'H' Holding Symbol Related To The 'BP-1-H' Zone
2007-224	November 20, 2007	Midland Park Phase 2 Stage 3, being Lots 23-78 inclusive and 176-190 inclusive of Registered Plan 13M-66	'-H' Holding Symbol Related To The 'R2-28-H' Zone
2008-20	December 18, 2007	Westbrook Meadows Subdivision	'R1-58' Zone –Site Specific Residential Type 1. Clarify front yard depth provisions

OMB – Ontario Municipal Board Approval Authority
 OMB File Number PL070366 – Issue date February 15, 2008
 File Number D14-071-2006

2008-62	February 19/08	Amend Existing Parking Requirements for Hotels / Motels	Amend Existing Parking Requirements for Hotels / Motels
2008-88	April 1/08	Proposed Pharma-Plus development 434 Taylor-Kidd Boulevard	'H' Holding Symbol Related to the 'C2-28-H' Zone
2008-110	#12 May 20, 2008	Westendorp Demolition Contractors – 1709 Westbrook Road	Remove The '-H' Holding Symbol Related To The 'M4-4-H' Zone
2008-133	#15 July 15, 2008	619 McKay Street	Zone Change To Amend The Provisions Of The M2-21 Zone
2008-141	#15 July 15, 2008	633 Fortune Crescent	Zone Change from 'M6' to 'M4-5-H'
2008-146	#16 August 12, 2008	Proposed Motel 6 Development, 1537 Robinson Court	'H' Holding Symbol Related to the 'BP-1-H' Zone
2008-165	#18 September 2, 2008	Administrative Amendments	
2008-202	#22 November 4, 2008	Proposed Motion Specialties Development, 2293 Princess Street	'H' Holding Symbol related to the 'C2-1-H' Zone
2008-209	#23 November 25, 2008	1300 Bath Road	Zone Amendment to C5-2 Zone
2008-210	#23 November 25, 2008	Proposed Kingston Salvation Army Church, 816 Centennial Drive	Remove The 'H' Holding Symbol Related To The 'C2-39-H' Zone
2009-26	#2 December 16, 2008	1130 Midland Avenue	Zone Modification – Special General Shopping Centre Commercial 'C5-11' Zone

2009-30	#4 January 20, 2009	633 Fortune Crescent	'-H' Holding Symbol Related To The 'M4-5-H' Zone (map change only)
2009-45	#7 March 3, 2009	1281 Midland Avenue (File: D14- 136-2009)	Site Specific– 'C2-64-H' (See Section: 19)
2009-53	#8 March 24, 2009	1135 Maria Avenue – Woodhaven Subdivision) (File Number D14-130- 2008)	'D' Zone to Holding Special Residential 'R2-32-H' Zone; 'R2-33-H'; 'R4-34-H'; 'R4-35-H' and Development 'D' Zone to an Open Space 'OS' Zone (See Sections 13 and 15)
2009-74	#11 May 5, 2009	321 Aragon Road (File Number D14- 105-2007)	Modify Site Specific Zoning – 'A1-16' (See Section 9)
2009-84	#13 June 2, 2009	1189 Westbrook Road	Zone Change From Development 'D' Zone To Residential Type One 'R1' (Map change only)

2009-85	#13 June 2, 2009	1 Potter Street (File Number D14-141-2009)	Zone Change From Development 'D' Zone To Holding Special Residential Type 2 'R2-34-H' Zone, Holding Special Residential Type 4 'R4-36-H' Zone And Special Open Space 'OS-12' Zone And Change The Existing Environmental Protection Area 'EPA' Zone To Holding Special Residential Type 2 'R2-34-H' Zone, Holding Special Residential Type 4 'R4-36-H' Zone, And Special Open Space 'OS-12' Zone (See Section 8, 13 and 15)
2009-89	#14 June 16, 2009	2212 Princess Street (File Number D28-053-2009)	Remove The 'H' Holding Symbol Related To The 'C2-1-H' Zone (Map change only)
Note: 2009-92	#14 June 16, 2009	810 Blackburn Mews Note: 2 Appeals filed July 9, 2009	Zone Change From Special General Commercial 'C2-21' Zone To Holding Special Residential Type 5 'R5-8-H' Zone
2009-113	#16 August 4, 2009	616-670 Gardiners Road	Modify Site Specific Zoning – 'C5-9'
2009-120	#16 August 4, 2009	2435 Princess Street	As Amended By By-Law Number 2007-210 to Remove The '-H' Holding Symbol Related To The 'C5-7-H' Zone (See Section 22)

2009-129	#17 September 1, 2009	805 Development Drive	Modify Site Specific Zoning – 'M2-30' (See Section 25)
2009-131	#17 September 1, 2009	564 Tanner Drive File Number D28- 055-2009	Remove the '-H' Holding Symbol Related to the 'I-12-H' Zone Map Change Only – Map Number 5
2009-145	#18 September 15, 2009	810 Blackburn Mews File Number D28-060-2009	Remove The '-H' Holding Symbol Related To The 'R5-8' Zone Map Change Only – Map Number 5
2009-160	#21 November 3, 2009	725 Arlington Park Place File Number D14-149-2009	Modify Site Specific Zoning – 'M2-22' (See Section 25)
2009-162	# 20 October 20, 2009	Midland Park Phase 3 Subdivision File Number D28-054- 2009	Remove The '-H' Holding Symbol Related To The 'R2-28-H' Zone *Map Change Only – Map Number 3
2010-32	#5 January 19, 2010	Cataraqui Estates Business Park Phase 1 File Number D14-170- 2009	Modify Site Specific Zoning – 'M6-2' *Map Change Only – Map Number 3
2010-33	#5 January 19, 2010	3029 A/B Creekford Road File Number D14- 169-2009	Zone change from General Agricultural 'A2' Zone to a Site Specific 'A2-8' and Environmental Protection Area 'EPA' Zones (See Section 10)

2010-53	#9 March 2, 2010	1135 Maria Avenue File Number D28-056-2009	Remove the '-H' Holding Symbol Related to the Holding Special Residential Type 2 'R2-32-H' Zone, Holding Special Residential Type 4 'R4-34-H' Zone and Holding Special Residential Type 4 'R4-35-H' Zone Map Change Only – Map Number 3
2010-67	#10 March 23, 2010	1035 / 1085 Gardiners Lowes (OMB Authority)	Zone Change from 'M1' to 'M1-11', 1035 and a portion of 1085 Gardiners Road (See Section 24) (OMB Authority)
See attached decision from: Ontario Municipal Board (OMB) Approval Authority File Number D09-032-2007 OMB File Number PL081378 OMB File Number PI081379 and OMB File Number PL090694 dated the 8 th day of February, 2009 and OMB File Number PLO81378 dated the 4 th day of November, 2009.			
2010-91	#13 May 4, 2010	1371 Spooner Road File Number D14-163-2009	Zone Change from Environmental Protection Area 'EPA' Zone to Special General Agricultural 'A2-9' Zone
2010-114	#17 June 1, 2010	2939 Creekford Road File Number D14-168-2009	Zone Change from Development 'D' Zone and Environmental Protection Area 'EPA' Zone to Holding Special Residential Type 3 'R3-29-H' Zone (See Section 14)

2010-123	#17 June 15, 2010	Cataraqui Estates Business Park File Number D14-173- 2009	Modify Site Specific Zoning – ‘EPA’, ‘OS’, ‘OS-13’, ‘BP-2’, M1-12’ (See Section 4, 8, 24, and 30A)
2010-148	#18 July 20, 2010	2262 and 2324 Cole Hill Road File Number D14-178- 2010	Map Change Only – Zone Map 1
2010-150	#18 July 20, 2010	3260 Princess Street	Zone Change from Residential Type 1 ‘R1’ and Development ‘D’ Zones to Special Development ‘D-4’ Zone (See Section 29)
2010-204	#22 October 5, 2010	631 Fortune Crescent	Zone Change from Special Restricted General Industrial ‘M6- 2’ Zone to Special Business Park ‘BP-3’ Zone (See Section 30A)
2010-224	#24 November 16, 2010	700 Gardiners Road	Zone Change from Light Industrial ‘M2’ Zone to Special Light Industrial ‘M2-31’ Zone (See Section 25)

2011-19	February 1, 2011	Purdy's Mill Subdivision Phase 1, Part 1 to 50 of Reference Plan 13R-19751, Part Plan 1853, Mill Pond Place and Aldergrove Place File Number D14-192-2010	Amendment to the R3-4 Zone for increased lot coverage (See Section 14 (3)(d)(ii))
2011-68	May 17, 2011	269-274 Chimo Lane File Number D14-196-2010	Zone Change from Holding General Commercial to Special Residential Type 5 'R5-9' Zone See Section 15A(3)(i)
2011-97	July 19, 2011	506 Canatara Court File Number D14-198-2011	Modify General Commercial Zone – 'C2' See Section 19(3)(bm)
2011-105	August 16, 2011	Cataraqui Estates Business Park File Number D14-199-2011	Modify Site Specific Zoning – 'M6-23', 'EPA', 'OS', 'BP-2', 'M1-12' See Section 28A (3)(w)
2011-106	August 16, 2011	2500 Princess Street File Number D14-079-2007	Zone Change from "D" Development, "M2" Light Industrial and "EPA" Environmental Protection Area zones to Special "M2-32" Light Industrial zone See Section 25(3)(af)

2011-109	August 16, 2011	1140 Maria Avenue (Woodhaven (Carfa Subdivision) File Number D14-193- 2010	Zone Change from Development 'D' Zone to Open Space 'OS' Zone, Development 'D' Zone to Holding Special Residential Type 2 'R2- 35-H' Zone, Development 'D' Zone to Special Residential Type 2 'R2-32-H' Zone, Development 'D' Zone to Special Residential Type 2 'R2-33-H' Zone, Development 'D' Zone and Residential Type 1 'R1' Zone to Holding Special Residential Type 4 'R4-35-H' Zone See Section 13(3)(ii)
2011-111	August 16, 2011	561 Macrow Street File Number D14- 194-2010	Modify Restricted General Industrial – 'M6' See Section 30A(3)(d)
2011-112	August 16, 2011	1065 Midland Avenue Plan 13M17 Blk 20 File Number D28-068- 2011	Remove the '-H' Holding Symbol Related to the 'C2-24-H' Site Specific Core Area General Commercial Zone Map Change only
2011-124	September 20, 2011	555 O'Connor Drive File Number D14-206-2011	Modify Site Specific Zoning – 'M6-24' See Section 28A (3)(x)
2011-134	October 18, 2011	2260 Princess Street Plan 60 Lot 1 to 4 Blk A File Number D28-070- 2011	Remove the '-H' Holding Symbol Related to the 'C2-1-H' Site Specific Special Highway 2 – Cataraqi Commercial Zone Map Change Only
2011-144	November 15, 2011	133 Lakeview Avenue File Number D14-217- 2011	Modify Site-specific Residential Type 1 Zone – 'R1-3' Map Change Only

2012-5	December 7, 2011	Cataraqui Estates Business Park File Number D14-223-2011	Modify Site Specific Zoning – ‘M1-13’ Section 24 (3)(m) Zoning Map Number 3
2012-17	December 20, 2011	2395 to 2437 Princess Street map shows Princess Street and Centennial File D14-179-2010	Modify Site Specific Zoning – ‘C5-7’ Section 22 (3)(g)
2012-25	December 20, 2011	S.S.B. Associates Limited – Westbrook Meadows Subdivision, Phase 2 File Number D28-069-2011	Remove the ‘-H’ Holding Symbol Related to the ‘R3-13-H’ Site Specific Residential Type 3 Zone Map Change Only
2012-26	December 20, 2011	641 Davis Drive, Plan 1898 Lot 1 File Number D28-072-2011	Remove the ‘-H’ Holding Symbol Related to the ‘R3-13-H’ Site Specific Residential Type 3 Zone Map Change Only – Map Number 5
2012-45	January 24, 2012	Cataraqui Estates Business Park File Number D14-230-2011	Modify Site Specific Zoning – ‘M1-13’ Section 24 (3)(m) Map Number 3
2012-51	February 21, 2012	Hydro corridor lands abutting 566 Cataraqui Woods Drive File Number D14-228-2011	Modify site-specific “Restricted General Industrial” – ‘M6-1’ Map Change Only
2012-53	February 21, 2012	3480 Princess Street File Number D14-182-2010	Zone Change from Special Development ‘D-3’ Zone to Special Residential Type 4 ‘R4-37’ Zone and Highway Commercial ‘C2-67’ Zone Section 15(3)(jj) and Subsection 19 (bo)

2012-92	May 15, 2012	1485 Westbrook Road File Number D14-225-2011	Zone Change from 'OS-10' to 'OS-15' and 'OS-15 -H' Section 8 (3)(p)
2012-116	July 19, 2012	2939 Creekford Road File Number D14-243-2012	Zone modification to the Holding Special Residential Type 3 'R3-29-H' Zone, 2939 Creekford Road
2012-118	July 19, 2012	2803 Creekford Road File Number D14-202-2011	Zone Change from 'A1', 'D' and 'M3' to 'R2-36', 'OS' and 'D', 2803 Creekford Road
2012-119	July 19, 2012	351 Select Drive File Number D14-237-2012	Zone Change from Special General Commercial 'C2-1' Zone to Special General Commercial 'C2-68' Zone, 351 Select Drive
2012-123	July 19, 2012	Woodhaven (Barr Subdivision) File Number D28-078-2012	Remove the '-H' holding symbol related to the holding special residential type 2 'R2-34-H' zone
2012-127	August 14, 2012	1338 to 1362 McAdoo's Lane File Number D14-200-2011	Zoning change from Restricted Agricultural (A1), General Industrial (M1), General Industrial (M1-H), Disposal Industrial (M4) and Extractive Industrial (M5-1) to Extractive Industrial (M5-4) (See Section 5 and 12)
2012-153	October 16, 2012	3480 Princess Street File Number D14-257-2012	Zone Modification of the Special Residential Type 4 'R4-37' Zone (Section 15)

2013-7	December 4, 2012	Woodhaven (Braebury) Subdivision) File Number D28-077-2012	Remove the '-H' holding symbol related to the Holding Special Residential type 3 'R3-29-H' Zone (Map Change Only)
2013-8	December 4, 2012	Woodhaven (Barr) Subdivision) File Number D28-078-2012	Remove the '-H' holding symbol related to the Holding Special Residential type 4 'R4-36-H' (Map Change Only)
2013-42	February 5, 2013	Township of Kingston Secondary Suites File Number D14-254-2012	Add subsection 4(112B) "Principal Residential Unit" (See Section 4 and 5)
2013-66	March 5, 2013	Woodhaven (Carfa) Subdivision) File Number D28-073-2011	Remove the '-H' Holding Symbol related to the Holding Special Residential Type 2 'R2-33-H' Zone, holding Special Residential Type 2 'R2-32-H' Zone and Holding Special Residential Type 4 'R4-35' Zone (Map Change Only)
2013-102	April 23, 2013	3375 and 3385 Van Order Drive File Number D14-240-2012	Zone Change from 'Site Specific General Agricultural (A2-7)' to 'Residential Type 1 (R1) and Site Specific general Agricultural With A Holding Provision (A2-7-H)' (See Section 10)

2013-110	May 7, 2013	1201 Woodhaven Drive (Woodhaven (Tamarack) Subdivision Phase 2) File Number D14-261-2013	Zone Change from Holding Special Residential Type 2 'R2-32-H' Zone to Holding Special Residential Type 2 'R2-37-H' Zone, from Holding Special Residential Type 2 'R2-32-H' Zone to Holding Special Residential Type 2 'R2-38-H' Zone, from Holding Special Residential Type 2 'R2-32-H' Zone to Holding Special 'R2-39-H' Zone and from Holding Special Residential Type 2 'R2-32-H' Zone to Holding Special Residential Type 2 'R2-40-H' Zone (See Section 13)
2013-118	May 21, 2013	3031 Lakehead Road File Number D14-262-2012	Zone Change From Restricted Agricultural 'A1' Zone To Environmental Protection Area 'Epa' Zone, Restricted Agricultural 'A1' Zone To A Special Restricted Agricultural A1-17 Zone And Restricted Agricultural 'A1' Zone To A Special Restricted Agricultural A1-18 Zone (see Section 9)

2013-127	June 4, 2013	776 Hillside Drive and 771 Mona Drive File Number D14-274-2012	Zoning/Zone Change From 'Site Specific Temporary Zone R1-1-T' To Site Specific Zone R1-68' (See Section 12)
2013-155	July 17, 2013	1709 Westbrook Road File Number D14-269-2012	Zone Change Of 'A Site Specific Disposal Industrial' (See Section 27)
2013-173	August 13, 2013	SSB Associates Inc. – Westbrook Meadows Phase 3 File Number D28-001-2013	Remove The '-H' Holding Symbol (Map change only)
2013-189	September 24, 2013	3480 Princess Street File Number D28-003-2013	Remove The '-H' Holding Symbol Related To The Holding Special Residential Type 4 'R4-37-H' Zone (Map change only)
2013-192	September 24, 2013	1136 Lisa Street File Number D14-028-2013	Zone Change From 'D To 'R1-65' (Map Change Only)

2013-200	October 1, 2013	Woodhaven (Tamarack) Subdivision Phase 3 File Number D14- 005-2013	Zone Change From Development 'D' Zone And Environmental Protection Area 'Epa' Zone To Holding Special Residential Type 2 'R2-41-H' Zone, From Development 'D' Zone And Environmental Protection Area 'Epa' Zone To Holding Special General Shopping Centre Commercial 'C5-12-H' Zone, From Development 'D' Zone To Special Open pace 'OS-16' Zone And From Development 'D' Zone And Environmental Protection Area 'EPA' Zone To Holding Special Residential Type 2 'R2-42-H Zone (See Section 13)
2013-207	November 5, 2013	1905 John Counter Boulevard and 225 Purdy's Court File Number D14-016- 2013	Zone Change From 'Special C2 Zone 'C2-1-H' To Site Specific Zone 'C2-69' (See Section 19)
2014-65	April 1, 2014	360 Select Drive; 370 Select Drive (to become 949 Futures Gate and 955 Futures Gate))	Zone Change from 'C2- 1' to 'C2-70', 360 Select Drive (See Section 19) File Number D14-062- 2013

2014-71	April 15, 2014	672 Golden Mile Road	Zone Change from Site Specific General Commercial Zone 'C2-43-H' to Site Specific General Commercial Zone 'C2-43', 547 Gardiners Road and General Commercial Zone 'C2' to Site Specific General Commercial Zone 'C2-43 (See Section 19) File Number D14-056-2014
2014-78	May 6, 2014	1658 Battersea Road	Zone Change from 'A1 to 'R1' Map change only File Number D14-061-2013

2014-111	June 17, 2014	50 Old Mill Road and 999 Purdy's Mill Road	Zone Change from Holding Special Residential Type 4 'R4-1-H' Zone and Holding Special Residential Type 4 'R4-13-H' Zone to Holding Special Residential 'R5-18-H' Zone, Holding Special Residential Type 4 'R4-13-H' Zone to Holding Special Residential 'R5-19-H' Zone, Holding Special Residential Type 4 'R4-13-H' Zone to Holding Special Residential 'R5-20-H' Zone, from Development 'D' zone to Special General Commercial 'C2-71-H' Holding Zone, Open Space 'OS' Zone to Special Open Space 'OS-17' Zone and Environmental Protect Area 'EPA' Zone to an Open Space 'OS' Zone. File Number D14-059- 2013
2014-155	September 9, 2014	1530 Robinson Court	Removal of Holding Symbol Delegated Authority File Number D28-008-2014
2014-180	November 4, 2014	845 Gardiners Road	Zone Change from C2-21 to R5-10 File Number: D14-065-2014

2014-191	November 18, 2014	530 Maple lawn Drive	Zone Change from Restricted Agricultural 'A1' Zone to Site-Specific Estate Residential 'ER-4' Zone, Site-Specific Estate Residential 'ER- 6' Zone and Environmental Protection Area 'EPA' Zone File Number: D14-066-2014
2015-12	December 16, 2014	885 Haverhill Drive	Zone Change from 'R1-3' to 'R1-69' See subsection 12(3)(bm) File Number: D14-087-2014
2015-23	January 27, 2015	2700 Delmar Street	Zone Change from D to LDR Map Change Only File Number: D14-064-2014
2015-56	March 25, 2015	Old Kingston Mills Road	Administrative Amendments File Number D14-039-2013 and Map Changes
2015-80	April 21, 2015	2192 and 2196 Swanfield Street	Map changes, Zone changes from R2-27 to R2-43, Administrative Amendments
2015-92	May 5, 2015	51 Holden Street	Map change Only from R2-42 H to R2-42
2015-167	September 15, 2015	3188 Princess Street	To Amend the provisions of the C3-17 Zone
2015-172	October 6, 2015	1329 to 1383 Gardiners Road	Zoning Interpretation

2015-174	October 6, 2015	2185 to 2215 Perth Road	Zone Change
2015-176	October 6, 2015	1350 Woodfield Crescent	By-Law was appealed and the appeal was withdrawn as of March 31, 2016 Amendment done – Zone Change From Residential Type 1 'R1' Zone, Special Residential Type 1 'R1-9' Zone, Development 'D' Zone, And Environmental Protection Area 'EPA' Zone To Holding Special Residential Type 2 'R2-44-H' Zone, Special Open Space 'OS-3' Zone, Special Open Space 'OS-18' Zone, And Special Environmental Protection Area 'EPA-16' Zone, 1350 Woodfield Crescent
2015-177	Appealed		
2015-189	October 20, 2015	355 Holden Street	Map and Zone Change from R2-41-H and C5-12-H to R2-42-H
2015-191	October 20, 2015	1110 and 1150 Gardiners Road	Map and Zone Change from Restricted General Industrial M6 Zone and Special Restricted Industrial M6-3 Zone to Special Business Park BP-5 Zone
2015-196	November 17, 2015	1660-1674 Sydenham Road	Zone Change from Institutional Zone I to site-specific General Industrial Zone M1-14

2016-5	December 1, 2015	530 Maple Lawn Drive	Zone Change from Restricted Agricultural 'A1' Zone to site-specific Estate Residential 'ER-4' Zone, Site-Specific Estate Residential 'ER-6' Zone and Environmental Protection Area 'EPA' Zone
2016-6	December 1, 2015	809 and 829 Development Drive	Zone Change from 'D', 'EPA' and 'R1-3' to 'R4-38'; from 'EPA' and 'R1-3' to 'OS-19'; from 'EPA' to 'EPA-2'; and from 'EPA' and 'R1' to 'OS'
2016-17	December 15, 2015	3566 Princess Street	Map Change Only from 'D' Zone to Type 4 'R4-32-H'
2016-21	December 15, 2015	2400 Highway 38 and part of 3175 Unity Road	Map and Zone Change from Restricted Agricultural Zone 'A1' to site-specific Light Industrial Zone 'M2-33'
2016-22	December 15, 2015	1233 Midland Avenue	Zone Change from 'D' to 'C2-73-H' and from 'D' to 'D-5'
2016-23	December 15, 2015	607 and 645 Gardiners Road	Map and Zone change from Special Local Commercial 'C1-4' Zone to Special Holding general Commercial 'C2-72-H' Zone

2016-88	April 19, 2016	1024 Cataraqui Woods Drive, previously known as 2939 Creekford Road	Map and Zone change from Development Zone 'D' to Special Residential Type 3 Zone 'R3-30-H', Special Residential Type 3 Zone 'R3-31-H' and General Open Space Zone 'OS', 1024 Cataraqui Woods Drive, previously known as 2939 Creekford Road
2016-90	April 19, 2016	1093 Midland Avenue	Map change for Removal of Holding Symbol, 1093 Midland Avenue
2016-131	June 23, 2016	Add Definition	To include a definition of a Casino Gaming Facility
2016-140	June 23, 2016	1145 McAdoo's Lane	Zone change from Restricted Agricultural 'A1' Zone to Special Service Industrial 'M3-5" Zone
2016-141	June 23, 2016	965 Milton Drive	Zone Change from site-specific General Commercial Zone 'C2-22' to site-specific Residential Type 4 Zone 'R4-39', 965 Milford Drive
2016-155	July 12, 2016	2165 Bath Road	Zone Change from C4 to C4-1
2016-156	July 12, 2016	1575 Westbrook Road	Zone Change from Special General Industrial 'M1-6' and Environmental Protection Area 'EPA' Zone

By-Law Number	Date Passed	Development	Amendments
2016-157	July 12, 2016	484 Days Road	Zone Change from C2-13 to C1-12-H
2016-168	August 9, 2016	1201 Woodhaven Drive	Zone Change from Special Holding Residential type 2 R2-37-H and Special Residential Holding Residential Type 2 R2-32-H to Special Residential Type 2 R2-32 Zone (Map Change)
2016-175	September 6, 2016	1444 Audrey Street	Removal of Holding symbol Map amendment
2016-178	September 20, 2016	40 Crescent Drive	Zone change from Site-Specific Residential type 1 Zone 'R1-3' to Residential type 2 'R2' Map change only
2016-197	October 18, 2016	1024 Cataraqui Woods Drive	Amendment to Zone R3-30
2016-202	November 1, 2016	1572 Sunnyside Road	Zone change from Open Space 'OS' to Special Holding Restricted Agricultural 'A1-20-H' Zone
2016-215	November 15, 2016	1024 Cataraqui Woods Drive	Removal of Holding symbol Map amendment
2017-5	December 6, 2016	1110-1112 Sunnyside Road	(Zone Change from Restricted Agricultural A1 Zone, Residential Type 1 Zone and Residential Type 2 Zone to Special Light Industrial M2-34 Zone

2017-19	December 20, 2016	1138 Sunnyside Road and 1397 Sydenham Road	Zone Change from Highway Commercial C3 Zone to Special Light Industrial M2-35 Zone, 1138 Sunnyside Road and Zone Change from Restricted Agricultural A1 Zone and Residential Type 1 R1 Zone to Special Light Industrial M2-35 Zone, 1397 Sydenham Road
2017-31	January 10, 2017	1456 Aley Street and 1645 Sydenham Street	Zone Change from Restricted Agricultural 'A1' Zone and Special Restricted Agricultural 'A1-7' Zone to Special General Industrial 'M1-5' Zone, 1456 Aley Street and Amendments to the Special General Industrial 'M1-5' Zone Provisions
2017-32	January 10, 2017	1000 Old Mill Road	Removal of Holding Symbol, 1000 Old Mill Road, Homestead Land Holdings Limited) (Delegated Authority)
2017-35	January 24, 2017	202 Splinter Court	Zone Change from R1 to R1-72, 202 Splinter Court
2017-46	February 7, 2017	700 Gardiners Road	Zone Change from 'M2-31' to 'C5-13-H' 'R5-21-H' 'OS 20 H' 'R3-32-H' 'R2-45-H' 'R2-46-H' 'R4-40-H' and 'I-H', 700 Gardiners Road)
2017-54	February 21, 2017	2394 Princess Street	Removal of Holding Symbol, 2394 Princess Street, 2500309 Ontario Inc. Map Change only

2017-56	February 21, 2017	1316 Centennial Drive	(Zone Change from Special General Industrial 'M1-12' Zone to Special General Industrial 'M1-15' Zone,)
2017-73	March 21, 2017	City of Kingston	Accessible Parking Space Size and Rate Change
2017-116	June 6, 2017	1276 Brackenwood	(Zone Change from site specific Residential Type 2 'R2-8' Zone to site specific Residential Type 2 'R2-47' Zone
2017-123	June 20, 2017	538 O'Connor Drive	(Zone Change amending site-specific C7-2 Zone, 538 O'Connor Drive)
2017-134	July 11, 2017	271 Glen Castle Road	(Zone Change from site specific Residential Type 1 'R1-3' Zone to site specific Residential Type 1 'R1-73' Zone)
2017-140	July 11, 2017	193 Resource Road	(Zone Change adding a site-specific BP-6 Zone)
2017-162	August 8, 2017	1525 Robinson Court	Changes to Map only (Removal of Holding Symbol, 1525 Robinson Court, Robinson Properties Inc.)
2017-170	August 8, 2017	Administrative Amendments	Amenity Area Provisions
2017-173	August 8, 2017	285 Holden Street	Map change and Zone Change
2017-190	September 5, 2017	Delete and Replace 'C5-7' Regulations (Centennial Drive)	Deleting and replacing subsection

2017-199	September 19, 2017	Zone change (1707, 1709, 1711, 1713 & 1715 Executive Avenue)	from Special Residential Type 2 'R2-36' Zone to Special Residential Type 2 'R2-48' Zone and special Residential Type 2 'R2-49' Zone,
2018-2	December 5, 2017	Zone change, (276-284 Kingsdale Avenue)	from Site-Specific Residential Type 4 'R4-10' zone to site-specific Residential Type 4'R4-41' zone
2018-20	December 19, 2017	Removal of Holding Symbol, (2467 Princess Street) Changes to Map only	from C2-1-H to C2-1
2018-60	March 6, 2018	Zone, 1201 (McAdoo's Lane)	Change from A1 to M1-16
2018-83	April 17, 2018	Provision added to Special Holding	Special Holding Residential Type 2 R2-32-H' Zone
2018-112	June 26, 2018	Zone Change (2666 Princess Street & 1027 Midland Avenue)	from Special General Commercial 'C2-24' Zone & Special Holding General Commercial 'C2-24-H' Zone to Special General Commercial 'C2-74' Zone,
2018-115	June 26, 2018	Delegated Authority (Removal of Holding symbol, (965 Cataraqui Woods Drive, Woodhaven Phase 3 Stage 2) Map Changes only	from 'R2-42-H' to 'R2-42'

2018-123	July 10, 2018	Update to Zone Provisions for (1350 Woodfield Crescent)	R2-44 Zone and partial removal of the Holding Symbol for R2-44 Zone
2018-132	August 7, 2018	Removal of Holding Symbol, (3566 Princess Street) Map change only	from R4-32-H to R4-32
2018-152	September 18, 2018	Zone Change from Development Zone 'D', Environmental Protection Area 'EPA' to Residential Type 2 'R2-50-H' & 'R3-30-H', Open Space 'OS', Shopping Center Commercial Zone 'C5-12-H', 950 Cataraqui Woods Drive)	Development Zone 'D', Environmental Protection Area 'EPA' to Residential Type 2 'R2-50-H' & 'R3-30-H', Open Space 'OS', Shopping Center Commercial Zone 'C5-12-H', 950 Cataraqui Woods Drive)
2018-155	September 4, 2018	Removal of Holding Symbol, , (1030 Old Mill Road)	R5-19-H Zone to R5-19 Zone
2018-156	September 4, 2018	Removal of Holding Symbol, (700 Gardiners Road)	I-H Zone, OS-20-H Zone , R2-45-H Zone and R2-46-H Zone to I Zone, OS-20 Zone, R2-45 Zone and R2-46 Zone
2018-161	October 2, 2018	Zone change	R2-46 Zone to I Zone (700 Gardiners Road)
2018-171	November 6, 2018	Zone change	From site specific BP-6 to BP-7 205 Resource Road
2019-12	January 22, 2019	Zone change	From OS to OS-21, 930 Woodbine Road

2019-44	March 19, 2019	Removal of Holding Symbol Map change only (DA)	Removal of H Symbol, changing zone symbols from R2-50-H to R2-50 and C5-12-H to C5-12 and R3-30-H to R3-30
2019-56	April 16, 2019	Zone Change	From Development 'D' Zone to Special Residential Type 1 'R1-76-H' Zone and Special Open Space 'OS-23' Zone 655 Graceland Avenue
2019-71	May 8, 2019	Zone Change	from OS-3 to OS-24 and OS-25, 1020 and 1044 Lancaster Drive
2019-77	June 4, 2019	Definitions, Additions and Changes – Zone Change from Institutional to Site-Specific Institutional 'I-13' Zone, 1030 Sunnyside Road and Zone change from Institutional to Site-Specific Institutional 'I-14', 100	The appeal was subsequently withdrawn by the appellant, dated May 25, 2021 regarding LPAT File Number PL190306 and PL 190305 and LPAT confirmed that the By-Law was legal and binding as of date it was passed June 4, 2019
2019-89	June 18, 2019	Second Residential units	
2019-110	July 9, 2019	Zone Modification	C2-51, 677-691 Gardiners Road
2019-133	September 3, 2019	Zone Change	From I to I-15, 1381 Newport Avenue
2019-137	September 3, 2019	Map Change Delegated Authority	Partial Removal of Holding Symbol, From

		By-Law	'R3-32-H' to 'R3-32', and 'R4-40-H' to 'R4-40' and 'R5-21-H' to 'R5-21'
2019-143	October 1, 2019	Zone Change	Change Zone from R1-3 to R1-74, R1-75 and EPA-17 (Reddendale Neighbourhood)
2019-147	October 1, 2019	Administrative Amendments	(Residential Parking and Driveways)
2019-158	October 15, 2019	Zone Change	From C2-1 and C2-1- H Zone to Site- Specific C2-75 Zone
2019-162	November 5, 2019	Zone Modification and Zone Change	Zone modification of Zone R1-30 and Zone Change from R1-30
2019-163	November 5, 2019	Map change	Change in Zone Symbol-from R2-44-H to R2-44
2020-9	December 17, 2019	Zone Changes	from R2-45-H to R2- 51-H & R3-32 to R3- 34 700 Gardiners Road
2020-11	December 17, 2019	Zone Change: From a Site-Specific Residential Type 4 'R4-38' Zone to a Site- Specific Residential Type 4 'R4-45' Zone	809 Development Drive and 847 Development Drive
2020-93	June 16, 2020	Zone Change from M5 to M5-5	, 2754 Creekford Road)
2020-108	July 8, 2020	(Partial Removal of	700 Gardiners Road

		Holding Symbols changing the zone symbols of the lands from 'R2-45-H' to 'R2-45', 'R3-32-H' to 'R3-32' and 'OS-20-H' to 'OS-20.	(West Village Phase 3))
2020-120	September 15, 2020	Zone Change from A1 and A2 to C3-20-H1, C3-20-H2, and C3-20-H3,	2285 and 2311 Battersea Road and Kingston Concession 6 PT Lot 33 RP; 13R-15799 Part 1
2020-124	August 11, 2020	Removal of Holding Symbol changing the zone symbols from 'R5-21-H' to 'R5-21'	700 Gardiners Road, West Village Phase 2
2020-149	October 6, 2020	Map change and (Site-Specific Zone Change from Special General Industrial 'M1-12' and Special Business Park 'BP-2' and 'BP-6' Zones to Special Business Park 'BP-8-H' Zone	Lots 430, 437, 438, 444, 446, and 452, Cataraqui Estates Business Park)
2020-161	October 20, 2020	Removal of Holding Symbol	700 Gardiners Road (West Village Phase 4)
2020-176	November 17, 2020	(Removal of Holding Symbol	1060 Old Mill Road

2021-09	December 16, 2020	Map Change Delegated Authority (Removal of Holding symbol)	3250 Creekford Road
2021-17	January 12, 2021	Map & Zone Change from Special Residential Type One (R1-3) Zone and Development (D) Zone to Special Residential Type One (R1-78(H)) Zone,	620 and 630 Graceland Avenue
2021-48	March 23, 2021	(Zone Change from Special General Industrial 'M1-13' zone to Special General Industrial 'M1-17' zone	190 & 198 Resource Road and 1315 Centennial Drive)
2021-60	March 23, 2021	(Removal of Holding Symbol)	1350 Woodfield Crescent
2021-76	April 20, 2021	Removal of Holding Symbol, Map Change only	11256/1127 Unity Road
2021-77	May 4, 2021	Amendment to 'OS-15' Zone Provisions	1485 Westbrook Road
2021-101	June 22, 2021	Zone change from Holding General Commercial 'C2-H' Zone, Site-Specific Holding General Commercial 'C2-28-H' Zone, Site-Specific General Commercial 'C2-28' Zone to Site- Specific General Commercial 'C2-76' Zone	870 Centennial Drive
2021-123	July 13, 2021	Removal of Holding Symbol	1326-1358 Demers Avenue
2021-125	July 13, 2021	Removal of Holding Symbol	1240 Cataraqui Woods Drive

2021-155	September 7, 2021	Removal of Holding Symbol	1350 Woodfield Crescent
2021-156	September 7, 2021	Removal of Holding Symbol	2698 Princess Street
2021-163	September 21, 2021	Zone Change from "A1" to "M4-6H"	1174 McAdoo's Lane
2021-182	November 3, 2021	Zone Change from Special Holding General Commercial 'C2-1-H' Zone and Development 'D' Zone to Special Residential Type 5 'R5-25-H' Zone	2274 Princess Street This By-Law was appealed on Nov. 25, 2021 and appeal was withdrawn on January 5, 2022 by way of letter dated Jan. 6, 2022. Case Number OLT-21-001842.
2021-194	November 17, 2021	Zone change from "OS-12-H" Zone to "M4-7-H" Zone	1533 McAdoo's Lane

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Kingston Township Zoning By-Law Number 76-26

**A By-Law To Regulate The Use Of Lands And The Character, Location And Use
Of Buildings And Structures In The Township Of Kingston**

Section 1

Title

This by-law may be cited as the "Zoning By-Law".

Kingston Township Zoning By-Law Number 76-26

Section 2

Application Scope and Interpretation

(1) Application of By-Law

The provisions of this by-law shall apply to all lands within the Corporation of the Township of Kingston.

(2) Scope of By-Law

(a) No Reductions of Restrictions:

This by-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

(b) Conformity with By-Law:

No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure or lot hereafter be changed, in whole or in part, except in conformity with the provisions of this by-law.

No lands shall be severed 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.

(c) Existing Uses Continued:

Nothing in this by-law shall prevent the use of any lot, building or structure for any purpose prohibited by this by-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this by-law, so long as it continues to be used for that purpose.

(d) Building Permit Issued:

Nothing in this by-law shall prevent the erection or use of any building or structure for a purpose prohibited by this by-law if the plans for such building or structure were approved by the Building Inspector prior to the date of passing of this by-law, provided:

- (i) when the building or structure is erected, it shall be used and continue to be used for the purpose for which the building permit was issued; and

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- (ii) the erection of such building or structure is commenced within 2 years of the date of passing of this by-law and provided the erection of such building or structure is completed within a reasonable time after the erection thereof is commenced.

(3) Interpretation

For the purposes of this by-law, words used in the present tense include the future; words in singular number include the plural and words in the plural include the singular number; the word "shall" is mandatory; the word "used" shall also mean "designed to be used"; and the word "occupied" shall also mean "designed to be occupied".

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Section 3

Schedules to By-Law

The following schedules are included in and form part of this by-law:

Schedule "A" - Zone Map

The boundaries of all the zones shall be shown on Schedule "A". Zone boundaries, where possible, shall be construed to be lot lines, street lines, shorelines, boundaries of railroad, hydro or other rights-of-way, or boundaries of registered plans. In the case where uncertainty exists as to the boundary of any zone, then the location of such zone boundary shall be determined in accordance with Schedule "A" at the original size in the scale of 1 inch equals 1,320 feet for Map 1 and 1 inch equals 400 feet for Maps 2, 3, 4 and 5.

Schedule "B" - Site Plans

Each of the site plans attached hereto is designated as Schedule "B" accompanied by a site plan number (for example: Schedule "B-1".)

Schedule "C" - Geometric Design Standard for Parking – Township of Kingston

Schedule "D" - Second Residential Units Constraint Overlay

Schedule "E" - Second Residential Units Natural Hazards Overlay

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Section 4

Definitions

In this by-law, unless the context requires otherwise, the following definitions and interpretations shall apply:

- (1) "Corporation" means the Corporation of the Township of Kingston
- (2) "Council" means the Municipal Council of the Corporation of the Township of Kingston.
- (3) "County" means the Corporation of the County of Frontenac.
- (4) "Accessory", when used to describe a use, building or structure, means a use, a building or a structure that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.
- (4A) "Accessory Building" means a building that is incidental; subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith and includes an above-ground storage tank. (86-38)
- (5) "Accessory Dwelling House" – See "Dwelling House".
- (6) "Accessory Dwelling Unit" - See "Dwelling Unit".
- (6A) "Air Conditioner" means any device used for the purpose of cooling, dehumidification, circulating and cleaning of air and which utilizes duct work in its operation rather than directly discharging into the conditioned space. This definition shall include devices such as Heat Pumps, HVAC, Heat Exchangers, related generators, pumps and solar panels.

(By-Law Number 2006-42)

- (7) "Alter", when used in reference to a building or part thereof, means to change any one or more of the external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word "alter" means to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot, or otherwise.

"Altered" and "Alteration" shall have corresponding meanings.

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- (7A) "Amenity Area" means an area exterior to the dwelling house, or an interior area common to all dwelling units within a dwelling house, which is designed and intended primarily for the leisure and recreation of the occupants of the building."

(By-Law 76-26; 2017-170)

- (8) "Attic" - See "Storey".
- (9) "Animal Hospital" means a building where one or more licensed veterinarians and any associated staff provide medical, grooming, boarding, taxidermy operations or similar services. (94-83)
- (9a) "Animal Clinic" means a building where one or more licensed veterinarians and any associated staff provide medical, grooming, taxidermy operations or similar services. No boarding, or kennel uses are permitted. (98-235)
- (10) "Apartment Dwelling House" - See "Dwelling House".
- (10A) "Arcade" means an establishment whose principle business consists of the keeping and making available on the said premises, for the occasional amusement of the general public, of mechanical and / or electronic games. This definition shall not include an establishment which sells such devices, provided that such devices are not made available on the premises for use on a commercial basis by the public and shall not include an establishment where such devices are made available as an accessory minor attraction. (80-72)
- (11) "Auditorium" means a building or structure where facilities are provided for athletic, civic, educational, political, religious, or social events. This definition may include an arena, community centre, gymnasium, theatre or similar use.
- (12) "Automatic Car Wash" means a building or structure containing facilities for washing automobiles, either by production line methods and mechanical devices, or by a self-service operation.
- (13) "Automobile Body Shop" means a building or structure used for the painting or repairing of automobile bodies or fenders, but shall not include an automobile wrecking yard or salvage yard.
- (14) "Automobile Service Station" means an establishment primarily engaged in the retail sale of fuels or lubricants or the supplying of services for motor vehicles or snowmobiles. Accessory uses may include the sale of motor vehicle or snowmobile accessories and minor maintenance or repair operations for such vehicles, other than bodywork or painting. This definition shall not include an automatic car wash as defined herein. If any vehicle, other than a private

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automobile, a tow truck or similar service vehicle, is kept on the premises of the establishment, except while awaiting repair, maintenance or sale, then such establishment shall be classified as a commercial garage.

- (15) "Automotive Centre" means an establishment for the servicing of motor vehicles and for the retail sale of products related thereto. Accessory uses may include maintenance and repair operations for such vehicles other than bodywork or painting.
- (16) "Basement" - See "Storey".
- (16A) "Bedroom: shall mean a room in a dwelling unit that does not include:
- (i) Common areas open to all occupants of the unit;
 - (ii) Areas used for sanitary (such as a washroom) or cooking purposes such as a kitchen); and
 - (iii) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.

For the purposes of this definition, a bachelor, bachelorette or studio unit shall be calculated to contain one bedroom."

(By-Law Numbers 76-26; 2015-56)

- (17) "Beverage Room" means a building or premises, other than a restaurant, which is licensed under The *Liquor License Act*.
- (18) "Boarding Or Lodging House" - See "Dwelling House".
- (19) "Building" means any structure, other than a wall or fence, used for shelter, accommodation or enclosure of persons, animals or chattels.
- (20) "Building By-Law" means any by-law of the Corporation passed pursuant to The *Building Code Act, 1974*. (77-26)
- (21) "Business Office" means a building, or part thereof, designed, intended or used for the management or direction of an agency, business or organization, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, any industrial use, clinic, bank, trust company or recreational establishment. (94-83)

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- (22) "Camping Ground" means an open area provided with water and sanitary facilities for the temporary use of campers and their tents, travel trailers, vehicles and general equipment.
- (23) "Carport" means a building or structure or part thereof, which is not wholly enclosed and is used for the temporary parking or storage of private passenger vehicles and storage of household equipment incidental to the residential occupancy. (94-83)
- (24) "Cellar" - See "Storey".
- (24A) "Chief Building Official" means the municipal Official adopted pursuant to the *Ontario Building Code Act*, R.S.O. 1993, Chapter B.23, as amended, and shall include his authorized representatives. (94-83)
- (25) "Children's Play Area" means an area, at or above ground level, developed with play equipment and suitably surfaced and fenced or otherwise enclosed for play by young children.
- (26) "Church" means a building dedicated to religious worship. Accessory uses may include a church hall, church auditorium, Sunday school, parish hall or day nursery.

(By-Law Numbers 76-26; 2007-159)

- (27) "Clinic" means a building or part of a building that is used solely by physicians, dentists, and / or drugless practitioners, their staff, and their patients for the purpose of consultation, diagnosis, and office treatment and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, providing that all such uses have access only from the interior of the building or structure, but shall not include accommodation for in-patient care or operating rooms for major surgery.

(By-Law Numbers 94-83; 2005-210)

- (28) "Club, Commercial" means an athletic, recreational or social club operated for gain or profit.
- (29) "Club, Private" means an athletic, recreational or social club located on private lands and not operated for gain or profit. This definition may include the premises of a fraternal organization.
- (30) "Commercial Garage" - See "Garage, Commercial".

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- (31) "Commercial School" - See "School, Commercial".
- (31A) "Commercial Vehicle" - see "Vehicle, Commercial". (94-83)
- (31B) "Community Residence" means a single housekeeping unit occupying the whole of a single family, semi-detached, or duplex dwelling house as defined herein, in which a maximum of seven (7) developmentally handicapped and/or physically disabled persons (in addition to necessary supervisory staff or the receiving family) live as a family under responsible supervision consistent with the particular requirements of the residents. A Community Residence is licensed and approved under Provincial Statutes. (88-86) (94-83)
- (31C) "Complementary Use" means a separate and independent use which is different from the permitted class of uses but is in keeping with the context of the overall mix of uses and, in a mutually beneficial fashion with the primary permitted uses, provides support and services to meet the needs of the primary permitted uses without interfering with the intended function of its surrounding area. A complementary use may only be permitted once a primary permitted use is established. The maximum gross floor area of all complementary uses cannot exceed 25 per cent of the total gross floor area of all primary permitted uses.

(By-Law Numbers 76-26; 2010-123)

- (32) "Convenience Store" means an establishment where food, tobacco, drugs, periodicals or similar items of household necessity are kept for retail sale to residents of the immediate neighbourhood.
- (33) "Converted Dwelling House" - See "Dwelling House".
- (34) "Corner Lot" - See "Lot".
- (35) "Court" means an open, unoccupied space appurtenant to a building and bounded on 2 or more sides by the walls of the said building.
- (35A) "Day Nursery" means a premises as defined by the *Day Nurseries Act* that receives more than five (5) children, who are not of common parentage, primarily for the purpose of providing temporary care or guidance for a continuous period not exceeding 24 hours, and the children are:
- (i) under 18 years of age, in the case of a day nursery for children with a developmental handicap, and
 - (ii) under ten (10) years of age, in all other cases. (88-86)

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- (35B) "Deck" means a structure without a roof, having a foundation to hold it erect, the floor which is above finished grade, and attached to or abutting one or more walls of a building or constructed separate from a building, with or without direct access to the ground.

(By-Law Numbers 76-26; 2008-165)

- (36) "Dentist" means a dentist within the meaning of The *Dentistry Act*.
- (37) "Department Store" means a building in which various commodities are kept for retail sale in separate parts of such building.
- (38) "Development Agreement" - (Repealed by By-Law Number 79-72).
- (39) "Dining Room" means that part of a restaurant, or other building, which is used for the consumption of food by persons seated at booths, counters, tables or a combination thereof.
- (40) "Drive-In Restaurant" - See "Restaurant, Drive-In".
- (40A) "Driveway" means a defined area providing motor vehicle access between a street or a lane and a parking area, parking lot, parking space, loading space, private garage, building or structure, but shall not include a parking aisle."

(By-Law 76-26; 2019-147)

- (41) "Drugless Practitioner" means a drugless practitioner within the meaning of The *Drugless Practitioners Act*.
- (42) "Dry Cleaning Or Laundry Outlet" means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is conducted and (1) in which solvents, which emit no odours or fumes are, or can be, used, and (2) in which no noise or vibration causes a nuisance or inconvenience without the premises. (94-83)
- (43) "Dry Cleaning Or Laundry Plant" means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is conducted, and may include a dry cleaning or laundry outlet. (94-83)
- (44) "Dwelling House" means a building occupied or capable of being occupied as the home or residence of one or more persons, but shall not include a trailer, motor home, or mobile home.
- (a) "Accessory Dwelling House" means a single-family dwelling house which is accessory to a permitted Non-Residential use and is occupied by either

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the family of the owner or by the family of a person employed on the lot where such dwelling house is located.

- (b) "Single-Family Dwelling House" means a dwelling house containing a principal residential unit. The addition of a Second Residential Unit to a Single-Family Dwelling House does not change a Single-Family Dwelling House into another type of Dwelling House.

(By-Law Numbers 76-26; 2013-42; 2019-89)

- (c) "Semi-Detached Dwelling House" means the whole of a dwelling house that is divided vertically, by a common wall from the footings to the highest point of the roof line, into two separate dwelling units, each of which has an independent entrance, either directly from the outside, or through a common vestibule. This definition shall also include a dwelling house divided vertically into two separate dwelling units which was constructed in accordance with a Building Permit issued by the Corporation prior to May 1, 1983. (88-43). The addition of a Second-Residential Unit to a Semi-Detached Dwelling House does not change a Semi-Detached Dwelling House into another type of Dwelling House

(By-Law Numbers 76-26; 2019-89)

- (d) "Duplex Dwelling House" means the whole of a dwelling house that is divided horizontally into two separate dwelling units, each of which has an independent entrance, either directly from the outside, or through a common vestibule.
- (e) "Converted Dwelling House" means a dwelling house, erected prior to March 16, 1956, the interior of which has been converted so as to provide therein not more than 2 dwelling units.
- (f) "Triplex Dwelling House" means the whole of a dwelling house that is divided horizontally into three separate dwelling units, each of which has an independent entrance, either directly from the outside, or through a common vestibule.
- (g) "Semi-Detached Duplex Dwelling House" means one of a pair of two attached duplex dwelling houses with a common wall dividing the pair of duplex dwelling houses vertically.
- (h) "Quadruplex Dwelling House" means the whole of a dwelling house that is divided vertically by common walls into four separate dwelling units, each of which has two common walls.

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- (i) "Row Dwelling House" means one of a group of three or more attached single-family dwelling houses, each dwelling house having a rear yard and an independent entrance directly from the outside, but does not include any dwelling house otherwise defined herein. The addition of a Second Residential Unit to a Row Dwelling House does not change a Row Dwelling House into another type of Dwelling House. The addition of a Second Residential Unit to a Row Dwelling House does not change a Row Dwelling House into another type of Dwelling House.

(By-Law Number 76-26; 2019-89)

- (j) "Boarding Or Lodging House" means a dwelling house containing not more than four guest rooms, in which the owner or head lessee supplies, for hire or gain, lodgings with or without meals for three or more persons.
- (k) "Maisonette Dwelling House" means the whole of a dwelling house, containing dwelling units each unit of which is a self-contained dwelling unit with two separate means of access. One of the said means of access is from a common first storey corridor and the other is directly from the outside landscaped yard area allocated to the said dwelling unit.
- (l) "Apartment Dwelling House" means the whole of a dwelling house not otherwise defined herein, which contains 4 or more dwelling units served by a common entrance, in which the occupants have the right to use in common any corridors, stairs or elevators contained therein, and the yards appurtenant thereto.
- (m) "Group Housing" means two or more separate dwelling houses of a type defined herein, located on the same lot.
- (n) "Model Home" means a single detached dwelling, semi-detached dwelling or townhouse block used in the interim for the sole purpose of an office and/or show room and / or sales centre to promote the sale of residential units within a draft approved plan of subdivision proposed for registration.

(By-Law Number 2003-381)

- (45) "Dwelling Unit" means one (1) or more habitable rooms designed to provide sanitary conveniences and kitchen facilities for residential purposes. This definition shall not include a mobile home, a travel trailer or a motor home.

- (a) "Accessory Dwelling Unit" means a dwelling unit which is part of and accessory to a permitted Non-Residential use other than an automobile service station or a commercial garage.

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- (b) "Bachelor Dwelling Unit" means a dwelling unit consisting of not more than 2 habitable rooms.

(By-Law Numbers 76-26; 2008-165)

- (46) "Dwelling Unit Area" means the habitable area contained within the inside walls of a dwelling unit, including an unfinished basement, but excluding any private garage, carport, porch, veranda, unfinished attic, cellar or sun room, (unless such sun room is habitable in all seasons of the year); and excluding public or common halls, areas and stairways and the thickness of outside walls.
- (47) "Erect" means to build, construct, reconstruct and relocate and, without limiting the generality of the word, also includes:
- (a) any preliminary physical operation, such as excavating, filling or draining;
 - (b) altering any existing building or structure by an addition, enlargement, extension or other structural change; and
 - (c) any work which requires a building permit under the Building By-Law of the Corporation.

"Erected" and "Erection" shall have corresponding meanings.

- (48) "Established Building Line" means the average setback from the centreline of a street of existing buildings on one side of one block where more than one-half of the lots having street frontage upon the said side of the block have been built upon.
- (49) "Exterior Side Lot Line" - See "Lot Line".
- (50) "Exterior Side Yard" - See "Yard".
- (51) "Existing" means existing on the date of passing of this by-law.
- (52) "Family" means one or more persons residing together and comprising a single domestic household, sharing all areas of a dwelling unit, exclusive of bedrooms and may include up to three roomers or boarders.

(By-law Numbers 94-83; 2005-214; 2007-159)

- (53) "Farm" means land used for the tillage of soil and the growing of vegetables, fruits, grains, and other staple crops. This definition shall apply to land used for livestock raising, dairying, or woodlots.

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- (54) "Farm, Specialized" means land on which the predominant economic activity consists of raising chickens, turkeys or other fowl, the raising of swine or goats, the raising of cattle on feed lots, the raising of fur-bearing animals, or the growing of mushrooms.
- (55) "Finished Grade" means the average elevation of the finished surface of the ground at the base of a structure or of that portion of a building that abuts a front yard, exclusive of any embankment in lieu of steps.
- (56) "Flood Plain" means: the area below the high water mark of a waterbody; or, in the case of lands which have a shoreline along Lake Ontario, the area below the 76.9 metre Geodetic Survey Datum level. (83-43)
- (57) "Floor Area, Gross" means the aggregate of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive, however, of any part of the building or structure below finished grade which is used for heating equipment, the storage or parking of motor vehicles, locker storage and laundry facilities, children's play areas and other accessory uses, or used as living quarters by the caretaker, watchman or other supervisor of the building or structure. (94-21)
- (58) "Floor Area, Ground" means the horizontal area of a building measured to the outside walls, excluding, in the case of a dwelling house, any private garage, carport, porch, veranda, sun room (unless such sun room is habitable at all seasons of the year).
- (58A) "Forestry Use" means the general raising and harvesting of trees and without limiting the generality of the foregoing shall include the raising and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products but shall not include a nursery or building product outlet. (94-83)
- (59) "Frontage" - See "Lot Frontage".
- (60) "Front Lot Line" - See "Lot Line".
- (61) "Front Yard" - See "Yard".
- (62) "Fuel Storage Tank" means a tank for the bulk storage of petroleum, gasoline, fuel oil, gas or inflammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.

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- (63) "Garage, Commercial" means a building, structure or lot where commercial vehicles are stored or where vehicles are repaired or maintained.
- (64) "Garage, Private" means an accessory building or portion of a dwelling house which is fully enclosed and designed or used for the sheltering of vehicles and storage of household equipment incidental to the residential occupancy.
- (65) "Garage, Public" means a building or structure where motor vehicles are stored, where fuels or oils are kept for the servicing of motor vehicles and where repairs are effected, not including the painting or repairing of automobile bodies.
- (65A) "Gasoline Pump Island" means a pump island for the dispensing of vehicle fuels including gasoline, diesel, propane and natural gas but does not include a kiosk or any other accessory building. (86-38).
- (66) "Gasoline Retail Facility" means a lot on which the retail sale of gasoline or other petroleum products for motor vehicles constitutes either the sole use, such as a gas bar, or an accessory use. This definition shall not include an automobile service station.
- (67) "Golf Course" means a public or private area operated for the purpose of playing golf and includes a par 3 golf course, but does not include a driving range, a miniature golf course, or similar use.
- (68) "Grade" - See "Finished Grade".
- (69) "Gravel Pit" means any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock or mineral in order to supply material for construction, manufacturing or industrial purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works. This definition may include a wayside pit or wayside quarry as defined herein.
- (70) "Gross Leasable Area" means the total area of all floors in a building or part of a building usable for tenant occupancy and the tenants' exclusive use including basements, cellars, mezzanines, upper floor areas and integral storage areas, measured from the centre line of joint partitions and from outside wall faces but not including public or common areas, such as parking spaces and parking areas, walls, corridors, stairways, elevators or machine or equipment rooms. (94-21)
- (71) "Gross Floor Area" - See "Floor Area, Gross".

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- (72) "Ground Floor Area" - See "Floor Area, Ground".
- (73) "Group Housing" - See "Dwelling House".
- (74) "Guest Room" means a room or suite of rooms which contains no facilities for cooking, and which is used or maintained for gain or hire by providing accommodation to the public.
- (75) "Habitable Room" means a room designed for living, sleeping, eating or food preparation, and also includes a den, library, sewing room, and / or enclosed sun room.
- (76) "Height", when used with reference to a building or structure, means the vertical distance between the finished grade and the highest point of the building or structure proper, exclusive of any accessory or auxiliary roof construction such as an antenna, a chimney, a ventilation duct, an elevator or service penthouse, or a steeple. (78-21) (94-83)
- (77) "Home Occupation" means any occupation conducted for gain or support as an accessory use within a dwelling house or a dwelling unit by one or more members of the family residing in such dwelling house or dwelling unit.
- (78) "Hotel" - See "Tourist Establishment".
- (79) "Improved Street" - See "Street".
- (80) "Institute" means a building, structure or lot used by an organized body, religious group or society for a non-profit, non-commercial purpose. This definition may include a hospital, nursing home, library, college, university, convent, monastery or similar use.
- (81) "Interior Lot" - See "Lot".
- (82) "Interior Side Lot Line" - See "Lot Line".
- (83) "Interior Side Yard" - See "Yard".
- (83A) "Kennel" means a use where the predominant economic activity consists of the raising or boarding of dogs or cats in accordance with a license issued by the Corporation. (77-26)
- (83B) "Kitchen" means a room or group of rooms used or designed for the preparation and cleaning of food, and may include accessory storage for food.

(By-Law Numbers 76-26; 94-83, 2008-165)

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- (83C) "Laboratory" means a building or portion thereof wherein scientific experiments, tests or investigations are conducted and/or where drugs, chemicals, or other substances or articles pertinent to such experiments, test or investigations are manufactured or otherwise prepared for use on the premises. (98-268)
- (84) "Landscaped Open Space" means the open unobstructed space at grade on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping, or which may be in the form of an in-ground or above-ground swimming pool, and includes any surfaced walk, patio or similar area, but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure. (94-83)
- (85) "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.
- (86) "Laundromat" means an establishment containing one or more washers, each having a capacity not exceeding 23 kilograms, and drying, ironing, finishing and incidental equipment, provided that only water, soaps and detergents are used and provided that no such operation shall emit any noise or vibrations which cause a nuisance or inconvenience within or without the premises. This definition may include a self-service dry cleaning establishment.

(By-Law Number 2006-42)

- (86A) "Livestock Facility" means a building where agricultural animals, including fowl, are or can be housed including the associated manure storage.

(By-Law Number 2001-144 – 2001)

- (87) "Lot" means an area of land, under one ownership, occupied or to be occupied by one or more main buildings, structures or uses, with any accessory buildings, structures or uses, and including all yards and open spaces required by this by-law. A lot may or may not be land shown as a lot on a duly registered plan of subdivision.
- (a) "Corner Lot" means a lot situated at the intersection of two streets, of which two adjacent sides, that abut the intersecting streets, contain an angle of not more than 135 degrees; where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, provided that, in the

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latter case, the corner of the lot shall be deemed to be that point on the street lines nearest to the point of intersection of the said tangents.

- (b) "Interior Lot" means any lot which has street access, other than a corner lot.
- (c) "Through Lot" means any lot having street access on 2 or more street lines, other than a corner lot.

Note: Please see diagram of "Illustration Of Lot Definitions" at the end of this section 4.

- (88) "Lot Area" means the total horizontal area within the lot lines of a lot, excluding the horizontal area of any waterbody or marsh and the horizontal area between the top and toe of an embankment of 30 degrees or more from the horizontal.
- (89) "Lot Coverage" means that percentage of the lot area covered by the perpendicular projections onto a horizontal plane of the area of all buildings, exclusive of the following:
 - (a) enclosed malls when used as a common area between stores;
 - (b) canopies, balconies, and overhanging eaves at least 8 feet above finished grade. (94-83)
- (90) "Lot Depth" means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.
- (91) "Lot Frontage" means the horizontal distance between the side lot lines, such distance being measured along a line which is parallel to the front lot line and distant from the front lot line a distance equal to the minimum required front yard depth. "Lot Frontage" shall not include the extent to which a lot abuts the end of a street, other than a street which terminates in a cul-de-sac. (77-26)
- (92) "Lot Line" means any boundary of a lot or the vertical projection thereof.
 - (a) "Front Lot Line" means, in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer lot line abutting a street shall be deemed an exterior side lot line. In the case of a through lot or a corner lot whose exterior lot lines are the same length, the lot line

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where the principal access to the lot is provided shall be deemed to be the front lot line.

- (b) "Rear Lot Line" means, in the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than 4 lot lines, there shall be deemed to be no rear lot line.
- (c) "Side Lot Line" means a lot line other than a front or rear lot line.
- (d) "Exterior Side Lot Line" means a side lot line that abuts the street."

(By-Law Numbers 76-26; 2008-165)

- (93) "Maisonette Dwelling House" - See "Dwelling House".
- (94) "Marina" means a building, structure or place, containing docking facilities and located on a waterbody, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent and where facilities for the sale of marine fuels and lubricants may be provided.
- (95) "Marine Facility" means an accessory building or structure which is used to take a boat into or out of a waterbody, to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, dock, or boathouse, but shall not include any building used for human habitation or any boat service, repair or sales facility.
- (96) "Merchandise Service Shop" - See "Service Shop, Merchandise".
- (96A) "Minimum Distance Separation (MDS) Provisions" are formulae to calculate the required distance between a livestock facility and another land use.

MDS I provides the minimum distance separation for new development from existing livestock facilities. MDS I applies when locating development in proximity to existing livestock facilities on an existing or proposed separate parcel of land.

MDS II provides the minimum distance separation for new or expanding livestock facilities from existing or approved development. MDS II applies when an application is made for a new, existing, modified or expanding livestock facility. (Refer to Appendix 1 of the by-law for further information)

(By-Law Number 2001-144 – 2001)

- (97) "Mobile Home" means a manufactured, movable or portable dwelling unit constructed to be towed, to its appropriate site, on its own chassis, connected to utilities and designed to be placed on a permanent foundation or piers for year

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round living. It may consist of one or more parts that can be folded, collapsed or telescoped for towing to the appropriate site, and expanded later for additional cubic capacity; to be joined into one integral unit. The mobile home must contain sleeping accommodation, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems. Enclosed porches or sunrooms are permitted as accessory uses.

(By-Law Number 2006-42)

- (97A) "Garden Suite" A separate, self-contained dwelling unit that is ancillary to a principal residential unit, designed to be portable, and occupied by a family member needing support from relatives living in the principal residential dwelling.

(By-Law Numbers 76-26; 2013-42)

- (98) "Mobile Home Park" means land which has been provided and designed for the location thereon of 2 or more occupied mobile homes.

- (99) "Motel" - See "Tourist Establishment".

- (100) "Motor Home" means a self-propelled vehicle capable of being used for the temporary living, sleeping and eating accommodation of persons.

- (101) "Non-Complying", when applied to a use, building or structure, means a use, building or structure which is listed as a permitted use in the zone where it is located but which contravenes one or more of the other provisions of this by-law applicable to the zone in which such use, building or structure is located, as of the date of passing of this by-law. (83-43)

- (102) "Non-Conforming", when applied to a use, building or structure, means a use, building or structure which, on the date of passing of this by-law, was not listed as a permitted use for the zone in which such use, building or structure is located. (83-43)

- (102A) "Nursery / Garden Centre / Greenhouse" means the use of lands, buildings or structures, or portions thereof, where trees, shrubs or plants are grown for the purpose of retail or wholesale trade. A nursery may include the accessory sale of soil, planting materials, fertilizers, garden equipment, ornaments and similar materials.

(By-Law Numbers 76-26; 2005-210)

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- (103) "Nursery School" means a day nursery within the meaning of The *Day Nurseries Act*. See "Day Nursery". (88-86)
- (104) "Nursing Home" means a building in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition, provides nursing, medical or similar care and treatment, if required, and includes a rest home or convalescent home, but does not include any other establishment otherwise defined or classified herein.
- (104A) "Open Storage Area" means land used for the storage of equipment, goods or materials. This definition shall not include a parking area, a loading space, a salvage yard, an outside area on a permitted farm used for the storage of farm equipment nor a storage use located in a building. (86-38)
- (105) "Park" means an area, consisting largely of open space, which may include a recreational area, playground or playfield, or similar use, but shall not include a mobile home park or trailer park.
- (a) "Public Park" means a park owned or controlled by the Corporation or by any Ministry, Board, Commission or Authority established under any statute of Ontario or Canada.
- (b) "Private Park" means a park other than a public park.
- (106) "Parking Area" means an area or structure provided for the parking of motor vehicles and includes any related aisles, parking spaces, ingress and egress lanes, but shall not include any part of a public street. This definition may include a private garage.
- (107) "Parking Lot" means any parking area other than a parking area accessory to a permitted use on the same lot.
- (108) "Parking Space" means an area, exclusive of any aisles or ingress and egress lanes, intended for the temporary parking or storage of a motor vehicle, and may include a private garage or driveway leading to an individual dwelling house, including the driveway portion of the front yard. (94-21)
- (109) "Permitted" means permitted by this by-law.
- (110) "Person" means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.
- (111) "Personal Service Shop" - See "Service Shop, Personal".

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- (112) "Physician" means a person licensed under The *Medical Act*.
- (112A) "Plant" means an establishment, factory or workshop used in the industrial processing or in the manufacturing of goods, wares, merchandise, substances, articles or things, and may include accessory office space and a wholesale establishment as defined herein, but, notwithstanding the provisions of Section 5(1)(a) herein, shall not include a primary or accessory retail use. (90-87)
- (112B) "Principal Dwelling Unit" means the main/core structure intended for human habitation on a lot.
- (By-Law Numbers 76-26; 2013-42; 2019-89)
- (113) "Private Club" - See "Club, Private".
- (113A) "Second Residential Unit" means a dwelling unit which is ancillary to a Principal Dwelling Unit, and is located on the same lot therewith."
- (By-Law Numbers 76-26; 2013-42; 2019-89)
- (114) "Private Garage" - See "Garage, Private".
- (115) "Private Swimming Pool" - See "Swimming Pool, Private".
- (115A) "Professional Office" means an office in which a service or consultation is given, including the offices of a lawyer, a planner, an architect, a surveyor, an engineer and similar uses, and would also include a doctor's office but not a clinic. (94-83)
- (116) "Public Garage" - See "Garage, Public".
- (117) "Public Use" means a building, structure or lot used for public services by the Corporation or the County, any local board of either the Corporation or the County, any Conservation Authority established by the Government of Ontario, any Ministry or Commission of the Government of Ontario or Canada, any telephone or telegraph company, or any railway company authorized under The *Railway Act*.
- (118) "Quadruplex Dwelling House" - See "Dwelling House".
- (119) "Rear Lot Line" - See "Lot Line".
- (120) "Rear Yard" - See "Yard".
- (121) "Recreational Establishment" means a billiard or pool hall, bowling alley, curling or skating rink, or similar uses but does not include an arcade. (80-72)

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- (121A) "Rental Outlet" means a commercial establishment where residential, industrial and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools, and may include as an accessory use the sale of supplies necessary for the operation of said rental equipment. (98-268)
- (122) "Required Yard" - See "Yard".
- (122A) "Residential Development Area" means an area so designated on Map 1 of Schedule "A" to this by-law. (79-49)
- (123) "Restaurant" means a building or part of a building where food is offered for sale or sold to the public for immediate consumption therein. This definition shall not include a boarding or lodging house.
- (124) Repealed by By-Law Number 94-83.
- (125) "Restaurant, Freestanding" means an establishment where food is offered for sale or sold to the public for consumption therein, or for consumption off the premises of the establishment. This definition shall not include a boarding or lodging house.
- (126) "Restaurant, Take-Out" means an establishment where food is offered for sale or sold to the public solely for consumption off the premises of the establishment.
- (127) "Retail Store" means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, but does not include any establishment otherwise defined herein or specifically named elsewhere in this by-law.
- (128) "Row Dwelling House" - See "Dwelling House".
- (129) "Salvage Yard" means an establishment where goods, wares, merchandise, articles or things are processed for further use and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open and includes a junk yard, a scrap metal yard and an automobile wrecking yard or premises.
- (130) "School" means a school under the jurisdiction of a Board, as defined in the *Department of Education Act* and may include a day nursery as an accessory use.

(By-Law Numbers 76-26; 2007-159)

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(131) "School, Commercial" means a premises in which training is offered for hire or gain, other than a private academic or religious or parochial school and includes a studio of a dancing teacher or a music teacher, an art school, a golf school, school of callisthenics, business or trade school and any other such specialized school. A commercial school may include a day nursery as an accessory use.

(By-Law Numbers 76-26; 2007-159)

(132) "Semi-Detached Dwelling House" - See "Dwelling House".

(133) "Service Shop, Merchandise" means an establishment wherein articles or goods such as appliances, furniture or similar items may be repaired or serviced. This definition shall not include any manufacturing operation or establishment used for the service or repair of vehicles or boats.

(134) "Service Shop, Personal" means an establishment wherein a personal service is performed. This definition may include a barber shop, a beauty salon, a dressmaking shop, a shoe repair shop, a tailor shop, a photographic studio or similar use.

(134A) "Service Shop, Small Engines" means an establishment wherein small engines may be repaired or serviced. This definition may include the repair or service of lawnmowers, chain saws, snowblowers, rotor-tillers, and other similar machines and equipment. This definition shall not include any manufacturing operation or establishment used for the repair or service of vehicles, motorcycles or boats."

(By-Law Numbers 76-26; 2015-56)

(135) "Setback" means the least horizontal distance from the centreline of a street (measured at right angles to such centreline) to the nearest part of any excavation, building or structure.

(136) "Sewage Treatment Facility" means a building or structure, approved by the Ministry of the Environment, where domestic and / or industrial waste is treated.

(137) "Sewer, Sanitary" means a system of underground conduits, operated either by the Corporation or by the Ministry of the Environment, which carried sewage to a sewage treatment facility.

(138) "Sewer, Storm" means a sewer which carries storm surface waters and drainage, but excludes sewage and polluted industrial wastes.

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- (139) "Shopping Centre" means a group of restricted business uses designed, developed and managed as a unit, having the required off-street parking provided on the site.
- (140) "Shopping Centre Open Space" means the open, unobstructed space, at finished grade on a lot, accessible by walking from the street on which the lot is located and which is maintained for the growth of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, patio or similar area but shall not include any driveway or ramp, whether surfaced or not, nor any curb, retaining wall, parking area or open space beneath or within a building or structure.
- (141) "Shoreline" means any lot line or portion thereof which abuts a waterbody.
- (142) "Side Lot Line" - See "Lot Line".
- (143) "Side Yard" - See "Yard".
- (144) "Sight Triangle" means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 30 feet from the point of intersection of the street lines (measured along the street lines). Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.
- (145) "Sign, Legal" means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot which directs attention to an object, product, place, activity, person, institute, organization or business and which does not contravene any by-law of the Corporation or the County, or any Regulation of the Government of Ontario or Canada.
- (146) "Single-Family Dwelling House" - See "Dwelling House".
- (147) "Specialized Farm" - See "Farm".
- (148) "Stone Quarry" means any open excavation made for the removal of any consolidated rock or mineral including limestone, sandstone or shale, in order to supply material for construction, industrial, or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works. This definition may include a wayside pit or a wayside quarry as defined herein.

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- (149) "Storey" means the portion of a building, other than an attic or cellar, included between any floor level and the floor, ceiling or roof next above it.

A storey or partial storey shall be deemed to abut a side yard if any part of that storey has a height of 3 feet or more within 8 feet of that side yard.

- (a) "Attic" means the portion of a building situated wholly or partly within the roof and which is not a one-half storey.
- (b) "Basement" means a storey which is partly underground, but which has at least one-half of the height thereof (measured from finished floor to finished ceiling) above the adjacent finished grade.
- (c) "Cellar" means that portion of a building, between two floor levels, which is partly or wholly underground and which has more than one-half of the vertical dimension thereof (measured from finished floor to finished ceiling) below the adjacent finished grade.
- (150) "Street" means a public highway or public road which affords the principal means of access to abutting lots. This definition shall not include a lane or private right-of-way. "Street Allowance" shall have a corresponding meaning.
- (a) "Improved Street" means a street which has been accepted for subsidy purposes by the Ministry of Transportation and Communications, or a street which has been constructed in a manner such that it would be acceptable to the Ministry of Transportation and Communications for subsidy purposes.
- (151) "Street Access" means, when referring to a lot, that such lot has a lot line or portion thereof which is also a street line.
- (152) "Street Line" means the limit of the road or street allowance, and is the dividing line between a lot and a street.
- (153) "Structure" means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground.
- (154) "Supermarket" means a store in which various kinds of foodstuffs are kept for retail sale, including fresh, frozen, prepared and preserved groceries, meats, fish, fruit, beverages, garden produce, dairy produce and bakery products; and as an accessory use, goods or merchandise may be kept for retail sale, including hardware, patent medicines, toilet preparations, personal hygiene products, household supplies and magazines.

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(155) "Swimming Pool" means a tank, pool, or artificial body of water which may be used for swimming or wading purposes and which has a possible maximum depth of water greater than 0.61 metres, and may include a hot tub or whirl pool.

(By-Law Numbers 94-83; 2005-210)

(155A) "Tandem Parking Space" means means a Parking Space that is only accessed by passing through another Parking Space from a Street, Lane, drive aisle or driveway."

(By-Law Number 76-26; 2019-89)

(156) "Through Lot" - See "Lot".

(157) "Tourist Establishment" means a building designed for the accommodation of the travelling or vacationing public.

(a) "Hotel" means a tourist establishment containing therein 5 or more guest rooms served by a common entrance, generally from street level. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting room or similar use.

(b) "Motel" means a tourist establishment containing therein 5 or more guest rooms, each guest room having a separate entrance from outside the building. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting room or similar use.

(157A) "Tradesman" means a person who practices a manual skill or trade (handicraft) as a means of livelihood, including a carpenter, a cabinet/furniture maker, a contractor, a draftsman, an engraver, a locksmith, a millwright, a machinist, a toolmaker, a painter, a printer, a welder, and other like craftsmen, but shall not include a retail merchant. (90-87)

(157B) "Transportation Depot" means any buildings or land where buses, taxis, trucks or tractor trailers are rented, leased, kept for hire, stored or parked for commercial purposes. (94-83)

(158) "Travel Trailer" means any vehicle so constructed as to be suitable for attachment to a motor vehicle for the purpose of being drawn or propelled by a motor vehicle, and capable of being used for the temporary living, sleeping or eating accommodation of persons, or for transporting property or goods, notwithstanding that such vehicle is jacked up or that its running gear is removed. This definition shall not include a "mobile home". (94-83)

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(158A) "Trailer, Utility" means a non-automotive vehicle designed to be hauled by a motor vehicle for the purpose of transporting goods or other vehicles.

(By-Law Numbers 76-26; 2008-165)

(159) "Triplex Dwelling House" - See "Dwelling House".

(159A) "Truck Stop" means an establishment primarily engaged in the retail sale of fuel and the supplying of services for transport trucks. Accessory uses may include: the sale of transport truck accessories and minor maintenance or repair operations for such vehicles other than body work and painting; truck wash facilities; temporary loading dock and trans-shipment facilities; offices for highway transportation-related services; restaurant facilities; drivers' lounge; laundromat; and, the sale of goods, wares, merchandise, substances, articles and things to the users of the truck stop. (89-82)

(160) "Use", when used as a noun, means the purpose for which a lot, building or structure, or any combination thereof is designed, arranged, occupied or maintained.

"Uses" shall have a corresponding meaning.

"Use" (when used as a verb) or "To Use" shall have corresponding meanings.

(161) "Vehicle" means an automobile, a commercial motor vehicle not exceeding one ton capacity, a farm implement, a mobile home, a motor home, a snowmobile or a travel trailer.

(161A) "Vehicle Commercial" means any vehicle which displays commercial lettering or commercial licence plates and shall also include construction equipment which is self-propelled or designed to be towed, a taxi, a delivery vehicle, a driving school vehicle, in addition to any commercial vehicle as defined under the *Highway Traffic Act*.

(By-Law Number 2002-321 – 2002)

(162) "Vehicle Sales Or Rental Establishment" means an establishment having as its main use the storage of vehicles for sale, rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles. (94-83)

(162A) "Warehouse" means an establishment used for the storage and distribution of goods, wares, merchandise, substances, articles or things, and may include accessory office space and a wholesale establishment as defined herein, but,

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notwithstanding the provisions of Section 5(1)(a) herein, shall not include a primary or accessory retail use. (90-87)

- (163) "Water Access" means that any lot having a lot line or portion thereof which is also a shoreline, shall be deemed to have water access.
- (164) "Waterbody" means any bay, lake, natural watercourse or canal, but excluding a drainage or irrigation channel.
- (165) "Water Frontage" means the straight line horizontal distance between the two most widely separated points on any one shoreline of a lot.
- (166) "Water Supply" means a distribution system of underground piping and related storage, including pumping and purification appurtenances, operated by the Corporation and / or the Ministry of the Environment and/or any public utilities commission for public use.
- (167) "Water Supply Plant" means a building or structure, approved by the Ministry of the Environment, where water is treated for human consumption.
- (168) "Wayside Pit" or "Wayside Quarry" means a temporary gravel pit or stone quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction.
- (168A) "Wholesale Establishment" means a building or portion of a building used for the purpose of a warehouse as defined herein, in which articles are sold at wholesale, to be retailed by others in other locations. (90-87)
- (168B) "Workshop" means a building or structure where manufacturing is performed by tradesman requiring manual or mechanical skills and may include a carpenter's shop, a furniture maker's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop or similar uses.

(By-Law Numbers 2001-160 – 2001)

- (169) "Yard" means a space, appurtenant to a building or structure or excavation, located on the same lot as the building or structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in this by-law.
 - (a) "Front Yard" means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any excavation, or main building on the lot.

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- (b) "Front Yard Depth" means the least horizontal dimension between the front lot line of the lot and the nearest part of any building, structure or excavation on the lot, or the nearest open storage use on the lot.
 - (c) "Rear Yard" means a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any excavation or main building on the lot. If there is no rear lot line, there shall be deemed to be no rear yard.
 - (d) "Rear Yard Depth" means the least horizontal dimension between the rear lot line of the lot and the nearest part of any building, structure or excavation on the lot, or the nearest open storage use on the lot.
 - (e) "Side yard" means a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest part of any main building or excavation on the lot. In the case of a lot which has no rear lot line, the side yard shall extend from the front yard to the opposite side yard.
 - (f) "Side Yard Width" means the least horizontal dimension between the side lot line of the lot and the nearest part of any building or structure or excavation on the lot, or the nearest open storage use on the lot.
 - (g) "Exterior Side Yard" means a side yard immediately adjoining a street.
 - (h) "Interior Side Yard" means a side yard other than an exterior side yard.
 - (i) "Privacy Yard" means a yard adjoining an exterior wall of a dwelling unit, clear and unobstructed by any public or joint pedestrian access or surface parking area, other than a private driveway for a dwelling unit.
 - (j) "Privacy Yard Width" means the least horizontal dimension of a privacy yard measured from, and at right angles to, the exterior wall which such privacy yard adjoins.
 - (k) "Required Yard" means a yard with the minimum front yard depth, rear yard depth, or side yard width required by the provisions of this by-law. A required side yard shall extend from the required front yard to the required rear yard or, in the case of a lot which has no rear lot line, the required side yard shall extend from the required front yard to the opposite required side yard.
- (170) "Zone" means a designated area of land use shown on Schedule "A" hereto.

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- (171) "Zoning Administrator" means the Director of Planning and Development, or in the absence of the Director, the Manager of Development Approvals or the Manager of Policy Planning or any other authorized member of the Department of Planning and Development. "Zoning Administrator" means the Chief Building Official as appointed by the Corporation.

(By-Law Numbers 94-83; 2006-30)

- (172) "Casino Gaming Facility" means any building developed and used for the purpose of providing slot machine or table game wagering or betting, authorized and licensed by the Province of Ontario.

(By-Law Numbers 76-26; 2016-131)

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Section 5

General Provisions

(1) Accessory Uses

(a) Uses Permitted:

Except as specifically permitted elsewhere in this by-law, where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include any of the following uses:

- (i) any occupation for gain or profit conducted within or accessory to a dwelling unit;
- (ii) any building or portion thereof used for human habitation;
- (iii) any open storage area. (83-43)

(b) Lot Coverage:

The total lot coverage of all accessory buildings on a lot in a Residential Zone shall not exceed 10 per cent of the lot area.

(c) Height:

Except as otherwise provided herein, no accessory building or structure shall exceed 15 feet in height.

(d) Location:

- (i) Notwithstanding the yard provisions of this by-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, legal signs, marine facilities, or similar accessory uses shall be permitted in any yard.
- (ii) Except as otherwise provided herein, in a Residential Zone, any accessory building or structure which is not attached to the main building shall not be erected in any yard other than the interior side yard or rear yard.
- (iii) Consolidation Note - Temporary approval of this clause expired on October 18, 1985 in conjunction with an Order of the Ontario Municipal Board dated April 16, 1985. (83-43).

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- (iv) No Air Conditioner shall be constructed closer than 1.2m to any side or rear lot line nor in any required front yard.

(By-Law Number 2006-42)

(e) **Yards and Setbacks:**

All accessory buildings shall comply with the yard and setback provisions of the zone in which such accessory building or structure is located, except that in a Residential Zone, an accessory building or structure shall comply with the following provisions:

- (i) It shall be no closer than 4 feet to the interior side lot line except where a mutual private garage is erected on the common lot line between two lots, in which case no interior side yard is required;

(By-Law Numbers 76-26; 2008-165)

- (ii) when such accessory building is located in the rear yard, it shall be no closer than 4 feet to the rear lot line; (95-129)
- (iii) in no case shall a detached accessory building or structure be located closer than 20 feet to any street line deemed to be the Front Lot Line or Exterior Side Lot Line or closer than 4 feet to a main building; (95-129)
- (iv) Notwithstanding the provisions of Section 5(1)(d)(ii) hereof to the contrary, on a lot having a shoreline, a detached accessory building or structure may be erected in a front yard or exterior side yard provided it is not located in a required yard and provided that it is constructed of material similar to the main building and conforms with it architecturally; and, (83-43)
- (v) Paragraph (iii) above shall not apply to a storage tank having a capacity of less than 125 United States Water Gallons. (86-38) and (95-129)

- (f) Detached accessory buildings in a residential zone may be used for passive recreational purposes, such as a living room, study, den, recreational room, studio and similar uses; home occupation uses are prohibited.

(By-Law Numbers 76-26; 2008-165)

(1B) **Yards Adjacent To Rail Lines (96-42)**

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(a) Spur Lines:

The minimum required yard depth adjacent to a Canadian National Railway spur line right-of-way shall be 15 metres so that no main building wall is located closer than 15 metres to the property boundary of the Railway.

(b) Main Lines:

No residential buildings shall be erected within 120 metres of a Canadian National Railway main line right-of-way. This distance may be reduced from 120 metres to 30 metres where a 2.5 metre high berm has been constructed adjoining and parallel to the railway right-of-way with returns at the ends, 2.5 metres above grade and side slopes not steeper than 2.5 to 1, to the satisfaction of Canadian National Railway.

(2) **Construction Uses**

(a) The following uses are permitted in all zones within the Corporation:

a building or structure incidental to construction on the lot where such building or structure is situated, but only for as long as it is necessary for the work in progress and until the work is completed or abandoned.

(b) "Abandoned" in this subsection means the failure to proceed expeditiously with the construction work.

(2A) **Drive-Through Service Facility**

A new "Drive-Through Service Facility" shall be constructed or established in accordance with the following provisions:

(i) Definitions for the purpose of this Section,

a. "Drive-Through Service Facility" shall mean an accessory or main use of a business that provides or dispenses products or services through an attendant or a window or automated machine to patrons remaining in motorized vehicles, including any associated stacking lanes, speaker system, microphone system, order board or other such structures. Despite the above, a drive-through service facility does not include a car washing establishment, automobile service station or a gas bar.

b. "Stacking Lane" shall mean an onsite queuing lane for motorized vehicles.

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- (ii) No drive-through service facility shall be constructed or established within 50m of a residential use or zone that permits a residential use.
- (iii) A minimum 3m wide planting strip shall be provided along the lot line between the property containing the drive-through service facility and a residential use or zone that permits a residential use.
- (v) All drive-through service facilities shall be subject to Site Plan Control approval.

(By-Law Numbers 76-26; 2008-165)

(3) **Development or Redevelopment of Land**

This section repealed by By-Law Number 79-72. Former pages 27a, 28 and 29 deleted due to repeal of this section. Essence of this section contained in By-Law Number 79-73. (79-72)

(4) **Dwelling Units**

(a) **Yard Provisions**

Where a dwelling unit is located in a Non-Residential building, such dwelling unit shall comply with the yard provisions of this by-law which apply to the said Non-Residential building.

(b) **Kitchen**

A dwelling unit shall contain only one kitchen.

(By-Law Numbers 76-26; 2008-165)

(c) **Entrance**

A dwelling unit shall have its own separate entrance.

(By-Law Numbers 76-26; 2008-165)

(By-Law Numbers 76-26; 2013-42 (deleted 5(4) b Cellar))

(5) **External Building Materials**

The following building materials shall not be used for the exterior vertical facing on any wall of any building or structure which is located partly or wholly within 300 feet of a street: tar paper; building paper; asphalt roll-type siding; roll roofing; mill ends; ten-test; interior wall sheathing; aluminium or membrane covered sheathing; insulation board. (94-83)

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(6) **Flood Plains**

(a) **Use Of Flood Plains:**

No person shall use any lot or erect, alter or use any building or structure on a flood plain for any purpose except one or more of the following uses:

an agricultural use;

a conservation use;

a forestry use;

a marine facility;

a public use.

(b) **Restrictions Adjacent to Flood Plains:**

No building shall be erected or altered within 25 feet of a flood plain.

(By-Law Numbers 76-26; 2007-159)

(c) **Calculation of Zone Provisions:**

No part of any flood plain shall be used to calculate any of the zone provisions required by this by-law. (77-26)

(7) **Gravel Pits and Stone Quarries**

No gravel pit, stone quarry, wayside pit or wayside quarry shall be established or made in any area of the Corporation except in a zone where such a use is included under the heading "Uses Permitted" in this by-law. Where this by-law states that no land shall be used for any purpose other than planting grass, shrubs, seeded berms, trees or similar vegetation, this shall also mean that no gravel pit, stone quarry, wayside pit or wayside quarry shall be established in such areas.

(8) **Height Exceptions**

(a) **Restrictions Not Applicable:**

The height provisions of this by-law shall not apply to the following uses:
(77-26)

a barn;

a belfry;

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- a chimney;
- a church spire;
- a clock tower;
- a corn crib;
- a drying elevator;
- a farm implement shed;
- a feed or bedding storage use;
- a flag pole;
- a hydroelectric transmission tower;
- a non-commercial radio antenna;
- a non-commercial television antenna;
- a silo;
- a water tower;
- a windmill.

(b) **Height of Boathouse:**

No boathouse shall exceed a height of 20 feet, nor consist of more than one storey.

(c) **Storage Tanks:**

Notwithstanding the provisions of Section 5(1)(c) hereof to the contrary, an above ground storage tank shall be subject to the "Height of Building" provisions of the Zone in which it is located. (86-38)

(9) **Home Occupations**

No home occupation shall be permitted in any zone unless such home occupation conforms to the following provisions:

- (a) No more than one person, other than a member of the family shall be employed in the home occupation.

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- (b) There shall be no external display or advertising, other than a legal sign, to indicate to persons outside, that any part of the dwelling house, dwelling unit or lot is being used for a purpose other than residential.
- (c) Not more than 25 per cent of the dwelling unit area shall be used for the purpose of home occupation uses.
- (d) Such home occupation shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling house or dwelling unit.
- (e) There shall be no goods, wares or merchandise, other than arts and crafts produced on the premises, offered or exposed for sale or rent on the premises.
- (f) The home occupation shall not create or become a public nuisance, particularly in regard to noise, vibration, glare, fumes, odours, motor vehicle traffic, parking or electrical
- (g) interference in excess of that normally experienced in a residential neighbourhood. (94-83)
- (h) The home occupation shall not interfere with television or radio reception.
- (i) The home occupation shall be restricted to the dwelling house or dwelling unit.
 - (i) Notwithstanding Clause (e) above, in all Zones except Zone 'A1' (Restricted Agricultural Zone) and Zone 'A2' (General Agricultural Zone), there shall be no outdoor storage of materials, equipment or containers, exterior parking or storage of commercial or industrial vehicles or equipment, animal enclosures or other outdoor activities in conjunction with the home occupation.

(By-Law Number 2002-321)

(10) **Illumination**

Lighting fixtures designed for exterior illumination, which are not public uses, shall be installed with the light directed downward and deflected away from adjacent lots and streets.

(11) **Lanes vs Yards**

Where the rear lot line of a lot adjoins any portion of a lane, one-half of the width of that portion of such lane may be considered part of the lot for the purpose of

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computing the area of the lot and for the purpose of computing the depth of any rear yard required under this by-law, provided that the depth of the rear yard on the lot shall never be less than 20 feet.

(12) Loading Space Regulations

(a) Requirements:

The owner or occupant of any lot, building or structure erected or used for any purpose, other than a farm, involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials, shall provide and maintain at the premises, facilities comprising one or more loading spaces at least 30 feet long, at least 12 feet wide and having a vertical clearance of at least 14 feet, in accordance with the following:

Gross Floor Area of Building or Structure (square feet)	Minimum Number of Loading Spaces Required	
	Commercial Uses	Industrial Uses
0-3,000	0	1
3,000-25,000	1	2
25,000-80,000	2	3
Greater than 80,000	2 plus 1 additional for each additional 100,000 square feet	3 plus 1 additional for each additional 100,000 square feet

In addition to the above number of loading spaces, space shall be provided for the parking of vehicles awaiting access to loading spaces.

Loading requirements for uses other than commercial and industrial shall be addressed on a site-specific basis. (94-21)

(b) Location:

The required loading spaces shall be provided on the lot occupied by the building or structure for which the said loading spaces are required, in such a way that all materials and commodities loaded or unloaded can be easily collected or distributed within the site to or from all tenants or occupants and shall not form a part of any street or lane. (94-83)

(c) Yards Where Permitted:

The required loading spaces shall be located only in an interior side yard or rear yard provided such loading spaces are located no closer than 60 feet to any street line.

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(By-Law Number 2005-210)

(d) **Access:**

Access to loading spaces shall be by means of a driveway at least 12 feet wide for one-way operation, or 20 feet wide for two-way operation, contained within the lot on which the spaces are located and leading to a street or lane located within or adjoining the zone in which the use is located. (94-21)

(e) **Surface:**

The driveways and loading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

(f) **Addition to Existing Use:**

When a building or structure has insufficient loading spaces on the date of passing of this by-law to comply with the requirements herein, this by-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition. However, no addition may be built and no change of use may occur, the effect of which would be to increase that deficiency.

(13) **Lot Development Requirements**

(a) **Access to Improved Street:**

No person shall erect any building or structure in any zone unless the lot, upon which such building or structure is proposed to be located, is provided with access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width, from such lot to an Improved Street which abuts the said lot. This provision shall not apply to a lot on a Registered Plan of Subdivision where an Agreement between the owner of such subdivision and the Corporation, including provisions for the construction of the streets shown on such subdivision, is registered in the records of the Registry of Land Titles Office; or, to Model Home(s) where a Model Home Agreement has been executed (signed) by the owner on a lot prior to registration of the plan of subdivision subject to the regulations of Section 5(27) of this by-law. (83-43)

(By-Law Number 2003-381)

(b) **More than one Use on a Lot:**

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When a lot contains more than one use, each use shall conform to the provisions of this by-law for such use in the zone where it is located.

(c) **More than one Use on a Lot:**

Where a lot is divided into more than one zone, each such portion of the lot shall, for the purpose of this by-law, be considered a separate lot and shall be used in accordance with the applicable zone provisions of this by-law, but this provision shall not be construed to permit more than one dwelling house on the whole lot.

(By-Law Number 2005-210)

(d) **Area and / or Frontage less than Required:**

Where a lot having a lesser lot area and / or lot frontage than that required herein is held under distinct and separate ownership from abutting lots, as shown by a registered conveyance in the records of the Registry or Land Titles Office on the date of the passing of this by-law, or where such a lot is created as a result of an expropriation, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that all other requirements of this by-law are complied with.

(By-Law Number 2005-210)

(e) **Lot Servicing Requirements**

No person shall erect any building or structure or use any lot in any zone, unless it is proven that the lot will have adequate capacity for sanitary sewer, stormwater sewer, septic facilities, and potable water.

(By-Law Number 2005-210)

(14) **Non-Conforming Uses**

(a) **Strengthening to Safe Condition Permitted:**

Nothing in this by-law shall prevent the strengthening or restoration to a safe condition of a non-complying building or structure provided that such strengthening or repair does not increase the height, size or volume of any portion of such building or structure which contravenes this by-law. (83-43)

(b) **Rebuilding or Repair Permitted:**

Nothing in this by-law shall prevent the rebuilding or repair of a dwelling that is damaged or destroyed as a result of fire, explosion, flood, tempest, act of God, or

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demolished by order of the Corporation or other authority for safety, health or sanitation requirements subsequent to the date of passing of this by-law, provided that the gross floor area shall not be less than the gross floor area of the dwelling immediately prior to the damage. For the purpose of this section, a dwelling shall be deemed to be destroyed if it is damaged to the extent of fifty (50) per cent or more of the value thereof immediately prior to the damage. (94-83)

(c) **Rebuilding or Repair Prohibited:**

Any building or structure, other than a dwelling, which is damaged to the extent of fifty (50) per cent or more of the value thereof immediately prior to the damage shall not be restored except in accordance with the provisions of this by-law.

(d) **Extensions Permitted:**

Nothing in this by-law shall prevent an extension or an addition being made to a non-complying use, building or structure provided such extension or addition conforms to the provisions of this by-law. (83-43)

(15) **Noxious Uses**

No use shall be permitted which, from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture.

(By-Law Number 2006-42)

(15A) **Outdoor Seasonal Display and Sales Area**

Nothing in this by-law shall prevent an area set aside outside of a building or structure within a commercial zone, which is used in conjunction with a business located within the building or structure and located on the same lot, to be used for the display or retail sales of seasonal produce or new merchandise, provided such area:

(a) Is seasonal in nature and does not include a permanent retailing area; and,

(b) Is not located within a fire lane, a parking area or a loading space required to fulfil the provisions of the zoning by-law, or a driveway or passageway which provides an access route for vehicular traffic across the lot or to an improved street which abuts said lot. (94-81)

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(16) Parking Area Regulations

(a) Requirements:

The owner of every building or structure erected or used for any of the purposes listed below shall provide and maintain for the sole use of the owner, occupant, or other persons entering upon or making use of the said premises from time to time, one or more parking spaces, each such parking space as defined in Schedule "C" hereto, in accordance with the following: (94-21)

Type of Use	Minimum Parking Space Requirement	
Residential Uses	Apartment Dwelling House	1.25 parking spaces per dwelling unit, except that for a senior citizens' apartment dwelling house, the minimum requirement shall be 0.5 parking spaces per dwelling unit.
	Boarding or Lodging House	1 parking space per dwelling unit plus one parking space per guest room.
	Maisonette Dwelling House	1 parking space per dwelling unit.
	Row Dwelling House	
	(i) Freehold ownership	1 parking space per dwelling unit.
	(ii) with access to a public street	1 parking space per dwelling unit.
	(iii) Group Housing	1 parking space per dwelling unit consisting of 1 space for the resident and 0.1 space for visitors.
Second Residential Unit	1 parking space per Second Residential Unit	
Other Residential Uses permitted by this by-law	1 parking space per dwelling unit.	

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Non-Residential Uses	Assembly Hall, Community Centre, Theater, Cinema, Auditorium	The greater of: (a) 1 parking space per 6 fixed seats of fraction thereof, or (b) 10.76 parking spaces per 100 square metres of gross floor area (95-129)
	Automatic Car Wash (i) Self-service Operation (ii) Mechanical Operation	5 parking spaces per wash stall. 10 parking spaces per wash stall.
	Bowling Alley or Curling Rink	2 parking spaces per bowling lane or curling sheet.
	Church	1 parking space per 4 seats; in the case of bench seating, 1 seat equals 0.5 metres of bench space.
	Health or Fitness Club	3.1 parking spaces per 100 square metres of gross floor area.
	Industrial Establishment	2.69 parking spaces per 100 square metres of manufacturing floor area plus 1.66 parking spaces per 100 square metres of warehousing or storage floor area
	Medical or Dental Clinic, Animal Hospital	5.0 parking spaces per 100 square metres of gross floor area.
	Nursing Home	0.25 parking spaces per bed.
	Office or Public Building	3.57 parking spaces per 100 square metres of gross floor area; or, 3.2 parking spaces per 100 square metres of gross floor area where a site is situated on a public transit route and the approved site plan is supportive of public transit.
	Recreation Establishments or Commercial Sports (other than listed	The greater of: (a) 1 parking space per 14 square metres of gross floor area. (b) 1 parking space per 4 persons

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	separated herein)	design capacity of the establishment.
	Restaurant	10.0 parking spaces per 100 square metres of gross leasable area with a minimum of 20 parking spaces for a drive-in restaurant.
	Retail Store, Merchandise Shop or Personal Service Shop	5.25 parking spaces per 100 square metres of gross floor area.
	Schools (a) Elementary (b) Secondary	2.1 parking spaces per classroom. 5.67 parking spaces per classroom.
	Shopping Centre, Department Store, Supermarket or use located in a Highway Commercial Zone	5.4 parking spaces per 100 square metres of gross leasable area.

(By-Law Numbers 76-26; 2015-56; 2019-89)

(a) Accessible Parking

- i) In any *zone*, the required number of *parking spaces* shall include the provision of accessible *parking spaces* in the minimum quantity specified below:
 - a) Residential: Accessible parking spaces are provided at a rate of 4% of the required parking spaces. A minimum of one Type A (Van accessible) accessible space required, rounded up to the nearest whole number. Equal numbers of Type A (Van accessible) and Type B are required. If an odd number is required, the additional space may be either type. Accessible parking is not required for single detached and semi-detached houses, duplexes, triplexes, town houses, and row houses that do not have shared parking arrangements.
 - b) Commercial and residential: Accessible parking spaces are provided at a rate of 4% of the required parking spaces. A minimum of one Type A (Van accessible) accessible space required, rounded up to the nearest whole number. Equal numbers

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of Type A (Van accessible) and Type B are required. If an odd number is required, the additional space may be either type.

c) Industrial: Accessible parking spaces are provided at a rate of 4% for the first 200 required parking spaces and 3% for the additional required parking spaces, including a minimum of one Type A (Van accessible) required accessible space, rounded up to the nearest whole number. Equal numbers of Type A (Van accessible) and Type B are required. If an odd number is required, the additional space may be either type.

d) Institutional: Accessible parking spaces are provided at a rate of 10% of the required parking spaces. A minimum one Type A accessible space required, rounded up to the nearest whole number. Equal numbers of Type A (Van accessible) and Type B are required. If an odd number is required, the additional space may be either type.

e) All other uses: Accessible parking spaces are provided at a rate of 4% of the required parking spaces. Minimum one Type A space required. Equal numbers of Type A (van accessible) and Type B are required. If odd, the additional space may be either type.

ii) Design Standards

The following regulations shall also apply to accessible *parking spaces*:

- a) Type A (Van accessible) spaces shall have minimum rectangular dimensions of 3.4 metres width by 6.0 metres length and must have signage specifying that they are van-accessible.
- b) Type B spaces shall have minimum rectangular dimensions of 2.7 metres width by 6.0 metres length.
- c) an access aisle with minimum rectangular dimensions of 1.5 metres width by 6.0 metres length and marked with high tonal contrast diagonal lines is required adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between spaces.
- d) all accessible parking spaces shall be marked by an identifying marker on the pavement consisting of the International Symbol of Access as a 1.53 x 1.53 m white border and symbol with a blue background field colour centered on the parking stall 0.5-0.8 m from the traffic aisle;
- e) all accessible parking spaces shall be appropriately signed in accordance with provincial regulations;

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- f) a minimum vertical clearance of 2.9 metres (10 feet) shall be provided at accessible parking spaces, passenger loading zones, and along access routes to accessible parking spaces;
- g) gradient for a barrier free vehicle parking space shall not exceed five (5) per cent;
- h) wheel stops shall be placed to provide a minimum 0.8 metres clear space for wheelchair access;
- i) accessible parking spaces shall be located closest to the nearest accessible entrances(s) of the building on an accessible route;
- j) curb ramps, where required, shall be provided to permit access from the parking area to a sidewalk.

(By-Law Numbers 76-26; 2007-159; 2017-73)

(b) **More than one Use on a Lot:**

When a building, structure or lot accommodates more than one type of use as set out in paragraph (a) of this subsection, the parking space requirement for such building, structure or lot shall be the sum of the requirements for the separate uses thereof.

(c) **Yards Where Permitted: (83-43)**

Notwithstanding the yard and setback provisions of this by-law to the contrary, uncovered surface parking areas shall be permitted in the required yards, or in an area between the street line and the required setback as follows, provided that such parking areas shall be subject to the provisions of Section 5(21) hereof regarding sight triangles, as follows:

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Zone	Yard in Which Required Parking Area Permitted
Agricultural	All yards, provided that no part of any parking area, other than a driveway, is located closer than 10 feet to any street line.
Deleted	(By-Law Numbers 76-26; 94-21; 94-83; 2015-56)
“Development and Residential except an Apartment Dwelling House and Group Housing	Up to 40 square metres of parking in the rear yard or interior side yard only, provided that where the use on the lot is a single family dwelling house, semi-detached dwelling house, duplex dwelling house, converted dwelling house or row dwelling house, a parking space may be located in a permitted driveway in a front yard.” (By-Law Numbers 76-26; 2008-165; 2015-56; 2019-147)
Residential – Apartment Dwelling House and Group Housing except Group Housing with individual driveways to a private roadway	Rear and interior side yards only, except for visitor parking, provided that no part of any parking area, other than a driveway, is located closer than 25 feet to any street line and no closer than 10 feet to any side lot line or the rear lot line. (94-21)(94-83)
Group Housing with individual driveways to a private roadway	Rear yard and interior side yard only, except for visitor parking, provided that this provision shall not apply to prevent the use of a garage or the driveway portion of the front yard. (94-83)
Commercial	All yards provided that no part of any parking area, other than a driveway, is located closer than 3 ft to any street line
Industrial, Open Space and Development	Interior side and rear yards only, except for visitor parking, provided that no part of any parking area, other than a driveway is located closer than 25 feet to any street line.

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- (d) **Access:**
- (i) For non-residential uses, access to the required parking spaces and parking areas shall be provided by means of unobstructed driveways or passageways, of widths as follows, measured within the property for the lesser of a distance of 20 feet beyond the landscaped strip or the initial row of parking spaces or, where no landscaped strip or row of parking spaces is provided, 20 feet from the streetline. (94-21) and (95-129)
 - (a) For one-way driveways, at least 10 feet but not more than 30 feet in width.
 - (b) For driveways used for combined ingress and egress, at least 20 feet but not more than 45 feet in width (96-42).
 - (ii) The aisles, permissible parking angles and associated minimum dimensions shall be as defined in Schedule "C". (94-21)
 - (iii) The minimum distance between two separate driveways on one lot, measured along the street line, shall be 25 feet.
 - (iv) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 30 feet for all residential uses in Residential Zones and shall be 50 feet for all other uses in any zone.
 - (v) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
 - (vi) Every lot shall be limited to the following number of driveways:
 - (a) up to the first 35 feet of frontage - not more than one driveway;
 - (b) greater than 35 feet of frontage but less than 100 feet of frontage - not more than two driveways, with a combined width not exceeding 40 per cent of the lot frontage; and
 - (c) 1 additional driveway for each additional 100 feet of lot frontage.
 - (vii) In a Residential Zone, the minimum width of a driveway shall be 3.0 metres.

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- (viii) In a Residential Zone, the maximum width of a driveway within the required front yard depth shall be the lesser of:
- (a) 6 metres, or
 - (b) 40% of the lot width, provided that the minimum width of the driveway shall not be less than 3.0 metres.

For the purposes of calculating the maximum width of a driveway, the lot width shall mean the horizontal distance between the side lot lines, with such distance measured perpendicularly to the mid-point of the lot depth.

- (ix) In a Residential Zone, the maximum width of a driveway beyond the required front yard depth shall not exceed 6 metres, except where there is a garage, the maximum width of a driveway beyond the required front yard shall not exceed 6 metres or the width of the garage walls, whichever is greater.
- (x) The width of a driveway shall be measured perpendicular to the direction in which a motor vehicle drives.
- (xi) In a Residential Zone, where the use on the lot is a single family dwelling house, semi-detached dwelling house, duplex dwelling house, converted dwelling house or row dwelling house, a driveway or a parking space in a driveway within the required front yard depth shall not be permitted parallel to the street line.

(By-Law 76-26; 2019-147)

(e) **Surface:**

Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

(f) **Addition to Existing Use:**

When a building or structure has insufficient parking on the date of passing of this by-law to conform to the requirements herein, this by-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition.

However, no addition may be built and no change of use may occur, the effect of which would be to increase that deficiency.

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(g) **Use of Parking Areas and Parking Spaces:**

Where a parking area or parking space is permitted or required by this by-law in any Residential Zone, no person shall use such parking area or parking space for parking any motor vehicle unless such vehicle is used in operations incidental to the permitted uses in respect of which such parking area or parking space is provided and bears a motor vehicle license plate or sticker which is currently valid.

(h) **Restrictions in Residential Zones:**

No person shall use any parking area or parking space in a Residential Zone except in accordance with the following:

- (i) Not more than one vehicle per dwelling unit shall be a commercial motor vehicle as defined in this by-law.
- (ii) The rated capacity of any such commercial motor vehicle shall not exceed two (2) tonnes.
- (iii) Where a parking area or parking space is permitted or required by this by-law in any Residential Zone, no person shall use such a parking space for the parking of any motor vehicle unless such vehicle is used in operations incidental to the permitted uses in which such parking area or parking space is provided and bears a motor vehicle license plate or sticker which is currently valid.”

(By-Law Numbers 76-26; 2002-321; 2008-165)

(i) **Underground Parking Areas:**

Underground parking areas shall be permitted in all yards, provided that no part of any underground parking area shall be located within the limits of a street allowance.

(j) **Location:**

The required parking area shall not form part of any street, lane or required loading space and shall be provided on the lot occupied by the building, structure or use for which the said parking area is required unless otherwise specified in this by-law. The required parking area shall also be located either in the same Zone as the lot occupied by the building, structure or use for which the said parking area is required or within an abutting Zone which permits a parking lot. (83-43) and (94-21)

(k) **Calculations of Parking Requirements (Fractions):**

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Where the minimum number of required parking spaces calculated results in a number containing a fraction, that fraction may be dropped if it is less than one-half (1/2) in value. A fraction of one-half (1/2) or more in value shall be counted as one parking space. (94-21)

(l) **Parking Space Dimensions:**

Minimum parking space dimensions shall be as defined in Schedule "C". (94-21)

(m) Deleted by By-Law Number 2007-159.

(n) **Stacked Parking:**

Where parking for a residential use, other than an apartment dwelling house, boarding or lodging house, or maisonette dwelling house, is provided in an individual driveway and/or garage, the stacking of spaces one immediately behind another is permitted. (94-83)

(17) **Planting Strips**

(a) **Requirements for Non-Residential Uses:**

Where a lot is used for a Non-Residential purpose and the interior side or rear lot line, or portion thereof, abuts a Residential use or undeveloped land in an "R" or "D" Zone, or where such lot is in an Industrial Zone and the front, side or rear lot line abuts a portion of a street, the opposite side of which portion of the street abuts a Residential use or undeveloped land in a Residential Zone, then a strip of land adjoining such abutting lot line, or portion thereof, shall be used for no purpose other than a planting strip in accordance with the provisions of this subsection.

(b) **Width:**

Where, in any zone, a strip of land is required to be used for no purpose other than a planting strip, it shall have a minimum width of 10 feet measured perpendicularly to the lot line it adjoins.

(c) **Contents:**

Except where it is required along a front lot line or along a side lot line within 10 feet of a street line, a planting strip shall be used for no other purpose than planting a row of trees or a continuous unpierced hedgerow of evergreens or shrubs, not less than 5 feet high, immediately adjacent to the lot line or portion thereof along which such planting strip is required hereunder; the remainder of the strip shall be used for no other purpose

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than the planting of ornamental shrubs, flowering shrubs, flower beds or a combination thereof. Where required along a front lot line, a planting strip shall be used for no other purpose than trees, hedges, shrubs, flower beds, grass or a combination thereof.

(d) **Driveways or Walks:**

In all cases where ingress and egress driveways or walks extend through a planting strip, it shall be permissible to interrupt the strip within 10 feet of the edge of such driveway or within 5 feet of the edge of such walk.

(e) **Landscaped Open Space:**

A planting strip referred to in this subsection may form part of any landscaped open space required by this by-law.

(f) **Vegetation Height in Site Triangle:**

No vegetation within a site triangle shall exceed a height of 3 1/2 feet.

(18) **Public Uses**

(a) **Applicable Provisions:**

Except as otherwise provided in paragraph (c) of this subsection, only the following provisions shall apply to public uses:

- (i) no goods, materials or equipment shall be stored in the open, except as permitted in such zone;
- (ii) any zone provisions of the zone within which the use is located shall be complied with except as otherwise provided in paragraph (b) hereof;
- (iii) any above-ground non-recreational use carried on under the authority of this paragraph in any Residential Zone shall be enclosed in a building designed, located and maintained in general harmony with Residential buildings of the type permitted in such zone.

(b) **Streets and Installations:**

Nothing in this by-law shall prevent the use of land for a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line, lighting fixtures, overhead or underground electrical, or telephone, or other supply line or communication line except telecommunications/cellular telephone towers, or structure clearly

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accessory to the foregoing; provided that the location of such main, line, fixture or structure has been approved by the Corporation.

(c) **Exceptions:**

Notwithstanding any other provisions of this subsection (18) to the contrary, the following uses shall be permitted only in the zone where they are specifically listed:

an arena;

an open storage use of goods or materials;

a salvage yard;

a sanitary land fill site;

a secondary school.

(19) **Servicing Requirements**

(a) **New Residential Development:**

No person shall use any lot or erect any building or structure for Residential purposes within an R2, R3 or R4 Zone unless a public water system and a sanitary sewer system are available and of sufficient capacity to service such lot, building or structure.

(b) **Change to Residential Use:**

No person shall change to Residential the use of any building, structure or lot within an R2, R3 or R4 Zone unless a public water system and a sanitary sewer system are available and of sufficient capacity to service such lot, building or structure.

(c) **Existing Residential Uses:**

The provisions of this subsection shall not apply to Residential uses which existed on the date of passing of this by-law provided the number of dwelling units or guest rooms is not increased. Prior to increasing the number of dwelling units or guest rooms in an existing Residential use within an R2, R3 or R4 Zone, a public water system and a sanitary sewer system shall be available and of sufficient capacity to service such Residential use.

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(d) **Service Availability:**

A public water system or a sanitary sewer system shall be considered "available" to a lot if the pipe for such system is located:

- (i) within the street allowance abutting the said lot; or within an easement of the Corporation which abuts or lies within the boundaries of the said lot.
- (ii) Within an easement of the Corporation which abuts or lies within the boundaries of the said lot.

(19A) **Service Stations**

Notwithstanding any provision contained herein to the contrary, no portion of any automobile service station or gasoline retail facility use shall be permitted within 60 metres of the intersections: of Highway Number 38 and Highway Number 2; Gardiners Road and Highway Number 2; and, Taylor-Kidd Boulevard and Gardiners Road.

For the purpose of this provision, the word intersection shall include any proposed intersection and the 60 metre distance shall be measured, commencing at the point along the edge of the right-of-way where the taper related to the accessory turning lanes begins, along the edge of the right-of-way in a direction away from the intersection of the two streets. Where there are no accessory turning lanes existing or proposed, the 60 metre distance shall be measured commencing at the point where the rights-of-way of the two streets intersect, along the edge of the right-of-way, in a direction away from the intersection. (86-38)

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(20) **Setbacks**

Except as otherwise provided in paragraph (b) of this subsection, no person shall erect any building or structure in any zone unless such building or structure conforms to the following setback requirements:

- (a) (i) Provincial Highway and Major Arterial Road - 60 feet, plus the minimum front yard depth or exterior side yard width required for such use in the zone where it is located.
 - (ii) Minor Arterial Road - 50 feet, plus the minimum front yard depth or exterior side yard width required for such use in the zone where it is located.
 - (iii) Other Road - 33 feet, plus the minimum front yard depth or exterior side yard width required for such use in the zone where it is located.
- (b) Accessory Uses located within the rear yard of a through lot may be located within the required setbacks as listed in clause (a). (95-129)

(21) **Sight Triangles**

(a) **Uses Prohibited:**

Within any area defined as a sight triangle, the following uses shall be prohibited:

- (i) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
- (ii) a fence or tree, hedge, bush or other vegetation, the top of which exceeds 3 1/2 feet in height above the elevation of the centreline of the adjacent street;
- (iii) an uncovered surface parking area;
- (iv) a finished grade which exceeds the elevation of the centreline of the adjacent street by more than 3 feet.

(22) **Signs**

The provisions of this by-law shall not apply to prevent the erection, alteration, or use of any legal sign provided such sign complies with the provisions of Section 5(21) hereof.

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(23) **Recreational Vehicles, Watercraft, Trailers, etc.:**

(a) **Vehicles Permitted:**

In any Residential Zone, no person shall use or develop any lot, building or structure, or part thereof, for the purpose of parking or storing a boat, personal watercraft, all-terrain vehicle, motor home, travel trailer, tent trailer, camper, snowmobile or other recreational vehicle, or a utility trailer, except for:

- (i) one (1) boat which shall not exceed 8.2 metres in length;
- (ii) one (1) motor home which shall not exceed 8.2 metres in length;
- (iii) not more than two (2) personal watercraft, all-terrain vehicles, snowmobiles or other recreational vehicles, or any combination thereof;
- (iv) one (1) travel trailer, tent trailer or camper, which shall not exceed 8.2 metres in length, exclusive of hitch or tongue; and
- (v) one (1) utility trailer, which shall not exceed 8.2 metres in length, exclusive of hitch or tongue.

(b) **Where Permitted:**

In any Residential Zone, the parking or storage of a boat, personal watercraft, all-terrain vehicle, motor home, travel trailer, tent trailer, camper, snowmobile or other recreational vehicle, or a utility trailer shall only be permitted in a private garage or other building, an interior side yard or rear yard, but shall not be closer than 1.0 metre from any lot line, and shall not be in any required parking space or in a sight triangle.

(c) **Temporary Storage or Parking:**

- (i) In a Residential Zone, the temporary parking or storage of a boat; a motor home or a travel trailer, but not both; a personal watercraft, an all-terrain vehicle, or other recreational vehicle; or a utility trailer shall be permitted between April 1 and October 31 of each year in a permitted driveway in a front yard or in an exterior side yard, provided that the lot is not used for apartment dwelling house purposes, but it shall not be parked or stored closer than 1.0 metre from any lot line, in any required parking space, or in a sight triangle.

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- (ii) In a Residential Zone, the temporary parking or storage of a snowmobile shall be permitted between November 1 and March 31 of the following year in a permitted driveway in a front yard or in an exterior side yard, provided that the lot is not used for apartment dwelling house purposes, but it shall not be parked or stored closer than 1.0 metre from any lot line, in any required parking space, or in a sight triangle.

(By-Law Numbers 76-26; 2002-321; 2008-165; 2019-147)

(24) Through Lots

In the case of a through lot, the front yard requirements of the zone or zones in which such lot is located shall apply to each yard which abuts a street.

(25) Yard, Setback, and Height Encroachment Permitted

(a) Ornamental Structures:

Notwithstanding the yard and setback provisions of this by-law to the contrary, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or similar ornamental structures may project into any required yard a maximum distance of 2 feet.

(b) Decks, Porches, Patios, Balconies, Steps, And Verandas, Covered and Uncovered, in a Residential Zone:

Notwithstanding the yard and setback provisions of this by-law to the contrary, unenclosed decks, porches, patios, balconies, steps, and verandas, covered or uncovered, are permitted in any Residential Zone in accordance with the following provisions:

	Height Above Finished Grade Level		
	Finished grade level to 0.6m	More than 0.6m and less than 1.2m	More than 1.2m
Maximum Area	50 per cent of yard in which it is located.	50 per cent of yard in which it is located.	30m ²
Minimum Setback from Exterior Side Lot Line	May project 3.5m out from main building wall, but not closer than 3.5m to exterior side lot line.	May project 2.5m out from main building wall, but not closer than 3.5m to exterior side lot line.	Must meet setback requirement for individual zones.
Minimum Setback from Interior Side Lot Line	0.6m	Must meet setback requirements for	Must meet setback requirements for

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	Height Above Finished Grade Level		
	Finished grade level to 0.6m	More than 0.6m and less than 1.2m	More than 1.2m
		individual zones. For Semi-Detached Dwelling Houses: a) 1.2 m; and, b) on the side with a common party wall: 0.3m or 0m if there is a common privacy barrier of a minimum height of 1.5m. For a Rowhouse: 0.3m or 0m if there is a common privacy barrier with a minimum height of 1.5m.	individual zones. For Semi-Detached Dwelling Houses: a) 1.2 m; and, b) on the side with a common party wall: 0.3m or 0m if there is a common privacy barrier of a minimum height of 1.5m. For a Rowhouse: 0.3m or 0m if there is a common privacy barrier with a minimum height of 1.5m.
Minimum Setback from Rear Lot Line	2m	2m	4m
Minimum Setback from Front Lot Line	May project 3.5m out from main building wall, but not closer than 3.5m to the front lot line.	May project 2.5m out from main building wall, but not closer than 3.5m to the front lot line.	Must meet setback requirements for individual zones.

(c) **Patios:** Deleted by By-Law Number 2008-165.

(By-Law Numbers 76-26 77-26, 94-83; 2008-165)

(d) **Fire Escapes:**

Notwithstanding the yard and setback provisions of this by-law to the contrary, unenclosed fire escapes, in which the stair steps and floors are latticed in such a manner that the proportion of voids to solids is not less than two to one and in which guards consist only of hand rails and the structural members necessary to their support, may project into any required side yard or required rear yard a maximum distance of 4 feet.

(e) **Private Swimming Pools in Residential Zones:**

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Notwithstanding the yard provisions of this by-law to the contrary, in a Residential Zone, a private swimming pool and structures in conjunction with such swimming pool may be erected and used in the required interior side yard or the required rear yard provided:

- i. No part of the inside wetted surface of such swimming pool, may be located closer than 1.5 metres to any rear or side lot line;
- ii. No water circulating or treatment equipment, such as pumps or filters, shall be located closer than 3 metres to any interior side or rear lot line except where such equipment is enclosed in an accessory building;
- iii. A swimming pool shall not be considered as part of the lot coverage provided no part of the pool excluding its railing protrudes more than 1.4 metres above the ground level surrounding the swimming pool; and
- iv. A swimming pool, whether above-ground or in-ground, or related structures or equipment of greater than 0.15 metres above finished grade shall not be located within 1.5 metres of any lot line and 3.5 metres of any exterior side lot line.

(By-Law Numbers 76-26; 94-83; 2008-165)

(f) **Private Garage:**

Notwithstanding the front yard or setback provisions of this by-law to the contrary, where a dwelling house is permitted on a lot, the general elevation of which is above the street level, a private garage shall be permitted in the required front yard or in the area between the street line and the required setback, provided the roof of such garage is not more than 2 feet above the general elevation of the lot.

(g) **Railway Spur in Industrial Zone:**

Notwithstanding the yard and setback provisions of this by-law to the contrary, in an Industrial Zone a railway spur shall be permitted within any required yard or in the area between the street line and the required setback.

(h) **Gate House:**

Notwithstanding the yard and setback provisions of this by-law to the contrary, in an Industrial Zone a gate house shall be permitted in a front or side yard or in the area between the street line and the required setback.

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(i) **Building in Built-Up Area:**

Notwithstanding the provisions of this by-law to the contrary, where a detached single-family dwelling house or accessory use thereto is to be erected in a built-up area where there is an established building line, such dwelling house or accessory use may be erected closer to the street line or the centreline of the street, as the case may be, than required by this by-law provided such dwelling house or accessory use is not erected closer to the street line than the established building line on the date of passing of this by-law.

(j) **Single-Family Dwelling House and Non-Residential Building on Same Lot:**

Where a permitted single-family dwelling house is erected, altered or used on the same lot as a permitted Non-Residential building in a Commercial Zone, then no yard is required between such buildings. (94-83)

(k) **Yard Exceptions:**

Notwithstanding any provisions to the contrary, any dwelling house erected prior to July 8, 1976, and containing not less than 1,000 square feet of dwelling unit area, having contiguous thereto a yard or yards which are less than required by this by-law, may be altered to a boarding or lodging house or a converted dwelling house provided such alteration does not further reduce the size of any yard which did not comply to the provisions of this by-law. (94-83)

(l) **Reduce Side Yard Requirements:**

Notwithstanding any yard provisions of this by-law to the contrary, where the main use of a lot is for a Residential purpose, the minimum required interior side yard width may be reduced to 10 feet where such lot is exempt from lot area and / or lot frontage in accordance with Section 5(13)(d) hereof. (77-26)

(m) **Barrier Free Structures:**

Notwithstanding any provisions to this by-law to the contrary, unenclosed structures necessary to ensure that a building and its facilities can be approached, entered, and used by persons with physical or sensory disabilities in accordance with the *Ontario Building Code* may project into any required front, rear or side yard provided that the structure is not closer than 0.3 metres to any side lot line. For clarification, the areas of such structures shall not be used in the calculation of lot coverage.

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(By-Law Numbers 76-26, 2005-210; 2007-159)

(26) **Minimum Distance Separation Requirements**

Minimum Distance Separation formulae and criteria are to be applied in zones where any farm or any livestock facilities are a permitted use. Attached as "Appendix 1" are the formulas and worksheets for the calculation and application of the Minimum Distance Separation Formulae as prescribed, and amended from time to time, by the Ontario Ministry of Agriculture Food and Rural Affairs.

(a) **New Non-Agricultural Uses**

The expansion or establishment of any new non-agricultural use in close proximity to an existing livestock facility shall comply with the requirements of the Minimum Distance Separation (MDS I) calculation.

(b) **New or Expanded Livestock Facilities**

No livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) calculation.

(c) **Existing Lots of Records**

The Minimum Distance Separation requirements do not apply in the case of a new Non-Agricultural use under this subsection where a legal lot of record with an area of 2 acres or less, existed as of the date of passing of this by-law, and for which the proposed use is listed as a permitted use in the zone in which the existing lot is located, in which case the provisions of this section shall not serve to preclude the issuance of a building permit for the permitted use.

(d) **Higher Standard to Govern**

The greater separation distance of either the MDS provision or Zone provision shall be applied.

(By-Law Number 2001-144)

(27) **Model Home in Draft Plans of Subdivision**

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

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- (i) The use shall be permitted in the zone in which the dwelling or townhouse block is to be located;
- (ii) The dwelling unit shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the subdivision plan;
- (iii) The maximum number of model homes shall not exceed ten (10) per cent of the total number of lots intended for single detached, semi-detached or townhouse dwelling purposes within the plan of subdivision proposed for registration, to a maximum of ten (10) units;
- (iv) The model home shall comply with all other provisions of this by-law, as though the dwellings and or units were constructed on the lot within the registered plan of subdivision; and
- (v) The model home shall comply with all applicable terms and conditions of the said Model Home Agreement.

(By-Law Number 2003-381)

(28) **Reduction of Lot Area – Road Widening, Daylighting Triangles, etcetera**

Notwithstanding any other section of this by-law, where any portion of a lot is, subsequent to the date of passing of this amending by-law, taken by the City for the purpose of a road widening, daylighting triangle, turning lane or other similar use, and such use is not required in order to provide entrances, exits, acceleration or deceleration lanes or other similar uses designed to serve the said lot, then the development potential as permitted in this by-law, for any building permit issued after the date of passing of this amending by-law shall be calculated on the entire lot area including the area of the proposed road widening or other similar use.

(By-Law Number 2003-381)

(29) **Renewable Energy Systems**

Static Renewable Energy Device: For the purpose of this section a Static Renewable Energy Device shall mean a device that produces, captures or conserves energy without visible motion or emissions such as noise, vibration, liquids, gases or combustion products; such devices may include solar panels, pool heaters, etcetera.

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Notwithstanding the height provisions of this by-law to the contrary a Static Renewable Energy Device may exceed a height requirement by 0.5 metres.

(By-Law Numbers 76-26; 2008-165)

(30) **Second Residential Units**

Notwithstanding any other provision of this By-Law, where a Second Residential Unit is permitted hereunder, the following provisions shall apply:

- (a) A Second Residential Unit shall only be permitted in association with the following permitted principal uses in any zone:
 - (i) Single-Family Dwelling House
 - (ii) Semi-Detached Dwelling House
 - (iii) Row Dwelling House
- (b) The lands identified in Schedule "D" of this By-Law as having a Holding 'H' symbol for the purposes of introducing a Second Residential Unit shall be required to satisfy the following conditions to address the applicable servicing constraint, prior to the 'H' symbol being removed and a building permit being issued:

Constraint Area – Water Supply/Water Quality:

- (i) a Second Residential Unit that is contained or attached to the Principal Dwelling Unit: a letter of opinion signed by an independent, qualified professional holding a valid licence to practice in Ontario as either an engineer (P.Eng.) or geoscientist (P.Geo) shall be submitted to the City confirming that the private water supply is sufficient to support the Second Residential Unit in combination with the normal operation of the Principal Dwelling Unit on the lot. The letter must be in a form satisfactory to the City's Environment Director (or designate) and must adequately demonstrate how the supply well will support the increased demand required by the Second Residential Unit, while ensuring that neighbouring wells are not adversely impacted. In addition, the letter must include a statement confirming that any water quality treatment systems in place at the time of review are sufficient in terms of design, maintenance and condition to safely service the proposed Second Residential Unit in combination with the existing Principal Dwelling Unit. Approval of the septic system must be obtained from

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KFL&A Public Health. Notwithstanding the foregoing, the Hamlet of Sunnyside and the St. Lawrence community do not require confirmation of water supply in order to remove the holding provision;

- (ii) a detached Second Residential Unit: a hydrogeological study shall be completed to the satisfaction of the City's Environment Director (or designate) by an independent qualified professional (P.Eng.) or geoscientist (P.Geo), confirming that the groundwater quality and quantity are sufficient for the Second Residential Unit and will not adversely impact the water supply of adjacent lots and the Principal Dwelling Unit. In addition, the hydrogeological study must assess the potential for sewage system impact and demonstrate that:
- the area of development is not hydrogeologically sensitive; and
 - the sewage system is isolated from the receiving aquifer, or the impact of the Principal Dwelling Unit plus the Second Residential Unit is less than 10mg/L nitrate-nitrogen at the property boundary.

The hydrogeological study shall be completed in accordance with the City's Standard for Hydrogeological Assessments. The City's Environment Director (or designate) may, in its sole discretion, modify the requirements of a full hydrogeological study, if warranted.

Approval of the septic system must be obtained from KFL&A Public Health.

Notwithstanding the foregoing, the Hydrogeological Study required to establish a second residential unit in the Hamlet of Sunnyside and the St. Lawrence community shall be scoped to only demonstrate that there will be no negative sewage system impacts in accordance with the requirements noted above.

- (c) A Second Residential Unit shall not be permitted in any cellar or basement within the lands identified as Constraint Area – Sewer Surcharging in Schedule "D" of this By-Law.
- (d) A Second Residential Unit shall not be permitted on the lands identified as Constraint Area – Sewer Capacity Limitations in Schedule "D" of this By-Law.

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- (e) A Second Residential Unit shall not be permitted on the lands identified as Constraint Area – Loughborough Lake in Schedule “D” of this By-Law.
- (f) A Second Residential Unit shall only be permitted if it is connected to municipal services or private water and sewerage systems approved by the authority having jurisdiction.
- (g) A Second Residential Unit shall not be permitted on a lot containing two or more dwelling units, a garden suite, boarding house, or lodging house.
- (h) A Second Residential Unit shall not be permitted on the lands identified as Natural Hazards Area in Schedule “E” of this By-Law, or on any lands otherwise identified as a natural hazards area through a site-specific investigation or analysis.
- (i) The establishment of a Second Residential Unit shall not be limited by any special zone provision that establishes the maximum number of dwelling units.
- (j) A maximum of one Second Residential Unit shall be permitted per lot.
- (k) Where this By-Law calculates density as a measure of dwelling units per net hectare, a Second Residential Unit shall be exempt from this calculation.
- (l) Second Residential Units shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.
- (m) A Second Residential Unit shall comply with the maximum floor space index (FSI), where such requirement has been established for the zone in which the Second Residential Unit is located.
- (n) A Second Residential Unit shall comply with the required minimum Landscaped Open Space, where such requirement has been established for the zone in which the Second Residential Unit is located.
- (o) A Tandem Parking Space shall be permitted to facilitate a Second Residential Unit. A Parking Space for a Second Residential Unit may be located in a permitted driveway that is within a front yard. The parking space for the Second Residential Unit shall meet all other applicable provisions of this By-Law.

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- (p) Where a Second Residential Unit is attached to the Principal Dwelling Unit, the Second Residential Unit must have a separate exterior entrance. The separate entrance may be located at the side, rear or front of the Principal Dwelling Unit. A separate entrance may also be provided through a joint front entrance vestibule within the Principal Dwelling Unit.
- (q) The exterior entrance to a Second Residential Unit that is within a Principal Dwelling Unit (i.e. not a detached second residential unit) and is located at the side or rear of the Principal Dwelling Unit, shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the Principal Dwelling Unit building or the front lot line. For the purposes of this Section, a “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.
- (r) No person may park a vehicle on any part of a pathway, as defined in subsection (q) above.
- (s) The use of a separate driveway to provide unobstructed access to a detached Second Residential Unit may be provided where the driveway and Parking Space requirements of this By-Law are met.
- (t) Access to a detached Second Residential Unit shall be in accordance with the Ontario Building Code.
- (u) The gross floor area of the Second Residential Unit shall be equal to or less than the gross floor area of the Principal Dwelling Unit. For the purposes of this provision, “gross floor area” shall mean the total area of each floor, whether located above, at, or below grade, including finished attic spaces measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, but excluding:
 - (i) an open porch or balcony; and
 - (ii) areas internal to the building that are intended for storage of vehicles.
- (v) A detached Second Residential Unit is not subject to the accessory use regulations in Section 5(1) of this By-Law unless otherwise indicated below, and will be permitted in accordance with the provisions of subsections (a) to (u) above and the following additional provisions:

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- (i) a detached Second Residential Unit shall comply with the minimum yard setbacks and maximum height applicable to the Principal Dwelling Unit in the zone in which such use is located;
- (ii) a detached Second Residential Unit may be located within a rear or interior side yard, to a minimum setback of 1.2 metres from the rear or interior side yard lot line, provided the second residential unit does not exceed 4.6 metres in height, and further provided that a solid privacy fence with a minimum height of 1.8 metres is established in accordance with the following provisions:
 - a. when the detached Second Residential Unit is situated within a rear yard only, the privacy fence shall be established around the entire perimeter of the rear yard (i.e., along the side and rear lot lines as applicable);
 - b. when the detached Second Residential Unit is situated within a side yard only, the privacy fence shall be established along the side yard lot line closest to the detached second residential unit extending from the intersection of the side lot line with the rear lot line and shall extend to the nearest part of the Primary Dwelling Unit measured to the front lot line; or
 - c. when the detached Second Residential Unit is situated within a rear yard and a side yard, fencing shall be established in accordance with provisions set out in both subsections (a) and (b) above.
- (iii) A detached Second Residential Unit shall comply with the maximum lot coverage requirements for accessory buildings or structures as identified in Section 5(1)(b) of this By-Law;
- (iv) A detached Second Residential Unit shall not be located in the front yard or exterior side yard; and
- (v) A detached Second Residential Unit shall comply with the minimum distance separation formulae.

(By-Law Numbers 76-26; 2013-42; 2019-89)

(31) **Amenity Area**

For a dwelling house containing three or more dwelling units, other than a row dwelling house, amenity area shall be provided on the lot as follows;

- (a) A minimum of 18.5 square metres of amenity area shall be provided for each dwelling unit on a lot.

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- (b) Amenity areas, or any part thereof, shall be designed and located so that the length does not exceed four times the width.
- (c) Amenity areas, if provided as communal space, must be aggregated into one area or grouped into areas of not less than 54.0 square metres.
- (d) Where an amenity area, provided as an outdoor area exterior to the dwelling house is located at grade level, it may be included in the calculation of landscaped open space requirements.

(By-Law 76-26; 2017-170)

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Section 6

Zones

(1) Zone Classification

For the purposes of this by-law, all lands within the Corporation are divided into zones and classified as follows:

Zones	Symbols
Environmental Protection Area Zone	EPA
Open Space Zone	OS
Agricultural Zones	
Restricted Agricultural Zone	A1
General Agricultural Zone	A2
Proposed Airport Restricted Zone (Repealed by By-Law Number 79-49)	
Residential Zones	
Residential Type 1 Zone	R1
Residential Type 2 Zone	R2
Residential Type 3 Zone	R3
Residential Type 4 Zone	R4
Estate Residential Zone	ER
Institutional Zone	
Commercial Zones	
Local Commercial Zone	C1
General Commercial Zone	C2
Highway Commercial Zone	C3
Marine Commercial Zone	C4
General Shopping Centre Commercial Zone	C5
Restricted Shopping Centre Commercial Zone	C6
Industrial Commercial Zone (By-Law Number 78-18)	C7
Industrial Zones	
General Industrial Zone	M1
Light Industrial Zone	M2
Service Industrial Zone	M3
Disposal Industrial Zone	M4

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Extractive Industrial Zone.....	M5
Restricted General Industrial Zone (By-Law Number 78-18).....	M6
Development Zone	D
Airport Zone	AP

(2) **Zone Symbols**

The symbols listed in Section 6(1) hereof may be used to refer to buildings and structures, the uses of lots, buildings and structures permitted by this by-law in the said zones, and whenever in this by-law the word "Zone" is used, preceded by any of the said symbols, such reference shall mean any area within the Corporation within the scope of this by-law, delineated on Schedule "A" and designated thereon by the said symbol.

(3) **Zone Provisions**

The uses permitted, the minimum size and dimensions of lots, the minimum size of yards, the minimum setback, the maximum lot coverage, the minimum landscaped open space, the maximum height of buildings, and all other zone provisions are set out herein for the respective zones.

(4) **Special Zones and Provisions**

Where the Zone symbol designating certain lands as shown on Schedule "A" is followed by a dash and a number, (for example: "M5-1"), then special provisions apply to such lands and the special provisions will be found by reference to that section of the by-law which deals with the particular zone. Lands designated in this manner shall be subject to all the restrictions of the zone except as otherwise provided by the special provisions.

(5) **Building, Structure and use Classification**

- (a) The buildings, structures and uses specifically named as permitted uses in a particular zone and classified under the headings "Residential Uses" or "Non-Residential Uses" are the only uses permitted in the particular zone in which they are named and classified.
- (b) For the purpose of reference, all buildings, structures and uses named as permitted uses and classified under the headings "Residential Uses" or "Non-Residential Uses" may be referred to as Residential or Non-Residential buildings, structures or uses respectively.

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(6) Holding Zone Provisions

Pursuant to the provisions of the *Planning Act*, R.S.O., 1990, Council may specify, by the use of a Holding Symbol '-H', in conjunction with the appropriate zone symbol, the eventual use to which lands, buildings and structures may be put at such time in the future as the '-H' Holding Symbol is removed by a further amendment to this by-law. The Holding Symbol '-H' may be used in conjunction with any Zoning category in this by-law, in accordance with the following provisions:

- (i) Lands which are shown to be subject to an '-H' Holding Zone may be used only for the following purposes while the '-H' Symbol is in place:
 - (a) Existing uses, subject to the provisions of the Zone category that was applicable to the lands prior to the establishment of the '-H' Holding Zone;
 - (b) Other uses, as deemed appropriate by Council, and as specified in the Amending Zoning By-Law establishing the '-H' Holding Zone.
 - (c) Model homes, where a model home agreement has been executed (signed) by the owner and prior to registration of the plan of subdivision, subject to the regulations of Section 5(27) of this by-law.

(By-Law Number 2003-381)

This section shall not prevent the renovation of any building or structure or part of any such building or structure, or the alteration or renovation of an existing building or structure provided such alteration or renovation will not increase the height, size or volume, or change the use of such building or structure located in a Holding Zone.

- (ii) Subject to the removal of the '-H' Holding Symbol, the lands shall be used in accordance with the permitted uses and regulations of the associated Zone Symbol and any amendments thereto deemed appropriate by Council and specified in the Amending Zoning By-Law which established the '-H' Holding Zone or as otherwise approved by Council.
- (iii) The '-H' Holding Symbol shall only be removed once all of the following applicable requirements have been complied with:

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- (a) All applicable municipal requirements and financial arrangements have been completed to the satisfaction of Council;
- (b) The required services are available or can be made available;
- (c) The phasing and design of the proposed development is to Council's satisfaction;
- (d) Any identified development constraints can be addressed to the satisfaction of Council;
- (e) All necessary Agreements, such as the Subdivision Agreement or Site Plan Control Agreement, have been registered on title;
- (f) City Council has given Notice pursuant to the requirements of the *Planning Act* of its intention to pass a by-law to remove the '-H' Holding Symbol and has passed the appropriate amendment to the Zoning By-Law to remove the '-H' Holding Symbol pursuant to the *Planning Act*."

(By-Law Number 99-87 – 1999)

(7) **Temporary Use Provisions**

Where the Zone symbol designating certain lands as shown on Schedule "A" hereto is followed by the Temporary Use Symbol - the letter "T" followed by a number (for example: "R2-T1"), then Temporary Use provisions pursuant to Section 38 of the *Planning Act*, 1983 apply to such lands. The specific nature of the temporary use provision that applies to the lands will be found by reference to that section of the by-law which deals with the particular zone. Lands designated in this manner shall be subject to all restrictions of the zone except as otherwise provided by the temporary use provision. Upon the expiry date of the temporary use provision, the temporary use of such lands or buildings, as may be specified, must cease, and use of the Temporary Use Symbol in conjunction with the Zone symbol shall be discontinued. (89-70)

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Section 7

Environmental Protection Area Zone (EPA)

(1) Uses Permitted

No person shall within any EPA Zone erect, alter or use any building for any purpose; and no person shall within any EPA Zone use any lot or erect, alter or use any structure for any purpose except one or more of the following EPA uses, namely:

(a) Residential Uses:

prohibited.

(b) Non-Residential Uses:

an agricultural use;

a conservation use;

a forestry use;

a golf course;

a marine facility;

a public or private park;

parking facilities incidental to a permitted use;

provided that in no case shall any main building be permitted in any EPA Zone. (77-26).

(2) Zone Provisions

No person shall within any EPA Zone use any lot or erect, alter or use any building or structure other than a marine facility except in accordance with the following provisions: (94-83)

(a) Front Yard Depth (Minimum): 45 Feet

(b) Exterior Side Yard Width (Minimum): 45 Feet

(c) Interior Side Yard Width (Minimum): 25 Feet

(d) Rear Yard Depth (Minimum): 25 Feet

(e) Deleted by Ontario Municipal Board June 5, 1979.

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- (f) Accessory Uses, Parking, etcetera:

In accordance with the provisions of Section 5 hereof.

(3) Special EPA Zones

(a) EPA-1

Notwithstanding the provisions of Section 7(1)(b) hereof to the contrary, the lands designated EPA-1 on Schedule "A" hereto may be used for no purpose other than a conservation use or a public or private park; provided that in no case shall any main building be permitted in any EPA-1 Zone. (77-26)

(b) EPA-2: Conservation Use

Notwithstanding the provisions of Section 7(1)(b) hereof to the contrary, the lands designated EPA-2 on Schedule "A" hereto may be used for no purpose other than a conservation use; provided that in no case shall any building or structure be permitted in any EPA-2 Zone. (For accurate reference please consult By-Law Number 77-24). (77-24-F)

(c) EPA-3 Cataraqui Hall Senior Citizens' Complex Parking

Notwithstanding the provisions of Section 7(1)(b) hereof to the contrary, the lands designated EPA-3 on Schedule "A" hereto may be used for parking associated with the senior citizens complex on adjoining lands to the west, provided that the design, construction and maintenance of such parking area shall be in accordance with the requirements of the Cataraqui Region Conservation Authority. (89-58)

(d) EPA-4

Notwithstanding the provisions of Sections 5(6)(c) and 7(1) hereof to the contrary, the lands designated EPA-4 on Schedule "A" hereto also may be used and developed for the purposes of one single family dwelling house in accordance with the following special provisions: (91-141)

- (i) No portion of any buildings or structures shall be permitted below an elevation of 88.71 metres (291.04 ft.) geodetic.

- (ii) Lot Area (minimum): 10 hectares (25 acres)

(e) EPA-5

Notwithstanding the provisions of Sections 7(1) and 7(2) hereof to the contrary, the lands designated EPA-5 on Schedule "A" hereto shall be used for no purpose other than a conservation use, a forestry use, a

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marine facility, and a public or private park, in accordance with the following provision:

- (i) No building or structure shall be erected or altered without the written approval of Environment Canada Parks Service (Rideau Canal Office). (92-125)

(f) **EPA-6**

Notwithstanding the provisions of Section 7(1) hereof to the contrary, the lands designated EPA-6 on Schedule "A" hereto may also be used for the purposes of a golf course. (94-97)

Development of a golf course on the lands zoned as EPA-6-H shall not be permitted until such time as:

- (a) The following environmental and engineering investigations have been completed and demonstrate to the satisfaction of Township Council and all pertinent regulatory agencies that the golf course proposal will not have adverse environmental impacts:
 - (i) Hydrology and hydraulic modelling to determine the extent of the 1:100 year flood plain associated with Little Cataraqui Creek.
 - (ii) Determination as to what portion of golf course developments/infrastructure can be permitted in flood susceptible areas based on applicable policy and guidelines.
 - (iii) Confirmation of the extent of wetlands; identify and assess impacts on wetland function and wetland area, and detail actions necessary to prevent or mitigate any impacts from development.
 - (iv) A turf management plan and a determination of impacts on storm water quality due to use of chemicals.
 - (v) A storm water quality plan detailing appropriate measures to ensure that storm water quality will not adversely impact or alter the wetland aquatic habitat, or ground water.
 - (vi) A storm water quantity plan detailing anticipated increases in run-off and measures to deal with such impacts.
 - (vii) A water taking plan to address the irrigation of a golf course in a manner which will not adversely affect ground water supply and quality, and base flow in Little Cataraqui Creek.

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- (viii) Ensuring the retention of natural vegetation along the creek banks with a minimum 15 metre buffer strip; a minimum 30 metre strip is required adjacent to the wetland areas.
 - (ix) Development of detailed plans for any creek crossings in a manner which will not impede the flow of flood water.
 - (x) A comprehensive erosion and sediment control plan for before, during and after development and construction phases.
 - (xi) The identification, assessment and proposed management of the Cataraqui Clay Ridges, a feature of natural and scientific interest on the subject lands.
 - (xii) An on-site waste and sewage disposal plan.
 - (xiii) The identification and assessment of impacts of the golf course on the recreational facilities at the Little Cataraqui Creek Conservation area.
- (b) A permit under the Fill, Construction and Alteration to Waterways Regulation has been issued by the Conservation Authority.
- (c) A cultural heritage resource assessment prior to any earth disturbance has been prepared; said assessment to be conducted by an archaeological consultant licensed pursuant to the *Ontario Heritage Act* in accordance with the Archaeological Assessment Draft Technical Guidelines, and completed to the satisfaction of the Ministry of Culture, Tourism and Recreation.
- (d) Council has approved a golf course development plan showing the location of all buildings and structures to be erected and showing location of all facilities and works to be provided in conjunction therewith. Township Council may require the owner of the land to provide to the satisfaction of, and at no expense to the municipality, any or all of the following:
- (i) Facilities to provide access to and from the lands.
 - (ii) Vehicular loading and parking facilities, access driveways, and the surfacing of such areas and driveways.
 - (iii) Walkways and other means of pedestrian access.
 - (iv) Lighting, including flood lighting of the land or of any buildings or structures thereon.

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- (v) Walls, fences, hedges, trees, shrubs or other ground cover or facilities for landscaping of the lands or the protection of adjoining lands.
- (vi) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
- (vii) Easements for the construction, maintenance or improvement of water courses, ditches, land drainage or sanitary sewage facilities and other public utilities of the municipality.
- (viii) Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water.
- (e) All applicable municipal and agency requirements related to (a), (b), (c) and (d) above have been complied with.
- (f) Any agreements required by the Township have been registered on title.
- (g) The "-H" symbol has been removed and the related provisions repealed by amendment to this by-law.

(g) **EPA-7**

Notwithstanding the provisions of Section 7(1) hereof to the contrary, the lands designated EPA-7 on Schedule "A" hereto shall be used for the purpose of a driving range. (95-17)

(By-Law Number 2005-210)

(h) **EPA-8**

Notwithstanding the provisions of Section 7 (1) hereof to the contrary, the approximately 1.9 ha parcel of land designated 'EPA-8' on Map Number 3 of Schedule "A" to this by-law shall be used for no other purpose than a conservation use, a public or private park, pedestrian walkways and stormwater management facilities, in accordance with the following provisions:

- (i) only buildings or structures associated with stormwater control works shall be permitted within the 'EPA-8' Zone; and
- (ii) the minimum landscaped open space are within the 'EPA-8' Zone shall be 30 per cent.

(By-Law Number 98-114 – 1998)

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(i) **EPA-9**

Notwithstanding any of the provisions of this by-law hereof to the contrary, the lands designated EPA-9 on Schedule "A" may also be used for the purpose of a miniature golf course provided that the said use is developed and operated in accordance with the following special provisions:

- (i) that no buildings be permitted;
- (ii) that structures and parking areas be at a minimum elevation of 85.2 metres geodetic;
- (iii) that a 15 metre wide vegetative buffer is maintained between any development of these lands and the adjoining wetlands.

(By-Law Number 2005-210)

(p) **EPA-16**

Notwithstanding the provisions of Section 7 hereof to the contrary, the lands designated 'EPA-16' on Schedule "A" hereto, the following regulations shall apply:

- (i) Additional Permitted Uses:

Watercourse channel alignment as approved by the municipality.

- (ii) Trails

No trails of any kind are permitted in the EPA-16 zone.

(By-Law Numbers 76-26; 205-176)

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(q) EPA-17 (Reddendale Neighbourhood)

Notwithstanding the provisions of Sections 4, 5 and 7 hereof to the contrary, on the lands designated 'EPA-17' on Schedule "A" hereto, the following regulations shall apply:

(i) Definitions:

For the purpose of the EPA-17 Zone, the following definition shall apply:

"Normal High-Water Mark" means the highest water level that has been maintained for a sufficient duration (on an annual basis) as to leave physical evidence upon the landscape marking the boundary between that water level and upland areas. The boundary may be identified by:

1. an examination of the bed and bank of the waterbody, to determine where the presence and action of water has been so common and usual and long continued in all ordinary years to mark upon the bed or bank a character distinct from that of the abutting upland; and/or
2. a distinction between either open water or dominant aquatic/wetland vegetation, and dominant upland vegetation.

(ii) Permitted uses shall be limited to:

- A conservation use; and
- A park.

For any lot that: (1) was in existence as of July 15, 2009, (2) is in the EPA-17 Zone, and (3) is divided into more than one zone, the permitted uses shall also include the uses permitted by the other zone, subject to and in accordance with the provisions of such other zone, and the following additional provisions:

- (a) Setback from normal high-water mark of Lake Ontario (minimum): 30 metres
- (b) Decks, porches, patios, balconies, steps, verandas (covered and uncovered), swimming pools and structures associated with swimming pools, shall be set back a minimum of 30 metres from the normal high-water mark of Lake Ontario.
- (c) All accessory buildings and structures, other than a marine facility, shall be setback a minimum of 30 metres from the normal high-water mark of Lake Ontario.

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- (iii) More than one zone on a lot: Where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.
- (iv) Transition Clauses: The following transition clauses apply to the EPA-17 Zone:
 - (a) Nothing in this By-Law shall prevent the development or use of a building or structure for which a complete application for a building permit was received by the City on or before October 1, 2019, if the development or use complies, or the building permit application is amended to comply, with the applicable provisions of this By-Law as it read on September 30, 2019.
 - (b) Where a complete application for one or more minor variances was received by the City on or before October 1, 2019 for the development or use of a building or structure, approval may be granted, in the context of the applicable provisions of this By-Law as it read on September 30, 2019.
 - (c) Where the development or use of a building or structure qualifies under subsection (b) above, but a building permit application has not been received by the City, a building permit may be issued after final approval is received for all required applications, if the development or use complies, or the building permit application for the development or use is amended to comply, with the applicable provisions of this By-Law as it read on September 30, 2019.
 - (d) Nothing in this By-Law applies so as to continue the exemptions provided in subsections (a), (b) and (c) above beyond the issuance of the final approval or building permit upon which the exemptions are founded.

(By-Law 76-26; 2019-143)

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Section 8

General Open Space Zone (OS)

(1) Uses Permitted

No person shall within any OS Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following OS uses, namely:

(a) Residential Uses:

an accessory dwelling house.

(b) Non-Residential Uses:

a boat launching facility;

an existing camping ground;

a golf course;

a park;

a private club for open air recreation;

a public use in accordance with the provisions of Section 5(18) hereof.

(2) Zone Provisions

No person shall within any OS Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Lot Area (minima):

(i) Accessory Dwelling House

(a) Lot served by a public water system and a sanitary sewer system: 4,000 square feet

(b) Lot served by only a public water system or a sanitary sewer system: 15,000 square feet

(c) Other lots: 22,000 square feet

(b) Lot Frontage (minima):

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- (i) **Accessory Dwelling House**
 - (a) Lot served by a public water system and a sanitary sewer system: 50 feet
 - (b) Lot served by only a public water system or a sanitary sewer system: 100 feet
 - (c) Other lots: 150 feet
- (c) **Front Yard Depth (minima):**
 - (i) Accessory dwelling house: 20 feet
 - (ii) Other uses: 25 feet
- (d) **Exterior Side Yard Width (minima):**
 - (i) Accessory dwelling house: 20 feet
 - (ii) Other uses: 25 feet
- (e) **Interior Side Yard Width (minima):**
 - (i) Accessory dwelling house provided: 4 feet, that on a lot where there is no attached private garage or attached carport, the minimum interior side yard width shall be 8 feet on one side and 4 feet on the other side.
 - (ii) Other uses: 25 feet
- (f) **Rear Yard Depth (minimum):** 25 feet
- (g) **Landscaped Open Space (minima):**
 - (i) Accessory dwelling house: 30 per cent
 - (ii) Other uses: 80 per cent
- (h) **Lot Coverage (maxima):**
 - (i) Accessory dwelling house: 35 per cent
 - (ii) Other uses: 20 per cent
- (i) **Dwelling Unit Area (minimum):** 1,000 square feet

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- (j) **Height of Building (maximum):** 35 feet
- (k) **Dwelling Houses Per Lot (maximum):** 1 only
- (l) **Accessory Uses, Parking, etcetera:**

In accordance with the provisions of Section 5 hereof.

- (m) **Special Provision for Elementary Schools**

Notwithstanding the provisions of Sections 8(2)(g) and 8(2)(h) hereof to the contrary the following special provisions shall apply to the development of elementary schools: (89-5)

- (i) **Landscaped Open Space (minimum):** 30 per cent
- (ii) **Lot coverage (maximum):** 30 per cent

(3) **Special OS Zones**

- (a) **OS-1**

Notwithstanding the provisions of Section 8(1)(b) hereof to the contrary, the lands designated OS-1 on Schedule "A" hereto shall be used for no purpose other than a racetrack, go-kart track or outdoor concerts. (94-62)

- (b) **OS-2: Lot 30, Concession IV**

Notwithstanding the provisions of Section 8(1)(b) hereof to the contrary, the lands designated OS-2 on Schedule "A" hereto may be used for a rifle and pistol club, including a firing range.

- (c) **OS-3: Public Park**

Notwithstanding the provisions of Section 8(1) hereof to the contrary, the lands designated OS-3 on Schedule "A" hereto shall be used for no purpose other than a public park or a public use in accordance with the provisions of Section 5(18) hereof. (For accurate reference please consult By-Law Numbers 77-20, 77-22 and 77-24). (77-20-F) (77-22-F) (77-24-F).

- (d) **OS-4: Private Open Space**

Notwithstanding the provisions of Section 8(1) hereof to the contrary, the lands designated OS-4 on Schedule "A" hereto shall be used for no

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purpose other than a private open space use. (For accurate reference please consult By-Law Number 77-24). (77-24-F)

(e) **OS-5: Public Open Space**

Notwithstanding the provisions of Section 8(1) hereof to the contrary, the lands designated OS-5 on Schedule "A" hereto shall be used for no purpose other than a public park, in accordance with the following provisions: (78-23-F).

(i) **Approval of Buildings and Structures:**

No building or structure shall be erected or altered without the written approval of the Napanee District Office of the Ministry of Natural Resources.

(ii) **Location of Buildings and Structures:**

No building or structure shall be erected or altered below the 295 foot contour. (For accurate reference please consult By-Law Number 78-23).

(f) **OS-6: Private Open Space**

Notwithstanding the provisions of Section 8(1) hereof to the contrary, the lands designated OS-6 on Schedule "A" hereto shall be used for no purpose other than a private park in accordance with the following provisions: (78-23-F).

(i) **Approval of Buildings and Structures:**

No building or structure shall be erected or altered without the written approval of the Napanee District Office of the Ministry of Natural Resources.

(ii) **Location of Buildings and Structures:**

No building or structure shall be erected or altered below the 295 foot contour. (For accurate reference please consult By-Law Number 78-23).

(g) **OS-7**

Notwithstanding the provisions of Section 8(1) hereof to the contrary, the lands designated as OS-7 on Schedule "A" hereto, shall be used for no

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purpose other than a private park or a public use in accordance with the provisions of Section 5(18) hereof, and the following provision: (80-65).

- (i) All exterior openings of all buildings shall be located above the minimum elevation of 76.14 metres Geodetic Surveys of Canada.

(h) **OS-8**

Notwithstanding the provisions of Section 8(1) hereof to the contrary, the lands designated as OS-8 on Schedule "A" hereto, shall be used for no purpose other than a public park or a public use in accordance with the provisions of Section 5(18) hereof and the following provision: (80-65).

- (i) All exterior openings of all buildings shall be located above the minimum elevation of 76.14 metres Geodetic Surveys of Canada.

(i) **OS-9 (Aquatic Golf Driving Range)**

Notwithstanding any of the provisions of this by-law hereof to the contrary, the lands designated OS-9 on Schedule "A" are above the 85.5 metre geodetic elevation and also may be used for the purpose of an aquatic golf driving range provided that the said use is developed and operated on the subject lands with the following special provision that. (97-36)

- (a) A 15 metre wide vegetative buffer is maintained between any development of these lands and the adjoining wetlands.

(j) **OS-10**

Notwithstanding the provisions of Subsection (1) of Section 8 hereof to the contrary, the lands designated OS-10 on Schedule "A" hereto may also be used for a golf driving range and a miniature golf course (97-62).

(k) **OS-11**

Notwithstanding the provisions of Section 8(1) to the contrary, the lands designated 'OS-11' on Map 2 of Schedule "A" hereto may be used in accordance with the following special provisions:

- (i) Notwithstanding the provisions of Sections 8(1)(b), the lands designated as 'OS-11' on Schedule "A" may also be used for the following uses:

- basketball courts;

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- a bicycle and skateboard park;
- seasonal camping sites;
- a miniature golf course;
- mobile restaurant;
- paintball
- picnic areas;
- playground;
- parking areas;
- sport equipment rentals; and
- volleyball courts.

(ii) Notwithstanding the provisions of Section 8(1)(b), the lands designated as 'OS-11' on Schedule "A" may be used for the following uses subject to the removal of the '-H' Holding Provision from the property;

- commercial club;
- convenience store accessory to a permitted non-residential use specified herein;
- a recreational establishment; and
- a restaurant.

(iii) For the purposes of the 'OS-11' Zone a Mobile Restaurant shall be defined as follows:

Mobile Restaurant: means a vehicle or trailer, cart or other structure not placed on a permanent foundation which is equipped for cartage, storage and the preparation of food stuffs, beverages, confections and such items are offered directly for consumption to the general public, and includes a chip wagon, a mobile canteen and other refreshment vehicles.

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- (iv) Notwithstanding the provisions of Section 5(16)(a), on the lands designated as 'OS-11' on Schedule "A" the following parking requirements shall apply:
- a. Campsites: 1 parking space per campsite;
 - b. There shall be a minimum of 150 parking spaces located on the property zoned 'OS-11' including the required parking for each campsite as set out in subsection a. above.

(By-Law Number 2002-64)

(l) **OS-12-H (1533 McAdoo's Lane)**

1. Notwithstanding the '-H' applied pursuant to the *Planning Act*, the lands zoned 'OS-12-H' may be used in accordance with Section 6(6) of By-Law Number 76-26.
2. Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, and notwithstanding any provisions of the by-law to the contrary, the provisions of Section 8 for the 'OS General Open Space Zone' shall apply to the 'OS-12' Zone except that:

(i) **Uses Permitted:**

Uses permitted in the OS Zone:

Commercial Recreation Park

Water Park

(ii) **Definitions:**

For the purpose of the 'OS-12' Zone, the following definitions shall apply:

Commercial Recreation Park means an area for the provision of athletic and amusement facilities which shall include drive-in movie theatre; go-kart track; batting cage; miniature putting area; amusement rides; other similar athletic and amusement facilities; and accessory uses such as a concession stand.

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Water Park means a water play area which includes features such as water slides; splash pads; fountains; and other recreational settings involving water.

- (iii) **Minimum Landscaped Open Space:** 10 per cent
- (iv) The existing buildings and structures in existence on the date of passing of this by-law shall be deemed to be in conformity with all provisions of this by-law.

3. The '-H' Symbol shall only be removed once the following conditions have been complied with:

- (i) Confirmation that sufficient private water and septic capacity is available;
- (ii) All applicable Municipal and Agency requirements have been complied with;
- (iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
- (iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the *Planning Act*.

(By-Law Numbers 76-26; 2007-20)

(m) **OS-12 (Woodhaven Subdivision, 1 Potter Street)**

Notwithstanding the provisions of Section 8 hereof to the contrary, the lands zoned 'OS-12' on Schedule "A" hereto, the following provisions shall apply:

- (a) Permitted Uses shall be limited to the following:
 - A park; and
 - A public use in accordance with the provisions of Section 5(18) hereof.
- (b) Notwithstanding any provisions to the contrary all structures shall have a minimum setback of 15 m from the top of the bank of the watercourse.

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(By-Law Numbers 76-26; 2009-85)

- (n) Notwithstanding any provisions of Section 8 (1) hereof to the contrary, for the lands zoned 'OS-13' on Schedule "A" hereto, no building or structure shall be erected or altered on the property.

(By-Law Numbers 76-26; 2010-123)

- (o) Reserved.

- (p) **OS-15 (1485 Westbrook Road)**

Notwithstanding any provisions of Section 5 or Section 8 hereof to the contrary, on the lands zoned 'OS-15' on Schedule "A" attached hereto, the following provisions shall apply to the entire area zoned 'OS-15':

- a) **Permitted Use:**

In addition to the uses permitted in Section 8(1), the property may be used for a multi-sport recreational facility and a miniature golf course.

In addition to the uses permitted in Section 8(1), the property may, as accessory to the primary use, be used for Trade Shows and Specific Day Retail Sales. For purposes of this Section:

"Trade Show" means the use of any lot, building or structure, or part thereof, for an event held to bring together members of a particular industry to display, demonstrate, and promote their latest products and services; which are complementary to the principal permitted uses; and

"Specific Day Retail Sales" means the use of any lot, building or structure, or part thereof, for an event that brings together members of the public or an industry for the purpose of selling or buying goods or services, including entering into contracts for the sale and/or purchase of goods or services; which are complementary to the principal permitted uses.

(By-Law 76-26; 2021-77)

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b) **Definitions:**

For the purpose of the 'OS-15' zone, the following definitions shall apply:

multi-sport recreational facility means a place designed and equipped for the conduct of sports, leisure and other recreational activities within an enclosed structure. Accessory permitted uses include office, retail of no more than 30 square metres, storage, change rooms, meeting space, and food vending area.

c) **Minimum Lot Area:** 3.2 hectares

d) **Minimum Landscaped Open Space:** 35 per cent

e) **Maximum Lot Coverage:** 35 per cent

f) **Maximum Building Height:** 24 metres

g) **Maximum Gross Floor Area:** 10,500 square metres

h) **Top of Bank Setback:** No development or site alteration shall be permitted within 30 metres of the top of bank of the tributary.

i) **Minimum Required Parking:** The minimum parking ratio for any multi-sport recreational facility, and any use accessory to a multi-sport recreational facility, shall be 1 parking space for each 26 square metres of gross floor area

(By-Law 76-26; 2021-77)

j) **Minimum Number of Loading Spaces:** 1

k) No development shall be permitted on the lands subject to the '-H' Symbol until such time as the '-H' Symbol is removed. The '-H' Symbol shall only be removed once the following conditions have been complied with:

(i) Completion of an Archaeological Assessment and acceptance of the findings of the report by the City of Kingston and the Ministry of Tourism and Culture;

(ii) All applicable Municipal and Agency requirements have been complied with;

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- (iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
- (iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the *Planning Act*.

(By-Law Numbers 76-26; 2012-92)

(q) **OS-16 (Woodhaven (Tamarack) Subdivision Phase 3)**

Notwithstanding the provisions of Section 8 hereof to the contrary, the lands designated 'OS-16' on Schedule "A" hereto, the following regulations shall apply:

- (i) No building or structure shall be erected on or within 6 metres of the 100 year flood line.

(By-Law Numbers 76-26; 2013-200)

(r) **OS-17' (999 Purdy's Mill Road)**

Notwithstanding the provisions of Section 8 and 5 hereof to the contrary, the lands designated 'OS-17' on Schedule "A" hereto, the following regulations shall apply:

- (a) The lands designated OS-17 on Schedule 'A' hereto shall be used for only for the conservation of the existing natural heritage features.
- (b) Alteration of the natural heritage feature, excluding enhancement and protection, is prohibited.
- (c) The erection and alteration of any building or structure, other than a pedestrian bridge, is prohibited.

(By-Law Numbers 76-26; 2014-111)

(s) **OS-18 (1350 Woodfield Crescent)**

Notwithstanding the provisions of Section 8 hereof to the contrary, the lands designated 'OS-18' on Schedule "A" hereto, the following regulations shall apply:

- (i) **Existing Conditions**

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No person shall alter or remove any of the existing natural cover including shrubbery.

(ii) **Uses Permitted**

(b) **Non-Residential Uses:**

a park;

a stormwater management facility and associated works;

a public use in accordance with the provisions of Section 5(18) hereof.

(By-Law Numbers 76-26; 2015-176)

(t) **OS-19 (809 – 829 Development Drive)**

Notwithstanding the provisions of Section 6 and Section 8 hereof to the contrary, the lands designated 'OS-19' on Schedule "A" hereto, the following regulations shall apply:

(i) **Permitted Uses:**

An accessory use, to a permitted use of the 'R4-38' Zone such as a private walkway.

(ii) **Buildings and Structures:**

No buildings or structure is permitted to be erected within an 'OS-19' Zone.

(By-Law 76-26; 2016-6)

(u) **OS-20**

Notwithstanding the provisions of Section 5 and Section 8 hereof to the contrary, the lands designated 'OS-20' on Schedule 'A' hereto, the following regulations shall apply:

Permitted uses

Only the following uses shall be permitted:

- 1) Public park
- 2) Stormwater management facility

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- 3) A public use in accordance with the provisions of Section 5(18) hereof.

(By-Law 76-26; 2017-46)

- (v) **OS-21** (930 Woodbine Road)

Notwithstanding the provisions of Section 8 hereof to the contrary, the lands designated 'OS-21' on Schedule 'A' hereto, the following regulations shall apply:

Permitted Non Residential Uses

- (i) In addition to the uses permitted in Section 8(1)(b), a day nursery shall also be a permitted use."

(By-Law 76-26; 2019-12)

- (x) **OS-23** (655 Graceland Avenue)

- (a) Permitted Uses shall be limited to the following:

- i. A Park
- ii. A Public walkway
- iii. A Stormwater management facility
- iv. A Public use in accordance with the provisions of Section 5(18) hereof.

(By-Law 76-26; 2019-56)

- (y) **OS-24 (1020 Lancaster Drive)**

Notwithstanding the provisions of Section 5 and 8 hereof to the contrary, on the lands designated OS-24, the following regulations shall apply:

- i. Uses permitted:
 - a. A public park
 - b. A public use
 - c. A school
- ii. Parking shall be in the Interior side and rear yards only, except that 6 non-visitor parking spaces shall be permitted in the front yard provided that no part of any parking area, other than a driveway is located closer than 1.1 metres to any street line. Visitor parking spaces shall also be permitted within 6.5 metres of the front lot line.

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- iii. The minimum angle of intersection of the driveway and a public road shall be 55 degrees.

(By-Law 76-26; 2019-71)

(z) **OS-25 (1044 Lancaster Drive)**

Notwithstanding the provisions of Sections 5 and 8 hereof to the contrary, on the lands designated OS-25, the following regulations shall apply:

- i. Uses permitted:
 - a. A public park
 - b. A public use
 - c. A school
- ii. Parking shall be in the interior side and rear yards only, except that 10 non-visitor parking spaces shall be permitted in a front yard provided that no part of any parking area, other than a driveway, is located closer than 1.3 metres to any street line. Visitor parking spaces shall be permitted within 5.8 metres of the front lot line.

(By-Law 76-26; 2019-71)

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(4) Temporary OS Zones

(a) OS-1-T1

Notwithstanding the provisions of Section 8(3)(a) [the OS-1 Zone] hereof to the contrary, the lands designated OS-1-T1 on Schedule "A" hereto also may be used temporarily for the purpose of a flea market provided that said temporary use is operated in accordance with the following definition and provision: (94-63)

- (i) **"Flea Market"** means an open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.
- (ii) The temporary use authorization shall be for a period not to exceed three (3) years commencing on June 8th, 1994, the date of passing of By-Law Number 94-63.

(Kingston Township By-Law Numbers 76-26; 94-63)

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Section 9

Restricted Agricultural Zone (A1)

(1) Uses Permitted

No person shall within any A1 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following A1 uses, namely:

(a) Residential Uses:

- an accessory dwelling house;
- a converted dwelling house;
- a single-family dwelling house.

(b) Non-Residential Uses:

- a cemetery;
- a church;
- a conservation use;
- a crematorium;
- a farm, but not including a specialized farm as defined herein;
- a farm produce outlet;
- a forestry use;
- a fraternal lodge;
- a home occupation;
- a livestock sales barn;
- a public use, in accordance with the provisions of Section 5(18) hereof;
- a riding stable;

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a seasonal fruit, vegetable, flower or farm produce sales outlet, provided such produce is the product of the farm on which such sales outlet is located.

(2) **Zone Provisions**

No person shall within any A1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) **Lot Area (minima):**

(i) **Converted Dwelling House**

- (a) Lot served by a public water system and a sanitary sewer system: 7,500 square feet
- (b) Lot served by only a public water system or a sanitary sewer system: 20,000 square feet
- (c) Other Lots: 30,000 square feet

(ii) **Other uses: 5 acres (2 ha)**

(By-Law Number 2001-144 – 2001)

(b) **Lot Frontage (minima):**

(i) **Converted Dwelling House**

- (a) Lot served by a public water system and a sanitary sewer system: 60 feet
- (b) Lot served by only a public water system or a sanitary sewer system: 75 feet
- (c) Other lots: 150 feet

(ii) **Other uses: 330 feet**

(c) **Front Yard Depth (minima):**

- (i) Converted dwelling house: 20 feet
- (ii) Other uses: 25 feet

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- (d) **Exterior Side Yard Width (minima):**
 - (i) Converted dwelling house: 20 feet
 - (ii) Other uses: 25 feet
- (e) **Interior Side Yard Width (minima):**
 - (i) Converted dwelling house: 10 feet on one side, 6 feet on other side.
 - (ii) Single-family dwelling house (79-49): 9 metres (30 feet)
 - (iii) Other uses: 12 metres (40 feet)
- (f) **Rear Yard Depth (minimum):** 25 feet
- (g) **Landscaped Open Space (minimum):**
 - (i) Converted dwelling house: 30 per cent
- (h) **Lot Coverage (maxima):**
 - (i) Single-family dwelling house or accessory dwelling house: 10 per cent
 - (ii) Other uses: 35 per cent
- (i) **Dwelling Unit Area (minima):**
 - (i) Converted dwelling house: 700 square feet
 - (ii) Single-family dwelling house: 90 square metres (1000 square feet)
 - (iii) Accessory dwelling house: 850 square feet
- (j) **Height of Building (maximum):** 35 feet
- (k) **Dwelling Houses per Lot (maximum) (83-43):** 1 only
- (l) **Dwelling House Location:**
 - (i) No Residential building shall be erected within 1,000 feet of any feed lot area, any manure storage area or any building or structure on a specialized farm which is used to house animals or fowl unless such Residential building is located on the same lot therewith.

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- (ii) No Residential building shall be erected within 230 metres (750 feet) of the boundary of any M5 zone. (79-49).

(m) **Farm Building and Storage Location:**

No building or structure which is used to house animals or fowl and no manure storage area shall be located within:

- (i) 200 feet of any Residential Zone; or
- (ii) 100 feet of any street line.

(n) **Consent Given by Land Division Committee for Residential Lot:**

Notwithstanding the provisions of Sections 9(2)(a)(ii) and 9(2)(b)(ii) hereof to the contrary, where a consent has been given by the Land Division Committee to create a Residential lot by way of either the consent granted or the lot retained, such severed lot may be used for a single-family dwelling house provided that such lot has a minimum lot area of 0.8 hectares (2 acres) and a minimum lot frontage of 60 metres (200 feet) and provided further that all other provisions of this by-law are complied with. (79-49) (90-107).

(o) **Accessory Uses, Parking, etcetera:**

In accordance with the provisions of Section 5 hereof.

(p) **Minimum Distance Separation Requirements:**

In accordance with the General Provisions of this by-law.

(By-Law Number 2001-144 – 2001)

(3) **Special A1 Zones**

(a) **A1-1**

Notwithstanding the provisions of Section 9(1) hereof to the contrary, the land designated as A1-1 on Schedule "A" hereto, may be used for an existing kennel.(77-26).

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(b) **A1-2**

Notwithstanding the provisions of Section 9(1)(b) and Section 9(2)(j) hereof to the contrary, the lands designated as A1-2 on Schedule “A” hereto may be used for the continued operation and expansion of a commercial radio tower installation. (79-51).

(c) **A1-3 (Quintin)**

Notwithstanding the provisions of Section 9(2)(a)(ii) and Section 9(2)(b)(ii) hereof to the contrary, the lands designated as A1-3 on Schedule “A” hereto shall be used for no purpose other than a single-family dwelling house in accordance with the following provisions: (81-43).

- (i) Lot Area (minimum): 0.7 hectares
- (ii) Lot Frontage (minimum): 71 metres
- (iii) No exterior opening of any building shall be located below the elevation of 89.3 metres Geodetic Surveys of Canada.
- (iv) No building or structure shall be permitted within 15.2 metres of a Refined Products Pipe Line right-of-way.

(d) **Kemp and Way Properties A1-4**

The provisions of Section 9(2)(l)(ii) hereof shall not apply to the lands designated as A1-4 on Schedule “A” hereto. (83-25).

(e) **Boffa A1-5**

Notwithstanding the provisions of Article (b) of Subsection (6) of Section 5, Subsection (16) of Section 5, and Subsection (1) of Section 9 hereof to the contrary, the lands designated A1-5 on Schedule “A” hereto shall be developed in accordance with the following provisions: (97-1)

- (i) **Uses Permitted:**
 - an accessory dwelling unit;
 - a restaurant;
 - a convenience store;

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- a contractor's or tradesman's shop;
- an animal hospital;
- a coffee shop;
- an antique shop;
- a flea market;
- a seasonal fruit or vegetable sales outlet;
- a conservation use;
- a farm, but not including a specialized farm as defined herein;
- a public use, in accordance with the provisions of Section 5(18) hereof.

(ii) **Definition**

"Flea Market" means an open area inside or outside in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

(iii) **Restrictions Adjacent to Flood Plain:**

No building, structure, stall, sales area or parking area shall be erected or altered within 7.5 metres of an Environmental Protection Area (EPA) Zone or 7.5 metres from the top of bank, whichever is greater.

(iv) **Parking Requirements:**

Flea Market:

Open Air with Stalls: 2 parking spaces per stall

Within a Building: 5.25 parking spaces per 100 square metres of gross floor area

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(v) **Gross Floor Area (maximum):**

The gross floor area of a building or structure used for a flea market shall not exceed 930 square metres.

(f) **A1-6**

Notwithstanding any provisions of Section 9 hereof to the contrary, the lands designated A1-6 on Schedule "A" hereto shall be used for no purpose other than a veterinary clinic and shall be used in accordance with the following special provisions: (85-53) (95-129)

(i) **Lot Area (minimum):** 3982 square metres

(ii) **Lot Frontage (minimum):** 65 metres

(iii) **Front Yard Depth (minimum):** 6 metres

(iv) **Rear Yard Depth (minimum):** 12 metres

(v) Outside animal pens or runs shall be prohibited.

(g) **A1-7**

Notwithstanding the provisions of Sections 5(13)(a), 9(1)(b) and 9(2) hereof to the contrary, the lands designated A1-7 on Schedule "A" hereto also may be used for the installation and operation of a telecommunications tower and associated facilities. (93-60)

(h) **A1-8**

Notwithstanding the provisions of Sections 9(1) and 9(2) hereof to the contrary, the lands designated A1-8 on Schedule "A" hereto also may be used for a model home and sales office in accordance with the following provisions: (94-79)

Lot Area (minimum): 0.8 hectares

Lot Frontage (minimum): 60 metres

Lot Coverage (maximum): 10 per cent

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(i) **A1-9**

Notwithstanding the provisions of Section 9(1)(b) hereof to the contrary, the lands designated A1-9 on Schedule "A" may also be used for a martial arts studio. (94-94)

(j) **A1-10**

Notwithstanding the provisions of Sections 9(1) and 9(2) hereof to the contrary, the lands designated A1-10 on Schedule "A" hereto shall be used for no other than one or more of the following non-residential uses:

a cemetery;

a church;

a conservation use;

a crematorium;

a farm, but not including a specialized farm as defined herein;

a farm produce outlet;

a forestry use;

a fraternal lodge;

a home occupation;

a livestock sales barn;

a public use, in accordance with the provisions of Section 5(18) hereof;

a riding stable;

a seasonal fruit, vegetable, flower or farm produce sales outlet, provided such produce is the product of the farm on which such sales outlet is located;

a golf driving range.

Development of a golf driving range on the lands zoned A1-10-H shall not be permitted until such time as:

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- (a) Council has approved a development concept plan showing:
 - (i) the location of all the buildings and structures to be erected;
 - (ii) access to and from the lands, vehicular parking and driveways, and the surfacing of such areas and driveways;
 - (iii) lighting, including flood lighting of the land or the building or the structures thereon;
 - (iv) walls, fences, hedges, trees, shrubs or other ground cover or facilities for landscaping of the lands or the protection of adjoining lands;
 - (v) easement for the construction, maintenance or improvement of water courses, ditches, land drainage or sanitary sewage facilities and other public utilities of the municipality;
 - (vi) grading or alteration in elevation and contour of the land and the provision for the disposal of storm surface and waste water.
- (b) Any agreements required by the Township have been executed.
 - (i) The “-H” symbol is removed and the related provisions repealed by amendment to the by-law. (95-17)

(k) **A1-11**

Notwithstanding the provisions of Article (a) of Subsection (92) of Section 4, and Article (a) of Subsection (13) of Section 5 hereof to the contrary, the lands designated A1-11 on Schedule “A” hereto shall be used in accordance with the following provisions: (97-1)

- (i) Elevation of Building Openings (minimum): 88.4 metres geodetic
- (ii) **Front Lot Line**

For the purposes of determining the Lot Frontage, the Front Lot Line shall be deemed the lot line parallel to Bur Brook Road.

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(iii) **Access to Improved Street**

No person shall erect any building or structure unless access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width and at a minimum elevation of 87.8 metres geodetic, is provided to an improved street.

(l) **A1-12**

(i) Notwithstanding the provisions of Section 9(2) to the contrary, the lands designated 'A1-12' on Map 1 of Schedule "A" hereto may also include the following uses:

- an office / shop in association with a rural related business;
- enclosed and outside storage associated with such permitted business.

(i) Notwithstanding the provisions of Section 9(2)(e) to the contrary, the following provision shall apply:

- the minimum side yard requirement for the storage garage shall be 28 feet or 8.5 metres.

(By-Law Number 2002-113 – 2002)

(m) **A1-13**

Notwithstanding the provisions of Section 9I(ii) hereof to the contrary, the lands designated 'A1-13' on Schedule "A" attached hereto, shall be used in accordance with the uses and provisions of the "A1" Zone except:

(i) Front Yard Depth (minima): 83 metres.

(By-Law Number 2004-49)

(n) **A1-14 (2555 McIvor Road)**

Notwithstanding the provisions of Section 9 hereof to the contrary, on the lands designated 'A1-14' on Schedule "A" hereto, the following regulations shall apply:

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(i) **Permitted Uses:**

In addition to the provisions of Section 9(1), the permitted uses shall also include a “commercial school”, for the purpose of providing transport truck training.

(ii) **Prohibited Uses:**

Notwithstanding the provisions of Section 9(1), the following uses shall be prohibited:

- public garage;
- automobile sales establishment;
- car wash;

(iii) **Maximum Floor Area:**

The maximum floor area for the commercial school permitted by clause (i) above shall be 55m².

(iv) Notwithstanding the provisions of Section 9(2)(c)(ii) and Section 5(16)(c) the minimum setback requirement for a commercial vehicle 5 tonnes or greater, including the trailers, from the front lot line shall be 65 metres.

(v) Notwithstanding any provisions to the contrary the maximum number of commercial vehicles 5 tonnes or greater shall be limited to 2 commercial vehicles.

(vi) That the use and removal of the '-H' Symbol on the rear portion of the lands shall be in accordance with the regulations of Section 6 (6) of the Zoning By-Law and that prior to the removal of the '-H' Symbol and any redevelopment of the lands, a Stage 1 Archaeological Assessment shall be submitted and approved by the Municipality.

(By-Law Number 2005-196)

(o) **A1-15 (1104 – 1110 Italia Lane)**

Notwithstanding the provisions of Section 9 to the contrary, the lands designated 'A1-15' on Schedule “A” hereto shall be used for no purpose

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other than a single detached dwelling in accordance with the following provision:

- (a) For the purpose of determining lot frontage and front yard setbacks, the front lot line shall be deemed the lot line that forms the boundary with the private lane known as Italia Lane.

(By-Law Numbers 76-26; 2007-103)

(p) **A1-16 (321 Aragon Road)**

Notwithstanding any provisions of the by-law to the contrary, the provisions of Section 9 for the 'A1 Zone shall apply to the 'A1-16' Zone except that:

- (a) A minimum 30 metre building and structure (including septic systems) setback from the high water mark shall be required. Within the 30 metre setback, there shall be no disturbance of soil or removal of vegetation.

(By-Law Number 2009-74)

(q) **A1-17 (3031 Lake Head Road)**

Notwithstanding the provisions of Sections 5 and 9 hereof to the contrary, the lands designated 'A1.17' on Schedule "A" hereto, the following regulations shall apply:

- (i) **Permitted uses shall be limited to:**

Single detached dwelling

Home occupation

- (ii) **Prohibited Uses:**

Additional habitation units are prohibited

Additional dwelling units are prohibited

- (iii) **Minimum Distance Separation:** 85 metres

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(iv) **Setback:**

The minimum setback for a septic system, including storage tank and weeping bed, shall be 270 from the Loughborough Lake waterline.

- (v) No building, structure, stall, or parking area shall be erected or altered within 7.5 metres of an Environmental Protection Area (EPA) Zone.

(By-Law Numbers 76-26; 2013-118)

(r) **A1-18 (3031 Lake Head Road)**

Notwithstanding the provisions of Sections 5 and 9 hereof to the contrary, the lands designated 'A1.18' on Schedule "A" hereto, the following regulations shall apply:

(i) **Permitted uses shall be limited to:**

Single detached dwelling

Home occupation

(ii) **Prohibited Uses:**

Additional habitation units are prohibited

Additional dwelling units are prohibited

- (iii) **Minimum Distance Separation:** 85 metres

- (iv) **Minimum Lot Frontage:** 6.0 metres

- (v) Maximum rear yard depth shall be 14 metres

- (vi) No building, structure, stall, or parking area shall be erected or altered within 7.5 metres of an Environmental Protection Area (EPA) Zone.

(By-Law Numbers 76-26; 2013-118)

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(s) **A1-19 (2215 Perth Road)**

Notwithstanding the provisions of Section 5 and Section 9 hereof to the contrary, the lands designated 'A1-19' on Schedule "A" hereto, the following regulations shall apply:

(i) **Only the following uses are permitted:**

- (a) single-family dwelling house
- (b) accessory dwelling house
- (c) conservation use
- (d) forestry use
- (e) home occupation
- (f) riding stable
- (g) a public use, in accordance with the provisions of Section 5(18) hereof
- (h) any accessory building or structure or accessory use to a permitted use, in accordance with the provisions of Section 5(1)

(ii) **Setback from Flooded Former Quarry:**

A dwelling house shall be setback a minimum of 40 metres from the flooded portion of the former quarry which shall be taken at 96 metres mean sea level.

(iii) **Separation of Uses:**

A dwelling house shall not be located within 83 metres of an M3-4 zone

(iv) **Access:**

The driveway to a dwelling house shall not be permitted to access through an M3-4 zone.

(By-Law Numbers 76-26; 2015-174)

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(t) **A1-20-H 1572 Sunnyside Road**

Notwithstanding the provisions of Section 9 hereto to the contrary, the lands designated 'A1-20' on Schedule 'A' hereto, the following regulations shall apply:

- (i) Lot Area (minimum) 2 hectares
- (ii) Lot Frontage (minimum) 200 metres
- (iii) Notwithstanding the provisions of Section 6(6) '-H' Holding Zone

Provisions to the contrary, no development or site alteration shall be permitted on the lands subject to the '-H' Symbol until such time as the Holding (-H) Symbol is removed. The '-H' Symbol shall only be removed once the following conditions have been completed to the satisfaction of the Municipality and any affected agencies:

- a. Submission of an Environmental Impact Study (EIS) to determine the appropriateness of the proposed development and/or site alteration through an assessment of impacts on natural heritage features, natural habitat and endangered and threatened species ;
- b. Submission of all Archaeological Assessment(s) and associated Ministry of Tourism Culture and Sport correspondence;
- c. All applicable Municipal and Agency requirements have been addressed; and
- d. City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the *Planning Act*.

The '-H' Holding Symbol will only be removed for the specific portions of the site for which the EIS, Archaeological Assessment(s) and Ministry of Tourism Culture and Sport correspondence are applicable. Lands outside of the study areas will remain subject to the holding zone provisions. Separate Environmental Impact Statements, Archaeological Assessments and Ministry correspondence must be submitted for all subsequent requests to remove the holding zone provisions to permit development and/or site alteration on other portions of the site.

(By-Law Numbers 76-26; 2016-202)

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(4) Temporary A1 Zones

(a) A1-T1 (McKendry Pit)

Notwithstanding any provision of this by-law to the contrary the lands designated A1-T1 on Schedule "A" hereto may be used temporarily for the purpose of a Gravel Pit provided that said temporary use is developed in accordance with the following provisions: (89-70)

- (i) The provisions of Section 28(2) hereof [the Extractive Industrial (M5) Zone] except that:
 - (a) The minimum lot area shall be 8.6 hectares; and,
 - (b) The minimum interior side yard width shall be 15 metres.
- (ii) This temporary authorization shall be for a period not to exceed two (2) years commencing on March 23rd, 1993, the date of the passing of By-Law Number 93-32. (93-32) April 10, 1997

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Section 10

General Agricultural Zone (A2)

(1) Uses Permitted

No person shall within any A2 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following A2 uses, namely:

(a) Residential Uses:

- an accessory dwelling house;
- a converted dwelling house;
- a single-family dwelling house.

(b) Non-Residential Uses:

- a cemetery;
- a church;
- a conservation use;
- a crematorium;
- a farm, including a specialized farm;
- a forestry use;
- a fraternal lodge;
- a home occupation;
- a kennel;
- a livestock sales barn;
- a public use in accordance with the provisions of Section 5(18) hereof;
- a riding stable;
- a seasonal fruit, vegetable, flower or farm produce sales outlet, provided such produce is the product of the farm on which such sales outlet is located.

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(2) **Zone Provisions**

No person shall within any A2 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) **Lot Area (minima):**

(i) **Converted Dwelling House**

- (a) Lot served by a public water system and a sanitary sewer system: 7,500 square feet
- (b) Lot served by only a public water system or a sanitary sewer system: 20,000 square feet
- (c) Other lots: 30,000 square feet

(ii) **Specialized Farm: 25 acres**

(By-Law Number 2001-144 – 2001)

(iii) **Other uses: 5 acres**

(By-Law Number 2001-144 – 2001)

(b) **Lot Frontage (minima):**

(i) **Converted Dwelling House**

- (a) Lot served by a public water system and a sanitary sewer system: 60 feet
- (b) Lot served by only a public water system or a sanitary sewer system: 75 feet
- (c) Other lots: 150 feet

(ii) **Other uses: 330 feet**

(c) **Front Yard Depth (minima):**

- (i) Converted dwelling house: 20 feet
- (ii) Other uses: 25 feet

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- (d) **Exterior Yard Width (minima):**
 - (i) Converted dwelling house: 20 feet
 - (ii) Other uses: 25 feet
- (e) **Interior Side Yard Width (minima):**
 - (i) Converted dwelling house on one side, 6 feet on other side. 10 feet
 - (ii) Single-family dwelling house (79-49): 9 metres (30 feet)
 - (iii) Other Uses: 12 metres (40 feet)
- (f) **Rear Yard Depth (minimum):** 25 feet
- (g) **Landscaped Open Spaced (minimum):**
 - (i) Converted dwelling house: 30 per cent
- (h) **Lot Coverage (maxima):**
 - (i) Single-family dwelling house or accessory dwelling house: 10 per cent
 - (ii) Other uses: 35 per cent
- (i) **Dwelling Unit Area (minima):**
 - (i) Converted dwelling house: 700 square feet
 - (ii) Single-family dwelling house (79-49): 90 square metres (1000 square feet)
 - (iii) Accessory dwelling house: 850 square feet
- (j) **Height of Building (maximum):** 35 feet
- (k) **Dwelling Houses Per Lot (maximum) (83-43):** 1 only
- (l) **Dwelling House Location:**
 - (i) No Residential building shall be erected within 300 metres (1,000 feet) of any feed lot area, any manure storage area or any building or structure on a specialized farm which is used to house animals or fowl unless such Residential building is located on the same lot therewith.

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- (ii) No Residential building shall be erected within 230 metres (750 feet) of the boundary of any M5 zone.

(By-Law Numbers 79-49; 81-25)

(m) **Consent Given by Land Division Committee for Residential Lot:**

Notwithstanding the provisions of Section 10(2)(a)(ii) and 10(2)(b)(ii) hereof to the contrary, where a consent has been given by the Land Division Committee to create a Residential Lot by way of either the consent granted or the lot retained, such severed lot may be used for a single-family dwelling house provided that such lot has a minimum lot area of 0.8 hectares (2 acres) and a minimum lot frontage of 60 metres (200 feet) and provided further that all other provisions of this by-law are complied with. (79-49) (90-107).

(n) **Specialized Farm Use Location:**

No building or structure on a specialized farm which is used to house animals or fowl, no feed lot area and no manure storage area shall be located within:

- (i) 1,000 feet of any Residential building or another lot;
- (ii) 300 feet of the centreline of any street;
- (iii) 200 feet of any lot line.

(o) **Accessory Uses, Parking, etcetera:**

In accordance with the provisions of Section 5 hereof.

(p) **Minimum Distance Separation Requirements:**

In accordance with the General Provisions of this by-law.

(By-Law Number 2001-144 – 2001)

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(3) Special A2 Zones

(a) A2-1

Notwithstanding the provisions of Section 10(1) and 10(2) hereof to the contrary, the lands designated A2-1 on Schedule "A" hereto may be used for a merchandise service shop including an accessory retail outlet, an accessory dwelling house, and a warehouse, in accordance with the following provisions: (87-86).

(i) **Lot Area (Minimum):** 9,650 square feet

(ii) **Lot Frontage (Minimum):** 130 feet

(b) A2-2 (2847 Bur Brook Road)

Notwithstanding the provisions of 10(1) and 10(2) hereof to the contrary, the lands designated as A2-2 on Schedule "A" hereto may be used and developed in accordance with the following special provisions:

(i) **Uses Permitted:**

a Small Engines Service Shop;

a retail outlet accessory to a permitted use;

a public use, in accordance with the provisions of Section 5(18) hereof.

(ii) **Lot Area (minimum):** 0.8 hectares

(iii) **Lot Frontage (minimum):** 65 metres

(iv) **Rear Yard Depth (minimum):** 65 metres

(v) **Landscaped Open Space (minimum):** 30 percent

(vi) **Gross Floor Area (maximum):**

The combined total gross floor area of all uses shall not exceed 670 square metres.

(vii) **Open Storage:**

No open storage of goods or materials shall be permitted.

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(viii) **Outside Activities:**

No outside repair, service, display or sales of small engines and related goods and materials shall be permitted.

(ix) **Parking Area Regulations:**

(a) **Yards Where Permitted:**

Front Yard and Interior Side Yard only, provided that no part of any parking area, other than a driveway, is located closer than 40 feet to any side lot line and no closer than 3 feet to any street line."

(By-Law Numbers 76-26; 2015-56)

(c) **A2-3**

Notwithstanding the provisions of Clause (b) of Section 10(1) and Clauses (a) and (b) of Section 10(2) hereof to the contrary, the lands designated A2-3 on Schedule "A" hereto may also be used for an automobile body shop and a public garage, provided that said uses are developed and operated in accordance with the following special provisions: (94-120)

(i) **LOT AREA (Minimum):** 0.7 acres

(ii) **LOT FRONTAGE (Minimum):** 146 feet

(d) **A2-4**

Notwithstanding the provisions of Section 10(1) and 10(2) hereof to the contrary, the lands designated A2-4 on Schedule "A" hereto may be used for:

a church;
a conservation use;
a crematorium;
a farm, including a specialized farm;
a forestry use;
a kennel;
a livestock sales barn;
a public use in accordance with the provisions of Section 5(18) hereof;
a seasonal fruit, vegetable, flower or farm produces sales outlet; in accordance with the following provisions: (87-86)

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- (i) **LOT AREA (Minimum):** 6ha

(By-Law Number 99-321 – 1999)

- (e) **A2-5**

Notwithstanding the provisions of Section 5(1), Section 10(1) and Section 10(2) to the contrary, the lands designated 'A2-5' on Map 2 of Schedule "A" hereto may be developed for a farm machinery, small engine and automobile repair shop within the detached garage in accordance with the following modified provisions:

- (i) **Maximum Floor Area**

The maximum floor area of the repair shop shall not exceed 200.5 square metres.

- (ii) **Open Storage**

No open storage of good or materials shall be permitted except in accordance with the following provisions:

- (i) Every open storage shall be limited to and accessory to the repair shop operation.
- (ii) Every open storage shall comply with the setback provisions as follows:
 - Side yard: 3.28 metres (10 feet)
 - Rear yard: 7.89 metres (25.9 feet)
- (iii) No open storage use shall be located in a front yard.
- (iv) Every open storage use shall be enclosed within a fence consisting of at least an eight-wire farm fence which is maintained in good condition.

- (iii) **Advertising**

All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.

(By-Law Number 2002-128 – 2002)

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(f) **A2-6**

Notwithstanding the provisions of Section 5(1), Section 10(1) and Section 10(2) of this by-law to the contrary, the lands designated 'A2-6' on Map 2 of Schedule "A" hereto shall be used and developed in accordance with the following regulations:

(i) **Permitted Uses:**

The only permitted uses shall be:

(a) **Residential Uses**

a converted dwelling house;
a single-family dwelling house.

(b) **Non-Residential Uses**

a home occupation;
a plumbing, heating and welding operation;
offices associated with the plumbing, heating and welding operation.

(ii) **Maximum Floor Area of Shop Area**

The maximum floor area of the plumbing, heating and welding operation shall not exceed 318.6 square metres and shall be located wholly within the shop located at 3272 Creekford Road.

(iii) **Location of Office Uses**

Office uses associated with the welding, heating and plumbing use may be located within the walls of the existing structure known municipally as 3262 Creekford Road. Said office uses shall only be permitted in conjunction with the welding, heating and plumbing use on the abutting lands at 3272 Creekford Road.

(iv) **Maximum Floor Area of Office Use**

The maximum floor area of the permitted office use for the welding, heating and plumbing use shall not exceed 170 square metres and shall be located wholly within the walls of the existing structure known municipally as 3262 Creekford Road. There shall be no change or alteration to the physical structure of 3262 Creekford Road to accommodate the office use.

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(v) **Number of Employees**

Other than a member of the family, the office staff associated with the business shall not exceed 6 employees working on site.

(vi) **Open Storage**

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

- (a) All open storage shall be limited to and be accessory to the permitted plumbing, heating, and welding operation.
- (b) Minimum Setbacks:
 - Side yard: 12 metres (40 feet)
 - Rear yard: 7.62 metres (25 feet)
- (c) No open storage use shall be located in any front yard area.
- (d) All open storage use shall be enclosed with a solid wall or fence maintained in good condition.
- (e) The parking of commercial vehicles shall be restricted to the rear yard.

(vii) **Advertising**

All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.

(By-Law Numbers 2003-48 – 2003; 2004-50)

(g) **3385 Van Order Road**

Notwithstanding the provisions of Section 5(1), Section 10(1) and Section 10(2) of this By-Law to the contrary, the lands designated 'A2-7' on Map 1 of Schedule "A" hereto may be developed in accordance with the following regulations:

1. **Only Permitted Use:**

- a landscaping business which provides related service work off site; an office associated with the landscaping business;

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the repair and storage of equipment associated with the landscaping business; a landscape horticultural supplies holding yard for offsite service locations containing materials such as gravels, soils, stone, mulches, trees / shrubs; no retail sales will be permitted from the site.

2. Maximum Floor Area of Storage / Office / Garage:

The maximum floor area of the landscaping business shall not exceed 267.11 square metres in the repair / office building and 210 square metres in the existing Quonset structure.

3. Use of the Repair / Office Building:

The repair and office uses associated with the landscaping business shall only be located within the repair / office building. Said repair and office uses shall only be permitted in conjunction with the permitted landscaping business.

4. Use of the Quonset Building:

The Quonset structure may be used for storage of tools and equipment and supplies pertaining to the permitted landscaping business.

5. Landscape Horticultural Supplies:

Landscape horticultural supplies shall be permitted on site only for supply to off-site service locations, including gravels, soils, stone, mulches, trees and shrubs. No retail sales such as landscape horticultural supplies shall be permitted from the site.

6. Perennial Propagation Yard:

The perennial propagation yard shall be located on site and shall be used to grow perennials for offsite service locations only. No retail sales of perennials shall be permitted from this site.

7. Advertising:

All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.

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8. Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, one single-family dwelling house is also permitted.
9. **Maximum Number of Dwellings Per Lot: 1**
10. No development or site alterations shall be permitted on the lands subject to the '-H' Symbol until such time as the '-H' Symbol is removed. The '-H' Symbol shall only be removed once the following conditions have been complied with:
 - (i) Submission of a Tree Inventory Study, Tree Preservation Report, Environmental Site Evaluation or Environmental Impact Study, Archeological Assessment and, Record of Site Condition to the satisfaction of the City and any applicable Agency and / or Provincial Ministry;
 - (ii) All applicable Municipal and Agency requirements have been complied with; and,
 - (iii) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the *Planning Act*.

(By-Law Numbers 2004-96; 2013-102)

(h) **A2-8**

Notwithstanding the provisions of Section 6(6) '-H' Holding Zone Provisions to the contrary, the Holding (-H) symbol shall not be removed until the following conditions have been satisfied:

- a. A hydro-geological study that satisfactorily demonstrates that an adequate supply of potable water is available for the proposed development; and,
- b. A noise and vibration impact study that satisfactorily demonstrates compliance with the guidelines for sensitive uses near a quarry.

No construction of structures or buildings and no site alterations, such as vegetation or tree removal or grading, shall take place until the Holding Symbol has been removed. Any alterations shall be restored to their pre-existing state before any required studies are conducted.

(By-Law Numbers 76-26; 2007-113)

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(i) **A2-9 (3029 A / B Creekford Road)**

Notwithstanding any provisions of the by-law to the contrary, the provisions of Section 10 on the lands designated 'A2-8' on Schedule "A" hereto. The following regulations shall apply:

(i) **Permitted Uses:**

In addition to the provisions of Section 10(1), the permitted uses shall also include a semi-detached dwelling, for the purpose of recognizing the existing development and each lot along the common party wall.

3029 A

- (i) Minimum Lot Area: 0.6 hectares
- (ii) Minimum Frontage: 29 metres

3029 B

- (i) Minimum Lot Area: 1.4 hectares
- (ii) Minimum Frontage: 71 metres

(By-Law Numbers 76-26; 2010-33; 2015-56)

(j) **A2-10 (1371 Spooner Road)**

Notwithstanding the provisions of Section 5 and 10 hereof to the contrary, the lands designated 'A2-9' on Schedule "A" hereto, the following regulations shall apply:

(a) **Permitted Use:**

A Single Family Dwelling House

- (b) Minimum Lot Area: 928 square metres
- (c) Front Yard Depth: 6.0 metres
- d) West Interior Side Setback Minimum: 1.2 metres
- e) All Other Yard Setbacks Minimum: The main building or structure shall not be located less than 10.0 metres from an 'EPA' Zone.

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- f) The Minimum Setback for a septic system from an 'EPA' zone shall be 0.0 metres.
- g) The minimum setback for the parking of any vehicle, recreational vehicle or trailer is 10.0 metres from an 'EPA' Zone.

(By-Law Numbers 76-26; 2010-91; 2015-56)

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Section 11

Proposed Airport Restricted Zone (A3)

Approval for A3 Zone expired on December 5, 1979. Other references to this Zone were repealed by By-Law Number 79-49.

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Section 12

Residential Type 1 Zone (R1)

(1) Uses Permitted

No person shall within any R1 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1 uses, namely:

(a) Residential Uses:

a single-family dwelling house;

a converted dwelling house.

(b) Non-Residential Uses:

a home occupation;

a public use in accordance with the provisions of Section 5(18) hereof.

(2) Zone Provisions

No person shall within any R1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Lot Area (minima): Converted Dwelling House Single-Family Dwelling

(i)	Lot served by a public water system and a sanitary sewer system	7,500 square feet	5,000 square feet
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(ii)	Lot served by only a public water system or a sanitary sewer system	20,000 square feet	15,000 square feet
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(iii)	Other lots	30,000 square feet	22,000 square feet
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(b) Lot Frontage (minima): Corner Lot Other Lot

(i)	Single-family dwelling house
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- | | | | |
|-----|---|----------|----------|
| (a) | Lot served by a public water system and a sanitary sewer system | 70 feet | 50 feet |
| (b) | Lot served by only a public water system or a sanitary sewer system | 100 feet | 100 feet |
| (c) | Other Lots | 150 feet | 150 feet |
- (ii) Converted dwelling house
- | | | | |
|-----|---|----------|----------|
| (a) | Lot served by a public water system and a sanitary sewer system | 80 feet | 60 feet |
| (b) | Lot served by only a public water system or a sanitary sewer system | 95 feet | 75 feet |
| (c) | Other lots | 150 feet | 150 feet |
- (c) **Front Yard Depth (minimum):** 20 feet
- (d) **Exterior Side Yard Width (minimum):** 20 feet
- (e) **Interior Side Yard Width (minima):**
- (i) Converted dwelling house: 10 feet on one side, 6 feet on other side.
 - (ii) Single-family dwelling house: 4 feet, provided that on a lot where there is no attached private garage or attached carport, the minimum interior side yard width shall be 8 feet on one side and 4 feet on the other side.
 - (iii) Other uses: 25 feet
- (f) **Rear Yard Depth (minimum):** 25 feet
- (g) **Dwelling Unit Area (minimum):**
- (i) Converted dwelling house: 700 square feet
 - (ii) Single-family dwelling house: 1,000 square feet

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- (h) **Landscaped Open Space (minimum):** 30 per cent
- (i) **Height of Building (maximum):** 35 feet
- (j) **Dwelling Houses per Lot (maximum):** 1 only
- (k) **Accessory Uses, Parking, etcetera:**

In accordance with the provisions of Section 5 hereof.

(l) **Exceptions:**

- (i) Notwithstanding the provisions of Section 12(2)(b) hereof to the contrary the minimum lot frontage required for Lot 1 and Lot 2 on Registered Plan Number 1719 shall be 35 metres. (86-38).

(m) **Minimum Building Opening Elevations:**

No exterior opening of any building constructed on the lands specified in the following chart, shall be permitted below the corresponding minimum building opening elevation: (88-19).

Property Description		Minimum Building Opening Elevation
Registered Plan Number	Lot / Block Number	Metres
1909	1 and 2	86.3m
	4, 5 and 6	95.6m
	7, 8, 9, 10, 11 and 79	85.3m
	62 and 63	94.9m
	64 and 65	93.9m
1912	21 to 61 inclusive, Blocks 89, 90 and 91	84.7m

(3) **Special R1 Zones**

(a) **R1-1**

Notwithstanding any provisions of Section 12(2)(d) hereof to the contrary, the lands designated R1-1 on Schedule "A" hereto shall be developed in accordance with the following provision: (77-26).

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(i) **Exterior Side Yard Width (minima):**

(a) Where Exterior Side Lot Line abuts an Arterial Road: 45 feet

(b) Other: 20 feet

Notwithstanding any provision of Section 12(2)(a) or Section 12(2)(b) hereof to the contrary, the lands designated R1-2 on Schedule "A" hereto shall be developed in accordance with the following provisions: (77-26).

(i) Lot Area (minimum): 7,200 square feet

(ii) Lot Frontage (minimum): 60 feet

(c) **R1-3**

Notwithstanding any provision of Section 12(2)(a) or Section 12(2)(b) hereof to the contrary, the lands designated R1-3 on Schedule "A" hereto shall be developed in accordance with the following provisions: see also (77-20-F).

(i) Lot Area (minimum): 6,000 square feet

(ii) Lot Frontage (minimum): 55 feet

(For those lands zoned R1-3 in Part Lot 2, Concession II, please consult By-Law Number 77-20).

(d) **R1-4 (Morse)**

Notwithstanding any provision of Sections 12(2)(a), 12(2)(g) and 12(2)(j) hereof to the contrary, the lands designated R1-4 on Schedule "A" hereto may be used for two single-family dwelling houses provided that: (76-47).

(i) the minimum lot area shall be 4 acres; and

(ii) the minimum dwelling unit area of any single-family dwelling house constructed after the enactment of this clause shall be 700 square feet.

(e) **R1-5 (Caskey)**

Notwithstanding any provisions of Section 12(2)(b) hereof to the contrary, the lands designated R1-5 on Schedule "A" hereto shall be developed in accordance with the following provision: (77-59).

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(i) Lot Frontage (minimum): 105 feet

(f) **R1-6 (Abcon Ltd. – Glenburnie)**

Notwithstanding any provisions of Section 12(2)(c) hereof to the contrary, the lands designated R1-6 on Schedule "A" hereto shall be developed in accordance with the following provisions: (79-47).

(i) Front Yard Depth (minimum): 6 metres (20 feet)

Provided that any lot having frontage on Glenburnie Road shall have a minimum front yard depth of 15.5 metres (50 feet).

(g) **R1-7 (Tennyson)**

Notwithstanding any provisions of Section 12(2)(b) or Section 12(2)(e) hereof to the contrary, the lands designated R1-7 on Schedule "A" hereto shall be developed in accordance with the following provisions: (79-101)

(i) Lot Frontage (minimum): 114 metres

(ii) Interior Side Yard Width (minimum): 15 metres

(h) **R1-8 (Cedar Woods)**

Notwithstanding any provisions of Section 12 hereof to the contrary, the use of lands designated as R1-8 on Schedule "A" hereto shall be limited to a single-family dwelling house and such lands shall be used in accordance with the following provisions: (80-7)

(i) Lot Area (minimum): 665 square metres

(ii) Lot Frontage (minimum): 18 metres

(i) **R1-9 (Roselawn Place)**

Notwithstanding the provisions of Section 12(2)(b) hereto to the contrary, the lands designated R1-9 on Schedule "A" hereto shall be used for no purpose other than single-family dwelling house in accordance with the following provision: (80-44)

(i) Lot Frontage (minimum): 30 metres

(j) Deleted by By-Law Number 91-22.

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(k) **R1-11**

Notwithstanding the provisions of Section 12(2)(b)(i)(b) hereof to the contrary, the lands designated R1-11 on Schedule "A" hereto shall be developed in accordance with the following provision: (80-42)

(i) Lot Frontage (minimum): 30 metres

(l) **R1-12**

Notwithstanding the provisions of Section 12(2)(a)(ii) and Section 12(2)(b)(i)(b) hereof to the contrary, the lands described as part of Lot 3, Registered Plan Number 448, Part of Lot 6, Concession III and designated R1-12 on Schedule "A" hereto, shall be developed in accordance with the following provisions: (81-14)

(i) Lot Area (minimum): 929.0 square metres (10,000 square feet)

(ii) Lot Frontage (minimum): 22.800 metres (75.10 feet)

(m) **R1-13 (Four Seasons)**

Notwithstanding the provisions of Section 12(2)(a)(i) and Section 12(2)(b)(i)(a) to the contrary, the lands designated R1-13 on Schedule "A" hereto shall be used for no purpose other than a single-family dwelling house, in accordance with the following provisions: (80-77)

(i) Lot Area (minimum): 420 square metres (4,520.83 square feet)

(ii) Lot Frontage (minimum): 14 metres (45.93 feet)

(n) **R1-14**

Notwithstanding any provisions of Section 12(2)(b)(i)(b) of this by-law to the contrary, the lands designated R1-14 on Schedule "A" hereto, may be developed on the basis of a minimum lot frontage of 28 metres (91.863 feet) provided that the stone gateway, existing on the subject lands at the date of passage of this by-law, shall not be relocated, destroyed, removed or altered (except for necessary repairs), but shall be preserved. (80-53)

(o) **R1-15**

Notwithstanding any provision of Section 12(1), Section 12(2)(b)(i)(c), Section 5(1)(e)(i), Section 5(16)(a) and Section 5(16)(h) hereof to the

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contrary, the lands designated R1-15 on Schedule "A" hereto, may be used for the purposes set out below provided that such uses are developed in accordance with the following provisions: (80-54)

(i) **Uses Permitted:**

- (a) **Residential Uses:** one single-family dwelling house.
- (b) **Non-Residential Uses:** a catering business including one or more of the following uses:

a kitchen facility;

a garage for storing stock, loading catering trucks, making minor repairs to and cleaning catering trucks and overnight storage of catering trucks;

and an office accessory to the catering business.

(ii) **Zone Provisions:**

- (a) **Lot Frontage (minimum):** 30.48 metres (100 feet)

- (b) **Location of Catering Business on Lot:**

- (i) The operation of the catering business shall be restricted to the catering building except that nothing shall prevent the maintenance of an existing office within the permitted single-family dwelling house.

- (ii) The catering building shall be located no closer than 4.26 metres (14 feet) to any side or rear lot line or closer than 15.24 metres (50 feet) to the permitted single-family dwelling house.

- (c) **Gross Floor Area of Catering Building (maximum):**
167.22 square metres (1,800 square feet).

- (d) **Parking Requirements:**

Residential Use: 1 parking space per dwelling unit

Catering Business: 1 parking space per 37.16 square metres (400 square feet) of gross floor area devoted to the catering business to be located in the rear or side yard only.

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(e) **Parking Restrictions:**

All commercial vehicles devoted to the accessory catering business use shall be parked or stored overnight within an enclosed building or structure.

(p) **R1-16**

Repealed by By-Law Number 80-73

(q) **R1-17**

The lands designated as R1-17 shall be developed in accordance with the following provisions: (80-65)

- (i) All exterior openings of all buildings shall be located above the minimum elevation of 76.14 metres Geodetic Surveys of Canada.

(r) **R1-18 (Bayhill Phase 12)**

Notwithstanding the provisions of Section 12(2)(b)(i)(a) hereof to the contrary, the lands designated as R1-18 on Schedule "A" hereto, shall be used in accordance with the following provisions: (81-13)

- (i) **Lot Frontage (minima): 15.1 metres**

(s) **R1-19**

Notwithstanding any provision of Section 12(2)(a)(iii) of this by-law to the contrary, the lands designated R1-19 on Schedule "A" hereto shall be used in accordance with the following: (81-44)

- (i) **Lot Area (minimum): 1,675 square metres**

(t) **R1-20**

Notwithstanding any provision of Section 12 hereof to the contrary, the lands designated R1-20 on Schedule "A" hereto may be used for the purpose of a retail store together with an accessory dwelling unit provided that such uses are developed in accordance with the following provisions: (82-33)

- (i) such retail store shall be confined to the ground floor of the existing residential building;

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- (ii) such accessory dwelling unit shall be confined to the existing residential building; and
- (iii) no parking area, other than an access driveway, shall be located within 3 metres of any street line or 1 metre of any lot line.

(u) **R1-21 (Old Front Road)**

Notwithstanding any provisions of Sections 12(2)(a), 12(2)(b) and 12(2)(e) hereof to the contrary, the lands designated R1-21 on Schedule "A" hereto shall be developed in accordance with the following provisions: (82-74)

- (i) Lot Area (minimum): as constituted on the date of the enactment of this clause;
- (ii) Lot Frontage (minimum): as constituted on the date of the enactment of this clause; and
- (iii) Interior Side Yard Width (minimum): 3 metres

(v) **R1-22**

Notwithstanding any provisions of Sections 12(1), 5(12)(c), 5(16)(a), 5(16)(c), and 5(16)(h) hereof to the contrary, the lands designated R1-22 on Schedule "A" hereto may be used for a premises engaged in the development of computer software as well as the testing and assembly of related computer hardware components, provided that such use is developed in accordance with the following provisions: (83-7)

- (i) such use shall be confined within the building existing on the subject lands on the date of enactment of this clause,
- (ii) no use which requires piped municipal water or municipal sewage facilities shall be permitted except that this provision shall not prohibit the use of piped municipal water for normal building maintenance, cooking and sanitary facilities,
- (iii) parking facilities shall be supplied at a rate of 1 space per 37.0 square metres of occupied gross floor area and no parking area shall be located closer than 1 metre to any lot line,
- (iv) all required and permitted loading spaces shall be located in the rear yard,
- (v) no open storage of goods or materials shall be permitted,

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- (vi) no liquid or solid waste, other than that related to sanitary facilities, shall be discharged upon or into the lands designated as R1-22 on Schedule "A" hereto.

(w) **R1-23**

Notwithstanding the provisions of Section 12(2)(b) hereof to the contrary, the lands designated R1-23 on Schedule "A" hereto shall be used for no purpose other than a single-family dwelling house in accordance with the following provisions: (86-30)

- (i) Lot Frontage (minimum):

<u>Corner Lot</u>	<u>Other Lot</u>
16.8 metres (55 feet)	15.0 metres (50 feet)
- (ii) Exterior Side Yard Width (minimum): In lieu of the normal exterior side yard width requirement, lots 183 and 185 of Registered Plan Number 1709 shall be subject to a minimum setback of 15.2 metres (50 feet).

(x) **R1-24**

Notwithstanding the provisions of Section 12(2)(a) and 12(2)(b) hereof to the contrary, the lands designated R1-24 on Schedule "A" hereto shall be used in accordance with the following provisions: (87-52)

- (i) Lot Area (minimum): 450 square metres
- (ii) Lot Frontage (minima):

<u>Corner Lot</u>	<u>Other Lot</u>
21.0 metres	15.0 metres

(y) **R1-25**

Notwithstanding the provisions of Section 12(2)(a) and 12(2)(b) hereof to the contrary, the lands designated R1-25 on Schedule "A" hereto shall be used in accordance with the following provisions: (92-144)

- (i) Lot Area (minimum): 450 square metres
- (ii) Lot Frontage (minima):

Corner Lot	Other Lot
19.0 metres	15.0 metres

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(z) **R1-26**

Notwithstanding the provisions of Section 12(2) hereof to the contrary, the lands designated R1-26 on Schedule "A" hereto shall be used in accordance with the following provisions: (89-46)

- (i) Lot Area (minimum): 2,217 square metres
- (ii) Lot Frontage (minimum): 33 metres.

(aa) **R1-27** (By-Law Numbers 89-123 and 89-149 repealed by O.M.B. Order September 21, 1990).

(ab) **R1-28** (Repealed by By-Law Number 94-83)

(ac) **R1-29**

Notwithstanding the provisions of Section 12(2) hereof to the contrary, the lands designated R1-29 on Schedule "A" hereto shall be developed in accordance with the following provision: (90-81)

- | | | |
|-----------------------------|-------------|-------------|
| (i) Lot Frontage (minimum): | Corner Lot | Other Lot |
| | 18.0 metres | 12.0 metres |

(ad) **R1-30 (2722 and 2724 Highway 38)**

Notwithstanding the provisions of Section 5 and 12 hereof to the contrary, on the lands designated 'R1-30' on Schedule "A" hereto, the following regulation shall apply

- (i) Lot Frontage (minimum): 34 metres

(By-Law 76-26; 2019-162)

(ae) **R1-31**

Notwithstanding the provisions of Sections 12(2)(a) and 12(2)(b) hereof to the contrary, the lands designated R1-31 on Schedule "A" hereto shall be developed in accordance with the following provisions: (91-09)

- (i) Lot Area (minimum): 418 square metres
- (ii) Lot Frontage (minima):

<u>Corner Lot</u>	<u>Other Lot</u>
18.0 metres	12.0 metres

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(af) **R1-32** – Reserved.

(ag) **R1-33**

Notwithstanding the provisions of Section 12(2)(a) hereof to the contrary, the lands designated R1-33 on Schedule "A" hereto shall be developed in accordance with the following provision: (91-98)

(i) Lot Area (minimum): 0.4 hectares (1 acre)

(ah) **R1-34**

Notwithstanding the provisions of Sections 12(2)(a) and 12(2)(b) hereof to the contrary, the lands designated R1-34 on Schedule "A" hereto shall be developed in accordance with the following provisions: (91-98)

(i) Lot Area (minimum): 0.6 hectares (1.5 acres)

(ii) Lot Frontage (minimum): 61 metres (200 feet)

(ai) **R1-35**

Notwithstanding the provisions of Sections 12(2)(a) and 12(2)(b) hereof to the contrary, the lands designated R1-35 on Schedule "A" hereto shall be developed in accordance with the following provisions: (91-144)

(i) Lot Area (minimum): 390 square metres

(ii) Lot Frontage (minimum): 13.0 metres

(aj) **R1-36**

Notwithstanding the provisions of Sections 12(2)(a) and 12(2)(b) hereof to the contrary, the lands designated R1-36 on Schedule "A" hereto shall be developed in accordance with the following provisions: (92-80)

(i) Lot Area (minimum): 360 square metres

(ii) Lot Frontage (minima):

	<u>Corner Lot</u>	<u>Other Lot</u>
	16.8 meters	12.0 metres

(ak) **R1-37**

Notwithstanding the provisions of Section 12(2) hereof to the contrary, the lands designated as R1-37 on Schedule "A" hereto shall be developed in accordance with the following provisions: (94-67)

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- (i) **Lot Area (minimum):**
 - (a) Lot served by only a public water system: 0.6 hectares
- (ii) **Lot Frontage (minimum):**
 - (a) Lot served by only a public water system: 60.0 metres

(al) **R1-38**

Notwithstanding the provisions of Clause (b) of Section 12(1) and Clause (i) of Section 12(2) hereof to the contrary, the lands designated R1-38 on Schedule "A" hereto also may be used for a self-service storage facility provided said use is developed and used in accordance with the following provisions: (95-5)

- (i) Self-Service Storage Facility means a facility as defined in Clause (ap)(i) of Section (19)(3) hereof.

- (ii) **Open Storage – Self-Service Storage Facility:**

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

- (a) Every open storage use shall be accessory to the main use of the lot and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles (boats, motor homes, trailers).
- (b) Every open storage use shall comply with the yard and setback provisions of Section 5(20) and clauses (e) and (f) of Section 12(2) hereof as if such open storage use were a building or structure provided, however, that such use complies with paragraph (a) above.
- (c) Notwithstanding (b) above, no open storage use shall be located in a front yard, or an interior side yard or rear yard which abuts a residential or Development (D) Zone.

(am) **R1-39-H**

Notwithstanding the provisions of Sections 12(2)(a) and 12(2)(b) hereof to the contrary, the lands designated R1-39-H on Schedule "A" hereto shall be developed in accordance with the following provision: (95-49)

- (i) **Setback from Top-of-Bank**

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No building shall be erected within 10 metres of the surveyed top-of-bank along Collins Bay.

(an) **R1-40-H**

Notwithstanding the provisions of Sections 12(2)(a) and 12(2)(b) hereof to the contrary, the lands designated R1-40-H on Schedule "A" shall be developed in accordance with the following provision: (95-49)

(i) **Setback from "Normal Water's Edge"**

No building shall be erected within 10 metres of the surveyed top-of-bank along Collins Bay and in no instance shall any building be erected within 30 metres of the normal water's edge of Collins Bay.

(ao) **R1-41**

Notwithstanding the provisions of Section 12(2)(b) hereof to the contrary, the lands designated R1-41 on Schedule "A" hereto shall be developed in accordance with the following provision: (95-129)

(i) **Lot Coverage (minimum):** 130 feet

(ap) **R1-42**

Notwithstanding the provisions of Section 12(2)(b) hereof to the contrary, the lands designated R1-42 on Schedule "A" hereto shall be developed in accordance with the following provision: (95-129)

(i) **Lot Frontage (minimum):** 140 feet

(aq) **R1-43**

Notwithstanding the provisions of Subsection (144) of Section 4; Subsections (1), (16) and (25) of Section 5; and articles (a), (b), (c), (d), (e), (f), (g) and (h) of Subsection (2) of Section 12 hereof to the contrary, the lands designated R1-43 on Schedule "A" hereto shall be developed in accordance with the following provisions: (96-29)

(i) **Lot Area (minima):**

(a) Lots with a detached private garage: 297 square metres

(b) Other Lots: no minimum

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- (ii) **Lot Frontage (minimum):**
 - (a) Corner Lot: 11.0 metres
 - (b) Other Lot: 9.0 metres
- (iii) **Front Yard Depth (minimum):** 4.5 metres
- (iv) **Exterior Side Yard Width (minimum):** 2.4 metres
- (v) **Interior Side Yard Width (minima):**
 - (a) Lot with an attached private garage: 0.6 metres on one side and 1.2 metres on the other side
 - (b) Lot without an attached private garage: 0.6 metres on one side and 2.5 metres on the other side
- (vi) **Rear Yard Depth for Main Building (minima):**
 - (a) Lot with an attached private garage: 7.5 metres
 - (b) Lot without an attached private garage: 12 metres
- (vii) **Dwelling Unit Area:**

No minimum required.
- (viii) **Landscaped Open Space:**

No minimum required.
- (ix) **Driveways:**
 - (a) **Width:**

Driveways used for the parking of motor vehicles and used to access a single-family dwelling house shall have a maximum width of 6.0 metres or 50 percent of the lot frontage, whichever is less. Notwithstanding this provision, the maximum driveway width at the front lot line shall not exceed 40 percent of the lot frontage.
 - (b) **Location of Parking:**

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The parking of motor vehicles outside of a private garage in the front, rear, interior and exterior side yard is only permitted on driveways.

(c) **Size of Parking Space:**

The minimum width of a parking space shall be 2.5 metres and the minimum length of a parking space shall be 6.0 metres.

(x) **Attached Private Garages:**

(a) **Width:**

The maximum width of an attached private garage shall be 6.0 metres or 50 percent of the lot frontage, whichever is less, with the width being measured from the interior faces of the walls of the attached private garage.

(b) **Distance from Street:**

Attached private garages shall be located no closer than 6.0 metres from the lot line that the driveway crosses to access the attached private garage.

(xi) **Accessory Buildings:**

(a) **Lot Coverage:**

The total lot coverage of all accessory buildings on a lot shall not exceed 15 percent of the lot area.

(b) **Location:**

Accessory buildings shall be located a minimum of:

- (i) 0.6 metres from the interior side lot line;
- (ii) 2.4 metres from the exterior side lot line; and,
- (iii) 2.4 metres from the rear lot line.

Notwithstanding this provision, an accessory building may share a common wall with another accessory building on an abutting lot and no setback from the interior side lot line is required on that side of the lot.

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(xii) **Sight Triangles:**

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(xiii) **Porches:**

Roofed porches, not exceeding 4.5 metres in height, with the height being measured from the established grade to the underside of the rafters or ceiling of the roofed porch, steps and unenclosed porches may encroach:

- (a) into the required exterior side yard a distance of 1.2 metres;
- (b) into the required rear yard a distance of 3.0 metres; and
- (c) into the required front yard a distance of 1.8 metres.

Stairs providing access to a porch can further encroach a distance of 1.2 metres into the required front yard.

(ar) **R1-44**

Notwithstanding the provisions of Section 5, Subsection (16)(a) and articles (b) (i) (a), (d), and (g) (ii) of Subsection (2) of Section (12) of this By-Law to the contrary, the lands designated 'R1-55' on Map Number 3 of Schedule "A" hereto shall be developed in accordance with the following provisions:

(i) **Lot Frontage (minimum):**

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Interior Lot: 15.0m

Corner Lot: 16.76m

- (ii) **Exterior Side Yard Width (minimum):** 3.66
- (iii) **Dwelling Unit Area (minimum):** 140.0 square metres
- (iv) **Lot Coverage (maximum):** 35 per cent
- (v) **Off-Street Parking (minimum):**

There shall be a minimum of **one (1) off-street parking space** per dwelling unit.

(By-Law Numbers 98-114 – 1998; 2003-164)

(as) **R1-45**

Notwithstanding the provisions of Section 5, Subsection (16) (a) and articles (a) (i), (b) (i) (a), and (d), of Subsection (2) of Section (12) of this by-law to the contrary, the lands designated 'R1-47' on Map Number 3 of Schedule "A" hereto shall be developed in accordance with the following provisions:

- (i) **Lot Area (minimum):** 353 square meters
- (ii) **Lot Frontage (minimum):**

Corner Lot: 13.7m

Interior Lot: 12.0m
- (iii) **Exterior Side Yard Width (minimum):** 2.44m
- (iv) **Lot Coverage (maximum):** 35 per cent
- (v) **Off-Street Parking (minimum):**

There shall be a minimum of **one (1) off-street parking space** per dwelling unit.

(By-Law Numbers 98-114 – 1998; 2003-164)

(at) **R1-46 (979 Sydenham Road)**

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Notwithstanding the provisions of Section 5(9)(e) hereof to the contrary, on the lands designated 'R1-56' on Schedule "A" hereto, a home occupation may include the sale of cleaned and / or repaired antique glass, china and porcelain not produced on the premises provided such items do not exceed 50 per cent of any goods displayed for sale, and the balance of the goods displayed for sale must be arts and crafts that are produced on the premises.

(By-Law Number 2000-113 – 2000)

(au) **R1-47 (949 Limestone Drive, Lot 145, Plan 1928)**

Notwithstanding the provisions and permitted uses of the 'R1' Zone, within the R1-47 Zone the following provisions shall apply:

- a) A maximum of two dwelling units shall be located totally within the existing single family dwelling house.
- b) The second dwelling unit shall be permitted in a cellar.

(By-Law Numbers 2000-203; 2002-149; 2003-164)

(av) **R1-48 (Special Requirement)**

Notwithstanding the provision of Section 12 hereof to the contrary, the lands designated "R1-48" on Schedule "A" attached hereto, shall be used in accordance with the uses and provisions of the "R1" zone except:

- Lot area (minima): 464m²
- Lot frontage (minima): 15m
- Front yard depth: 6.0m
- Exterior side yard: 4.0m
- Interior side yard (minima): 1.2m
- Rear yard depth : No building shall be erected within 10 metres of the surveyed top-of-bank along Collins Bay and in no instance shall any building be erected within 30 meters of the normal water's edge of Collins Bay
- Landscaped Open Space (minimal): 30 per cent

(By-Law Number 2001-162 – 2001)

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(aw) **R1-49**

Notwithstanding the provisions of Section 12 to the contrary, the lands designated 'R1-49' on Map 2 of Schedule "A" hereto may be used in accordance with the following special provisions:

- (i) Lot Area (minimum): 16,000 square feet
- (ii) Lot Frontage (minimum): 75 feet
- (iii) All buildings and structures shall be set back a minimum of 25 feet from the 102 metre geodetic contour as shown on the approved site grading plan along the east side of the property abutting the stormwater management pond.
- (iv) All buildings on the property shall have a minimum building opening elevation of 102.3 metres geodetic.
- (v) Minimum Driveway elevation of 102.05 metres geodetic.

(By-Law Number 2002-38 – 2002)

(ax) **R1-50**

Notwithstanding the provision of Section 12 (3) hereof to the contrary, the lands designated 'R1-50' on Schedule "A" attached hereto, shall be used in accordance with the following regulations:

- (a) The following uses only shall be permitted:
 - (i) a single family dwelling house;
 - (ii) a converted dwelling house;
 - (iii) a photo studio – does not include any form of photo processing;
 - (iv) a home occupation;
 - (v) a public use in accordance with the provisions of Section 5 (18) hereof.
- (b) Lot Frontage (minimum): 27.4m (89.8 feet).

(By-Law Number 2002-37 – 2002)

(ay) **R1-52**

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Notwithstanding the provisions of Section 12(2) to the contrary, on the lands designated 'R1-52' on Map 3 of Schedule "A" hereto may be used in accordance with the following special provisions:

- (i) Lot Frontage (minimum): 130 feet

(By-Law Number 2002-68 – 2002)

(az) **R1-53**

Notwithstanding the provisions of Section 12(2) to the contrary, the lands designated 'R1-47' on Map 4 of Schedule "A" hereto may be used in accordance with the following special provisions:

- (i) **Setback from Top of Bank:**

No building shall be erected within 10 metres of the surveyed top of slope along Collins Creek.

Administrative Amendments – Renumbering of Section 12(3)(ba) to 12(3)(bh).

(By-Law Number 2005-210)

(ba) **R1-54**

Notwithstanding the provisions of Section 12(1), 12(2), and 5(9) and 5(16) to the contrary, the lands designated 'R1-54' on Map 2 of Schedule "A" hereto may be used in accordance with the following special provisions:

- (i) The maximum floor area of the business office and associated storage for the household cleaning operation shall not exceed 70 square metres.
- (ii) The owner of the household cleaning operation shall reside on the premises.
- (iii) No more than 20 people, other than a member of the family shall be employed by the business associated with the household cleaning operation and the office staff shall not exceed 2 persons.
- (iv) There shall be no external display or advertising, other than a legal sign, to indicate to persons outside, that any part of the dwelling house is being used for a purpose other than residential.

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- (v) There shall be no goods, wares or merchandise, offered or exposed for sale or rent on the premises.
- (vi) The household cleaning operation shall not create or become a public nuisance, particularly in regard to noise, vibration, glare, fumes, odours or electrical interference in excess of that normally experienced in a residential neighbourhood.
- (vii) The household cleaning operation shall not interfere with television or radio reception.
- (viii) The household cleaning operation shall be restricted to the dwelling house.
- (ix) Stacked parking shall be permitted. The maximum employee/business vehicles at one time shall not exceed eight (8) vehicles.
- (x) Lot Area (Minimum): 1323.38 square metres.
- (xi) That the hook up to a municipal sewer line shall take place within a six (6) month period.

(By-Law Numbers 2002-227; 2005-210)

R1-55

Notwithstanding the provisions of Sections 12(1) and 12(2) of this by-law, the lands designated as 'R1-55' on Schedule "A" hereto shall be developed in accordance with the following provisions:

- i) Lot Area (minimum): 353 m²
- ii) Lot Frontage (minimum):
 - Corner Lot: 13.7 m²
 - Interior Lot: 12.0 m²
- iii) Exterior Side Yard Width (minimum): 2.44 m²
- iv) Lot Coverage: 40 per cent
- v) Off Street Parking (minimum): 1 per dwelling unit

(By-Law Numbers 2003-121; 2005-210)

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(bb) **R1-55 (Special Requirement 734331 Ontario Ltd.)**

Notwithstanding the provisions of Section 12(1), 12(2)(a) and 12(2)(b) to the contrary, the lands designated as “R1-55” on Schedule “A” attached shall be used for no other purpose than one or more of the following uses: a single family dwelling house, a home occupation, and a public use in accordance with the following provisions:

- i) Lot Area (minimum): 10,000 square feet
- ii) Lot Frontage (minimum): 100 feet

(By-Law Numbers 99-203; 2003-164; 2005-210)

(bc) **R1-56**

Notwithstanding the provisions of Section 12 of this by-law to the contrary, the lands designated ‘R1-56’ on Map 1 of Schedule “A” hereto may be developed in accordance with the following regulations:

(i) **Permitted Uses:**

The only permitted uses shall be:

(a) **Residential Uses:**

- a single-family dwelling house;
- a converted dwelling house.

(b) **Non-Residential Uses:**

- a home occupation;
- a public use in accordance with the provisions of Section 5(18) hereof; and the sale of antiques in an accessory building.

(ii) **Maximum Gross Floor Area of the Accessory Building for the Sale of Antiques:**

The maximum gross floor area of the antique business shall not exceed 72 square metres and shall be located within the walls of the existing accessory dwelling located on the property at 1775 Highway 38.

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(iii) **Use of the Accessory Building:**

The use associated with the antique business shall only be located within the accessory building on the property known municipally as 1775 Highway 38. The maximum floor area permitted shall be in accordance with Clause (ii) above and the business shall not be permitted to expand and will remain unserviced.

(iv) **Office Use:**

The office use associated with the antiques sales shall be located within the existing residential building on the property known municipally as 1775 Highway 38. The office use shall only be permitted in conjunction with the permitted sales of antiques in the accessory building located at 1775 Highway 38.

(v) **Parking Spaces (minimum):**

Off street parking shall be in accordance with the regulations of Section 5(16) of this by-law.

(vi) **Advertising:**

All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.

(By-Law Numbers 2004-292; 2005-210)

(bd) **R1-57**

Notwithstanding the provisions of Section 4, Section 5(16), and Section 12 of this by-law to the contrary, the lands designated 'R1-57' on Map 1 of Schedule "A" hereto may be used for a self-service storage facility, provided said uses are developed and used in accordance with the following regulations:

(i) **Permitted Uses:**

The only permitted uses shall be:

(a) **Residential Uses:**

an existing two unit dwelling;

(b) **Non-Residential Uses:**

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a self-service storage facility;

a home occupation

a public use in accordance with the provisions of Section 5(18) hereto

(c) **Front Yard Depth (minimum):**

(i) Two-unit dwelling: 10 feet

(ii) Self-service storage facility: 30 feet

(iii) Existing buildings are deemed to be in accordance with the site specific zone. Any new buildings will be built in accordance with the site specific provisions.

(d) **Interior Side Yard Width (minimum):**

(i) Self-service storage facility - 30 feet

(ii) **Self-Service Storage Facility** – means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles (boats, motor homes, trailers). Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.

(iii) **Open Storage – Self-Service Storage Facility:**

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

(a) Every open storage use shall be accessory to the main use of the lot and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles (boats, motor homes, trailers)

(b) No open storage use shall be located in a front yard, or an interior side yard or rear yard which abuts a residential zone.

(iv) **Office Use:**

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The office use associated with the self-service storage facility shall be located within the existing residential building on the property known municipally as 1414 Audrey Street. The office use shall only be permitted in conjunction with the permitted self-service storage facility located at 1414 Audrey Street.

(v) **Parking Spaces (minimum):**

Off street parking shall be in accordance with the regulations of Section 5(16) of this by-law.

(vi) **Buffer Strip**

That a landscaped buffer strip of a minimum 6.0 metres in width, shall be required between any abutting residential use and the proposed self-service storage units.

(By-Law Numbers 2004-295; 2005-210)

(be) **R1-58-H**

Notwithstanding the provisions Section 12(2) to the contrary, the lands designated R1-58-H may be used in accordance with the following provisions:

(a) Lot Area (minima): 370 m²

(b) Lot Frontage (minima):

Interior Lot: 12.2m

Corner Lot: 14m

(c) Front Yard Depth (main structure, excluding any attached or detached garage):

Minimum: 3.5m

Maximum: 6.5m"

Notwithstanding the foregoing Front Yard Depth regulations, for Lots 1, 2, 3, 4, 5, 6, 18, 19, 21, 22, 26, 27, 32, 37, 42, 43, 44, 45, 46, 47, 50, 52, 53, 56, 57, 59, 60, 61, 62, 63, 66, 67, 70, 75, 76, 77, 78, 79, and 81 of Registered Plan 13M-64 only, the front yard depth shall be defined as the least horizontal dimension between the front

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lot line and the closest portion of the main structure, including any attached garage.

(By-Law Numbers 76-26; 2008-20)

- (d) Exterior Side Yard Width (minimum): 3.0m
- (e) Garage Location:

Notwithstanding any other provision of this by-law hereof to the contrary, in no case shall the wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access be located closer than 6.0m to the lot line abutting the public street that the driveway crosses to access the private garage.

- (f) The lifting of the '-H' Holding Symbol shall be subject to Section 6(6) hereof.

(By-Law Numbers 2004-294; 2005-210)

(bf) **R1-59-H**

Notwithstanding the provisions Section 12(2) to the contrary, the lands designated R1-59-H on Schedule "A" shall be developed in accordance with the following provisions:

- (a) Lot Area (minima): 360m²
- (b) Lot Frontage (minima):
 - Interior Lot: 12m
 - Corner Lot: 15m
- (c) Front Yard Depth (minimum): 6.0m
- (d) Exterior Side Yard Width (minimum): 4.5m
- (e) Interior Side Yard Width (minimum): 1.2m provided that on a lot where there is no attached garage or attached carport, the minimum interior side yard shall be a minimum of 2.4m on one side and 1.2m on the other
- (f) Rear Yard Width (minimum): 7.5 m

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- (g) Landscaped Open Space (minimum): 30 per cent
- (h) Height of Building (maximum): 10.5m
- (i) Notwithstanding any above provisions, the minimum distance dwelling setback from railway right-of-way: 30m
- (j) Setback From Centre Line Of Road:

Notwithstanding Section 5(20)(a)(iii), any building or structure shall be setback the minimum front yard depth or exterior side yard depth required for such use plus 9 metres to the centre line of the road, where the road right-of-way is 18 metres.

- (k) Sight Triangles

Two sight triangles are required for a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot

line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

- (l) Notwithstanding Section 5(16)(d)(iv), the minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, may be a minimum of 8.5 metres.
- (m) The lifting of the '-H' Holding Symbol shall be subject to Section 6(6) hereof.

(By-Law Numbers 2005-119; 2005-210)

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(bg) **R1-60**

Notwithstanding the provisions of Section 12 of this by-law to the contrary, the lands designated 'R1-60' on Zoning Map Number 1 of Schedule "A" to this By-Law may be developed in accordance with the following provisions:

- (i) minimum required lot frontage: 30 metres.

(By-Law Numbers 2005-80; 2005-210)

(bh) **R1-61 to R1-64**

The R1 provisions from R1-61 to R1-64 have been left intentionally blank and do not have associated zones.

(By-Law Number 2005-210)

(bi) **R1-65**

Notwithstanding the provisions of Sections 12(1) and 12(2) of this by-law, the lands designated as 'R1-65' on Schedule "A" hereto shall be developed in accordance with the following provisions:

- i) Lot Area (minimum): 353 m²
- ii) Lot Frontage (minimum):
Corner Lot: 13.7 m²
Interior Lot: 12.0 m²
- iii) Exterior Side Yard Width (minimum): 2.44 m²
- iv) Lot Coverage: 40 per cent
- v) Off Street Parking (minimum): 1 per dwelling unit

(By-Law Number 2005-210)

(bj) **R1-66**

Notwithstanding the provisions of Section 12(2)(a), Section 12(2)(b)(i)(a), Section 12(2)(c), and Section 12(2)(e)(ii) hereof to the contrary, on the lands designated 'R-66' on Schedule "A" hereto, the following regulations shall apply:

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- i) **Lot Area (minimum):** 350 square meters
- ii) **Lot Frontage (minimum):** 10.5 metres
- iii) **Lot Yard Depth (minimum):** 10 metres
- iv) **Interior Side Yard** (minimum where property line is shared with Part 2 of Reference Plan 377, known as 1616 Anne Street):
2.3 metres

(By-Law Numbers 76-26; 2006-78)

(bk) **R1-67**

1208-1210 Westbrook Road – Amending By-Law Number 2007-75:

Notwithstanding the provisions of Sections 12(1) and 12(2) of this by-law, the lands zoned 'R1-67' on Schedule "A" to this by-law, may be used in accordance with the following provisions:

(i) **Permitted Uses:**

The only permitted uses shall be:

(a) Residential Use:

an existing semi-detached dwelling.

(b) Non-Residential Uses:

a home occupation;

a public use in accordance with the provisions of Section 5(18) hereof.

- (ii) The existing semi-detached dwelling is required to be served by public water and sanitary sewer systems.
- (iii) For the purpose of lot area, lot frontage and side yard regulations, the existing dwelling with common party walls shall be considered as one building occupying one lot.
- (iv) **Lot Area (minimum):** 766 square metres (8,245 square feet)
- (v) **Lot Frontage (minimum):** 22.8 metres (75 feet)
- (vi) **Interior Side Yard Width (minimum):** 2.72 metres (8.9 feet)

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- (vii) **Dwelling Unit Area (minimum):** 164 square metres
(1,765.3 square feet)

(By-Law Numbers 76-26; 2007-75)

(bl) **R1-68 (776 Hillside Drive and 771 Mona Drive)**

Notwithstanding the provisions of Section 5 and Section 12 hereof to the contrary, the lands designated 'R1-68' on Schedule "A" hereto, the following regulations shall apply:

(i) **Additional Permitted Use:**

- (a) A second dwelling unit is permitted in a detached building, with a maximum gross floor area of 75 square metres and a maximum height of 6.0 metres.
- (b) All other dwelling units of any kind are prohibited.

(ii) **Lot Area (minimum):** 557 square metres

(iii) **Lot Frontage (minimum):** 16.7 metres

(iv) **Yards:**

For the purpose of the R1-68 zone the required yards are defined as:

Front Yard – Abutting Hillside Drive

Rear Yard – Abutting Mona Drive

Exterior Side Yard – Abutting Hudson Drive

Rear yard depth (minimum) – 11.0 metres

(v) **Accessory Buildings:**

No accessory buildings shall be located in any required front yard; required exterior side yard; or, required rear yard.

(vi) **Driveways:**

A maximum of two driveways are permitted on the property, each with a maximum width of 6.0 metres, with a maximum of one driveway per public road.

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(By-Law Numbers 76-26; 2013-127)

(bm) **R1-69 (885 Haverhill Drive)**

Notwithstanding any provisions of Section 12 to the contrary, the lands zoned 'R1-69' on Schedule "A" hereto, the following regulations shall apply:

(i) **Additional Permitted Uses:**

A Second Residential Unit

(ii) **Prohibited Uses:**

Garden Suite;

Boarding House;

Lodging House

(iii) **Lot Area (minimum):** 557 square metres

(iv) **Lot Frontage (Minimum):** 16.76 metres

(v) **Second Residential Unit:**

(a) **Second Residential Unit Area:**

A second residential unit shall have a gross floor area not exceeding 40 per cent of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:

- (i) floor area occupied by mechanical, service, and electrical equipment that serve the building;
- (ii) an open porch or balcony; and
- (iii) areas internal to the building that are intended for the storage of vehicles.

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(b) **Second Residential Units Per Dwelling House (maximum):** 1 only

(c) **Access:**

The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1.14 metre wide unobstructed walkway from the front of the building to the access is provided.

(d) **Accessory Uses, Parking etcetera:**

- (i) In addition to any other parking requirements, parking space(s) required by subsection 5(16)(a) of the by-law shall be provided for the second residential unit. Notwithstanding anything to the contrary in this by-law, the required parking may be provided through a tandem or stacked parking arrangement. The parking space location for the second residential unit shall meet the yard and driveway provisions of the zone;
- (ii) An additional driveway shall not be permitted for a second residential unit.

(By-Law Numbers 76-26; 2015-12)

(bp) **R1-72 (202 Splinter Court)**

Notwithstanding the provisions of Section 12 and Section 5 hereof to the contrary, the lands designated 'R1-72' on Schedule 'A' hereto, the following regulations shall apply:

(a) **Definitions:**

- (i) "Second Residential Unit" means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom, and living space.

(b) **Additional Permitted Uses:**

A Second Residential Unit

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- (c) The second residential unit be limited to a maximum of one bedroom.

(By-Law Numbers 76-26; 2017-35)

(bq) **R1-73 (Glen Castle Road)**

Notwithstanding the provisions of Section 5 and Section 1 hereof to the contrary, on the lands designated 'R1-73' on Schedule 'A' hereto, the following provisions shall apply:

(a) Additional Permitted Uses

- (i) A Second Residential Unit in accordance with Section 5(30).

(By-Law Numbers 76-26; 2017-134)

(br) **R1-74 (Reddendale Neighbourhood)**

Notwithstanding the provisions of Sections 4, 5 and 12 hereof to the contrary, on the lands designated 'R1-74' on Schedule "A" hereto, the following provisions shall apply:

(i) Definitions:

For the purpose of the R1-74 Zone, the following definitions shall apply:

- (a) "Established Grade" means the average elevation of the undisturbed ground, measured at the two points where the required front yard depth meets the side lot lines.
- (b) "Height", when used with reference to a building or structure, means the vertical distance between the established grade and the highest point of the building or structure, exclusive of any accessory or auxiliary roof construction, such as an antenna, a chimney, a ventilation duct, an elevator or service penthouse, or a steeple.
- (c) "Lot Coverage" means the percentage of the lot area covered by buildings and structures, excluding the following:
1. unenclosed steps and porches;
 2. patios;
 3. decks; and

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4. balconies, bay windows, canopies and overhanging eaves which are 2.0 metres or more in height above the established grade.
- (d) “Normal High-Water Mark” means the highest water level that has been maintained for a sufficient duration (on an annual basis) as to leave physical evidence upon the landscape marking the boundary between that water level and upland areas. The boundary may be identified by:
1. an examination of the bed and bank of the waterbody, to determine where the presence and action of water has been so common and usual and long continued in all ordinary years to mark upon the bed or bank a character distinct from that of the abutting upland; and/or
 2. a distinction between either open water or dominant aquatic/wetland vegetation, and dominant upland vegetation.
- (ii) Lot Area (minimum): 557.4 square metres
- (iii) Lot Frontage (minimum): 16.76 metres
- (iv) Lot Coverage of a Dwelling House (maximum): 30% of the lot area
- (v) Setback from Normal High-Water Mark of Lake Ontario (minimum): 30 metres
- (vi) More than one zone on a lot: Where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.
- (vii) All accessory buildings and structures shall be set back a minimum of 30 metres from the normal high-water mark of Lake Ontario.
- (viii) Decks, porches, patios, balconies, steps, verandas (covered and uncovered), swimming pools and structures associated with swimming pools, shall be set back a minimum of 30 metres from the normal high-water mark of Lake Ontario.
- (ix) Transition Clauses: The following transition clauses apply to the R1-74 Zone:
- (a) Nothing in this By-Law shall prevent the development or use of a building or structure for which a complete application for a building permit was received by the City on or before October 1, 2019, if the development or use complies, or the

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building permit application is amended to comply, with the applicable provisions of this By-Law as it read on September 30, 2019.

- (b) Where a complete application for one or more minor variances was received by the City on or before October 1, 2019, for the development or use of a building or structure, approval may be granted, in the context of the applicable provisions of this By-Law as it read on September 30, 2019.
- (c) Where the development or use of a building or structure qualifies under subsection (b) above, but a building permit application has not been received by the City, a building permit may be issued after final approval is received for all required applications, if the development or use complies, or the building permit application for the development or use is amended to comply, with the applicable provisions of this By-Law as it read on September 30, 2019.
- (d) Nothing in this By-Law applies so as to continue the exemptions provided in subsections (a), (b) and (c) above beyond the issuance of the final approval or building permit upon which the exemptions are founded.

(By-Law 76-26; 2019-143)

(bs) **R1-75 (Reddendale Neighbourhood)**

Notwithstanding the provisions of Sections 4, 5 and 12 hereof to the contrary, on the lands designated 'R1-75' on Schedule "A" hereto, the following provisions shall apply:

(i) Definitions:

For the purpose of the R1-75 Zone, the following definitions shall apply:

- (a) "Established Grade" means the average elevation of the undisturbed ground, measured at the two points where the required front yard depth meets the side lot lines.
- (b) "Height", when used with reference to a building or structure, means the vertical distance between the established grade and the highest point of the building or structure, exclusive of any accessory or auxiliary roof construction, such as an antenna, a chimney, a ventilation duct, an elevator or service penthouse, or a steeple.
- (c) "Lot Coverage" means the percentage of the lot area covered by buildings and structures, excluding the following:

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1. unenclosed steps and porches;
 2. patios;
 3. decks; and
 4. balconies, bay windows, canopies and overhanging eaves which are 2.0 metres or more in height above the established grade.
- (d) “Normal High-Water Mark” means the highest water level that has been maintained for a sufficient duration (on an annual basis) as to leave physical evidence upon the landscape marking the boundary between that water level and upland areas. The boundary may be identified by:
1. an examination of the bed and bank of the waterbody, to determine where the presence and action of water has been so common and usual and long continued in all ordinary years to mark upon the bed or bank a character distinct from that of the abutting upland; and/or
 2. a distinction between either open water or dominant aquatic/wetland vegetation, and dominant upland vegetation.
- (ii) Lot Area (minimum): 557.4 square metres
- (iii) Lot Frontage (minimum): 16.76 metres
- (iv) Lot Coverage of a Dwelling House (maximum): 30% of the lot area
- (v) Setback from Normal High-Water Mark of Lake Ontario (minimum): 30 metres
- (vi) More than one zone on a lot: Where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.
- (vii) All accessory buildings and structures, other than a marine facility, shall be setback a minimum of 30 metres from the normal high-water mark of Lake Ontario.
- (viii) Decks, porches, patios, balconies, steps, verandas (covered and uncovered), swimming pools and structures associated with swimming pools, shall be set back a minimum of 30 metres from the normal high-water mark of Lake Ontario.

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- (ix) Transition Clauses: The following transition clauses apply to the R1-75 Zone:
- (a) Nothing in this By-Law shall prevent the development or use of a building or structure for which a complete application for a building permit was received by the City on or before October 1, 2019, if the development or use complies, or the building permit application is amended to comply, with the applicable provisions of this By-Law as it read on September 30, 2019.
 - (b) Where a complete application for one or more minor variances was received by the City on or before October 1, 2019, for the development or use of a building or structure, approval may be granted, in the context of the applicable provisions of this By-Law as it read on September 30, 2019.
 - (c) Where the development or use of a building or structure qualifies under subsection (b) above, but a building permit application has not been received by the City, a building permit may be issued after final approval is received for all required applications, if the development or use complies, or the building permit application for the development or use is amended to comply, with the applicable provisions of this By-Law as it read on September 30, 2019.
 - (d) Nothing in this By-Law applies so as to continue the exemptions provided in subsections (a), (b) and (c) above beyond the issuance of the final approval or building permit upon which the exemptions are founded.”

(By-Law 76-26; 2019-143)

13 (bt) **R1-76 (Graceland Avenue)**

Notwithstanding the provisions of Sections 5 and 12 to the contrary, the lands designated ‘R1-76’ on Schedule ‘A’ hereto, the following regulations shall apply:

- (a) Permitted Uses:
 - i. Residential Uses:
Single Family Dwelling House
 - ii. Non-Residential Uses:
Home Occupation

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A public use in accordance with the provisions of Section 5(18) hereof.

- (b) Lot Area (minimum) Not applicable
- (c) Lot Frontage (minimum) Corner Lot Other Lot
- | | | |
|--------------------------------|-------------|-------------|
| Single-Detached Dwelling House | 13.0 metres | 12.0 metres |
|--------------------------------|-------------|-------------|
- (d) Front Yard
- i. Minimum setback from the front lot line: 4.5 metres
 - ii. Maximum setback from the front lot line: 7.0 metres
 - iii. Notwithstanding subsections 12(3)(bt)(d)(i) and 12(3)(bt)(d)(ii), where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
 - iv. Notwithstanding subsections 12(3)(bt)(d)(i), 12(3)(bt)(d)(ii) and 12(3)(bt)(d)(iii), where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- (e) Garage Location
- i. The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.
 - ii. The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.
 - iii. The main entry feature means a platform, with at least one side open, covered by a roof, balcony or enclosed space,

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with or without a foundation and/or basement that provides access to the dwelling unit.

- iv. The main front entrance means the door which is designed as the primary access point into the dwelling unit.

- (f) Driveway Width:

The maximum driveway width as measured at the lot line and shall be 6.0 metres or 50% of the lot frontage, whichever is lesser.

- (g) Exterior Side Yard Width (minimum): 2.4 metres

- (h) Interior Side Yard Width (minimum):

1.2 metres, except where there is a dwelling without an attached garage, one of the sides must be 3.0 metres.

- (i) Rear Yard (minimum): 7.5 metres

- (j) CN Rail Main Line Requirements:

Notwithstanding Sections 5(1B) and 12(3)(bt) of this By-Law to the contrary, residential lots located within 30 metres of the CN Railway Main Line shall be subject to the following provisions:

- i. No residential buildings shall be erected within 30 metres of the main line right-of-way;
- ii. A safety berm with returns at the ends, 2.5 metres above grade at property and side slopes not steeper than 2.5 to 1 shall be erected and maintained to the satisfaction of the Municipality and CN Railway.
- iii. A noise barrier shall be installed and maintained adjoining and parallel to the rail right-of-way, with returns at the ends, at heights in accordance with the recommendations of the approved final Noise Study, with a minimum height of 5.5 metres above top-of-rail for principal main lines. The acoustic fence shall be constructed without holes or gaps and of a durable material weighing not less than 20 kilograms per square metre of surface area.
- iv. A chain link fence of a minimum height of 1.83 metres height shall be installed and maintained along the mutual property

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line in locations where there are no noise barriers to ensure there is a continuous barrier to trespassing onto the railway corridor.

(k) Height (maximum): 11 metres

(l) Parking

Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.

(m) Landscaped Open Space (minimum) 30%

(n) Sight Triangles

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.”

(By-Law Numbers 76-26; 2019-56)

(bu) **R1-77 (2730 Highway 38)**

Notwithstanding the provisions of Sections 5 and 12 hereof to the contrary, on the lands designated ‘R1-77’ on Schedule “A” hereto, the following regulation shall apply:

(i) Lot Frontage (minimum): 5.4 metres”

(By-Law 76-26; 2019-162)

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(bv) **R1-78(H) 620 and 630 Graceland Avenue**

Notwithstanding the provisions of Section 4, Section 5 and Section 12 hereof to the contrary, the lands designated 'R1-78(H)' on Schedule 'A' hereto, the following regulations shall apply:

- (a) Minimum Lot Frontage (interior lot) 15.2 metres
- (b) Minimum Lot Frontage (corner lot) 18 metres
- (c) Minimum Exterior Side Yard 3.6 metres
- (d) Sight Triangles

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

- (e) The 'H' Holding Zone Provisions shall be used and removed in accordance with Section 6(6) of this By-Law.

(By-Law 76-26; 2021-17)

Note: Subsection 4 Repealed by By-Law Number 2013-127

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Section 13

Residential Type 2 Zone (R2)

(1) Uses Permitted

No person shall within any R2 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R2 uses, namely:

(a) Residential Uses:

- a converted dwelling house;
- a single-family dwelling house;
- a duplex dwelling house;
- a semi-detached dwelling house;
- a triplex dwelling house.

(b) Non-Residential Uses:

- a home occupation;
- a public use in accordance with the provisions of Section 5(18) hereof.

(2) Zone Provisions

No person shall within any R2 Zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

(a) Lot Area (minima):

- (i) **Converted dwelling house or Triplex dwelling house:** 7,500 square feet
- (ii) **Duplex dwelling house:** 6,000 square feet
- (iii) **Semi-detached dwelling house:** 7,800 square feet
- (iv) **Semi-detached dwelling unit (96-42):** 3,500 square feet
- (v) **Single-family dwelling house:** 4,000 square feet

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(b) Lot Frontage (minima):

	<u>Corner Lot</u>	<u>Other Lot</u>
(i) Converted dwelling house or Triplex dwelling house:	80 feet	60 feet
(ii) Duplex dwelling house	70 feet	50 feet
(iii) Semi-detached dwelling house	80 feet	60 feet
(iv) Semi-detached dwelling unit	35 feet	25 feet
	(By-Law Number 95-129)	
(v) Single-family dwelling house	70 feet	50 feet

(c) Front Yard Depth (minimum): 20 feet

(d) Exterior Side Yard Width (minimum): 20 feet

(e) Interior Side Yard Width (minima):

- (i) Converted dwelling house: 10 feet on one side, 6 feet on other side.
- (ii) Duplex dwelling house: 6 feet, provided that on a lot where there is no attached private garage or attached carport, the minimum interior side yard width shall be 12 feet on one side and 6 feet on the other side.

(iii) Semi-detached dwelling house:

Minimum width for a side that is not attached to another dwelling unit and for which an attached garage or carport is provided: 4ft.

Minimum width for a side that is not attached to another dwelling unit and for which a garage or carport is not provided: 8ft. (93-13)

- (iv) Single-family dwelling house: 4 feet

(By-Law Numbers 76-26; 2007-159)

- (v) Triplex dwelling house: 10 feet

(By-Law Numbers 76-26; 2007-159)

- (vi) Other uses: 25 feet

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- (f) **Rear Yard Depth (minimum):** 25 feet
- (g) **Dwelling Unit Area (minima):**
 - (i) **Converted dwelling house:** 700 square feet
 - (ii) **Duplex dwelling house:** 700 square feet per dwelling unit
 - (iii) **Semi-detached dwelling house:** 900 square feet per dwelling unit
 - (iv) **Single-family dwelling house:** 1,000 square feet
- (h) **Landscaped Open Space (minimum):** 30 per cent
- (i) **Lot Coverage (maximum):** 35 per cent
- (j) **Height of Building (maximum):** 35 feet
- (k) **Dwelling Houses Per Lot (maximum):** 1 only
- (l) **Existing Semi-Detached Dwelling House:**

Notwithstanding the provisions of Section 2(2)(b) hereof to the contrary and notwithstanding the provisions contained herein which require that the lot upon which a semi-detached dwelling house is located be served by a public water system and a sanitary sewer system, these provisions shall not apply to prevent the severance of an existing lot upon which a semi-detached dwelling house is located provided that such dwelling house was constructed prior to July 8, 1976 and provided further that the sole purpose of the land severance is to provide one lot for each semi-detached dwelling unit. (83-43)

- (m) **Accessory Uses, Parking, Etcetera:**

In accordance with the provisions of Section 5 hereof. (83-43)

(3) **Special R2 Zones**

- (a) **R2-1**

Notwithstanding any provision of Section 13(1)(a) hereof to the contrary, the lands designated R2-1 on Schedule "A" hereto shall be used for no purpose other than: a single-family dwelling house; a semi-detached dwelling house; or a duplex dwelling house.

- (b) **R2-2 (Fairview Meadows)**

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Notwithstanding any provisions of Section 13 hereof to the contrary, the use of the lands designated as R2-2 on Schedule "A" hereto shall be limited to a single-family dwelling house and a semi-detached dwelling house and such lands shall be used in accordance with the following provisions: (77-26)

(i) **Lot Frontage (minima):**

	<u>Corner Lot</u>	<u>Other Lot</u>
(a) Single-family dwelling house	60 feet	40 feet

(ii) **Interior Side Yard Width (minimum):**

(a) Single-family dwelling house: 4 feet

(iii) **Dwelling Unit Area (minimum):**

(a) Single-family dwelling house: 900 square feet

(c) **R2-3 (Fairview Meadows)**

Notwithstanding any provisions of Section 13(1)(a) hereof to the contrary, the use of lands designated as R2-3 on Schedule "A" hereto shall be limited to a single-family dwelling house. (77-26)

(d) **R2-4 (Auden Park)**

Notwithstanding any provisions of Section 13(1) hereof to the contrary, the lands designated as R2-4 on Schedule "A" hereto shall be used for no purpose other than a semi-detached dwelling house. (For accurate reference please consult By-Law Number 77-28). (77-28-F)

(e) **R2-5**

Notwithstanding any provisions of Section 13 hereof to the contrary, the lands designated R2-5 on Schedule "A" hereto shall be used for no purpose other than a semi-detached dwelling house and such lands shall be used in accordance with the following provisions: (80-35) and (77-36-F)

(i) **Lot Area (minimum):**

(a) Semi-detached dwelling house: 550 square metres.

(For those lands zoned R2-5 in Part Lot 7, Concession II, please consult By-Law Number 77-36)

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(f) **R2-6**

Notwithstanding any provisions of Section 13(1)(a) hereof to the contrary, the lands designated R2-6 on Schedule "A" hereto shall be used for no purpose other than a single-family dwelling house or a semi-detached dwelling house. (78-60)

(g) **R2-7**

Notwithstanding any provisions of Section 13 hereof to the contrary, the use of lands designated as R2-7 on Schedule "A" hereto shall be limited to a single family dwelling house, a semi-detached dwelling house and an elementary school and such lands shall be used in accordance with the following provisions: (79-29)

(i) **Lot Area (minimum):**

(a) Semi-detached dwelling house: 550 square metres (6,000 square feet)

(ii) **Lot Frontage (minima):** Corner Lot Other Lot

(a) Single-family dwelling house	18 metres (60 feet)	12 metres (40 feet)
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(iii) **Dwelling Unit Area (minimum):**

(a) Single-family dwelling house: 83.5 square metres (900 square feet)

(h) **R2-8 (Cataraqui Woods)**

Notwithstanding the provisions of Sections 4(117), 5(18), 13(1)(a) and 13(2) hereof to the contrary, the lands designated R2-8 on Schedule "A" hereto shall be limited to a single family dwelling house and a semi-detached dwelling house and such lands shall be used in accordance with the following provisions: (91-121)

(i) **Lot Area (minimum):**

(a) Semi-detached dwelling house: 550 square metres

(ii) **Lot Frontage (minimum):** Corner Lot Other Lot

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(a)	Single-family dwelling house	18 metres	12 metres
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(iii) **Dwelling Unit Area (minimum):**

(a) Single-family dwelling house: 83.5 square metres

(iv) **Public Use:**

For the purposes of the R2-8 Zone, the term Public Use as defined in Section 4(117) hereof shall be deemed to include a storm water management facility which has been approved by the Corporation; it being understood that once such a facility no longer is required, it shall be removed and the lands may be developed for residential purposes in accordance with this by-law.

(i) **R2-9 (Sutton Mills North)**

Notwithstanding any provisions of Section 13 hereof to the contrary, the use of the lands designated as R2-9 on Schedule "A" hereto shall be limited to a single-family dwelling house and a semi-detached dwelling house and such lands shall be used in accordance with the following provisions: (84-37)

(i)	Lot Frontage (minima):	<u>Corner Lot</u>	<u>Other Lot</u>
(a)	Single-family dwelling house	15 metres	9 metres
(b)	Semi-detached dwelling house	24 metres	18 metres

(ii) **Interior Side Yard Width (minimum):**

A single-family dwelling house on a lot having a frontage of less than 18 metres shall have a minimum interior side yard width of .75 metres on one side and a minimum interior side yard width of 1.2 metres on the other side. (96-42)

(iii) **Dwelling Unit Area (minimum) (84-37):** 80 square metres

(iv) **Lot Area (minima): (86-38)**

(a) semi-detached dwelling house: 557 square metres

(b) single-family dwelling house: 278 square metres

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(j) **R2-10**

Notwithstanding any provisions of Section 13 hereof to the contrary, the use of the lands designated as R2-10 on Schedule "A" hereto shall be limited to two dwelling houses each containing no more than 3 dwelling units located in accordance with the following provision: (84-21)

- (i) **Interior Side Yard Widths (minima):** 27 metres for the side yard on the west side of the property and 7.62 metres for all other side yards.

(k) **R2-11 (Cataraqui Woods, Phase IV)**

Notwithstanding any provisions of Section 13 hereof to the contrary, the use of the lands designated as R2-11 on Schedule "A" hereto shall be limited to a single family dwelling house and a semi-detached dwelling house and such lands shall be used in accordance with the following provisions: (84-44)

(i) **Lot Area (minima):**

- (a) Single-family dwelling house: 400 square metres
(b) Semi-detached dwelling house: 630 square metres

(ii) Lot Frontage (minima):	<u>Corner Lot</u>	<u>Other Lot</u>
(a) Single-family dwelling house	17.0 metres	11.0 metres
(b) Semi-detached dwelling house	22.0 metres	18.0 metres

(l) **R2-12**

Notwithstanding the provisions of Section 13(2) hereof to the contrary, the lands designated R2-12 on Schedule "A" hereto shall be developed in accordance with the following provision: (86-31)

(i) **Lot Area (minimum):**

- (a) Semi-detached dwelling house: 560 square metres.

(m) **R2-13**

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Notwithstanding the provisions of Section 13(2) hereof to the contrary, the lands designated as R2-13 on Schedule "A" hereto shall be developed in accordance with the following provisions: (87-37)

(i) **Front Yard Depth (minimum):**

- (a) Semi-detached dwelling house: 5.5 metres (94-83)

(ii) **Exterior Side Yard Width (minimum):**

- (a) Semi-detached dwelling house: 3.7 metres

(n) **R2-14 (Community Residence)**

Notwithstanding the provisions of Section 13(1)(a) hereof to the contrary, the lands designated R2-14 on Schedule "A" hereto shall be used and developed in accordance with the following provisions: (88-86) and (89-71)

(i) **Residential Uses:**

- a single-family dwelling house;
- a semi-detached dwelling house;
- a community residence

(ii) Single-family dwelling houses and semi-detached dwelling houses shall be developed in accordance with the provisions of the R2-9 Zone, being Section 13(3)(i) hereof.

(iii) The whole of a single-family dwelling house or semi-detached dwelling house, permitted herein, may be used for the purpose of a community residence.

(o) **R2-15**

Notwithstanding the provisions of Section 13(1)(a), Section 13(2)(a) and Section 13(2)(b) hereof to the contrary, the lands designated R2-15 on Schedule "A" hereto shall be used for no purpose other than a semi-detached dwelling house, and such lands shall be used in accordance with the following provisions: (88-126) and (89-71)

(i) **Lot Area (minimum)**

Other Lot

- (a) Semi-detached dwelling house 550 square metres

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(ii) **Lot Frontage (minimum)**

- (a) Semi-detached dwelling house 18.0 metres

(p) **R2-16**

Notwithstanding the provisions of Sections 13(1) and 13(2) hereof to the contrary, the lands designated R2-16 also may be used for group housing consisting of three row dwelling houses provided that such group housing is developed in accordance with the following special provisions:

(i) **Lot Area:**

The lot shall be divisible in such a manner that each row dwelling house within the group has a minimum lot area of 232 square metres.

(ii) **Lot Frontage**

The lot shall be divisible in such a manner that each row dwelling house within the group satisfies the following minimum requirements:

<u>Corner Lot</u>	<u>Other Lot</u>
11.6 metres	5.5 metres

- (iii) **Interior Side Yard Width (minimum):** 1.82 metres

- (iv) **Dwelling Unit Area (minimum) (91-09):** 84 square metres

(q) **R2-17 (Waterloo Drive – Reserved Elementary School Site)**

Notwithstanding any provisions of this by-law to the contrary, the lands designated R2-17 on Schedule "A" hereto shall be used in accordance with the provisions of the R2-9 Zone and also may be used for the purpose of a Public Use in accordance with the provisions of Section 5(18) hereof and a Public Park in accordance with the provisions of the OS-3 Zone. (95-30)

(r) **R2-18**

Notwithstanding the provisions of Article (a) of Subsection (1) of Section 13, and Sentences (iii) and (iv) of Article (e) and Sentence (v) of Article (b) of Subsection 2 of Section 13 hereof to the contrary, the lands designated R2-18 on Schedule "A" hereto shall be used for no purpose other than a single

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family dwelling house or semi-detached dwelling house and such uses shall be developed in accordance with the following provisions: (96-88)

(i) **Lot Frontage (minimum):**

Single family dwelling house: 40 feet

(ii) **Interior Side Yard Width (minima):**

Minimum width for a yard which abuts Lots 18, 19 and 20, Registered Plan 1908: 10 feet

(s) **R2-19 (Barnsley Crescent Driveway Widths)**

Notwithstanding paragraph two of the table contained in clause (16)(c) of Section 5 hereof to the contrary, vehicular parking shall be permitted on a driveway in a Front Yard provided the width of such driveway does not exceed 75 per cent of the lot width. For the purposes of calculating the maximum width of a driveway on a lot whose front lot line or rear lot line is shorter than the other, the lot width is to be measured at the midpoint of the lot depth. (96-100)

(t) **R2-20**

Notwithstanding the provisions of Sentences (b) and (c) of Section 5(6), Clause (a)(iii) of Section 5(20) and Articles (1) and (2) of Section 13 hereof to the contrary, the lands designated R2-20 on Schedule "A" hereto shall be used for no purpose other than a single-family dwelling house or a semi-detached dwelling house and such lands shall be used in accordance with the following provisions:(97-103)

(i) **Lot Area (minima):**

(a) Semi-detached dwelling house: 470 square metres

(b) Semi-detached dwelling unit: 230 square metres

(c) Single-family dwelling house: 470 square metres

(ii) **Lot Frontage (minima):**

	<u>Corner Lot</u>	<u>Other Lot</u>
(a) Semi-detached dwelling house	18 metres	15 metres

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- (i) Minimum Distance Setback for Attached or Detached Garages:
7.0 metres

(By-Law Number 98-163 – 1998)

(v) **R2-23-H (Catarauqui Woods 8 (Special R2 Residential Zone))**

- (i) Notwithstanding the (H) applied pursuant to the *Planning Act*, the permitted uses shall be those permitted by the 'R2-23' Zone of By-Law Number 76-26.
- (ii) Subject to the removal of the (H) Symbol pursuant to the *Planning Act*, and Notwithstanding the provisions of Section 13(1) and 13(2) and Section 13(3)(h) hereof to the contrary, the lands designated 'R2-23-H' on Schedule "A" hereto shall be used in accordance with the following provisions:

(a) **Lot Area (minimum)**

- (i) Single Family Dwelling House 278 square metres
- (ii) Semi-Dwelling House 464 square metres
- (iii) Semi-Detached Dwelling Unit 230 square metres
- (iv) Duplex Dwelling House 334 square metres

(b) **Lot Frontage (minimum)**

- (i) Single Family Dwelling House 9 metres
- (ii) Semi-Detached Dwelling House 15.24 metres
- (iii) Semi-Detached Dwelling Unit 7.5 metres
- (iv) Duplex Dwelling House 10.9 metres

(c) **Corner Lot Frontage (minimum)**

- (i) Single Family Dwelling House¹ 1.2 metres
- (ii) Semi-Detached Dwelling House 17 metres
- (iii) Semi-Detached Dwelling Unit 9.0 metres
- (iv) Duplex Dwelling House 12.5 metres

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(d) **Front Yard Depth (minimum)**

- (i) Single Family Dwelling House 4.5 metres
- (ii) Semi-Detached Dwelling House 4.5metres
- (iii) Duplex Dwelling House 4.5 metres

(e) **Exterior Sideyard Width (minimum)**

- (i) Single Family Dwelling House 3 metres
- (ii) Semi-Detached Dwelling House 3 metres
- (iii) Duplex Dwelling House 3 metres

(f) **INTERIOR SIDEYARD WIDTH (minimum)**

(i) Single Family Dwelling House

-the required interior side yard on a lot with an attached garage or carport is 0.6 metres on one side and 1.2 metres on the other.

-the required interior side yard where no attached garage or carport is provided shall be 0.6 metres on one side and 2.4 metres on the other side.

(ii) Semi-Detached Dwelling House

-the required interior side yard on a lot with an attached garage or carport is .9metres on the open side and 0.0 metres on the common wall.

-the required interior side yard where there is no attached garage or carport is provided shall be 2.4 metres.

(iii) Duplex Dwelling House 1.2 metres

(g) **REAR YARD DEPTH (minimum)**

- (i) Single Family Dwelling House 6 metres
- (ii) Semi-Detached Dwelling House 6 metres

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(iii) Duplex Dwelling House 6 metres

(h) **LOT COVERAGE (maximum)**

(i) Single Family Dwelling House 50%

(ii) Semi-Detached Dwelling House 50%

(iii) Duplex Dwelling House 50%

(i) **HEIGHT OF BUILDING (maximum)** 10.9 metres

(j) **DRIVEWAY WIDTH (maximum)** 6 metres or 50% of the Lot Frontage whichever is the lesser.

(k) **GARAGE LOCATION**

- an attached garage or carport shall be located no closer than 6 metres to the lot line that the driveway crosses to access the garage.

(l) **FRONT YARD PARKING**

- an unenclosed surface parking area shall be permitted in the front yard of a lot subject to the provisions of 3(j) above and provided that the front yard depth of any area used for front yard parking is a minimum of 6 metres.

(By-law Number 99-53 - 1999)

(w) **R2-21 Thornwood Crescent**

Notwithstanding the provisions of Section 13(1) and 13(2) and Section 13(3)(h) hereof to the contrary, the lands designated 'R2-21' on Schedule "A" hereto shall be used in accordance with the following provisions:

(a) **Lot Area (minimum)**

(i) Single Family Dwelling House- -288 square metres

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(b) Lot Frontage (minimum)

- (i) Single Family Dwelling House - 9 metres

(c) Interior Side Yard Width (minima)

- (i) Single Family Dwelling House

On a lot with an attached garage the minimum interior side yard requirement shall be 0.6 metres on one side and 1.2 metres on the other side.

(By-law Number 99-56 - 1999)

(x) R2-24

Notwithstanding the provisions of Section 13(1) and 13(2) and Section 13(3)(h) hereof to the contrary, the lands designated 'R2-24' on Schedule "A" hereto shall be used in accordance with the following provisions;

(a) Lot Area (minimum)

- (i) Single Family Dwelling House -278 metres

(By-law Number 99-319 - 1999)

(b) Lot Frontage (minimum) Corner Lot Other Lot

- (i) Single Family Dwelling House 15 metres -9 metres

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(c) Interior Side Yard Width (minimum)

Single Family Dwelling House

On a lot with an attached garage the minimum interior side yard requirement shall be 0.6 metres on one side and 1.2 metres on the other side.

(By-law Number 99-319 - 1999)

(y) R2-25 Special Requirements

Notwithstanding the provision of Section 13(3)(i) hereof to the contrary, the lands designated 'R2-25' on Schedule "A" attached hereto, shall be used in accordance with the uses and provisions of the "R2-9" zone except:

(i) Rear Yard Depth: Minimum 6 metres

(ii) Lot Coverage:

Notwithstanding the other provisions of this by-law to the contrary, the maximum lot coverage shall not exceed 47%.

(By-law Number 2001-92 – 2001; 2003-164; 2004-18)

(z) R2-26

Notwithstanding the provisions of Section 13 to the contrary, the lands designated 'R2-26' on Map 5 of Schedule "A" hereto may be used in accordance with the following special provisions;

(i) RESIDENTIAL USES:

Single Detached Dwelling House

Semi Detached Dwelling House;

(ii) Lot Frontage (minimum)

	Corner Lot	Other Lot
Single Detached Dwelling House	10.8 metres	9 metres
Semi Detached Dwelling House	24 metres	18 metres

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(iii) **Interior Side Yard Width (minimum)**

A single detached dwelling house shall have a minimum interior side yard width of 0.6 metres on one side and a minimum interior side yard width of 1.2 metres on the other side.

(iv) **Dwelling Unit Area (minimum)** 80 square metres

(v) **Lot Area (minimum)**

Single Detached Dwelling 276 square metres

Semi Detached Dwelling House 557 square metres

(vi) The use and removal of the '-H' Holding Symbol shall be in accordance with the provisions of Section 6 (6) of this By-Law, as amended

(By-Law Number 2002-114)

(aa) **R2-27-H**

Notwithstanding the provisions of Section 13 to the contrary, the lands designated 'R2-27' on Map 5 of Schedule "A" hereto may be used in accordance with the following special provisions:

(a) **Residential Uses:**

Single Detached Dwelling House;

Semi Detached Dwelling House;

Row Dwelling House.

(b) **Lot Area (minimum):**

Single Detached Dwelling House 278 square metres

Semi Detached Dwelling House 557 square metres

Row Dwelling House 210 square metres

(c) **Lot Frontage (minimum)** **Corner Lot** **Other Lot**

Single Detached Dwelling House 14.0 m 9.0 m

Semi Detached Dwelling House 24.0 m 18.0 m

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Row Dwelling House 9.1 m 6.1 m

- (d) **Front Yard (minimum)** 6.0 metres
- (e) **Exterior Side Yard (minimum)** 3.0 metres
- (f) **Interior Side Yard (minimum)**

Single Family Dwelling House 1.2 m on one side and 0.6 m on the other.

The 0.6m side yard shall be required to abut a

1.2 m side yard on an adjacent property.

Semi Detached Dwelling House 1.2 metres

Row Dwelling House 1.2 metres

- (g) **Rear Yard (minimum)** 6.0 metres
- (h) **Dwelling Unit Area (minimum)** 80 square metres
- (i) **Lot Coverage (maximum)** 50 %
- (j) **Driveways** Maximum driveway width shall be 6.0 metres or 60% of lot frontage, whichever is less.

The minimum width of a parking space shall be 2.5 metres and the minimum length of a parking space shall be 6.0 metres.

- (k) **Setback From Centreline Of Road**

Any building or structure shall be setback the minimum front yard depth or exterior side yard depth required for such use plus 9 metres to the centre line of the road.

- (l) **Sight Triangles**

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line

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and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-Law Number 2005-54)

(bb) **R2-28**

Notwithstanding the provisions of Sections 4(117), 5(18), 13(1)(a) and 13(2) hereof to the contrary, the lands designated 'R2-28' on Map 3 of Schedule "A" hereto shall be limited to a single family dwelling house and a semi-detached dwelling house and such lands shall be used in accordance with the following provisions:

(i) **LOT AREA (minimum):**

(a) semi-detached dwelling house 550 square metres

(ii) **LOT FRONTAGE (minimum):** Corner Lot Other Lot

(a) single family dwelling house 18 metres 12 metres

(iii) **DWELLING UNIT AREA (minimum):**

(a) single family dwelling house 83.5 square metres

(iv) **LOT COVERAGE (maximum):**

(a) single family house dwelling 45% one storey only

single family house dwelling 35% other

(b) semi-detached dwelling 45% one storey only

semi-detached dwelling 35% other

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- (v) Notwithstanding the provisions of Section 4 (149) hereof to the contrary a basement is not considered a storey for dwellings built to a maximum lot coverage of 45%.

- (vi) **PUBLIC USE**

For the purposes of the Special Residential 'R2-28' Zone, the term Public Use as defined in Section 4(117) hereof shall be deemed to include a storm water management facility which has been approved by the Corporation of the City of Kingston; it being understood that once the facility no longer is required it shall be removed and the lands may be developed for residential purposes in accordance with this By-Law.

(By-Law Number 2003-372)

- (cc) **R2-29-H**

Notwithstanding the provisions of Section 5(16)(d)(iv) and Section 13 to the contrary, the lands designated 'R2-29' on Map 5 of Schedule "A" hereto may be used in accordance with the uses and provisions of the "**R2-27**" Zone with the following special provisions:

- (a) A maximum width of 2.5metres of the driveway shall be permitted to be located within the sight triangle. There shall be no parking permitted within the required sight triangle at any time.
- (b) Any dwelling constructed on this property shall be required to be set back an additional 2.25 metres from the front lot line to provide parking on the lot in accordance with the provisions of the By-Law and outside of the sight triangle.

- (c) **EXTERIOR SIDE YARD (minimum)** 4.5 metres
(By-Law Number 2005-54)

- (dd) **R2-30-H**

Notwithstanding the provisions of Section 13 to the contrary, the lands designated 'R2-30' on Map 5 of Schedule "A" hereto may be used in accordance with the uses and provisions of the "**R2-27**" Zone with the following special provisions:

- (a) **EXTERIOR SIDE YARD (minimum)** 4.5 metres

(By-Law Number 2005-54)

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(ee) R2-31-H

Notwithstanding the provisions of Section 13 to the contrary, the lands designated 'R2-31-H' on Map 2 of Schedule 'A' attached hereto, may be used in accordance with the uses and regulations of the 'R2' Zone with the following special provisions:

a) **Minimum Lot Area:**

Interior Lots 370 m²

Corner Lots 500 m²

b) **Minimum Lot Frontage:**

Interior Lots 12.0 metres (minimum)

Corner Lots 14.0 metres (minimum)

c) **Minimum Front Yard Depth:**

4.5 metres (minimum) to main structure; and

6.0 metres (minimum) to a garage and/or carport

d) **Minimum Interior Side Yard Width:**

1.2 metres on one side and 0.6 metre on the other. The 0.6 metre side yard shall be required to abut a 1.2 metres side yard on the adjacent property. One side shall be 3.0 metres (minimum) for dwellings without an attached garage or carport, excluding corner lots.

(By-law Number 76-26; 2006-40)

e) **Rear Yard Width:** 6.0 metres (minimum)

f) **Unit Area:** 80 m² (minimum)

g) **Landscaped Open Space:** 30% (minimum)

h) **Height:** 10.5 metres (maximum)

i) **Dwelling Units Per Lots:** 1 unit

j) **Lot Coverage:** 50% (maximum)

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k) **Sight TRIANGLES:**

Notwithstanding the provisions of Section 4(144) Sight Triangles to the contrary, the following provisions shall apply:

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

The sight triangle provisions shall not apply on lots where the site triangle has been dedicated to the City as a block or a part on a plan subject to Site Plan Control or Plan of Subdivision.

The sight triangle provisions shall not apply to lots situated on the bulb of a cul-de-sac within a plan of subdivision.

l) **SETBACK:**

Notwithstanding the provisions of Section 5(20) Setbacks, to the contrary, the following provisions shall apply:

Any building or structure shall be setback the minimum front yard depth, side yard depth or exterior side yard depth required for such use plus 9.0 metres to the centre line of the right-of-way width for a local road or half the distance of the right-of-way width for Collins Bay Road where a lot abuts Collins Bay Road.

m) **HOLDING ZONE PROVISIONS:**

The '-H' Holding Zone Provisions shall be used and removed in accordance with Section 6 (6) of this By-Law.

(By-law Number 76-26; 2006-40)

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n) Exterior Side Yard (minimum):3.0 metres amending

(By-Law Number 76-26; 2006-205)

(ff) **Woodhaven Subdivision**

Notwithstanding the provisions of Section 13 hereof to the contrary, the lands designated 'R2-32-H' on Schedule 'A' hereto, the following provisions shall apply:

(a) **Permitted Uses:**

i. **Residential Uses:**

Single Detached Dwelling House;

Semi Detached Dwelling House;

Three and Four Unit Row Dwelling House.

ii. **Non-Residential Uses:**

Home Occupation

A public use in accordance with the provisions of Section 5(18) hereof

(b) Lot Frontage (minimum)	Corner Lot	Other Lot
Single Detached Dwelling House	12.7m	10.0 m
Semi Detached Dwelling House	19m	15.0 m
Semi-detached dwelling unit	11.5 m	7.5 m
Row Dwelling House	11.5m	6.1 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

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- (c) **Garage Location** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.
- (d) **Front Yard**
- i. Minimum setback from front lot line 4.5 metres
 - ii. Maximum setback from front lot line 7.0 metres
 - iii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
 - iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

(By-law Number 76-26; 2009-53)

- (e) **Exterior Side Yard (minimum)** 4.5 metres on arterial and collector roads

3.0 on local roads

- (f) **Interior Side Yard (minimum)**

Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

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Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

- (g) **Rear Yard (minimum)** 6.75 metres;
- (h) **Minimum Lot Area** Not applicable
- (i) **Minimum Lot Coverage** Not applicable
- (j) **Driveways** Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (k) **Parking** Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.

(l) **Sight Triangles**

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-law Number 76-26; 2009-53)

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- (m) Notwithstanding the provisions of Section 5(13)(c) hereof to the contrary, where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.

(By-Law 76-26; 2018-83)

(gg) **Woodhaven Subdivision**

Notwithstanding the provisions of Zoning By-Law No. 76-26, as amended, hereof to the contrary, the lands designated 'R2-33-H' on Schedule 'A' hereto, the following provisions shall apply:

(a) **PERMITTED USES:**

i. **RESIDENTIAL USES:**

Single Detached Dwelling House;

Semi Detached Dwelling House;

Three and Four Unit Row Dwelling House.

ii. **NON-RESIDENTIAL USES:**

Home Occupation

(b) LOT FRONTAGE (minimum)	Corner Lot	Other Lot
Single Detached Dwelling House	12.7m	10.0 m
Semi Detached Dwelling House	19m	15.0 m
Three and Four Unit Row Dwelling House	11.5m	6.1 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

- (c) **GARAGE LOCATION** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

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(d) **FRONT YARD**

- i. Minimum setback from front lot line 4.5 metres
- ii. Maximum setback from front lot line 7.0 metres
- iii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

(e) **EXTERIOR SIDE YARD (minimum)**

4.5 metres on arterial and collector roads

3.0 metres on local roads

(f) **INTERIOR SIDE YARD (minimum)**

Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

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- (g) **REAR YARD (minimum)** 6.75 metres;

Those lots backing onto the buffer strip adjacent to the Collins Creek wetland shall have a minimum rear yard of 12.0 metres. No accessory uses are permitted within 12.0 metres of the rear lot line abutting the buffer strip adjacent to the Collins Creek wetland.

- (h) **MINIMUM LOT AREA** Not applicable

- (i) **MINIMUM LOT COVERAGE** Not applicable

- (j) **DRIVEWAYS** Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

- (k) **PARKING** Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, parking in the front yard is prohibited except where it is a driveway leading to a permitted parking area.

- (l) **SIGHT TRIANGLES**

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-law Number 76-26; 2009-53)

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- (m) Notwithstanding the provisions of Section 5(13)(c) hereof to the contrary, where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.

(By-Law 76-26; 2018-83)

(hh) **R2-34-H Woodhaven Subdivision, 1 Potter Street**

Notwithstanding the provisions of Section 13 hereof to the contrary, for the lands zoned 'R2-34-H' on Schedule 'A' hereto, the following provisions shall apply:

(a) **Permitted Uses:**

i. **Residential Uses:**

Single Detached Dwelling House;

Semi Detached Dwelling House;

ii. **Non-Residential Uses:**

Home Occupation

A public use in accordance with the provisions of Section 5(18) hereof

(b) Lot Frontage (minimum)	Corner Lot	Other Lot
Single Detached Dwelling House	12.7metres	9.0 metres
Semi Detached Dwelling House	20 metres	15.0 metres
Semi-Detached Dwelling Unit	11.5 metres	7.5 metres

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

(c) **Garage Location**

The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall

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be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) **Front Yard**

- i. Minimum setback from front lot line 4.5 metres for the main dwelling
- ii. Maximum setback from front lot line 7.0 metres
- iii. Notwithstanding subsection (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

(e) **Exterior Side Yard (minimum)** 3.0 metres on local roads

(f) **Interior side yard (minimum)**

Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

(g) **Rear Yard (minimum)** 6.75 metres

(h) **Minimum Lot Area** Not applicable

(i) **Minimum Lot Coverage** Not applicable

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(j) **Percentage Minimum Lot Frontage**

Notwithstanding any regulations to the contrary, the maximum number of single detached dwelling units with a minimum lot frontage of 9.0 m to 10.0 m shall not exceed 41% of the total number of dwelling units within the Zone.

(k) **Driveways**

Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

(l) **Parking**

Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.

(m) **Sight Triangles**

Notwithstanding any regulations to the contrary:

i) **Uses Prohibited:**

Within any area defined as a sight triangle, the following uses shall be prohibited:

- a) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
- b) a fence or tree, hedge, bush or other vegetation, the top of which exceeds 3 1/2 feet in height above the elevation of the centreline of the adjacent street;
- c) an uncovered surface parking area;
- d) a finished grade which exceeds the elevation of the centreline of the adjacent street by more than 3 feet.

ii) **Two sight triangles are required on a corner lot.**

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line

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and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

(ii) **Woodhaven Subdivision**

Notwithstanding the provisions of Zoning By-Law Number 76-26, as amended, hereof to the contrary, the lands designated 'R2-35-H' on Schedule 'A' hereto, the following provisions shall apply:

(a) Permitted Uses:

i. **Residential Uses:**

Single Detached Dwelling House;

Semi Detached Dwelling House;

Three and Four Unit Row Dwelling House.

ii. **Non-Residential Uses:**

Home Occupation

(By-law Number 76-26; 2011-109)

(b) Lot Frontage (minimum)	Corner Lot	Other Lot
Single Detached Dwelling House	12.7m	10.0 m
Semi Detached Dwelling House	19m	15.0 m
Three and Four Unit Row Dwelling House	11.5m	6.1 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line of 6.0 metres.

- (c) **Garage Location** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) **Front Yard**

- i. Minimum setback from front lot line 4.5 metres
- ii. Maximum setback from front lot line 7.0 metres

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- iii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
 - iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- (e) **Exterior Side Yard (minimum)** 4.5 metres on arterial and collector roads
- 3.0 metres on local roads
- (f) **Interior Side Yard (minimum)**
- Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
- Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
- Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres
- (g) **Rear Yard (minimum)** 6.75 metres;
- Those lots backing onto the buffer strip adjacent to the Collins Creek wetland shall have an additional setback of 16.0 metres from the rear property line. No accessory uses are permitted within 16.0 metres of the rear lot line abutting the buffer strip adjacent to the Collins Creek wetland.
- (h) **Minimum Lot Area** Not applicable
- (i) **Minimum Lot Coverage** Not applicable

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- (j) **Driveways** Maximum drive way width as measured at the lot line shall be 6.0 metres or 50 % of lot frontage, whichever is less.
- (k) **Parking** Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, parking in the front yard is prohibited except where it is a driveway leading to a permitted parking area.

- (l) **Sight Triangles**

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-law Number 76-26; 2011-109)

- (jj) **2803 Creekford Road**

Notwithstanding any provisions of Section 13 hereof to the contrary, on the lands zoned 'R2-36' on Schedule "A" attached hereto, the following provisions shall apply:

- (a) Permitted Uses:
 - (i) Residential Uses:

Single Detached Dwelling House;

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Semi Detached Dwelling House;

Three and Four Unit Row Dwelling House.

(ii) NON-RESIDENTIAL USES:

Home Occupation

A public use in accordance with the provisions of Section 5(18) hereof

(b) Minimum Lot Frontage:

Corner Lot Other Lot

Single Detached Dwelling House 12.7m 10.0 m

Semi Detached Dwelling House 19.0 m 15.0 m

Semi-detached dwelling unit 11.5 m 7.5 m

Row Dwelling House 11.5 m 6.1 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

(c) Garage Location:

The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) Front Yard:

(i) Minimum setback from front lot line 4.5 metres

(ii) Maximum setback from front lot line 7.0 metres

(iii) Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.

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- (iv) Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- (e) Minimum Exterior Side Yard:
 - i. 4.5 metres on arterial and collector roads
 - ii. 3.0 on local roads
- (f) Minimum Interior Side Yard:
 - (i) Single Family Dwelling House: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
 - (ii) Semi Detached Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
 - (iii) Row Dwelling House: 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres
- (g) Minimum Rear Yard: 6.75 metres
- (h) Minimum Lot Area: Not applicable
- (i) Minimum Coverage: Not applicable
- (j) Maximum Building Height For Lots 30 to 47 inclusive: 5 metres
- (k) Driveways:

Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (l) PARKING:

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Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.

(m) **Sight Triangles:**

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.”

(By-law Number 76-26; 2012-118)

(kk) **‘R2-37-H’ (Woodhaven (Tamarack) Subdivision, Phase 2)**

Notwithstanding the provisions of Sections 5 and 13 hereof to the contrary, the lands designated ‘R2-37-H’ on Schedule ‘A’ hereto, the following regulations shall apply:

(a) **Permitted Uses:**

i. Residential Uses:

Single Detached Dwelling House;

Semi Detached Dwelling House;

Three and Four Unit Row Dwelling House.

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ii. Non-Residential Uses:

Home Occupation

A public use in accordance with the provisions of Section 5(18) hereof

(b)	Lot Frontage (minimum)	Corner Lot	Other Lot
	Single Detached Dwelling House	12.7m	9.0 m
	Semi Detached Dwelling House	19 m	15.0 m
	Semi-detached dwelling unit	11.5 m	7.5 m
	Row Dwelling House	11.5 m	6.1 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

- (c) **Garage Location** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) **Front Yard**

- i. Minimum setback from front lot line 4.5 metres
- ii. Maximum setback from front lot line 7.0 metres
- iii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the

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front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

(e) **Exterior Side Yard (minimum)**

4.5 metres on arterial and collector roads
3.0 metres on local roads

(f) **Interior Side Yard (minimum)**

Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

(g) **Rear Yard (minimum)** 6.75 metres;

(h) **Minimum Lot Area** Not applicable

(i) **MINIMUM LOT COVERAGE** Not applicable

(j) **DRIVEWAYS** Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

(k) **PARKING** Parking is permitted in the interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.

(l) **SIGHT TRIANGLES** Two sight triangles are required on a corner lot. The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

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The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-law Number 76-26; 2013-110)

(II) **R2-38-H' (Woodhaven (Tamarack) Subdivision, Phase 2)**

Notwithstanding the provisions of Sections 5 and 13 hereof to the contrary, the lands designated 'R2-38-H' on Schedule 'A' hereto, the following regulations shall apply:

(a) **PERMITTED USES:**

i. **RESIDENTIAL USES:**

Single Detached Dwelling House;

Semi Detached Dwelling House;

Three and Four Unit Row Dwelling House.

ii. **NON-RESIDENTIAL USES:**

Home Occupation

A public use in accordance with the provisions of Section 5(18) hereof

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(b)	LOT FRONTAGE (minimum)	Corner Lot	Other Lot
	Single Detached Dwelling House	12.7m	10.0 m
	Semi Detached Dwelling House	19m	15.0 m
	Semi-detached dwelling unit	11.5 m	7.5 m
	Row Dwelling House	11.5m	6.1 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

- (c) **GARAGE LOCATION** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) **FRONT YARD**

- i. Minimum setback from front lot line 4.5 metres
- ii. Maximum setback from front lot line 7.0 metres
- iii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

- (e) **EXTERIOR SIDE YARD (minimum)** 4.5 metres on arterial and collector roads 3.0 on local roads

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(f) **INTERIOR SIDE YARD (minimum)**

Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

(g) **Rear Yard (minimum)** 6.0 metres;

(h) **Minimum Lot Area** Not applicable

(i) **Minimum Lot Coverage** Not applicable

(j) **Driveways** Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

(k) **PARKING** Parking is permitted in the interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.

(l) **SIGHT TRIANGLES**

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line

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and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-law Number 76-26; 2013-110)

- (m) Notwithstanding the provisions of Section 5(13)(c) hereof to the contrary, where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.

(By-Law 76-26; 2018-83)

(mm) **'R2-39-H' (Woodhaven (Tamarack) Subdivision, Phase 2)**

Notwithstanding the provisions of Sections 5 and 13 hereof to the contrary, the lands designated 'R2-39-H' on Schedule 'A' hereto, the following regulations shall apply:

(a) **Permitted Uses:**

i. **Residential Uses:**

Single Detached Dwelling House;

Semi Detached Dwelling House;

Three and Four Unit Row Dwelling House.

ii. **Non-Residential Uses:**

Home Occupation

A public use in accordance with the provisions of Section 5(18) hereof

(b)	Lot Frontage (minimum)	Corner Lot	Other Lot
	Single Detached Dwelling House	12.7 m	9.0 m

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Semi Detached Dwelling House	19 m	15.0 m
Semi-detached dwelling unit	11.5 m	7.5 m
Row Dwelling House	11.5m	6.1 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

- (c) **Garage Location** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) **Front Yard**

- i. Minimum setback from front lot line 4.5 metres
- ii. Maximum setback from front lot line 7.0 metres
- iii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

- (e) **Exterior Side Yard (minimum)** 4.5 metres on arterial and collector roads 3.0 on local roads

- (f) **Interior Side Yard (minimum)**
Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling

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unit without an attached garage, then one of the side yards must be 3.0 metres

Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

- (g) **Rear yard (minimum)** 6.0 metres;
- (h) **Minimum Lot Area** Not applicable
- (i) **Minimum Lot Coverage** Not applicable
- (j) **Driveways** Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (k) **Parking** Parking is permitted in the interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.
- (l) **Sight Triangles**

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-law Number 76-26; 2013-110)

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- (m) Notwithstanding the provisions of Section 5(13)(c) hereof to the contrary, where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.

(By-Law 76-26; 2018-83)

(nn) **'R2-40-H' (Woodhaven (Tamarack) Subdivision, Phase 2)**

Notwithstanding the provisions of Sections 5 and 13 hereof to the contrary, the lands designated 'R2-40-H' on Schedule 'A' hereto, the following regulations shall apply:

(a) **Permitted Uses:**

i. **Residential Uses:**

Single Detached Dwelling House;

Semi Detached Dwelling House;

Three and Four Unit Row Dwelling House.

ii. **Non-Residential Uses:**

Home Occupation

A public use in accordance with the provisions of Section 5(18) hereof

(b) Lot Frontage (minimum)	Corner Lot	Other Lot
Single Detached Dwelling House	12.7m	10.0 m
Semi Detached Dwelling House	19m	15.0 m
Semi-detached dwelling unit	11.5 m	7.5 m
Row Dwelling House	11.5 m	6.1 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

- (c) **Garage Location** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access

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shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) **Front Yard**

- i. Minimum setback from front lot line 4.5 metres
- ii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- iii. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

(e) **Exterior Side Yard (minimum)** 4.5 metres on arterial and collector roads 3.0 on local roads

(f) **Interior Side Yard (minimum)**

Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

(g) **Rear Yard (minimum)** 6.75 metres;

(h) **Minimum Lot Area** Not applicable

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- (i) **Minimum Lot Coverage** Not applicable
- (j) **Driveways** Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (k) **Parking** Parking is permitted in the interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.
- (l) **Sight Triangles**

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-law Number 76-26; 2013-110)

- (m) Notwithstanding the provisions of Section 5(13)(c) hereof to the contrary, where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.

(By-law Number 76-26; 2018-183)

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(oo) R2-41, Woodhaven (Tamarack) Subdivision, Phase 3

Notwithstanding the provisions of Section 13 hereof to the contrary, the lands designated 'R2-41' on Schedule 'A' hereto, the following regulations shall apply:

i) Uses Permitted

Residential Uses:

- Detached single family dwelling house;
- Semi-detached dwelling house;
- Row dwelling house
- Duplex dwelling house

Non-Residential Uses:

- A home occupation;
- A public use in accordance with the provisions of Section 5(18) hereof.

ii) Lot Frontage (minimum)	Corner Lot	Other Lot
Single Detached Dwelling House	11.2 metres	9.0 metres
Semi Detached Dwelling House	19 metres	15.0 metres
Semi-detached dwelling unit	11.5 metres	7.5 metres
Row Dwelling House	11.5 metres	6.1 metres
Duplex Dwelling House	10.9 metres	9.0 metres

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

iii) Front Yard

Minimum setback from front lot line 4.5 metres

iv) Exterior Side Yard (minimum) 2.4 metres

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v) **Interior Side Yard (minimum)**

Single Family Dwelling House 1.2 metres on one side and 0.6 metres on the other, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres.

Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres.

Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres.

Duplex Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres.

(By-law Number 76-26; 2013-200)

vi) **Rear Yard (minimum) 6.0 metres**

vii) **Garage**

The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.

The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

Main Entry Feature: means a platform, with at least one side open, covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provides access to the dwelling unit.

Main Front Entrance: means the door which is designed as the primary access point into the dwelling unit.

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viii) Driveway Path

Single Family Dwelling House Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

Semi-detached Dwelling House Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

Row Dwelling House Maximum driveway width shall be 3.5 metres
Duplex Dwelling House Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

ix) Parking

Parking is permitted in the interior side yard and rear yard.

Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.

x) Sight Triangle

Two sight triangles are required on a corner lot. The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

xi) Minimum Lot area Not Applicable

Xii) Maximum Lot Coverage Not Applicable

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(By-law Number 76-26; 2013-200; 2017-173)

(pp) **R2-42, Woodhaven (Tamarack) Subdivision, Phase 3**

Notwithstanding the provisions of Sections 13 hereof to the contrary, the lands designated 'R2-42' on Schedule 'A' hereto, the following regulations shall apply:

i) Uses Permitted

Residential Uses:

Detached single family dwelling house;

Semi-detached dwelling house;

Row dwelling house;

Duplex dwelling house.

Non-Residential Uses:

A home occupation;

A public use in accordance with the provisions of Section 5(18) hereof.

ii) Lot Frontage (minimum)	Corner Lot	Other Lot
Single Detached Dwelling House	11.2 metres	9.0 metres
Semi Detached Dwelling House	19 metres	15.0 metres
Semi-detached dwelling unit	11.5 metres	7.5 metres
Row Dwelling House	11.5 metres	6.1 metres
Duplex Dwelling House	10.9 metres	9.0 metres

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

iii) Front Yard

Minimum setback from front lot line 4.5 metres

iv) Exterior Side Yard (minimum) 2.4 metres

v) Interior Side Yard (minimum)

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Single Family Dwelling House 1.2 metres on one side and 0.6 metres on the other, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres.

Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres.

Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres.

(By-law Number 76-26; 2013-200)

Duplex Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres.

vi) Rear Yard (minimum) 7.5 metres;

vii) Garage

The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.

The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

Main Entry Feature: means a platform, with at least one side open, covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provides access to the dwelling unit.

Main Front Entrance: means the door which is designed as the primary access point into the dwelling unit.

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viii) Driveway Width

Single Family Dwelling House Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

Semi-detached Dwelling House Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

Row Dwelling House Maximum driveway width shall be 3.5 metres

Duplex Dwelling House Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

ix) Parking

Parking is permitted in the interior side yard and rear yard.

Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.

x) Sight Triangle

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

xi) Minimum Lot Area Not Applicable

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xii) Maximum Lot Coverage Not Applicable

(By-law Number 76-26; 2013-200; 2017-173)

xiii) Notwithstanding the provisions of Section 5(13)(c) hereof to the contrary, where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.

(By-Law Number 76-26; 2018-83)

(qq) R2-43 (2192 and 2196 Swanfield Street)

Notwithstanding the provisions of Section 13 hereof to the contrary, the lands designated 'R2-43' on Schedule 'A' hereto, the following regulations shall apply:

(a) Residential Uses:

Single Detached Dwelling House;

Semi Detached Dwelling House;

Row Dwelling House;

(b) Additional Permitted Uses:

A Second Residential Unit.

(c) Prohibited Uses:

Garden Suite;

Boarding House;

Lodging House.

(d) Lot Area (minimum):

Single Detached Dwelling House 278 square metres

Semi Detached Dwelling House 557 square metres

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Row Dwelling House 210 square metres

(e) Lot Frontage (minimum):

Single Detached Dwelling House 9.0 metres

Semi Detached Dwelling House 18.0 metres

Row Dwelling House 6.1 metres

(f) Front Yard (minimum): 6.0 metres

(g) Interior Side Yard (minimum):

Single Family Dwelling House 1.2 m on one side and 0.6m on the other. The 0.6m side yard shall be required to abut a 1.2 m side yard on an adjacent property.

Semi Detached Dwelling House 1.2 metres

Row Dwelling House 1.2 metres

(h) Rear Yard (minimum): 6.0 metres

(i) Dwelling Unit Area (minimum): 80 square metres

(j) Lot Coverage (maximum): 50 %

(k) Driveways:

Maximum driveway width shall be 6.0 metres or 60% of lot frontage, whichever is less.

(l) Parking:

(i) Required Parking Spaces: 1

(ii) Parking Space Requirements:

Minimum width of a parking space shall be 2.5 metres and the minimum length of a parking space shall be 6.0 metres.

(m) Setback From Centreline Of Road:

Any building or structure shall be setback the minimum front yard depth or exterior side yard depth required for such use plus 9 metres to the centre line of the road.

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(n) Second Residential Unit

(i) Second Residential Unit Area:

A second residential unit shall have a gross floor area not exceeding 40% of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:

- (a) floor area occupied by mechanical, service, and electrical equipment that serve the building;
- (b) an open porch or balcony; and
- (c) areas internal to the building that are intended for the storage of vehicles.

(ii) Second Residential Units Per Dwelling House

(maximum): 1 only

(iii) Access:

The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1.2 metre wide unobstructed walkway from the front of the building to the access is provided.

(iv) Accessory Uses, Parking Etc.:

- (a) In addition to any other parking requirements, 1 parking space shall be provided for the second residential unit. Notwithstanding anything to the contrary in this By-Law, the required parking may be provided through a tandem or stacked parking arrangement. The parking space location for the second residential unit shall meet the yard and driveway provisions of the zone;

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- (b) An additional driveway shall not be permitted for a second residential unit.

(By-law 76-26; 2015-80)

(rr) **R2-44-H Creekside Valley Subdivision (1350 Woodfield Crescent)**

Notwithstanding the provisions of Section 13 hereof to the contrary, the lands designated 'R2-44-H' on Schedule 'A' hereto, the following regulations shall apply:

(o) Permitted Uses:

iii. Residential Uses:

Single Detached Dwelling House

Semi Detached Dwelling House

iv. Non-Residential Uses:

Home Occupation

A public use in accordance with the provisions of Section 5(18) hereof.

(p) Lot Frontage (minimum)	Corner Lot	Other Lot
Single Detached Dwelling House	12.7 metre	9 metres
Semi Detached Dwelling House	19 metres	15 metres
Semi Detached Dwelling Unit	11.5 metres	7.5 metres

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres. In the case of a corner lot with a sight triangle, the exterior side lot line shall be deemed to extend to its hypothetical point of intersection with the extension of the front lot line for the purposes of calculating lot frontage.

(q) Front Yard

- i. Minimum setback from front lot line 4.5 metres

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- ii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of

2.5 metres and a minimum depth of 2.0 metres.

- iii. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

(r) Exterior Side Yard (minimum) 3.0 metres

(s) Interior Side Yard (minimum)

Single Family Dwelling House 1.5 metres

Semi Detached Dwelling House 1.5 metres for a side that is not attached to another dwelling house

(t) Rear Yard (minimum) 6.0 metres

(u) Garage

The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.

The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

The main entry feature means a platform, with at least one side open, covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provides access to the dwelling unit.

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The main front entrance means the door which is designed as the primary access point into the dwelling unit.

(v) Driveway Width

Maximum driveway width as measured at the lot line and shall be as follows:

Single Detached Dwelling House 6.0 metres or 50% of the lot frontage, whichever is lesser

Semi Detached Dwelling House 3.5 metres

(w) Height (maximum)

Single Detached Dwelling House 11 metres

Semi Detached Dwelling House 12 metres

(x) Parking

Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.

(y) Sight Triangle

Two sight triangles are required on a corner lot. The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior size lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

(z) Fencing

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Fences crossing the pipeline right-of-way in Lots 46 to 49, 174 to 193 and 310 to 315 must be chain link, no taller than 1.8 metres and equipped with lock gates accessible to Trans-Northern Pipelines Inc.

Fencing crossing the pipeline right-of-way must be chain link, no taller than 1.8 metres.

- | | | |
|------|-------------------------------|----------------|
| (aa) | Minimum Lot Area | Not Applicable |
| (bb) | Maximum Lot Coverage | Not Applicable |
| (cc) | Minimum Landscaped Open Space | 30% |

(By-Law Number 76-26; 2015-176; 2018-123)

(ss) **R2-45**

Notwithstanding the provisions of Section 5 and Section 13 hereof to the contrary, the lands designated 'R2-45' on Schedule 'A' hereto, the following regulations shall apply:

1) Permitted Uses:

Only the following uses shall be permitted:

(a) Residential Uses:

- (i) Single Detached Dwelling House
- (ii) Semi Detached Dwelling House

(b) Non-Residential Uses:

- (i) A home occupation
- (ii) A public use in accordance with the provisions of Section 5(18) hereof

2) Density:

The minimum number of residential units per net hectare of land within the R2-45 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 23 dwelling units per net hectare.

3) Lot Area (minimum): Not applicable

4) Lot Frontage:

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The lot frontage shall mean the horizontal distance between the side lot lines, such distance being measured along a line which is parallel to the front lot line at a distance of 6.0 metres from the front lot line.

(a) Corner Lot (Minimum):

- (i) Single Detached Dwelling House: 10.9 metres
- (ii) Semi Detached Dwelling House: 17.0 metres
- (iii) Semi Detached Dwelling Unit: 9.6 metres

(b) Other Lot (Minimum):

- (i) Single Detached Dwelling House: 9.1 metres
- (ii) Semi Detached Dwelling House: 14.8 metres
- (iii) Semi Detached Dwelling Unit: 7.4 metres

5) Front Yard Depth:

(a) Minimum Depth: 4.5 metres

(b) Maximum Depth: 7.0 metres

(c) Notwithstanding subsections 13(3)(ss)(5)(a) and 13(3)(ss)(5)(b) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres front the front lot line, if the covered porch is constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling.

(d) Notwithstanding subsections 13(3)(ss)(5)(a), 13(3)(ss)(5)(b) and 13(3)(ss)(5)(c) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

6) Exterior Side Yard Width (minimum): 2.4 metres

7) Interior Side Yard Width (minimum):

(a) Single Detached Dwelling House:

The minimum aggregate interior side yard width shall be 1.8 metres, with no one side yard less than 0.6 metres in width.

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Where there is a corner lot on which there is only one interior side yard, the minimum depth shall be 0.6 metres.

(b) Semi Detached Dwelling House:

1.2 metres for a side that is not attached to another dwelling house

- 8) Rear Yard Depth (minimum): 6.0 metres
- 9) Lot Coverage (maximum): Not applicable
- 10) Garage:

Main Entry Feature means a platform, with at least one side open, covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provide access to the dwelling unit.

Main Front Entrance means the door which is designed as the primary access point into the dwelling unit

- (a) The wall of an attached private garage that contains the opening for a vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.
- (b) The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry features or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

11) Driveway Width:

The maximum width of a driveway for its entire length shall be:

- (i) Single Detached Dwelling House: lesser of 6.0 metres or 50% of lot width
- (ii) Semi Detached Dwelling Unit: lesser of 6.0 metres or 50% of lot width

12) Parking:

Parking is permitted in the interior side and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is in a driveway leading to a permitted parking area.

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13) Sight Triangles:

Notwithstanding any regulations to the contrary:

(a) Uses Prohibited:

Within any area defined as a sight triangle, the following uses shall be prohibited:

- (i) A building, structure or use which would obstruct the vision of drivers of motor vehicles
- (ii) a fence, tree, hedge or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centerline of the adjacent street
- (iii) an uncovered surface parking area
- (iv) a finished grade which exceeds the elevation of the centerline of the adjacent street by more than 1.0 metres

(b) Sight triangles are required on a corner lot:

(i) At all intersections:

A sight triangle is required by a line drawn from a point on the exterior side lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line, and a point on the front lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

14) Notwithstanding the provisions of Section 5(13)(c) hereof to the contrary, where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.

(By-law 76-26; 2017-46; 2018-83)

(tt) **R2-46**

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Notwithstanding the provisions of Section 5 and Section 13 hereof to the contrary, the lands designated 'R2-46' on Schedule 'A' hereto, the following regulations shall apply:

1) Permitted Uses:

Only the following uses shall be permitted:

(a) Residential Uses:

- (i) Single Detached Dwelling House
- (ii) Semi Detached Dwelling House
- (iii) Three, Four or Five Unit Row Dwelling House
 - (a) a maximum of 10% of all row dwelling houses buildings are permitted to be five unit row dwelling house buildings.

(b) Non-Residential Uses:

- (i) a home occupation
- (ii) a public use in accordance with the provisions of Section 5(18) hereof

2) Density:

The minimum number of residential units per net hectare of land within the R2-46 Zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 23 dwelling units per net hectare.

(By-Law 76-26; 2018-161)

3) Lot Area (minimum): Not applicable

4) Lot Frontage:

The lot frontage shall mean the horizontal distance between the side lot lines, such distance being measured along a line which is parallel to the front lot line at a distance of 6.0 metres from the front lot line.

(a) Corner Lot (Minimum):

- (i) Single Detached Dwelling House: 10.9 metres
- (ii) Semi Detached Dwelling House: 17.0 metres

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- (iii) Semi Detached Dwelling Unit: 9.6 metres
 - (iv) Row Dwelling House: 9.1 metres
 - (b) Other Lot (Minimum):
 - (i) Single Detached Dwelling House: 9.1 metres
 - (ii) Semi Detached Dwelling House: 14.8 metres
 - (iii) Semi Detached Dwelling Unit: 7.4 metres
 - (iv) Row Dwelling House: 6.1 metres
- 5) Front Yard Depth:
 - (a) Minimum Depth: 4.5 metres
 - (b) Maximum Depth: 7.0 metres
 - (c) Notwithstanding subsections 13(3)(tt)(5)(a) and 13(3)(tt)(5)(b) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres front the front lot line, if the covered porch is constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling.
 - (d) Notwithstanding subsections 13(3)(tt)(5)(a), 13(3)(tt)(5)(b) and 13(3)(tt)(5)(c) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- 6) Exterior Side Yard Width (minimum): 2.4 metres
- 7) Interior Side Yard Width (minimum):
 - (a) Single Detached Dwelling House:

The minimum aggregate interior side yard width shall be 1.8 metres, with no one side yard less than 0.6 metres in width. Where there is a corner lot on which there is only one interior side yard, the minimum depth shall be 0.6 metres.
 - (b) Semi Detached Dwelling House:

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1.2 metres for a side that is not attached to another dwelling house

(c) 1.2 metres for a side that is not attached to another dwelling house

- 8) Rear Yard Depth (minimum): 6.0 metres
- 9) Lot Coverage (maximum): Not applicable
- 10) Garage:

Main Entry Feature means a platform, with at least one side open, covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provide access to the dwelling unit.

Main Front Entrance means the door which is designed as the primary access point into the dwelling unit

(a) The wall of an attached private garage that contains the opening for a vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.

(b) The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry features or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

- 11) Driveway Width:

The maximum width of a driveway for its entire length shall be:

(a) Single Detached Dwelling House: lesser of 6.0 metres or 50% of lot width

(b) Semi Detached Dwelling Unit: lesser of 6.0 metres or 50% of lot width

(c) Row Dwelling House:

(i) End unit: lesser of 4.0 metres or 50% of lot width

(ii) Other unit: 3.5 metres

- 12) Parking:

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Parking is permitted in the interior side and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is in a driveway leading to a permitted parking area.

13) Sight Triangles:

Notwithstanding any regulations to the contrary:

(a) Uses Prohibited:

Within any area defined as a sight triangle, the following uses shall be prohibited:

- (i) A building, structure or use which would obstruct the vision of drivers of motor vehicles
- (ii) a fence, tree, hedge or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centerline of the adjacent street
- (iii) an uncovered surface parking area
- (iv) a finished grade which exceeds the elevation of the centerline of the adjacent street by more than 1.0 metres

(b) Sight triangles are required on a corner lot:

(i) At all intersections:

A sight triangle is required by a line drawn from a point on the exterior side lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line, and a point on the front lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

14) Notwithstanding the provisions of Section 5(13)(c) hereof to the contrary, where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.

(By-law 76-26; 2017-46; 2018-83)

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(uu) **R2-47 (1276 Brackenwood Crescent)**

Notwithstanding the provisions of Section 5 and Section 13 hereof to the contrary, on the lands designated 'R2-47' on Schedule 'A' hereto, the following provisions shall apply:

(a) **Additional Permitted Uses**

- (i) A Second Residential Unit in accordance with Section 5(30).

(b) **Minimum Lot Area 1** 275 square metres

(c) **Maximum Lot Coverage** 37%

(d) **Driveway Width (maximum)** 40% of the lot frontage

(e) **On-Site Parking:**

- (i) Minimum Required Parking Spaces one (1)

- a. Maximum of one (1) parking space is permitted in the front yard.

(By-law Number 76-26; 2017-116)

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(vv) R2-48 (1707 & 1715 Executive Avenue)

Notwithstanding the provisions of Section 13 hereof to the contrary, the lands designated 'R2-48' on Schedule 'A' hereto, the following regulations shall apply:

(a) Permitted Uses:

(i) Residential Uses:

Single Detached Dwelling House

(ii) Non-Residential Uses:

Home Occupation

A public use in accordance with the provisions of Section 5(18) hereof

(b) Minimum Lot Frontage: Corner Lot Other Lot

12.7m 10.0 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

(c) Garage Location:

The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) Front Yard:

(i) Minimum setback from front lot line 4.5 metres

(ii) Maximum setback from front lot line 9.75 metres

(iii) Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 11.95 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.

(iv) Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 8.95 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

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- (e) Minimum Interior Side Yard: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
- (f) Minimum Rear Yard: 6.75 metres
- (g) Minimum Lot Area: Not applicable
- (h) Minimum Lot Coverage: Not applicable
- (i) Driveways:
Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (j) Parking:
Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.
- (k) Sight Triangles:
Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-Law 76-26; 2017-199)

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(ww) R2-49 (1709, 1711 & 1713 Executive Avenue)

Notwithstanding the provisions of Section 13 hereof to the contrary, the lands designated 'R2-49' on Schedule 'A' hereto, the following regulations shall apply:

(a) Permitted Uses:

(i) Residential Uses:

Single Detached Dwelling House

(ii) Non-Residential Uses:

Home Occupation

A public use in accordance with the provisions of Section 5(18) hereof

(b) Minimum Lot Frontage:	Corner Lot	Other Lot
	12.7m	10.0 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

(c) Garage Location:

The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) Front Yard:

(i) Minimum setback from front lot line 4.5 metres

(ii) Maximum setback from front lot line 12.0 metres

(iii) Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 14.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.

(iv) Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 11.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall

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of the main dwelling may be set back 3.0 metres from the front wall of the garage.

- (e) Minimum Interior Side Yard: 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
- (f) Minimum Rear Yard: 6.75 metres
- (g) Minimum Lot Area: Not applicable
- (h) Minimum Lot Coverage: Not applicable
- (i) Driveways:
Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (j) Parking:
Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.
- (k) Sight Triangles:

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-Law 76-26; 2017-214)

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(xx) R2-50 (950 Cataraqui Woods Drive)

Notwithstanding the provisions of Section 5 and Section 13 hereof to the contrary, the lands designated 'R2-50' on Schedule 'A' hereto, the following regulations shall apply:

i) Uses Permitted

Residential Uses:

Detached single family dwelling house;

Semi-detached dwelling house;

Row dwelling house;

Duplex dwelling house;

Linked dwelling house.

Non-Residential Uses:

A home occupation;

School

ii) Lot Frontage (minimum) Corner Lot Other Lot

Single Detached Dwelling House 11.2 metres 9.0 metres

Semi Detached Dwelling House 19 metres 15.0 metres

Semi-detached dwelling unit 11.5 metres 7.5 metres

Row Dwelling House 11.5 metres 6.1 metres

Duplex Dwelling House 10.9 metres 9.0 metres

Linked Dwelling House (as defined herein) 11.2 metres 9.0 metres

*The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

Zone Provisions for Residential Uses:

iii) Front Yard (minimum) 3.0 metres

iv) Exterior Side Yard (minimum) 2.4 metres

v) Interior Side Yard (minimum) 1.2 metres on one side.

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Where a minimum of 1.2 metres is provided in one side yard, the other side yard is permitted to be 0.6 metres, except that no setback is required for a side that is attached to another dwelling house.

Where no attached garage is provided, one interior side yard must be 3.0 metres.

- vi) Rear Yard (minimum) 6.75 metres

- vii) Driveway Width For residential uses, maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less with the exception of Row Dwellings, where a maximum driveway width of 3.5 metres is permitted.

- viii) Sight Triangles Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

- ix) Minimum Lot Area Not Applicable

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- x) Maximum Lot Coverage Not Applicable
- xi) Garage: The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the attached private garage.
- xii) Definitions Linked Dwelling House: means one of two or more single family dwelling houses linked by common underground masonry footing, each of which has an independent entrance directly from the outside but does not include any other dwelling house otherwise defined in this By-Law.
- xiii) More than one Zone on a Lot
Where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.
- xiv) Zone Provisions for School Uses:
 - a) Front Yard (minimum) 6.0 metres
 - b) Exterior Side Yard (minimum) 6.0 metres
 - c) Interior Side Yard (minimum) 6.0 metres
 - d) Rear Yard (minimum) 7.5 metres
 - e) Building Height (maximum) 14.0 metres
 - f) The Building Height (maximum) does not prevent the erection of:
Window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets,

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trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, ventilating equipment, landscape and green roof elements, solar panels, partitions dividing outdoor recreation areas, wind mitigation, chimney stack, exhaust flues, garbage chute overrun and public art elements, mechanical penthouses, and architectural elements.

g) Yards Where Parking is Permitted: For a school use, parking is allowed in all yards provided that no part of any parking areas, other than a driveway, is located closer than 3 metres from the street line. The minimum 3 metres wide buffer to the parking areas located within the front yard shall be screened with landscaping.

xv) Trans-Northern Pipeline Inc. Setback

- a) Notwithstanding provision xiv), School buildings shall be setback a minimum of 30 metres from the Trans-Northern Pipelines Inc. right-of-way.
- b) Notwithstanding provisions iii) to vi), a single-detached dwelling, semi-detached dwelling, duplex dwelling, linked dwelling, row dwelling and any associated accessory buildings or structures shall be setback a minimum of 7 metres from the Trans-Northern Pipelines Inc. right-of-way.

(By-Law 76-26; 2018-152)

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(yy) R2-51

Notwithstanding the provisions of Section 5 and Section 13 hereof to the contrary, the lands designated 'R2-51' on Schedule 'A' hereto, the following regulations shall apply:

1) Permitted Uses:

Only the following uses shall be permitted:

(a) Residential Uses:

- (i) Single Detached Dwelling House
- (ii) Semi Detached Dwelling House

(b) Non-Residential Uses:

- (i) A home occupation
- (ii) A public use in accordance with the provisions of Section 5(18) hereof

2) Density:

The minimum number of residential units per net hectare of land within the R2-51 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 23 dwelling units per net hectare.

3) Lot Area (minimum): Not applicable

4) Lot Frontage:

The lot frontage shall mean the horizontal distance between the side lot lines, such distance being measured along a line which is parallel to the front lot line at a distance of 6.0 metres from the front lot line.

(a) Corner Lot (Minimum):

- (i) Single Detached Dwelling House: 10.9 metres
- (ii) Semi Detached Dwelling House: 17.0 metres
- (iii) Semi Detached Dwelling Unit: 9.6 metres

(b) Other Lot (Minimum):

- (i) Single Detached Dwelling House: 9.1 metres
- (ii) Semi Detached Dwelling House: 14.8 metres

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- (iii) Semi Detached Dwelling Unit: 7.4 metres
- 5) Front Yard Depth:
 - (a) Minimum Depth: 4.5 metres
 - (b) Maximum Depth: 7.0 metres
 - (c) Notwithstanding subsections 13(3)(yy)(5)(a) and 13(3)(yy)(5)(b) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres front the front lot line, if the covered porch is constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling.
 - (d) Notwithstanding subsections 13(3)(yy)(5)(a), 13(3)(yy)(5)(b) and 13(3)(yy)(5)(c) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- 6) Exterior Side Yard Width (minimum): 2.4 metres
- 7) Interior Side Yard Width (minimum):
 - (a) Single Detached Dwelling House:

The minimum aggregate interior side yard width shall be 1.8 metres, with no one side yard less than 0.6 metres in width. Where there is a corner lot on which there is only one interior side yard, the minimum depth shall be 0.6 metres.
 - (b) Semi Detached Dwelling House:

1.2 metres for a side that is not attached to another dwelling house
- 8) Rear Yard Depth (minimum): 6.0 metres
- 9) Lot Coverage (maximum): Not applicable
- 10) Height of Building (Maximum): 1-storey with a maximum building height of 8.5 metres at the highest point of the building measured from the front elevation.

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11) Garage:

Main Entry Feature means a platform, with at least one side open, covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provide access to the dwelling unit.

Main Front Entrance means the door which is designed as the primary access point into the dwelling unit

- (a) The wall of an attached private garage that contains the opening for a vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.
- (b) The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry features or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

12) Driveway Width:

The maximum width of a driveway for its entire length shall be:

- (i) Single Detached Dwelling House: lesser of 6.0 metres or 50% of lot width
- (ii) Semi Detached Dwelling Unit: lesser of 6.0 metres or 50% of lot width

13) Parking:

Parking is permitted in the interior side and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is in a driveway leading to a permitted parking area.

(By-Law 76-26; 2020-9)

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(4) Temporary R2 Zones

(a) R2-1-T1

Notwithstanding the provisions of Section 13(3) (c) hereof to the contrary, the lands designated R2-1-T1 on Schedule "A" attached hereto also may be used temporarily as a two-family dwelling provided that said temporary use is developed and operated in accordance with the following provisions:

- (i) The second dwelling unit termed a "Dwelling Unit, Bachelor", shall operate and function in accordance with the definition of such a unit under Section 4 of the By-Law and shall be located totally within the existing single family dwelling house.
- (ii) The temporary use authorization shall be for a period not to exceed three (3) years commencing on January 21, 2003, the date of passing of By-Law Number 2003-52.

(By-law Number 76-26; 98-161; 2003-52)

- (iii) Notwithstanding the provisions of Section 5(4)(b) hereof to the contrary, the second dwelling unit, "Dwelling Unit, Bachelor" shall be permitted in a cellar.
- (iv) Notwithstanding the provisions of Section 16(b) hereof to the contrary, a site total of three (3) on-site parking spaces shall be required for the two units."

(By-law Number 76-26; 98-161; 2003-52)

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Section 14

Residential Type 3 Zone (R3)

(1) Uses Permitted

No person shall within any R3 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, namely:

(a) Residential Uses:

- a single-family dwelling house;
- a converted dwelling house;
- a semi-detached dwelling house;
- a duplex dwelling house;
- a triplex dwelling house;
- a quadruplex dwelling house;
- a row dwelling house;
- a maisonette dwelling house;
- group housing, but not including an apartment dwelling house.

(b) Non-Residential Uses:

- a home occupation;
- a public use in accordance with the provisions of Section 5(18) hereof.

(2) Zone Provisions

No person shall within any R3 Zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

(a) Lot Area (minima):

- | | | |
|--------|-------------------------------------|--------------------|
| (i) | Single-family dwelling house | -4,000 square feet |
| (ii) | Converted dwelling house | -7,500 square feet |
| (iii) | Semi-detached dwelling house | -7,800 square feet |
| (iv) | Semi-detached dwelling unit (96-42) | -3,500 square feet |
| (v) | Duplex dwelling house | -6,000 square feet |
| (vi) | Triplex dwelling house | -7,500 square feet |
| (vii) | Quadruplex dwelling house | -9,600 square feet |
| (viii) | Row dwelling house | -2,500 square feet |

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2 cont'd:

- (ix) Maisonette dwelling house -2,500 square feet per dwelling unit
- (x) Group Housing -the lot shall be divisible in such a manner that each dwelling house has adequate areas to satisfy the minimum requirements.

(b) Lot Frontage (minima):	Corner Lot	Other Lot
(i) Single-family dwelling house	70 feet	50 feet
(ii) Converted dwelling house	80 feet	60 feet
(iii) Semi-detached dwelling house	80 feet	60 feet
(iv) Semi-detached dwelling unit (95-129)	35 feet	25 feet
(v) Duplex dwelling house	70 feet	50 feet
(vi) Triplex dwelling house	80 feet	60 feet
(vii) Quadruplex dwelling house	100 feet	80 feet
(viii) Row dwelling house	38 feet	18 feet
(ix) Maisonette dwelling house	110 feet	110 feet
(x) Group housing	-as per dwelling house type listed above.	

- (c) **Front Yard Depth (minima):**
 - (i) Maisonette dwelling house -10 feet (94-21)
 - (ii) Group housing -as per dwelling house type listed herein.
 - (iii) Other uses -20 feet

- (d) **Exterior Side Yard Width (minima):**
 - (i) Maisonette dwelling house -10 feet (94-21)
 - (ii) Group housing -as per dwelling house type listed herein.
 - (iii) Other uses -20 feet

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2 cont'd:

(e) Interior Side Yard Width (minima):

- (i) Single-family dwelling house -4 feet, provided that on a lot where there is no attached private garage or attached carport, the minimum interior side yard width shall be 8 feet on one side and 4 feet on the other side.
- (ii) Converted dwelling house -10 feet on one side, 6 feet on other side.
- (iii) Semi-detached dwelling house
 - Minimum width for a side that is not attached to another dwelling unit and for which an attached garage or carport is provided -4 ft.
 - Minimum width for a side that is not attached to another dwelling unit and for which a garage or carport is not provided 8 ft. (93-13)
- (iv) Duplex dwelling house -6 feet, provided that on a lot where there is no attached private garage or attached carport, the minimum interior side yard width shall be 12 feet on one side and 6 feet on the other side.
- (v) Triplex dwelling house -10 feet, provided that on a lot where there is no attached private garage or attached carport, the minimum side yard width shall be 16 feet on one side and 10 feet on the other side.
- (vi) Quadruplex dwelling house -10 feet
- (vii) Row dwelling house
 - Minimum width for a side that is not attached to another dwelling house -35 feet, provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to 4 feet. (95-129)
- (viii) Maisonette dwelling house -1/2 the height of the building, or 35 feet, whichever is the greater, provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to 6 feet where the side lot line does not adjoin an R1 or R2 Zone.
- (ix) Group housing -as per dwelling house type listed above.

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(f) Rear Yard Depth (minima):

- (i) Quadruplex dwelling house -35 feet, provided that where parking areas, excluding a private driveway for the dwelling house, are provided in the rear yard, the minimum depth of yard adjacent to the rear wall of the main building unobstructed by any parking area, excluding such private driveway, shall be 25 feet.
- (ii) Row dwelling house (95-129) -25 feet, provided that a rear yard adjoining an end wall containing no habitable room window may be reduced to 6 feet.
- (iii) Maisonette dwelling house -1/2 the height of the building, or 35 feet, whichever is the greater, provided that a rear yard adjoining an end wall containing no habitable room windows may be reduced to 6 feet where the rear lot line does not adjoin an R1 or R2 Zone.
- (iv) Group housing -as per dwelling house type listed herein.
- (v) Other uses -25 feet.

(g) Group Setback:

Notwithstanding any other provisions of this By-law, not more than eight consecutive row dwelling houses shall be constructed with their exterior outside walls in a straight line. Additional permitted dwellings in a row shall be set back or forward a distance of not less than 4 feet from the alignment of the others in a row.

(h) Dwelling Unit Area (minima):

- (i) Bachelor dwelling unit -400 square feet
- (ii) Dwelling unit containing 1 bedroom -600 square feet
- (iii) Dwelling unit containing 2 bedrooms -700 square feet
- (iv) Dwelling unit containing 3 bedrooms -900 square feet
- (v) Dwelling unit containing more than 3 bedrooms -900 square feet plus 100 square feet for each bedroom in excess of three, except that for a senior citizens' apartment project, the minimum dwelling unit area for a unit containing one bedroom shall be 460 square feet.

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(i) Landscaped Open Space (minima):

(i) Maisonette dwelling house -45%

(ii) Group housing

-the lot shall be divisible in such a manner that each dwelling house has adequate areas to satisfy the minimum requirements as listed herein.

(iii) Other uses -30%

(j) Lot Coverage (maxima):

(i) Maisonette dwelling house -30%

(ii) Group housing -the lot shall be divisible in such a manner that each dwelling house has adequate areas to satisfy the minimum requirements as listed herein.

(iii) Other uses -35%

(k) Height Of Building (maxima):

(i) Maisonette dwelling house -45 feet

(ii) Group housing -as per dwelling house type listed herein

(iii) Other uses -35 feet.

(l) Dwelling Houses Per Lot (maxima):

(i) Group housing -no maximum provided all other provisions of this Section are complied with.

(ii) **Other uses** -1 only.

(m) Courts:

Where a building is in a court form, the distance between opposing side walls of the building forming the court shall be not less than 70 feet.

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(n) Privacy Yards:

(i) Row dwelling house

A privacy yard, exclusive of any common use area, clear and unobstructed by any vehicular driveway, other than a private driveway to an enclosed garage, or by any surface parking area, shall be provided on the lot adjoining each exterior wall containing a habitable room window.

The minimum depth of a privacy yard shall be 25 feet, measured at right angles to the wall it adjoins. Such privacy yards shall not overlap so as to reduce the minimum depth requirements.

(ii) Maisonette dwelling house

A privacy yard, clear and unobstructed by any parking area or any vehicular driveway, other than a private driveway for a dwelling unit, shall be provided adjoining each habitable room window of every dwelling unit with a minimum depth measured at right angles from such wall it adjoins in accordance with the following table: (94-21)

Minimum Privacy Yards

Exterior Wall Window Requiring A Privacy Yard	Dwelling House Of More Than 10 Dwelling Units	Dwelling House Of Up To 10 Dwelling Units	
		Parking Area Or Vehicular Driveway	Vehicular Driveway
Ground Floor Living Room Window	25 Feet	Surface Parking Area 25 Feet	25 Feet
Ground Floor Habitable Floor Window	25 Feet	25 Feet	10 Feet

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(o) **Deleted**

(By-Law 76-26; 2017-170)

(p) **Accessory Uses, Parking, ETC.:**

In accordance with the provisions of Section 5 hereof.

(3) **Special R3 Zones**

(a) **R3-1**

Notwithstanding any provisions of Section 14(1)(a) hereof to the contrary, the lands designated R3-1 on Schedule "A" hereto shall be used for no purpose other than: a single-family dwelling house; a semi-detached dwelling house; a row dwelling house; a maisonette dwelling house; or a group dwelling house, but not including an apartment dwelling house.

(b) **R3-2 Forest Glen Estates**

Notwithstanding any provisions of Section 14 hereof to the contrary, the lands designated R3-2 on Schedule "A" hereto shall be used for no purpose other than a single-family dwelling house or a semi-detached dwelling house and such lands shall be used in accordance with the following provisions: (77-22-F)

(i) **LOT AREA (minimum):**

- | | |
|----------------------------------|--------------------|
| (a) Single family dwelling house | -3,600 square feet |
| (b) Semi-detached dwelling house | -6,000 square feet |

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(ii) LOT FRONTAGE (minimum):

	Corner Lot	Other Lot
(a) Single family dwelling house	56 feet	36 feet

(For accurate reference please consult By-law Number 77-22).

(c) **R3-3 Forest Glen Estates**

Notwithstanding any provision of Sections 5(16)(c) and 14 hereof to the contrary, the lands designated R3-3 on Schedule "A" hereto shall be used for no purpose other than a row dwelling house and such lands shall be used in accordance with the following provisions: (77-22-F)

(i) LOT FRONTAGE (minimum):

	Corner Lot	Other Lot
--	------------	-----------

(a) Row Dwelling house	45 feet	23 feet
------------------------	---------	---------

(ii) Location of Required Parking Spaces:

Uncovered surface parking areas shall be permitted in a rear yard and interior side yard only, except that this provision shall not apply to prevent the use of a hard surfaced driveway, provided the width of such driveway does not exceed 40% of the width of the lot or 20 feet, whichever is the lesser.

(For accurate reference please consult By-law Number 77-22)

(d) **R3-4**

Notwithstanding the provisions of Sections 14(2)(a)(vii) and 14(2)(a)(viii) hereof to the contrary, the lands designated R3-4 on Schedule "A" hereto shall be developed in accordance with the following provisions: (78-16)

(i) LOT AREA (minima):

- | | |
|-------------------------------|---------------------------------------|
| (a) Row dwelling house | -3,000 square feet |
| (b) Maisonette dwelling house | -3,000 square feet per dwelling unit. |

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(ii) **SINGLE-FAMILY DWELLING HOUSE**

Notwithstanding any provisions of this Sections 14(2)(a) or (b) to the contrary a single-family dwelling house may be developed in accordance with the following provisions:

- (i) Lot Area (minimum) - 278 square metres
- (ii) Lot Frontage (minimum) - 12 metres
- (iii) Lot Coverage (maximum) - 50%

(By-Law Number 76-26; 2004-239; 2011-19)

(e) **R3-5**

Notwithstanding any provision of this By-law to the contrary, the lands designated R3-5 on Schedule "A" hereto may be developed in accordance with the following provisions: (78-67) + (88-127)

(i) **LOT AREA (minimum):**

- (a) Row Dwelling House -178.8 sq. metres

(ii) **PARKING AREA LOCATION & ACCESS**

- (a) Row Dwelling House

An uncovered surface parking area shall be permitted in a front yard, and one driveway only shall be permitted for each row dwelling unit.

(f) **R3-6**

Notwithstanding the provisions of Sections 5(16)(c), 5(16)(d)(vii), and 14(1)(a) hereof to the contrary, the lands designated R3-6 on Schedule "A" hereto shall be used for no purpose other than a semi-detached dwelling house, a row dwelling house, or group housing of permitted housing types, and such lands shall be developed in accordance with the following provisions:

(i) **PARKING AREA LOCATION**

- (a) Row Dwelling House
An uncovered surface parking area shall be permitted in a front yard.

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(g) R3-7

Notwithstanding any provisions of Section 14 hereof to the contrary, the lands designated R3-7 on Schedule "A" hereto shall be used for no purpose other than a single-family dwelling house or a semi-detached dwelling house and such lands shall be used in accordance with the following provisions: (78-59) + (89-71)

(i) LOT AREA (minima):

(a) Semi-detached dwelling house -557.4187 square metres(6,000 square feet)

(ii) LOT FRONTAGE:

	Corner Lot	Other Lot
(a) Single-family dwelling house	8.2882 metres (60 feet)	12.1921 metres (40 feet)

(h) R3-8

Notwithstanding any provisions of Section 14(2)(a)(i) and Section 14(2)(b)(i) hereof to the contrary, the lands designated R3-8 on Schedule "A" hereto shall be developed in accordance with the following provisions: (79-39) + (89-71)

(i) LOT AREA (minima):

(a) Single-family dwelling house -335 square metres
(3,600 square feet)

(ii) LOT FRONTAGE: (minima):

	Corner Lot	Other Lot
(a) Single family dwelling house	16 metres (56 feet)	11 metres (36 feet)

(i) R3-9

Notwithstanding any provisions of Section 14 hereof to the contrary, the lands designated R3-9 on Schedule "A" hereto shall be used for no purpose other than a single-family dwelling house in accordance with the following provisions: (85-48) + (89-71)

(i) LOT AREA (minimum): 312 sq. metres(3,360 sq. ft.)

(ii) LOT FRONTAGE (minima):

	Corner Lot	Other Lot
	17 metres (56 feet)	10.7 metres (35 feet)

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(j) R3-10

Notwithstanding the provisions of Sections 5(16)(c), 5(16)(d)(vii) and 14(1)(a) hereof to the contrary, the lands designated R3-10 on Schedule "A" hereto shall be used for no purpose other than a semi-detached dwelling house, a row dwelling house, or group housing as defined in Section 4(44)(m) hereof, and such lands shall be developed in accordance with the following provisions: (88-86) + (89-71)

(i) PARKING AREA LOCATION AND ACCESS:

(a) Row Dwelling House

An uncovered surface parking area shall be permitted in a front yard, and one driveway only shall be permitted for each dwelling unit.

(k) R3-11

Notwithstanding the provisions of Sections 14(1)(a), 14(2)(a) and 14(2)(b) hereof to the contrary, the lands designated R3-11 on Schedule "A" hereto shall be used for no purposes other than a group housing project consisting of a maximum of 156 row dwelling houses, and a public use in accordance with Section 5(18) hereof, and such lands shall be used in accordance with the following provisions: (90-170)

(i) LOT AREA (minima)

(a) Row Dwelling House -147 sq. metres

(b) Group Housing -the lot shall be divisible in such a manner that each row dwelling house has adequate areas to satisfy the minimum requirement.

(ii) LOT FRONTAGE (minimum)

(a) Group Housing -121 metres.

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(l) R3-12

Notwithstanding the provisions of Sections 5(16)(c), 5(16)(d)(vii) and 14(1)(a) hereof to the contrary, the lands designated R3-12 on Schedule "A" hereto shall be used for no purpose other than a semi-detached dwelling house, a row dwelling house, or group housing of permitted housing types, and such lands shall be developed in accordance with the following provisions: (92-80)

(i) PARKING AREA LOCATION AND ACCESS

(a) Row Dwelling House

An uncovered surface parking area shall be permitted in a front yard.

(m) R3-13

Notwithstanding the provisions of Section 14(1), Section 14(2) or Section 5(16) hereof to the contrary, the lands designated R3-13 on Schedule "A" hereto shall be used and developed in accordance with the following provisions: (92-81)

(i) (a) RESIDENTIAL USES:

a semi-detached dwelling house

(b) NON-RESIDENTIAL USES:

a home occupation;

a parking area consisting of no more than five (5) parking spaces;

a public use in accordance with the provisions of Section 5(18) hereof.

(ii) LOT AREA (minimum):

(a) Semi-detached dwelling house -560 sq. metres.

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3 cont'd:

(n) **R3-14**

Notwithstanding the provisions of Clauses (c) and (d)(vii) of Section 5(16), Clause (a) of Section 14(1) and Clauses (a), (b) and (h) of Section 14(2) hereof to the contrary, the lands designated R3-14 on Schedule "A" hereto shall be used for no purpose other than a single family dwelling house, a semi-detached dwelling house, a row dwelling house, or group housing of permitted housing types and such lands shall be used in accordance with the following provisions: (94-33)

- (i) LOT AREA (minimum):
Semi-detached dwelling house -550 sq. metres
- (ii) LOT FRONTAGE (minimum):
Single family dwelling house

<u>LOT</u>	<u>LOT</u>
18 metres	12 metres
- (iii) DWELLING UNIT AREA (minima):
(a) Single family dwelling house -83.5 square metres
(b) Semi-detached dwelling house -900 square feet per dwelling unit
- (iv) PARKING AREA LOCATION AND ACCESS
(a) Row Dwelling House -An uncovered surface parking area shall be permitted for each dwelling unit.

(o) **R3-15-H**

- 1. Notwithstanding the '-H' applied pursuant to the *Planning Act*, the lands designated 'R3-15-H' may be used in accordance with the permitted uses and regulations contained in Section 29 of this By-Law for Zone 'D' Development.
- 2. Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, the lands shall be used in accordance with the permitted uses and regulations contained in Section 14 of this By-Law for the 'R3' Residential Zone, and with any modifications thereto as specified below or elsewhere in this By-Law.
- 3. Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, and notwithstanding the provisions of Subsections (1) and (2) of Section 14 hereof to the contrary, the lands

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located south of Coverdale Drive, east of Bayridge Drive, and designated 'R3-15-H' on the Zoning Schedule attached to and forming part of By-Law Number 99-66 as Schedule "A", shall be developed in accordance with the following provisions:

(i) NON-RESIDENTIAL USES

In addition to the uses permitted by Section 14 (1) Subsection (b) of this By-Law, a private club intended to serve the surrounding residential neighbourhood shall also be permitted.

(ii) LOT AREA (minima):

(a) Single-family dwelling house metres	-	270 square metres
(b) Semi-detached dwelling house metres	-	450 square metres
(c) Semi-detached dwelling unit metres	-	220 square metres
(d) Row dwelling house (per unit) metres	-	165 square metres

(iii) LOT FRONTAGE (minima):

	<u>Corner Lot</u>	
(a) Single-family dwelling house	11.4 metres	
(b) Semi-detached dwelling house	17.1 metres	
(c) Semi-detached dwelling unit	7.2 metres	
(d) Row dwelling house (per unit) metres	8.4 metres	5.4

(iv) FRONT YARD DEPTH (minima)

(a) Single-family dwelling house -	4.5 metres	
(b) Semi-detached dwelling house metres	-	4.5
(c) Row dwelling house (per unit) metres	-	4.5

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(v) EXTERIOR SIDE YARD WIDTH (minima)

- (a) Single-family dwelling house - 3.0 metres
- (b) Semi-detached dwelling house - 3.0 metres
- (c) Row dwelling house - 3.0 metres

(vi) INTERIOR SIDE YARD WIDTH (minima)

- (a) Single-Family Dwelling House – The required interior side yard on a lot with an attached garage or carport shall be 0.6 metre on one side and 1.2 metres on the other side. On a lot where there is no attached private garage or attached carport, the minimum interior side yard shall be 2.4 metres on one side and 0.6 metre on the other side.

Semi-Detached Dwelling House - Minimum width for a side that is not attached to another dwelling unit and for which an attached garage or carport is provided

– 0.9 metre.

- (b) Minimum width for a side that is not attached to another dwelling unit and for which an attached garage or carport is not provided – 2.4 metre.

Row Dwelling House

- (c) Minimum width for a side that is not attached to another dwelling house – 1.2 metres.

(vii) REAR YARD DEPTH (minima)

- (a) Single-family dwelling house - 6.0 metres
- (b) Semi-detached dwelling house - 6.0 metres
- (c) Row dwelling house - 6.0 metres

(viii) LOT COVERAGE (maxima)

- (a) Single-family dwelling house - 50%
- (b) Semi-detached dwelling house - 50%
- (c) Row dwelling house - 50%

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(ix) HEIGHT OF BUILDING (maxima)

- (a) Single-family dwelling house - 10.6 metres
- (b) Semi-detached dwelling house - 10.6 metres
- (c) Row dwelling house - 10.6 metres

(x) ATTACHED PRIVATE GARAGES

(a) Distance From Street

Attached private garages shall be located no closer than 6.0 metres from the lot line that the driveway crosses to access the attached private garage.

(xi) DRIVEWAY WIDTH (maxima)

Driveways used for the parking of motor vehicles and used to access a single-family dwelling house, semi-detached dwelling house or row dwelling house shall have a maximum width of 6.0 metres or 60% of the lot frontage, whichever is less.

(xii) PARKING LOCATION

An uncovered surface parking area shall be permitted in a front yard, and one driveway only shall be permitted for each dwelling unit.

4. The '-H' Symbol shall only be removed once the following conditions have been complied with:

- (i) Confirmation that sufficient servicing capacity is available in the former Township of Kingston's sewage treatment plant;
- (ii) All applicable Municipal and Agency requirements have been complied with;
- (iii) All necessary Agreements, including the Subdivision Agreement, have been registered on title; and
- (iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the Planning Act."

(By-law Number 99-66)

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(p) **'R3-16-H'** Special R3 Residential Zone Catarauqui Woods 8

(i) Notwithstanding the (H) applied pursuant to the *Planning Act*, the permitted uses shall be those permitted by the 'R3-16' Zone of By-Law Number 76-26.

(ii) Subject to the removal of the (H) Symbol pursuant to the *Planning Act*, Notwithstanding the provisions of Section 14(1) and 14(2) hereof to the contrary, the lands designated 'R3-16-H' on Schedule "A" hereto shall be used in accordance with the following provisions:

- (a) LOT AREA (minimum)
 - (i) Single Family Dwelling House 278 square metres
 - (ii) Semi-Dwelling House 464 square metres
 - (iii) Semi-Detached Dwelling Unit 230 square metres
 - (iv) Duplex Dwelling House 334 square metres
 - (v) Triplex Dwelling House 501 square metres
 - (vi) Townhouse (Row Dwelling House) 167 square metres
- (b) LOT FRONTAGE (minimum)
 - (i) Single Family Dwelling House 9 metres
 - (ii) Semi-Dwelling House 15.2 metres
 - (iii) Semi-Detached Dwelling Unit 7.5 metres
 - (iv) Duplex Dwelling House 10.9 metres
 - (v) Triplex Dwelling House 16.4 metres
 - (vi) Townhouse (Row Dwelling House) 5.48 metres
- (c) CORNER LOT FRONTAGE (minimum)
 - (i) Single Family Dwelling House 11.2 metres
 - (ii) Semi-Dwelling House 17.0 metres
 - (iii) Semi-Detached Dwelling Unit 9.0 metres
 - (iv) Duplex Dwelling House 12.5 metres
 - (v) Triplex Dwelling House 17.9 metres
 - (vi) Townhouse (Row Dwelling House) 8.2 metres
- (d) FRONT YARD DEPTH (minimum)
 - (i) Single Family Dwelling House 4.5 metres
 - (ii) Semi-Dwelling House 4.5 metres
 - (iii) Semi-Detached Dwelling Unit 4.5 metres
 - (iv) Duplex Dwelling House 4.5 metres
 - (v) Triplex Dwelling House 4.5 metres
 - (vi) Townhouse (Row Dwelling House) 4.5 metres

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(e) EXTERIOR SIDEYARD WIDTH (minimum)

- (i) Single Family Dwelling House 3 metres
- (ii) Semi-Dwelling House 3 metres
- (iii) Semi-Detached Dwelling Unit 3 metres
- (iv) Duplex Dwelling House 3 metres
- (v) Triplex Dwelling House 3 metres
- (vi) Townhouse (Row Dwelling House) 3 metres

(f) INTERIOR SIDEYARD WIDTH (minimum)

- (i) Single Family Dwelling House
 - the required interior side yard on a lot with an attached garage or carport is 0.6 metres on one side and 1.2 metres on the other.
 - the required interior side yard where no attached garage or carport is provided shall be 0.6 metres on one side and 2.4 metres on the other side.
- (ii) Semi-Detached Dwelling House
 - the required interior side yard on a lot with an attached garage or carport is 0.9 metres on the open side and 0.0 metres on the common wall.
 - the required interior side yard where there is no attached garage or carport is provided shall be 2.4 metres.
- (iii) Duplex Dwelling House -1.2 metres
- (iv) Triplex Dwelling House - 1.2 metres
- (v) Townhouse (Row Dwelling House) - 1.2 metres/0.0 metres interior unit

(g) REAR YARD DEPTH (minimum)

- (i) Single Family Dwelling House 6 metres
- (ii) Semi-Detached Dwelling Unit 6 metres
- (iii) Duplex Dwelling House 6 metres
- (iv) Triplex Dwelling House 6 metres
- (v) Townhouse (Row Dwelling House) 6 metres

(h) LOT COVERAGE (minimum)

- (i) Single Family Dwelling House 50%
- (ii) Semi-Detached Dwelling Unit 50%
- (iii) Duplex Dwelling House 50%
- (iv) Triplex Dwelling House 50%
- (v) Townhouse (Row Dwelling House) 50%

(i) HEIGHT OF BUILDING(maximum) 10.9 metres

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3 (cc) **R3-29 (2939 Creekford Road)**

Notwithstanding the provisions of Section 14 hereof to the contrary, for the lands designated 'R3-29' on Schedule 'A' hereto, the following regulations shall apply:

Permitted Uses

Single Detached Dwelling House
Semi Detached Dwelling House
Three or Four Unit Row Dwelling House

Lot Area (Minimum)

Single Detached Dwelling House 292 square metres
Semi-Detached Dwelling House 464 square metres
Semi-Detached Dwelling Unit 232 square metres
Row Dwelling Unit 170 square metres

Lot Frontage (Minimum)

Single Detached Dwelling House 9.75 metres
Semi-Detached Dwelling House 15 metres
Semi-Detached Dwelling Unit 7.5 metres
Row Dwelling Unit 6.1 metres

Corner Lot Frontage (Minimum)

Single Detached Dwelling House 12.75 metres
Semi-Detached Dwelling House 18.5 metres
Semi-Detached Dwelling Unit 10.5 metres
Row Dwelling Unit 9.2 metres

Front Yard Setback (Minimum)

To House 4.5 metres
To Garage 6.0 metres

Interior Side Yard Setback (Minimum)

Single Detached Dwelling House 1.2 metres
Semi Detached Dwelling House 1.2 metres
Row Dwelling House 1.2 metres

For all lots, dwellings constructed without an attached garage shall have a minimum interior side yard width of 3.0 metres on one side and 1.2 metres on the other.

Exterior Side Yard Setback (Minimum) 3.0 m on local roads and 6.0 metres on all other road classifications

Rear Yard Setback (Minimum)

Single Detached Dwelling House 6.0 metres
Semi-Detached Dwelling House 6.0 metres
Row Dwelling House 6.0 metres
Lots backing onto Cataraqui Wood Drive 8.5 metres

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Lot Coverage (Maximum)

Single Detached Dwelling House 50%
Semi-Detached Dwelling House 50%
Semi-Detached Dwelling Unit 50%
Row Dwelling House 50%

Interior Garage Width:

For lots less than 12 metres wide, interior one-car garage dimensions shall be a minimum 3.0 metres wide by 6.0 metres deep. A maximum width of 5.0 metres may be applied to permit a one-car garage with storage.

Driveway Width (Maximum)

Single Detached Dwelling House 6.0 metres or 50% of the lot frontage, whichever is the lesser;
Semi Detached Dwelling Unit 6.0 metres or 50% of the lot frontage, whichever is the lesser, but not less than 4.0 metres;
Row Dwelling Unit 4 metres; and
Front Yard Parking is prohibited except on a driveway leading to a garage or parking area in the interior side yard or rear yard. The maximum parking surface provided shall be 4.0 metres wide by 6.0 metres deep.”

(By-law Number 76-26; 2015-56)

Landscaped Open Space 30%

Maximum Height 10.5 metres

SIGHT TRIANGLES

Notwithstanding any regulations to the contrary:

i) USES PROHIBITED:

Within any area defined as a sight triangle, the following uses shall be prohibited:

- a) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
- b) a fence or tree, hedge, bush or other vegetation, the top of which exceeds 1.0 metre in height above the elevation of the centreline of the adjacent street;
- c) an uncovered surface parking area;
- d) a finished grade which exceeds the elevation of the centreline of the adjacent street by more than 1.0 metre.

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3 (cc) R3-29 (2939 Creekford Road) Cont'd:

- ii) Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.”

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-law Number 76-26; 2010-114; 2012-116)

3 (dd) R3-30 (1024 Cataraqui Woods Drive – Phase 2)

Notwithstanding the provisions of Section 5 and Section 14 hereof to the contrary, the lands designated ‘R3-30’ on Schedule ‘A’ hereto, the following regulations shall apply:

- (1) Permitted Uses:

- (i) Single Detached Dwelling House
- (ii) Semi Detached Dwelling House
- (iii) Three, Four or Five Unit Row Dwelling House

(By-law 76-26; 2016-197)

- (2) Lot Area (Minimum):

- (i) Single Detached Dwelling House: 292 square metres
- (ii) Semi Detached Dwelling Unit: 200 square metres
- (iii) Row Dwelling Unit: 170 square metres

- (3) Density:

The minimum number of residential units per net hectare of land within the R3-30 zone on land to be used only for dwelling units, excluding roads, parks and other uses, shall be 42 dwelling units per net hectare.

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- (4) Lot Frontage – Corner Lot (Minimum):
- (i) Single Detached Dwelling House: 12.75 metres
 - (ii) Semi Detached Dwelling Unit: 10.50 metres
 - (iii) Row Dwelling Unit: 9.20 metres
- (5) Lot Frontage – Other Lot (Minimum):
- (i) Single Detached Dwelling House: 9.75 metres
 - (ii) Semi Detached Dwelling Unit: 7.50 metres
 - (iii) Row Dwelling Unit: 6.10 metres
- (6) Front Yard Depth (Minimum)
- (i) To House 4.50 metres
 - (ii) To Garage 6.00 metres
- (7) Exterior Side Yard Width (Minimum): 3.00 metres
- (8) Interior Side Yard Width (Minimum):
- With an attached garage: 1.20 metres
 - Without an attached garage: 1.20 metres one side and 3.00 metres on the other side, unless there is a common party wall, in which case the minimum side yard shall be 0.0 metres.
- (9) Rear Yard Depth (Minimum):
- (i) 6.00 metres
 - (ii) Notwithstanding Section 14(3)(dd)(9)(i) all lots backing onto Cataraqui Woods Drive shall have a minimum rear yard depth of 8.50 metres
- (10) Lot Coverage (Maximum)
- (i) Single Detached Dwelling House: 50 %
 - (ii) Semi Detached Dwelling Unit: 50 %
 - (iii) Row Dwelling Unit: 50 %
- (11) Interior Garage Width:
- For lots less than 12 metres wide, interior one-car garage dimensions shall be a minimum 3.0 metres wide by 6.0 metres deep. A maximum width of 5.0 metres may be applied to permit a one-car garage with storage.

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(12) Driveway Width:

The maximum width of a driveway for its entire length shall be:

- (i) Single Detached Dwelling House: lesser of 6.0 metres or 50% of lot width
- (ii) Semi Detached Dwelling Unit: lesser of 6.0 metres or 50% of lot width
- (iii) Row Dwelling Unit:
 - (a) 4.0 metres
 - (b) Corner Lots - a maximum driveway width of 5.0 metres where it is located in an exterior side yard

(13) Parking:

Parking is permitted in the interior side yard and rear yard.

Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is in a driveway leading to a permitted parking area.

(14) Landscaped Open Space: 30 %

(15) Maximum Height: 10.50 metres

(16) Sight Triangles:

Notwithstanding any regulations to the contrary:

- (i) Uses Prohibited:

Within any area defined as a sight triangle, the following uses shall be prohibited:

 - (a) a building, structure or use which would obstruct the vision of drivers of motor vehicles
 - (b) a fence, tree, hedge, bush or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centerline of the adjacent street
 - (c) an uncovered surface parking area
 - (d) a finished grade which exceeds the elevation of the centerline of the adjacent street by more than 1.0 metres.
- (ii) Two sight triangles are required on a corner lot:

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is

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8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line. Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

- (17) Yard Encroachments:
A cantilevered fireplace may project into any required yard a maximum distance of 0.6 metres.

- (18) Five Unit row Dwelling House

A maximum of 10% of all row dwelling house buildings are permitted to be five unit row dwelling house buildings.

(By-law 76-26; 2016-197)

3 (ee) R3-31 (1024 Cataraqui Woods Drive – Phase 3)

Notwithstanding the provisions of Section 5 and Section 14 hereof to the contrary, the lands designated ‘R3-31’ on Schedule ‘A’ hereto, the following regulations shall apply:

- (1) Permitted Uses:
 - (i) Single Detached Dwelling House
 - (ii) Semi Detached Dwelling House
 - (iii) Three or Four Unit Row Dwelling House

- (2) Lot Area (Minimum):
 - (i) Single Detached Dwelling House: 292 square metres
 - (ii) Semi Detached Dwelling Unit: 200 square metres
 - (iii) Row Dwelling Unit: 170 square metres

- (3) Density:
The minimum number of residential units per net hectare of land within the R3-31 zone on land to be used only for dwelling units, excluding roads, parks and other uses, shall be 21 dwelling units per net hectare.

- (4) Lot Frontage – Corner Lot (Minimum):
 - (i) Single Detached Dwelling House: 12.75 metres
 - (ii) Semi Detached Dwelling Unit: 10.50 metres
 - (iii) Row Dwelling Unit: 9.20 metres

- (5) Lot Frontage – Other Lot (Minimum):

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- (i) Single Detached Dwelling House: 9.75 metres
 - (ii) Semi Detached Dwelling Unit: 7.50 metres
 - (iii) Row Dwelling Unit: 6.10 metres
- (6) Front Yard Depth (Minimum)
- (i) To House 4.50 metres
 - (ii) To Garage 6.00 metres
- (7) Exterior Side Yard Width (Minimum): 3.00 metres
- (8) Interior Side Yard Width (Minimum):
- With an attached garage: 1.20 metres
 - Without an attached garage: 1.20 metres one side and 3.00 metres on the other side, unless there is a common party wall, in which case the minimum side yard shall be 0.0 metres.
- (9) Rear Yard Depth (Minimum): 6.00 metres
- (10) Lot Coverage (Maximum)
- (i) Single Detached Dwelling House: 50 %
 - (ii) Semi Detached Dwelling Unit: 50 %
 - (iii) Row Dwelling Unit: 50 %
- (11) Interior Garage Width:
- For lots less than 12 metres wide, interior one-car garage dimensions shall be a minimum 3.0 metres wide by 6.0 metres deep. A maximum width of 5.0 metres may be applied to permit a one-car garage with storage.
- (12) Driveway Width:
- The maximum width of a driveway for its entire length shall be:
- (i) Single Detached Dwelling House: lesser of 6.0 metres or 50% of lot width
 - (ii) Semi Detached Dwelling Unit: lesser of 6.0 metres or 50% of lot width
 - (iii) Row Dwelling Unit:
 - (a) 4.0 metres
 - (b) Corner Lots - a maximum driveway width of 5.0 metres where it is located in an exterior side yard

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- (13) Parking:
Parking is permitted in the interior side yard and rear yard.
Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is in a driveway leading to a permitted parking area.
- (14) Landscaped Open Space: 30 %
- (15) Maximum Height: 10.50 metres
- (16) Sight Triangles:
Notwithstanding any regulations to the contrary:
- (i) Uses Prohibited:
Within any area defined as a sight triangle, the following uses shall be prohibited:
 - (a) a building, structure or use which would obstruct the vision of drivers of motor vehicles
 - (b) a fence, tree, hedge, bush or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centerline of the adjacent street
 - (c) an uncovered surface parking area
 - (d) a finished grade which exceeds the elevation of the centerline of the adjacent street by more than 1.0 metres.
 - (ii) Two sight triangles are required on a corner lot:
The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.
The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.
Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.
- (17) Yard Encroachments:
A cantilevered fireplace may project into any required yard a maximum distance of 0.6 metres”

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(ff) R3-32

Notwithstanding the provisions of Section 5 and Section 14 hereof to the contrary, the lands designated 'R3-32' on Schedule 'A' hereto, the following regulations shall apply:

1) Definitions:

For the purpose of the R3-32 zone, the following definitions shall apply:

- (a) 'Live-work unit' means a purpose built building or structure which combines space for a permitted non-residential use and a residential use

2) Permitted Uses:

Only the following uses shall be permitted:

(a) Residential Uses:

- (i) Semi Detached Dwelling House
- (ii) Row Dwelling House

(b) Non-Residential Uses:

Non-Residential Uses are permitted on the ground floor of a live-work unit within either a Semi Detached Dwelling House or a Row Dwelling House.

- (i) Artist's or Photographer's Studio
- (ii) Bake-shop
- (iii) Clinic
- (iv) Day Care Facility
- (v) Home Occupation
- (vi) Personal Service Shop
- (vii) Private art gallery
- (viii) Professional Office
- (ix) Public use in accordance with the provisions of Section 5(18) hereof

3) Density:

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The minimum number of residential units per net hectare of land within the R3-32 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 37.5 dwelling units per net hectare.

4) Lot Area (minimum): Not applicable

5) Lot Frontage:

The lot frontage shall mean the horizontal distance between the side lot lines, such distance being measured along a line which is parallel to the front lot line at a distance of 6.0 metres from the front lot line.

(a) Corner Lot (Minimum):

- (i) Semi Detached Dwelling House: 17.0 metres
- (ii) Semi Detached Dwelling Unit: 9.6 metres
- (iii) Row Dwelling House: 9.1 metres

(b) Other Lot (Minimum):

- (i) Semi Detached Dwelling House: 14.8 metres
- (ii) Semi Detached Dwelling Unit: 7.4 metres
- (iii) Row Dwelling House: 6.1 metres

6) Front Yard Depth:

(a) Minimum Depth: 4.5 metres

(b) Maximum Depth: 7.0 metres

(c) Notwithstanding subsections 14(3)(ff)(6)(a) and 14(3)(ff)(6)(b) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line, if the covered porch is constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling.

(d) Notwithstanding subsections 14(3)(ff)(6)(a), 14(3)(ff)(6)(b) and 14(3)(ff)(6)(c) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

7) Exterior Side Yard Width (minimum): 2.4 metres

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- 8) Interior Side Yard Width (minimum):
 - (a) Semi Detached Dwelling House:
1.2 metres for a side that is not attached to another dwelling house
 - (b) Row Dwelling House:
1.2 metres for a side that is not attached to another dwelling house
- 9) Rear Yard Depth (minimum):
 - (a) Semi Detached Dwelling House: 6.0 metres
 - (b) Row Dwelling House: 6.0 metres
- 10) Lot Coverage (maximum): Not applicable
- 11) Garage:

'Main Entry Feature' means a platform, with at least one side open, covered by a roof, balcony or enclosed space, with or without a foundation and/or basement that provide access to the dwelling unit.

'Main Front Entrance' means the door which is designed as the primary access point into the dwelling unit

- (a) The wall of an attached private garage that contains the opening for a vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.
- (b) The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry features or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

12) Driveway Width:

The maximum width of a driveway for its entire length shall be:

- (a) Semi Detached Dwelling Unit: lesser of 6.0 metres or 50% of lot width
- (b) Row Dwelling House:
 - (i) End unit: lesser of 4.0 metres or 50% of lot width
 - (ii) Other unit: 3.5 metres

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13) Parking:

- (a) Parking is permitted in the interior side and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is in a driveway leading to a permitted parking area.
- (b) A live-work unit shall provide a minimum of 1 non-residential parking space

14) Sight Triangles

Notwithstanding any regulations to the contrary:

(a) Uses Prohibited:

Within any area defined as a sight triangle, the following uses shall be prohibited:

- (i) A building, structure or use which would obstruct the vision of drivers of motor vehicles
 - (ii) A fence, tree, hedge or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centerline of the adjacent street
 - (iii) An uncovered surface parking area
 - (iv) A finished grade which exceeds the elevation of the centerline of the adjacent street by more than 1.0 metres
- (b) Sight triangles are required on a corner lot:
- (i) At the intersection of 'Wheathill Street and Newport Avenue' two sight triangles are required:

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

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Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

- (ii) At all other intersections:

A sight triangle is required by a line drawn from a point on the exterior side lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line, and a point on the front lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

- 15) Notwithstanding the provisions of Section 5(13)(c) hereof to the contrary, where a lot is divided into more than one zone, the zone boundary shall not be treated as a lot line and each portion of the lot must be used in accordance with the provisions of the applicable zone. In the case of a conflict, the more restrictive provision(s) shall apply.

(By-law 76-26; 2017-46; 2018-83)

(hh) **R3-34**

Notwithstanding the provisions of Section 5 and Section 14 hereof to the contrary, the lands designated 'R3-34' on Schedule 'A' hereto, the following regulations shall apply:

- 1) Definitions:

For the purpose of the R3-32 zone, the following definitions shall apply:

- (a) 'Live-work unit' means a purpose built building or structure which combines space for a permitted non-residential use and a residential use

- 2) Permitted Uses:

Only the following uses shall be permitted:

- (a) Residential Uses:

- (i) Semi Detached Dwelling House
(ii) Row Dwelling House

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(b) Non-Residential Uses:

Non-Residential Uses are permitted on the ground floor of a live-work unit within either a Semi Detached Dwelling House or a Row Dwelling House.

- (i) Artist's or Photographer's Studio
- (ii) Bake-shop
- (iii) Clinic
- (iv) Day Care Facility
- (v) Home Occupation
- (vi) Personal Service Shop
- (vii) Private art gallery
- (viii) Professional Office
- (ix) Public use in accordance with the provisions of Section 5(18) hereof

3) Density:

The minimum number of residential units per net hectare of land within the R3-34 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 37.5 dwelling units per net hectare.

4) Lot Area (minimum): Not applicable

5) Lot Frontage:

The lot frontage shall mean the horizontal distance between the side lot lines, such distance being measured along a line which is parallel to the front lot line at a distance of 6.0 metres from the front lot line.

(a) Corner Lot (Minimum):

- (i) Semi Detached Dwelling House: 17.0 metres
- (ii) Semi Detached Dwelling Unit: 9.6 metres
- (iii) Row Dwelling House: 9.1 metres

(b) Other Lot (Minimum):

- (i) Semi Detached Dwelling House: 14.8 metres
- (ii) Semi Detached Dwelling Unit: 7.4 metres

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- (iii) Row Dwelling House: 6.1 metres
- 6) Front Yard Depth:
 - (a) Minimum Depth: 4.5 metres
 - (b) Maximum Depth: 7.0 metres
 - (c) Notwithstanding subsections 14(3)(hh)(6)(a) and 14(3)(hh)(6)(b) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres front the front lot line, if the covered porch is constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling.
 - (d) Notwithstanding subsections 14(3)(hh)(6)(a), 14(3)(hh)(6)(b) and 14(3)(hh)(6)(c) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- 7) Exterior Side Yard Width (minimum): 2.4 metres
- 8) Interior Side Yard Width (minimum):
 - (a) Semi Detached Dwelling House:
1.2 metres for a side that is not attached to another dwelling house
 - (b) Row Dwelling House:
1.2 metres for a side that is not attached to another dwelling house
- 9) Rear Yard Depth (minimum):
 - (a) Semi Detached Dwelling House: 6.0 metres
 - (b) Row Dwelling House: 6.0 metres
- 10) Lot Coverage (maximum): Not applicable
- 11) Height of Building (maximum): 1-storey with a maximum height of 8.5 metres at the highest point of the building measured from the front elevation.

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12) Garage:

'Main Entry Feature' means a platform, with at least one side open, covered by a roof, balcony or enclosed space, with or without a foundation and/or basement that provide access to the dwelling unit.

'Main Front Entrance' means the door which is designed as the primary access point into the dwelling unit

- (a) The wall of an attached private garage that contains the opening for a vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.
- (b) The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry features or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

13) Driveway Width:

The maximum width of a driveway for its entire length shall be:

- (a) Semi Detached Dwelling Unit: lesser of 6.0 metres or 50% of lot width
- (b) Row Dwelling House:
 - (i) End unit: lesser of 4.0 metres or 50% of lot width
 - (ii) Other unit: 3.5 metres

14) Parking:

- (a) Parking is permitted in the interior side and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is in a driveway leading to a permitted parking area.
- (b) A live-work unit shall provide a minimum of 1 non-residential parking space."

(By-Law 76-26; 2020-9)

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Section 15

Residential Type 4 Zone (R4)

(1) Uses Permitted

No person shall within any R4 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R4 uses, namely:

(a) Residential Uses:

- a single-family dwelling house;
- a converted dwelling house;
- a semi-detached dwelling house;
- a duplex dwelling house;
- a triplex dwelling house;
- a quadruplex dwelling house;
- a row dwelling house;
- a maisonette dwelling house;
- an apartment dwelling house;
- group housing;
- a boarding or lodging house.

(b) Non-Residential Uses:

- a home occupation;
- a public use in accordance with the provisions of Section 5(18) hereof.

(2) Zone Provisions

No person shall within any R4 Zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

(a) Lot Area (minima):

- | | |
|--|--------------------|
| (i) Single-family dwelling house | -4,000 square feet |
| (ii) Converted dwelling house | -7,500 square feet |
| (iii) Semi-detached dwelling house | -7,800 square feet |
| (iv) Semi-detached dwelling unit (96-42) | -3,500 square feet |
| (v) Duplex dwelling house | -6,000 square feet |
| (vi) Triplex dwelling house | -7,500 square feet |
| (vii) Quadruplex dwelling house | -9,600 square feet |

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(2) Cont'd.

- (viii) Row dwelling house -2,500 square feet
- (ix) Maisonette dwelling house unit -2,500 square feet per dwelling unit
- (x) Apartment dwelling house unit, plus 375 square feet per bedroom
- (xi) Boarding or Lodging house -5,000 square feet
- (xii) Group housing a house has -the lot shall be divisible in such manner that each dwelling adequate areas to satisfy the minimum requirements.

(b) Lot Frontage (minima):	<u>Corner Lot</u>	<u>Other Lot</u>
(i) Single-family dwelling house	70 feet	50 feet
(ii) Converted dwelling house	80 feet	60 feet
(iii) Semi-detached dwelling house	80 feet	60 feet
(iv) Semi-detached dwelling unit (95-129)	35 feet	25 feet
(v) Duplex dwelling house	70 feet	50 feet
(vi) Triplex dwelling house	80 feet	60 feet
(vii) Quadruplex dwelling house	100 feet	80 feet
(viii) Row dwelling house	38 feet	18 feet
(ix) Maisonette dwelling house	110 feet	110 feet
(x) Apartment dwelling house	110 feet	110 feet
(xi) Boarding or Lodging house	60 feet	40 feet
(xii) Group housing above.	-as per dwelling house type listed	

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(2) Cont'd.

(c) Front Yard Depth (minima):

- (i) Maisonette dwelling house or Apartment dwelling house 10 feet
- (ii) Group housing listed -as per dwelling house type herein.
- (iii) Other uses 20 feet.

(d) Exterior Side yard Width (minima):

- (i) Maisonette dwelling house or Apartment dwelling house 10 feet
- (ii) Group housing listed -as per dwelling house type herein.
- (iii) Other uses 20 feet

(e) Interior Side Yard Width (minima):

- (i) Single-family dwelling house where there is no attached private garage or attached carport, the minimum interior side yard width shall be 8 feet on one side and 4 feet on the other side.
- (ii) Converted dwelling house or Boarding or Lodging house 10 feet on one side, 6 feet on other side.
- (iii) Semi-detached dwelling house -Minimum width for a side that is not attached to another dwelling unit

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- | | |
|---|---|
| and for which an attached garage or carport is provided | 4 ft. |
| -Minimum width for a side that is not attached to another dwelling unit and for which a garage or carport is not provided | 8 ft. |
| (iv) Duplex dwelling house where garage or interior on one side. | -6 feet, provided that on a lot there is no attached private attached carport, the minimum side yard width shall be 12 feet side and 6 feet on the other |
| (v) Triplex dwelling house where garage or side one side | -10 feet, Provided that on a lot there is no attached private attached carport, the minimum yard width shall be 16 feet on and 10 feet on the other side. |
| (vi) Quadruplex dwelling house | 10 feet |
| (vii) Row dwelling house
Minimum width for a side that is not attached to another dwelling house | -35 feet, provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to 4 feet. (95-129) |
| (viii) Maisonette dwelling house or Apartment dwelling house | -1/2 the height of the building, or 35 feet, whichever is the greater, provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to 6 feet where the side |

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lot line does not adjoin an R1 or R2 Zone.

- (ix) Group housing listed -as per dwelling house type above.

(f) Rear Yard Width (minimal):

- (i) Quadruplex dwelling house driveway for provided in depth of the any private - 35 feet, provided that where parking areas, excluding a private the dwelling house, are the rear yard, the minimum yard adjacent to the rear wall of main building unobstructed by parking area, excluding such driveway, shall be 25 feet.
- (ii) Row dwelling house yard no -25 feet, provided that a rear adjoining an end wall containing habitable room window may be reduced to 6 feet. (95-129)
- (iii) Maisonette dwelling house or Apartment dwelling house -1/2 the height of the building, or 35 feet, whichever is the greater, provided that a rear yard adjoining an end wall containing no habitable room windows may be reduced to 6 feet where the rear lot line does not adjoin an R1 or R2 Zone.
- (iv) Group housing listed -as per dwelling house type herein.
- (v) Other uses -25 feet.

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(g) Group Setback:

Notwithstanding any other provisions of this By-law, not more than eight consecutive row dwelling houses shall be constructed with their exterior outside walls in a straight line. Additional permitted dwellings in a row shall be set back or forward a distance of not less than 4 feet from the alignment of the others in a row.

(h) Dwelling Unit Area (minima):

- | | |
|---|---|
| (i) Bachelor dwelling unit | 400 square feet |
| (ii) Dwelling unit containing 1 bedroom | 600 square feet |
| (iii) Dwelling unit containing 2 bedrooms | 700 square feet |
| (iv) Dwelling unit containing 3 bedrooms | 900 square feet |
| (v) Dwelling unit containing more than 3 bedrooms | -900 square feet plus 100 square feet for each bedroom in excess of three, except that for a senior citizens' apartment project, the minimum dwelling unit area for a unit containing one bedroom shall be 460 square feet. |

(i) Guest Room Area (minimum): 100 square feet

(j) Landscaped Open Space (minima):

- | | |
|---|--|
| (i) Maisonette dwelling house or Apartment dwelling house | 45% |
| (ii) Group housing
a house has | -the lot shall be divisible in such manner that each dwelling adequate areas to satisfy the minimum requirements as listed herein. |
| (iii) Other uses | 30% |

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(k) Lot Coverage (maxima):

- (i) Maisonette dwelling house or Apartment dwelling house 30%
- (ii) Group housing a house has -the lot shall be divisible in such manner that each dwelling adequate areas to satisfy the minimum requirements as listed herein.
- (iii) Other uses 35%

(l) Height Of Building (maxima):

- (i) Maisonette dwelling house or Apartment dwelling house 60 feet (77-26)
- (ii) Group housing listed -as per dwelling house type herein.
- (iii) Other uses 35 feet

(m) Dwelling Houses Per Lot (maxima):

- (i) Group housing complied -no maximum provided all other provisions of this Section are with.
- (ii) Other uses -1 only

(n) Courts:

Where a building is in a court form, the distance between opposing side walls of the building forming the court shall be not less than 70 feet.

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(o) Privacy Yards:

(i) Row dwelling house

A privacy yard, exclusive of any common use area, clear and unobstructed by any vehicular driveway, other than a private driveway to an enclosed garage, or by any surface parking area, shall be provided on the lot adjoining each exterior wall containing a habitable room window.

The minimum depth of a privacy yard shall be 25 feet, measured at right angles to the wall it adjoins. Such privacy yards shall not overlap so as to reduce the minimum depth requirements.

(ii) Maisonette dwelling house or Apartment dwelling house

A privacy yard, clear and unobstructed by any parking area or any vehicular driveway, other than a private driveway for a dwelling unit, shall be provided adjoining each habitable room window of every dwelling unit with a minimum depth measured at right angles from such wall it adjoins in accordance with the following table: (94-21)

Minimum Privacy Yards

Exterior Wall Window Requiring A Privacy Yard	Dwelling House of More Than 10 Dwelling Units	Dwelling House of Up To 10 Dwelling Units	
		Parking Area Or Vehicular Driveway	Surface Parking Area
GROUND FLOOR LIVING ROOM WINDOW	25 FEET	25 FEET	25 FEET
GROUND FLOOR HABITABLE ROOM WINDOW	25 FEET	25 FEET	10 FEET

The following shall apply to any apartment dwelling house containing more than 10 dwelling units.

Within the privacy yard, an area unobstructed by any public or joint pedestrian access surface shall be provided extending 12 feet from any ground floor habitable room window, this distance being measured radially from any point on the window. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 8 feet above the adjacent exterior ground level.

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(p) **Deleted**

(By-Law 76-26; 2017-170)

(q) **Accessory Uses, Parking, ETC.:**

In accordance with the provisions of Section 5 hereof.

(3) Special R4 Zones

(a) R4-1

Notwithstanding the provisions of Section 15(1) and 15(2) hereof to the contrary, the lands designated R4-1 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply: (79-17)

- | | |
|---|-----------------------------------|
| (i) Height of Building (maximum): | 18.3 metres, provided that the |
| total | number of storeys in any such |
| building | shall not exceed 6. |
| | |
| (ii) Dwelling Units Per Lot (maximum): | 74 units, provided that the total |
| Zone shall | number of units in the R4-1 |
| | not exceed 464. |

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(iii) Rear Yard Depth (minimum):

Notwithstanding any provision of this By-law to the contrary, the minimum required rear yard depth for any lot which abuts the Cataraqui Cemetery shall be 30.5 metres to the easterly-most property boundary of the Cataraqui Cemetery.

(NOTE: The following provisions apply to those lands in Auden Park which are zoned R4-1, Lot 6, Concession I:

Auden Park R4-1

Notwithstanding any provisions of Section 15(2) hereof to the contrary, the lands designated as R4-1 on Schedule "A" hereto shall be developed in accordance with the following provision:

(iv) Number of Dwelling Units (maximum): (77-28-F)

The maximum number of dwelling units permitted shall not exceed a number that would generate more than 275 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:

Dwelling Unit Type Generated per Unit	Number of Persons
Bachelor	1.0
1 bedroom	1.5
2 bedroom	2.5
3 bedroom or greater	3.5 plus 1.0 for each additional bedroom

The following is an example only and does not form part of this By-law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate,

$$\begin{array}{r} 20 \times 1.5 = 30 \\ 14 \times 2.5 = \underline{35} \\ 65 \text{ persons} \end{array}$$

(For accurate reference, please consult By-law Number 77-28).

(b) R4-2

Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4-2 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply: (79-17)

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- (i) **Dwelling Units Per Lot (maximum):** 43 units, provided that the total number of units in the R4-2 Zone shall not exceed 77.

(c) R4-3

Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4-3 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply: (79-17)

- (i) **Dwelling Units Per Lot (maximum):** 29 units

(d) LaSalle Apartments R4-4

Notwithstanding any provisions of Section 15(2)(b) hereof to the contrary, the lands designated R4-4 on Schedule "A" hereto shall be developed in accordance with the following provisions: (78-21)

- (i) **Lot Frontage (minimum):** 66 feet.

(e) Auden Park R4-6

Notwithstanding any provisions of Section 15(2) hereof to the contrary, the lands designated as R4-6 on Schedule "A" hereto shall be developed in accordance with the following provisions: (78-48)

- (i) **Number of Dwelling Units (maximum):**

The maximum number of dwelling units permitted shall not exceed a number that would generate more than 548 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:

Dwelling Unit Type Generated per Unit	Number of Persons
Bachelor	1.0
1 bedroom	1.5
2 bedroom	2.5
3 bedroom or greater	3.5 plus 1.0 for each additional bedroom

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The following is an example only and does not form part of this By-law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate,

$$\begin{array}{r} 20 \times 1.5 = 30 \\ 14 \times 2.5 = \underline{35} \\ 65 \text{ persons} \end{array}$$

(f) R4-7

Notwithstanding any provisions of Section 15(2) hereof to the contrary, the lands designated as R4-7 on Schedule "A" hereto shall be developed in accordance with the following provision: (78-39)

(i) **Number of Dwelling Units (maximum):**

The maximum number of dwelling units permitted shall not exceed a number that would generate more than 240 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:

Dwelling Unit Type Generated per Unit	Number of Persons
Bachelor	1.0
1 bedroom	1.5
2 bedroom	2.5
3 bedroom or greater	3.5 plus 1.0 for each additional bedroom

The following is an example only and does not form part of this By-law: an apartment proposal containing 9 bachelor units, 32 one bedroom units and 72 two bedroom units would generate,

$$\begin{array}{r} 9 \times 1.0 = 9 \\ 32 \times 1.5 = 48 \\ 72 \times 2.5 = \underline{180} \\ 237 \text{ persons} \end{array}$$

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(g) Bayhill R4-8

Notwithstanding any provisions of Section 15(2) hereof to the contrary, the lands designated as R4-8 on Schedule "A" hereto shall be developed in accordance with the following provision: (78-58)

(i) **Number of Dwelling Units (maximum):**

The maximum number of dwelling units permitted shall not exceed a number that would generate more than 290 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:

(h)

(i) Dwelling Unit Type Generated per Unit	Number of Persons
Bachelor	1.0
1 bedroom	1.5
2 bedroom	2.5
3 bedroom or greater	3.5 plus 1.0 for each additional bedroom.

(i) R4-9

Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated as R4-9 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply: (78-67)

(i) **Number of Dwelling Units (maximum):**

The maximum number of dwelling units permitted shall not exceed a number that would generate more than 550 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:

Dwelling Unit Type Generated per Unit	Number of Persons
--	-------------------

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Bachelor	1.0
1 bedroom	1.5
2 bedroom	2.5
3 bedroom or greater	3.5 plus 1.0 for each additional bedroom

The following is an example only and does not form part this By-law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate,

$$\begin{aligned}
 20 \times 1.5 &= 30 \\
 14 \times 2.5 &= \underline{35} \\
 &65 \text{ persons}
 \end{aligned}$$

(j) R4-10

Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4-10 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply: (78-67)

(i) **Dwelling Units Per Block (maximum):**

128 units, on each block shown on a registered plan of subdivision provided that the total number of units in the R4-10 Zone shall not exceed 376, and

(ii) **Number of Dwelling Units (maximum):**

The maximum number of dwelling units permitted shall not exceed a number that would generate more than 940 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:

Dwelling Unit Type Generated per Unit	Number of Persons
Bachelor	1.0
1 bedroom	1.5
2 bedroom	2.5
3 bedroom or greater	3.5 plus 1.0 for each additional bedroom

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The following is an example only and does not form part of this By-law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate,

$$\begin{aligned} 20 \times 1.5 &= 30 \\ 14 \times 2.5 &= \underline{35} \\ &65 \text{ persons} \end{aligned}$$

(k) R4-11

Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated as R4-11 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply: (78-60)

(i) **Number of Dwelling Units (maximum):**

The maximum number of dwelling units permitted shall not exceed a number that would generate more than 1,743 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table:

Dwelling Unit Type Generated per Unit	Number of Persons
Bachelor	1.0
1 bedroom	1.5
2 bedroom	2.5
3 bedroom or greater	3.5 plus 1.0 for each additional bedroom

The following is an example only and does not form part of this By-law: an apartment proposal containing 20 one bedroom units and 14 two bedroom units would generate,

$$\begin{aligned} 20 \times 1.5 &= 30 \\ 14 \times 2.5 &= \underline{35} \\ &65 \text{ persons} \end{aligned}$$

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(l) R4-12

Notwithstanding the provisions of Section 15(1) and 15(2) hereof to the contrary, the lands designated R-12 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply: (79-17)

(i) **Height of Building (maximum):**

18.3 metres, provided that the total number of storeys in any such building shall not exceed 6.

(ii) **Dwelling Units Per Lot (maximum):**

65 units

(iii) **Rear Yard Depth (minimum):**

Notwithstanding any provision of this By-law to the contrary, the minimum required rear yard depth for any lot which abuts the Cataraqui Cemetery shall be 22.8 metres so that no main building wall is located closer than 22.8 metres to the easterly most property boundary of the Cataraqui Cemetery.

(m) R4-13

Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4-13 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply: (79-17)

(i) **Height of Building (maximum):**

18.3 metres, provided that the total number of storeys in any such building shall not exceed 6.

(ii) **Dwelling Units Per Lot (maximum):**

74 units

(iii) **Rear Yard Depth (minimum):**

Notwithstanding any provisions of this By-law to the contrary, the minimum required rear yard depth for any lot which abuts the Cataraqui Cemetery shall be 22.8 metres so that no main building wall is located closer than 22.8 metres to the easterly-most property boundary of the Cataraqui Cemetery.

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(n) R4-14

Notwithstanding the provisions of Sections 15(1) and 15(2) hereof to the contrary, the lands designated R4-14 on Schedule "A" hereto shall be used for no purpose other than an apartment dwelling house and the following provisions shall apply: (79-17)

(i) **Dwelling Units Per Lot (maximum):**

29 units

(ii) **Rear Yard Depth (minimum)**

Notwithstanding any provision of this By-law to the contrary, the minimum required rear yard depth for any lot which abuts the Catarauqui Cemetery shall be 22.8 metres so that no main building wall is located closer than 22.8 metres to the easterly-most property boundary of the Catarauqui Cemetery.

(o) R4-15-H 920 Gardiners Road

1. Notwithstanding the '-H' Symbol applied pursuant to the *Planning Act*, the lands zoned 'R4-15-H' may be used in accordance with the uses and buildings existing on the date of the passing of Amending By-Law Number 2006-103 and permitted 'R4' uses.
2. Removal of '-H' Holding Symbol
The '-H' Symbol shall only be removed once the conditions of Section 6(6) of By-Law Number 76-26 have been complied with.
3. Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, on the approximately 3.9 hectare parcel of land located at 920 Gardiners Road and zoned 'R4-15-H' on Zoning Map 5, the provisions of Section 15, 'R4' Zone shall apply to the 'R4-15' Zone except that the following regulations shall apply notwithstanding any provisions of the By-Law to the contrary:
 - (i) The following uses only shall be permitted:
 - an apartment dwelling house;
 - bank;
 - a business or professional office;
 - a clinic;
 - a convenience store;
 - a dry cleaning or laundry outlet;
 - a florist shop;
 - a Laundromat;
 - a restaurant;
 - (i) a take-out restaurant;
 - a retail store; and

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a public use in accordance with Section 5(18) hereof.

- (ii) **More than One Main Building**
More than one main building may be developed on the subject property subject to compliance with all other regulations.
- (iii) **Commercial and Non-commercial Development**
Where permitted commercial and non-commercial uses are located in the same building, the commercial uses shall be located on the ground floor of the building.
- (iv) **Front Yard Depth (minimum)** 6.1 m.
- (v) **Interior Side Yard Depth (minimum)** 8 m.
- (vi) **Rear Yard Depth (minimum)** 7.5 m from top of fill.
- (vii) **Flood Plain Regulation** 7.5 m from top of fill.
- (viii) **Density (maximum)** 175 dwelling units per hectare.
- (ix) **Height of Building (maximum)** 39.6 m.
- (x) **Parking Requirement** Subject to Section 5(16).
- (xi) **Loading Requirement** Subject to Section 5(12).
- (xii) **Minimum Setback along Major Arterials**
Notwithstanding Section 5(20), the minimum building or structure setback along Gardiners Road shall be 50 feet plus the required front yard.

(By-law Number 76-26; 2006-103)

Kingston Township Zoning By-Law Number 76-26

The following is an example only and does not form part of this By-law: an apartment proposal containing 9 bachelor units, 32 one bedroom units and 72 two bedroom units would generate,

$$\begin{array}{r} 9 \times 1.0 = 9 \\ 32 \times 1.5 = 48 \\ 72 \times 2.5 = \underline{180} \\ 237 \text{ persons} \end{array}$$

- (ii) The density of development proposed for any single ownership within the R4-17 Zone shall not exceed 200 persons per hectare. A single ownership may involve more than one lot.

(r) R4-18 Fern-Moor South

Notwithstanding any provisions of this By-law to the contrary, the lands designated R4-18 on Schedule "A" hereto shall be developed in accordance with the following provisions: (88-56) & (89-71)

(i) **Number of Dwelling Units (maximum):**

The maximum number of dwelling units permitted in the R4-18 Zone shall not exceed a number that would generate more than 140 persons. The total number of persons generated by any development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of each type of dwelling unit by the number of persons generated by such type of dwelling unit, in accordance with the following table: (88-56) & (89-71)

Dwelling Unit Type Generated per Unit	Number of Persons
Bachelor	1.0
1 bedroom	1.5
2 bedroom	2.5
3 bedroom or greater	3.5 plus 1.0 for each additional bedroom

The following is an example only and does not form part of this By-law: an apartment proposal containing 10 bachelor units, 20 one bedroom units and 40 two bedroom units would generate,

$$\begin{array}{r} 10 \times 1.0 = 10 \\ 20 \times 1.5 = 30 \\ 40 \times 2.5 = \underline{100} \\ 140 \text{ persons} \end{array}$$

Kingston Township Zoning By-Law Number 76-26

(s) R4-19

Notwithstanding any provisions of Section 5(16)(c) and 5(16)(d) hereof to the contrary, the lands designated R4-19 on Schedule "A" hereto shall be developed in accordance with the following provisions: (88-73) & (89-71).

(i) **PARKING AREA LOCATION AND ACCESS**

(a) Row Dwelling House

- (1) An uncovered surface parking area shall be permitted in a front yard.
- (2) The number of driveways permitted on each of Blocks 106 and 107 on Registered Plan 1898 shall not exceed three (3).

Note: R4-20 Reserved but not used.

(t) R4-21 is Repealed by By-law Number 96-42

(u) R4-22 - Reserved

(v) R4-23

Notwithstanding the provisions of Sections 15(1)(a) and 15(2) hereof to the contrary, the lands designated R4-23 on Schedule "A" hereto shall be used for no purposes other than a nursing home and a senior citizens' apartment dwelling house, and such uses shall be developed in accordance with the following special provision: (91-34)

(i) **Yard Depth Adjacent To Western Property Boundary (minimum)**

nursing home 4.0 metres.

(w) R4-24 - Centennial Drive - Reserved Elementary School Site

Notwithstanding any provisions of this By-law to the contrary, the lands designated R4-24 on Schedule "A" hereto shall be used in accordance with the provisions of the R4 Zone and also may be used for the purpose of a public park in accordance with the provisions of the OS-3 Zone. (95-30)

(x) R4-25

Notwithstanding the provisions of Sections 15(1)(a), 15(2)(a), 15(2)(b), 15(2)(e) and 15(2)(h) hereof to the contrary, the lands designated R4-25 on Schedule "A" hereto shall be used for no purpose other than a single family dwelling house, a semi-detached dwelling house or a row dwelling house and such lands shall be developed in accordance with the following provisions: (93-127)

(i) **Lot Area (minima):**

- (a) Semi-detached dwelling house 557 sq. metres
- (b) Single family dwelling house 278 sq. metres

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(ii) Lot Frontage (minima):	<u>Corner Lot</u>	<u>Other Lot</u>
(a) Single family dwelling house	15 metres	9 metres
(b) Semi-detached dwelling house	24 metres	18 metres

(iii) Interior Side Yard Width(minimum):

(a) Single family dwelling house -

A single family dwelling house on a lot having a frontage of less than 18 metres shall have a minimum interior side yard width of .75 metres on one side and a minimum interior side yard width of 1.25 metres on the other side provided that, where the distance between the walls of two adjoining dwellings is less than 2.4 metres, no window below grade or door will be permitted in any such wall.

(b) Row dwelling house -

Minimum width for a side that is not attached to another dwelling house - 6 feet

(iv) Dwelling Unit Area (minimum): 80 sq. metres.

(y) R4-26

Notwithstanding the provisions of Subsection (91) of Section 4; Subsection (16) of Section 5; article (a) of Subsection (1) and articles (a), (b), (c), (d), (e), (f), (h) and (k) of Subsection (2) of Section 15 hereof to the contrary, the lands designated R4-26 on Schedule "A" hereto shall be used for no purpose other than a single family dwelling house, a semi-detached dwelling house or a row dwelling house and such lands shall be developed in accordance with the following provisions: (96-61)

(i) Lot Area (minima):

(a) Single-family dwelling house	- 270 square metres
(b) Semi-detached dwelling house	- 450 square metres
(c) Row dwelling house	- 165 square metres

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- (ii) **Lot Frontage (minima):**
- | | <u>Corner Lot</u> | <u>Other Lot</u> |
|----------------------------------|-------------------|------------------|
| (a) Single-family dwelling house | 11.0 metres | 9.0 metres |
| (b) Semi-detached dwelling house | 22.0 metres | 18.0 metres |
| (c) Row dwelling house | 10.0 metres | 5.5 metres |
- (d) The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the front lot line 6.0 metres.

(iii) **Front Yard Depth (minimum):** 4.5 metres

(iv) **Exterior Side Yard Width (minimum):** 4.5 metres

(v) **Interior Side Yard Width (minima):**

- | | |
|---|---|
| (a) Single-family dwelling house | 0.75 metres on one side and
1.2 metres on the other side |
| (b) Semi-detached dwelling house | 1.2 metres |
| (c) Row dwelling house | |
| Minimum width for a side
that is not attached to
another dwelling house | 1.2 metres |

(vi) **Rear Yard Depth (minimum):** 6.0 metres

(vii) **Dwelling Unit Area (minimum):** 80 square metres

(viii) **Lot Coverage (maximum):** 50%

(ix) **Driveways**

(a) Width

Driveways used for the parking of motor vehicles and used to access a permitted dwelling house shall have a maximum width of 6.0 metres or 60 percent of the lot frontage, whichever is less.

(b) Size of Parking Space

The minimum width of a parking space shall be 2.5 metres and the minimum length of a parking space shall be 6.0 metres.

(x) **Attached Private Garages**

Attached private garages shall be located no closer than 6.0 metres from the lot line that the driveway crosses to access the attached private garage.

(z) R4-27-H

- (1) Notwithstanding the '-H' applied pursuant to the Planning Act, the lands designated 'R4-27-H' may be used in accordance with the permitted uses and regulations contained in Section 29 of this By-Law for Zone 'D' Development.

(By-law Number 99-66 – 1999)

- (2) Subject to the removal of the '-H' Symbol pursuant to the Planning Act, the lands shall be used in accordance with the permitted uses and regulations contained in Section 15 of this By-Law for the 'R4' Residential Zone, and with any modifications thereto as specified below or elsewhere in this By-Law.

(By-law Number 99-66 – 1999)

- (3) Subject to the removal of the '-H' Symbol pursuant to the Planning Act, and notwithstanding the provisions of Subsections (1) and (2) of Section 15 hereof to the contrary, the lands located on the east side of Bayridge Drive, south of Coverdale Drive, and designated 'R4-27-H' on the Zoning Schedule attached to and forming part of By-Law Number 99-66 as Schedule "A", shall be developed in accordance with the following provisions:

(By-law Number 99-66 – 1999)

(i) **NON-RESIDENTIAL USES**

In addition to the uses permitted by Section 15 (1) Subsection (b) of this By-Law, a private club intended to serve the surrounding residential neighbourhood shall also be permitted.

(By-law Number 99-66 – 1999)

(ii) **NUMBER OF PERMITTED DWELLING UNITS (maximum):**

The maximum number of dwelling units permitted shall not exceed one hundred and eighty-seven (187) on all the lands zoned 'R4-27' combined.

(By-law Number 99-66 – 1999)

(iii) **SINGLE-FAMILY DWELLING HOUSE, SEMI-DETACHED DWELLING HOUSE AND ROW DWELLING HOUSE**

Notwithstanding the provisions of Section 15 (2) of this By-Law to the contrary, any single-family dwelling house, semi-detached dwelling house or row dwelling house constructed on the lands zoned 'R4-27' shall be constructed in accordance with the regulations of Section 14 (3) (o) of this By-Law for Zone 'R3-15'.

(By-law Number 99-66 – 1999)

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- (4) The '-H' Symbol shall only be removed once the following conditions have been complied with:
 - (i) Confirmation that sufficient servicing capacity is available in the former Township of Kingston's sewage treatment plant;
 - (ii) All applicable Municipal and Agency requirements have been complied with;
 - (iii) All necessary Agreements, including the Subdivision Agreement, have been registered on title; and
 - (iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the *Planning Act*.

(aa) R4-28-H

1. Notwithstanding the '-H' applied pursuant to the *Planning Act*, the lands designated 'R4-28-H' may be used in accordance with the permitted uses and regulations contained in Section 29 of this By-Law for Zone 'D' Development.
2. Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, the lands shall be used in accordance with the permitted uses and regulations contained in Section 15 of this By-Law for the 'R4' Residential Zone, and with any modifications thereto as specified below or elsewhere in this By-Law.
3. Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, and notwithstanding the provisions of Subsection (16)(c) of Section 5 and Subsections (1) and (2) of Section 15 hereof to the contrary, the lands located at the southeast corner of Coverdale Drive and Bayridge Drive, and designated 'R4-28-H' on the Zoning Schedule attached to and forming part of By-Law Number 99-66 as Schedule "A", shall be used in accordance with the following regulations:
 - (i) **Permitted Uses:**
 - (a) **Residential Uses:**
 - (i) The residential uses permitted by the R4 Zone;
 - (ii) A senior citizens' apartment dwelling house;
 - (iii) A nursing home, which for the purposes of this Section shall include a rest home, retirement home or convalescent home.
 - (b) **Non-Residential Uses:**
 - (i) A medical clinic, pharmacy and groceries provided such uses are located within a building containing a senior citizens' apartment dwelling house or nursing home and provided such uses are designed to serve only the residents or employees of the senior citizens' apartment

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dwelling house or nursing home in which they are located;

- (ii) A home occupation;
- (iii) A public use in accordance with the provisions of Section 5 (18) hereof.

ii) Number of Permitted Dwelling Units / Beds (maximum):

For any senior citizen apartment dwelling house or nursing home, or where a combined nursing home / senior citizens' apartment dwelling house is proposed, the maximum number of dwelling units / beds permitted shall not exceed a combined number that would generate more than 220 persons on the lands Zoned 'R4-28'. The total number of persons generated by any such development proposal shall be determined by calculating the sum of the totals which result from multiplying the total number of beds / units by the number of persons in accordance with the following table:

Dwelling Unit Type	Number of Persons Generated
Nursing Home Bed	1.0
Bachelor Unit	1.0
1 Bedroom	1.5
2 Bedroom	2.5
3 Bedroom or greater additional	3.5 plus 1.0 for each bedroom

(iii) Lot Coverage (maxima)

Notwithstanding the provisions of Section 15(2) Subsection (k) of this By-Law, the maximum percentage of lot coverage for any nursing home use shall be 50%.

4. The '-H' Symbol shall only be removed once the following conditions have been complied with:

- (i) Confirmation that sufficient servicing capacity is available in the former Township of Kingston's sewage treatment plant;
- (ii) All applicable Municipal and Agency requirements have been complied with;
- (iii) All necessary Agreements, including the Subdivision Agreement, have been registered on title; and

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- (iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the *Planning Act*."

(bb) R4-29-Shires Way - Parking Lot

Notwithstanding any provisions this By-Law to the contrary, the lands designated as "R4-29" on Schedule "A" attached hereto shall be used in accordance with Section 15(3)(x) or may be used as a parking lot for the abutting funeral home in accordance with the following provisions:

- i) Maximum number of parking spaces - 54 spaces
- ii) No parking space or parking area shall be located closer than 1 m from the lot line of lot 4L or Registered Plan 13M-2
- iii) No access to parking spaces or parking areas shall be provided directly from a public street
- iv) Use or development shall not be permitted until such time as the City of Kingston has approved a site development plan; such a plan shall include but not be limited to landscaping, buffering, grading and drainage
- v) In no way shall any part of the lands zoned R4-29 be used to calculate any Zoning requirement for the abutting C2-29 Zoning on the funeral home lands

(By-Law Number 99-316 – 1999; 2003-353)

(cc) R4-30-H

Notwithstanding the provisions of Section 15(1) hereof to the contrary, the lands located at the west end of Vanguard Court and designated 'R4-30-H' on Schedule "A" hereto, shall be developed in accordance with the following provisions:

- (i) In addition to the uses permitted in the 'R4' Zone, as set out in Section 15(1) of this By-Law, a Nursing /Retirement Home and accessory medical and commercial uses related to a Nursing/Retirement Home shall be permitted. The permitted accessory commercial uses may include, but not necessarily be limited to, a medical clinic, a pharmacy, a beauty salon/barber shop, or a groceteria, provided that any such accessory commercial uses are located within the Nursing/Retirement home and are designed to serve only the residents or employees of the home.
- (ii) The '-H' Holding Symbol applicable to this property shall be used and removed in accordance with the provisions of Section 6(6) of By-Law Number 76-26."

(By-Law Number 99-318 - 1999)

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(3) Cont'd.

(dd) R4-31

Notwithstanding the provisions of Sections 15(1) and 15(2) of this By-Law, the lands designated as 'R4-31' on Schedule 'A' hereto shall be used for no purpose other than open space or amenity area in association with the adjacent institutional zone, or a semi detached dwelling in accordance with following provisions:

(i) **Lot Area (minimum)**

Semi-detached dwelling house 7685 ft²

Semi-detached dwelling unit 3445 ft²

(ii) **Lot Frontage (minimum)**

Semi-detached dwelling house 55 ft

Semi-detached dwelling unit 25 ft

(iii) **Exterior Side Yard Width (minimum)**

Semi-detached dwelling unit 9 ft

(By-Law Number 2003-102)

(ee) R4-32-H

The lands designated 'R4-32-H' on Schedule 'A' shall be developed in accordance with the following provisions:

(i) **Permitted Uses**

(i) The residential uses subject to the R1-58 zone

(ii) A senior citizens' apartment dwelling house

(iii) Accessory medical and commercial uses related to the senior citizens' apartment dwelling house, including but not limited to a medical clinic, personal service shop, an office, and groceries provided that any such accessory commercial uses are located within the senior citizens' apartment dwelling house and are designed to serve only the residents or employees of the house.

(ii) **Lot Frontage (minima)** 20 m

(iii) **Height of Building (maxima)** 10.5m

(iii) **Number of Permitted Dwelling Units (Maximum)**

For any senior citizens' apartment dwelling house, the maximum number of dwelling units shall not exceed 160.

(iv) The lifting of the '-H' Holding Symbol shall be subject to Section 6(6) hereof.

(By-Law Number 2004-294)

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(3) Cont'd.

(ff) R4-33

On the approximately 2.23 hectare parcel of land located at 2487-2491 Princess Street and zoned 'R4-33' on Zoning Map 5, attached to and forming part of By-Law Number 2006-102 as Schedule "A", the provisions of Section 5 (General Provisions) and Section 15, for the 'R4' Residential Type 4 Zone shall apply to the 'R4-33' Zone except that the following regulations shall apply notwithstanding any provisions of the By-Law to the contrary:

- (i) Notwithstanding the provisions of Section 15(1) of this By-Law, the following uses only shall be permitted:
 - (a) senior citizen's apartment dwelling house, the maximum number of dwelling units shall not exceed 170; and
 - (b) accessory uses to be located within and related to the senior citizen's apartment dwelling house, including but not limited to such uses as a medical clinic, personal service shop, an office, pharmacy, banking facility, groceries, coffee shop, recreational uses, chapel and dining facilities, provided such uses are designed to serve only the residents, employees or visitors of the house.

- (ii) Interior Side Yard (minimum) 7.5 m

- (iii) Rear Yard (minimum) 8.0m

- (iv) Dwelling Unit Area (minima)

Bachelor dwelling unit	400	square
feet		
Dwelling unit containing 1 bedroom	500	square
feet		
Dwelling unit containing 2 bedrooms	700	square
feet		

- (v) Lot Coverage (maximum) 35%

- (vi) Building Height (maximum) 27.5 m

- (vii) Privacy Yard, Ground floor living room window and habitable room window (minimum) 1.2m (4 feet)

- (viii) Children's Play Area:

	Not required
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- (ix) Flood Plain Requirements (minimum setback) 7.5 m

- (x) Yards Where Parking Permitted:
 Required parking is permitted within the front yard

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(3)(ff) Cont'd.

- (xi) Notwithstanding Section 5(25)(a), encroachment of Ornamental Structures may project into any required yard to a maximum distance of 1m (3.3 feet)
- (xii) Notwithstanding Section 5(25)(b), an unenclosed porch, balcony or step may project into any required yard a maximum distance of 2 metres (6.56 feet)
- (xiii) For the purposes of the this Section, the privacy yard shall be clear and unobstructed by any parking area, may be reduced to 1.2 m, and may contain joint pedestrian access.

(By-law Number 76-26; 2006-102)

(gg) **Reserved**

(hh) **Woodhaven Subdivision**

Notwithstanding the provisions of Zoning By-Law No. 76-26, as amended, hereof to the contrary the lands zoned 'R4-34-H' on Schedule "A" hereto may be used in accordance with the following provisions:

a) LOT FRONTAGE (minimum):	Corner Lot	Other Lot
Single-family dwelling house	12.7 metres	10.0 metres
Semi-detached dwelling house	19 metres	15.0 metres
Row dwelling house	11.5 metres	6.1 metres

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the front lot line 6.0 metres.

b) **GARAGE LOCATION** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

c) **FRONT YARD**

- (i) Minimum setback from front lot line 4.5 metres
- (ii) Maximum setback from front lot line 7.0 metres
- (iii) Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- (iv) Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line

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and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

d) **EXTERIOR SIDE YARD WIDTH (minimum):** 4.5 metres on arterial and collector roads 3.0 metres on local roads

e) **INTERIOR SIDE YARD WIDTH (minimum):**

Single-family dwelling house 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Semi-detached dwelling house 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

Row dwelling house 1.2 metres for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

f) **REAR YARD DEPTH (minimum):** 6.75 metres

g) **MINIMUM LOT AREA** Not applicable

h) **MINIMUM LOT COVERAGE** Not applicable

i) **DRIVEWAYS** Maximum driveway width measured at the lot line shall be 6.0 metres or 50% of lot frontage, which is less.

i) **PARKING** Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, parking in the front yard is prohibited except where it is a driveway leading to a permitted parking area.

j) **SIGHT TRIANGLES**

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on

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the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(76-26; 2009-53)

(ii) **R4-36-H Woodhaven Subdivision, 1 Potter Street**

Notwithstanding the provisions of Zoning By-Law Number 76-26, as amended, hereof to the contrary the lands zoned 'R4-36-H' on Schedule "A" hereto may be used in accordance with the following provisions:

- a) **Permitted Uses:**
- | | |
|--|------------------------------|
| | Row Dwelling House |
| | Semi-Detached Dwelling House |
- b) **Lot Frontage (minima):**
- | | Corner Lot | Other Lot |
|------------------------------|-------------|-------------|
| Row Dwelling House | 10 metres | 6.1 metres |
| Semi Detached Dwelling House | 20 metres | 15.0 metres |
| Semi-Detached Dwelling Unit | 11.5 metres | 7.5 metres |
- (By-law Number 76-26; 2009-85)

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the front lot line 6.0 metres.

(n) **Garage Location**

The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) **Front Yard**

- i. Minimum setback from front lot line 4.5 metres for the main dwelling
- ii. Maximum setback from front lot line 7.0 metres
- iii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

- (e) **Exterior Side Yard Width (minimum):** 3.0 metres on local roads

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(f) Interior Side Yard Width (minimum):

Row dwelling house 1.2 metres for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

Semi-detached dwelling house 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

(g) **Rear Yard Depth (minimum):** 6.75 metres

(h) **Minimum Lot Area** Not applicable

(i) **Minimum Lot Coverage** Not applicable

(k) **Driveways**

Maximum driveway width measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is the lesser.

(By-law Number 76-26; 2009-85)

(l) **Parking**

Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, parking in the front yard is prohibited except where it is a driveway leading to a permitted parking area.

(m) **Sight Triangles**

Notwithstanding any regulations to the contrary:

i) **Uses Prohibited:**

Within any area defined as a sight triangle, the following uses shall be prohibited:

- a) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
- b) a fence or tree, hedge, bush or other vegetation, the top of which exceeds 3 1/2 feet in height above the elevation of the centreline of the adjacent street;
- c) an uncovered surface parking area;
- d) a finished grade which exceeds the elevation of the centreline of the adjacent street by more than 3 feet.

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- ii) Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-law Number 76-26; 2009-85)

“Woodhaven Subdivision

Notwithstanding the provisions of Zoning By-Law No. 76-26, as amended, hereof to the contrary the lands designated ‘R4-35-H’ on Schedule “A” hereto may be used in accordance with the following provisions:

- c) **PERMITTED USES:**
- | | |
|--|------------------------------|
| | Row Dwelling House |
| | Semi-detached dwelling house |

Row Dwelling houses on the property existing as of the date of passing of this By-law are considered to be a legal complying use within this zone.

- d) **LOT FRONTAGE (minima):**
- | | Corner Lot | Other Lot |
|------------------------------|------------|------------|
| Row dwelling house | 10m metres | 6.1 metres |
| Semi Detached Dwelling House | 19m | 15.0 m |
| Semi-detached dwelling unit | 11.5 m | 7.5 m |

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the front lot line 6.0 metres.

- (c) **GARAGE LOCATION** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(e) **FRONT YARD**

- | | | |
|-----|-------------------------------------|------------|
| i. | Minimum setback from front lot line | 4.5 metres |
| ii. | Maximum setback from front lot line | 7.0 metres |

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front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-law 76-26; 2009-53)

(jj) **R4-37-H – 3480 Princess Street**

Notwithstanding the provisions of Section 15 hereof to the contrary, the lands Zoned 'R4-37' on Schedule 'A' hereto, the following regulations shall apply:

- 1) Permitted use: Row Dwelling House
- 2) Lot Area Minimum: 190 square metres
- 3) Lot Frontage on a Private Road or Lane Minimum: 6.0 metres and 12.0 metres for corner lots
- 4) Exterior Side Yard Minimum: 3.0 metres
- 5) Interior Side Yard Minimum: 1.2 metres for end units
- 6) Landscaped Open Space Minimum: 30%
- 7) Lot Coverage Maximum: 50%
- 8) Building Height Maximum: 11 metres
- 9) Notwithstanding any regulations to the contrary the maximum number of dwelling units per row dwelling house shall be 4 dwelling units
- 10) Minimum Rear Yard Setback: 7.62 metres.

(By-law Number 76-26; 2012-53; 2012-153)

(kk) **R4-38 (847 Development Drive)**

Notwithstanding the provisions of Section 5 and Section 15 hereof to the contrary, the lands designated 'R4-38' on Schedule 'A' hereto, the following regulations shall apply:

- 1) Definition:
 - (a) "Building Height" means the vertical distance measured from the average grade surrounding the building footprint to the highest point of the roof surface in case of flat roofs or to a point halfway up the roof in the case of pitched roofs.

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- 2) Lot Lines: For the purposes of the R4-38 Zone, the lot line abutting Development Drive shall be considered the front lot line and all other lot lines shall be considered interior side lot lines.
- 3) Dwelling Units (maximum): 169 units
- 4) Lot Area (minimum): 1.6 hectares
- 5) Lot Frontage (minimum): 20 metres
- 6) Front Yard Depth (minimum): 45 metres
- 7) Interior Side Yard Width (minimum): 6 metres; except where an interior side yard abuts an 'OS' zone, in which case the required minimum interior side yard width shall be 0 metres.
- 8) Building Height (maximum): 25.5 metres
- 9) Privacy Yards (minimum):
 - (a) A privacy yard that is clear and unobstructed by any vehicular driveway, other than a private driveway to an enclosed garage or parking space, or by any surface parking area, shall be provided on the lot adjoining each exterior wall containing a habitable room window; and
 - (b) The minimum depth of a privacy yard shall be 4 metres to any private road or parking area, measured at right angles to the wall it adjoins. Such privacy yards shall not overlap so as to reduce the minimum depth requirements.
- 10) Additional Setback Requirements: Notwithstanding anything to the contrary contained in this By-Law, no building shall be erected within:
 - (a) a 114 metre horizontal setback from the CN Rail Main Line Corridor; and
 - (b) a 6 metre horizontal setback from the 1:100 floodplain of the Little Cataraqui Creek.
- 11) A planting strip shall be required along the western most interior side lot line that directly abuts the adjacent residentially zoned properties in accordance with the following:
 - (a) Width (minimum): 2 metres

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- (b) Contents are as per implementing Site Plan Control Agreement
- 12) Bicycle Parking:
- (a) Bicycle Parking Space Requirements (minimum): 1 bicycle parking space per dwelling unit;
 - (b) A minimum of 12 of the required on-site parking spaces shall be provided exterior to a building and shall be covered and secure; and
 - (c) Bicycle Parking Space Dimensions (minimum):
 - (i) 0.3 metres wide by 1.8 metres long with a minimum overhead clearance of 2.1 metres;
 - (ii) Alternate requirement (vertical bicycle parking space): 0.6 metres wide, 1.8 metres tall and 1.0 metres in depth
- 13) Parking:
- (a) Parking Space Dimensions (minimum): 2.6 metres wide by 5.2 metres long; and
 - (b) Parking is permitted in any yard, provided it is no closer than 40 metres to the municipal right-of-way of Development Drive
- 14) Landscaped Open Space (minimum): 30%

(By-Law 76-26; 2020-11)

(II) **R4-39 (965 Milford Drive)**

Notwithstanding the provisions of Section 5 and Section 15 hereof to the contrary, the lands designated 'R4-39' on Schedule 'A' hereto and known municipally as 965 Milford Drive, may be developed in accordance with the following special provisions:

- (i) Permitted Uses: Permitted uses are limited to the following:
 - (a) Residential Uses:
 - an apartment dwelling house;
 - a transitional housing unit.
 - (b) Office Uses:
 - a business office;

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a professional office;

a support service.

- (ii) Definitions: For the purposes of this section, the following definition shall apply:
 - (a) **Transitional housing unit** means a group living arrangement, in a single housekeeping unit, with access to support services, in which it is intended that short term accommodation be provided. A transitional housing unit does not include a crisis care shelter as defined herein.
 - (b) **Crisis care shelter** means a supervised group living arrangement, in a single housekeeping unit, with access to support services, in which it is intended that short term emergency accommodation of a transient nature be provided.
 - (c) **Support service** means a service such as counseling, addictions and mental health support, health and well-being, life-skills training, exercise program and support group meetings.
- (iii) Interior Side Yard Width: 4.2 metres; this interior side yard width provision shall only apply to the building existing on the lands zoned 'R4-39' as of the date of passing of this by-law.
- (iv) Dwelling Unit Area (minimum):
 - (a) Bachelor dwelling unit: 20 square metres.
- (v) Distance of Detached Accessory Building or Structure from Main Building: 0 metres.
- (vi) Yards Where Parking is Permitted: A maximum of six parking spaces may be permitted in the exterior side yard provided that no part of the parking area, other than a driveway, is located closer than 3.9 metres to the exterior side lot line.

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- (vii) A transitional housing unit use shall be located within the principal building on the property.
- (viii) Business and professional offices and support services shall be located within the principal building on the property, and restricted to a maximum of 35 percent of the gross floor area of any building or structure occupying the subject property.
- (ix) Total number of dwelling units: 10.

(By-Law number 76-26; 2016-141)

(mm) **R4-40**

Notwithstanding the provisions of Section 5 and Section 15 hereof to the contrary, the lands designated 'R4-40' on Schedule 'A' hereto, the following regulations shall apply:

1) Definitions:

For the purpose of the R4-40 zone, the following definitions shall apply:

- (a) 'Seniors Residence' means a building consisting of three or more dwelling units inclusive of nursing homes, rest homes, retirement homes, convalescent facilities, and palliative care facilities. A seniors' residence shall not include a hospital, maisonette dwelling, a townhouse dwelling, or a triplex dwelling.

2) Permitted Uses:

Only the following uses shall be permitted:

(a) Residential Uses:

- (i) Apartment Dwelling House
- (ii) Seniors Residence

(b) Non-Residential Uses:

- (i) Seniors Residence:

Accessory medical and commercial uses related to the seniors residence, which shall service only the residents, employees or visitors to the senior's residence, including but not limited to:

- (a) banking facility

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- (b) business or professional office
- (c) chapel
- (d) coffee shop
- (e) convenience store
- (f) day nursery
- (g) dining facilities
- (h) grocery store
- (i) medical clinic
- (j) personal service shop
- (k) pharmacy
- (l) recreational uses

3) Density:

(a) Minimum Density:

The minimum number of residential units per net hectare of land within the R4-40 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be:

- (i) Apartment Dwelling House: 124 dwelling units per net hectare
- (ii) Seniors Residence: 124 dwelling units per net hectare

(b) Maximum Density:

The maximum number of residential units per net hectare of land within the R4-40 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 200 dwelling units per net hectare.

4) Lot Area (minimum): Not applicable

5) Lot Frontage:

The lot frontage shall mean the horizontal distance between the side lot lines, such distance being measured along a line which is parallel to the front lot line at a distance of 6.0 metres from the front lot line.

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- (a) Corner Lot (Minimum):
 - (i) Apartment Dwelling House: 33 metres
 - (ii) Seniors Residence: 33 metres
- (b) Other Lot (Minimum):
 - (i) Apartment Dwelling House: 33 metres
 - (ii) Seniors Residence: 33 metres
- 6) Yard Depths (minimum):
 - (a) Apartment Dwelling House & Seniors Residence 3 metres
 - (i) West lot line 3 metres
 - (ii) South/ southeast lot line (Newport Ave) 3 metres
 - (iii) Northeast (Madison Ave) 3 metres
 - (iv) Northwest lot line 10 metres
 - (v) Notwithstanding 15(3)(mm)(6)(a)(i), 15(3)(mm)(6)(a)(ii) 15(3)(mm)(6)(a)(iii) and 15(3)(mm)(6)(a)(iv), a minimum yard depth of 10 metres shall be required where a lot line abuts any Residential Type 3 Zone 'R3'
 - (vi) Notwithstanding 15(3)(mm)(6)(a)(ii), for any building in excess of 6 metres in height, a minimum setback of 23.1 metres is required from the frontage of Newport Avenue from the western intersection to the apex of the curvature of Newport Avenue.
- 7) Height of Building (maximum):
 - (a) Apartment Dwelling House & Seniors Residence:
136 metres above sea level

The provisions of Section 5.8 – Height Exceptions, shall not apply within the R4-40 zone for Apartment Dwelling Houses and Seniors Residence
- 8) Privacy Yards:

Notwithstanding any provisions to the contrary, a privacy yard shall be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard shall be

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required. There shall be no required privacy yard where a loading area abuts the wall of a building.

- 9) Children's Play Area (minimum) Not required
- 10) Parking Space Dimensions (minimum):
2.6 metres wide by 5.2 metres long
- 11) Barrier-free Parking Space Vertical Clearance (minimum): 2.1 metres
- 12) Lot Coverage (maximum): Not applicable
- 13) Parking:
 - (a) Apartment Dwelling House & Seniors Residence:
 - (i) Parking is permitted in any yard.
 - (i) If parking is located within any yard adjacent to a street, a minimum 1.0 metre high berm shall be provided, which include a minimum 3.0 metres wide landscaping strip containing a mixture of coniferous and deciduous trees
- 14) Parking Aisle Lane Width (minimum): 6.1 metres
- 15) Sight Triangles

Notwithstanding any regulations to the contrary:

- (a) Uses Prohibited:

Within any area defined as a sight triangle, the following uses shall be prohibited:

- (i) A building, structure or use which would obstruct the vision of drivers of motor vehicles
 - (ii) a fence, tree, hedge or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centerline of the adjacent street
 - (iii) an uncovered surface parking area
 - (iv) a finished grade which exceeds the elevation of the centerline of the adjacent street by more than 1.0 metres\
- (b) Sight triangles are required on a corner lot:
 - (i) At all intersections:
A sight triangle is required by a line drawn from a point on the exterior side lot line 3.5 metres from the intersection of

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the exterior side lot line and the front lot line, and a point on the front lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

(By-Law number 76-26; 2017-46)

(nn) **'R4-41' (276-284 Kingsdale Avenue)**

Notwithstanding the provisions of Section 5 and Section 15 hereof to the contrary, the lands designated 'R4-41' on Schedule 'A' hereto, the following regulations shall apply:

1) Permitted Uses:

Only the following uses shall be permitted:

(a) Residential Uses

(i) Apartment Dwelling House

2) For the purposes of zoning interpretation, the properties located within the R4-41 zone shall be considered as one lot

3) Dwelling Units (maximum) 120 units

4) Apartment Dwelling Houses per Lot (maximum) 2

5) Lot Area (minimum) 0.12 ha

6) Dwelling Unit Area (minimum) 60 square metres

7) Interior Side Yard Setback (minimum) 10.5 metres

8) Landscaped Open Space (minimum) 38%

9) Amenity Area (minimum) Not required

10) There shall be no minimum privacy yards requirement

11) Children's Play Area (minimum) Not required

12) Parking

(a) The minimum number of on-site parking spaces shall be 140 spaces; and

(b) The minimum number of barrier free on-site parking spaces shall be 6 spaces.

(By-Law 76-26; 2018-2)

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(rr) 'R4-45' (809 Development Drive)

Notwithstanding the provisions of Section 5 and Section 15 hereof to the contrary, the lands designated 'R4-45' on Schedule 'A' hereto, the following regulations shall apply:

- 1) Definition:
 - (a) "Building Height" means the vertical distance measured from the average grade surrounding the building footprint to a point halfway up the pitched roof.
- 2) In the R4-45 Zone, a row dwelling house may be vertically stacked, such that a portion of the dwelling units is located entirely or partially above the other dwelling units, and each dwelling unit has an independent entrance from exterior. Such an access may also be through a shared common vestibule.
- 3) Lot Area (minimum): 94 square metres per row dwelling house
- 4) Lot Frontage (minimum): 6.7 metres per ground floor row dwelling house
- 5) Dwelling Units (maximum): 18
- 6) Front Yard Depth (minimum): 3.5 metres, except that this shall not prevent the erection of a deck (covered or uncovered) and stairs providing access to the building or an upper floor balcony, provided the deck is no taller than 1.2 metres and that the deck and balcony project no closer than 2.0 metres to the front lot line, and that the stairs project no closer than 0.5 metres to the front lot line.
- 7) Group Setback: Not applicable
- 8) Building Height (maximum): 12.5 metres
- 9) Dwelling Houses Per Lot (maximum): There is no maximum number of dwelling houses per lot.
- 10) Guest Room Area (minimum): Not applicable
- 11) Privacy Yard Depth (minimum): Not applicable
- 12) Additional Setback Requirements: Notwithstanding anything to the contrary contained in this By-Law, no building shall be erected within 6 metre horizontal setback from the 1:100 floodplain of the Little Cataraqui Creek.
- 13) Landscaped Open Space (minimum): Not applicable
- 14) Lot Coverage (maximum): 44%

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- 15) Amenity Area: Amenity Area: An amenity area shall be provided in accordance with the following provisions:
- (i) A minimum of 18.5 square metres of amenity area shall be provided for each dwelling unit on a lot;
 - (ii) Amenity areas, or any part thereof, shall be designed and located so that the length does not exceed four times the width; and
 - (iii) The area of an amenity area that is located at grade level and provided as an outdoor area exterior to the dwelling house may be included in the calculation of landscaped open space requirements.
- 16) Parking:
- (a) Parking Space Dimensions (minimum): 2.6 metres wide by 5.2 metres long.

(By-Law 76-26; 2020-11)

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(2) Cont'd

(f) Rear Yard Depth (minimum):

apartment dwelling house	-1/2 the height of the building or 10
1/2	metres whichever is the greater,
provided	that a rear yard adjoining an end
wall	containing no habitable room
windows	may be reduced to 2 metres where
the	rear lot line does not adjoin an R1
or R2	Zone.

(g) Dwelling Unit Area (minima):

- | | |
|---|---|
| (i) Bachelor dwelling unit | -37 square metres |
| (ii) Dwelling unit containing 1 bedroom | -55 square metres |
| (iii) Dwelling unit containing 2 bedrooms | -65 square metres |
| (iv) Dwelling unit containing 3 bedrooms | -80 square metres |
| (v) Dwelling unit containing more than 3 bedrooms | -80 square metres plus 9 square metres for each bedroom in excess of three, except that for a senior citizen's apartment project, the minimum dwelling unit area for a unit containing one bedroom shall be 42 square metres. |

(h) Guest Room Area (minimum): -9 square metres

(i) Landscaped Open Space (minimum):

apartment dwelling house	-40%
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(j) Lot Coverage (maximum):

apartment dwelling house	-30%
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(k) Height of Building (maximum):

apartment dwelling house	-30 metres
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(l) Courts:

Where a building is in a court form, the distance between opposing side walls of the building forming the court shall be not less than 21 metres.

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(m) Privacy Yards:

apartment dwelling house a privacy yard, clear and unobstructed by any parking area or any vehicular driveway shall be provided adjoining each habitable room window of every dwelling unit with a minimum depth measured at right angles from such wall it adjoins in accordance with the following table: (94-21)

Minimum Privacy Yards

Exterior Wall Window Requiring A Privacy Yard	Apartment Dwelling House of More Than 10 Dwelling Units	Apartment Dwelling House of Up to 10 Dwelling Units	
		Surface Parking	Vehicular Driveway Area
Ground Floor Living Room Window	7.6 Metres	8 Metres	8 Metres
Ground Floor Habitable Room Window	8 Metres	8 Metres	3 Metres

The following shall apply to any apartment dwelling house containing more than 10 dwelling units:

Within the privacy yard, an area unobstructed by a public or joint pedestrian access surface shall be provided extending 3 1/2 metres from any ground floor habitable room window, this distance being measured radially from any point on the window. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 2 1/2 metres above the adjacent exterior ground level.

(n) Deleted (By-Law 76-26, 2017-170)

(o) Accessory Uses, Parking, Etc.:

In accordance with the provisions of Section 5 hereof.

(y) R5-25-H (2274 Princess Street)

Notwithstanding the provisions of Section 5, Section 15A and Schedule "C" hereof to the contrary, on the lands designated 'R5-25-H' on Schedule 'A' hereto, the following regulations shall apply:

1. Lot Area (minimum): 74 square metres per dwelling unit
2. Lot Frontage (minimum): 16 metres
3. Rear Yard (minimum): 12.4 metres

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4. Balconies:
 - (a) A balcony serving a dwelling unit on the north elevation shall not project past the wall of the main building, except for a Juliet balcony, which is comprised of a railing at the outer plane of a window-opening reaching the floor, and having, when the window is open, the appearance of a balcony.
 - (b) A balcony serving a dwelling unit on the east, south and west elevations may project not more than 2.5 metres out from the main building into a required yard.
5. The minimum yard setbacks shall be subject to a maximum 5% variance in dimensions
6. Dwelling Unit Area (minimum): 1 Bedroom: 40 square metres
7. Maximum Building Height:
 - (a) No part of the building shall exceed the height limits (in metres) as shown on Schedule 'B' attached to and forming part of By-Law 2021-182
 - (b) Height shall be measured from the finished floor grade of 96.34 metres geodetic datum
 - (c) The height provisions of the R5-25 zone do not prevent the erection of window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, vents, ventilating equipment, landscape and green roof elements, solar panels, partitions dividing outdoor recreation areas, wind mitigation, chimney stack, exhaust flues, garbage chute overrun and public art elements, mechanical penthouses, and architectural elements.
8. Privacy Yards (minimum): a privacy yard, clear and unobstructed by any parking area or any vehicular driveway shall be provided adjoining each habitable room window of every dwelling unit with a minimum depth measured at right angles from such wall it adjoins in accordance with the following:
 - (a) Parking Area or Vehicular Driveway:
 - i. Ground Floor Living Room Window: 3.4 metres, 2.0 metres to a bicycle rack
 - ii. Ground Floor Habitable Room Window: 3.4 metres, 2.0 metres to a bicycle rack

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- (b) Pedestrian Access Surface:
 - i. Within a privacy yard, an area unobstructed by a pedestrian access shall be provided extending at least 3.4 metres from any ground floor window and at least 2.0 metres to a bicycle rack, this distance measured radially from any point on the window. However, this shall not apply to that portion of a pedestrian access leading directly from a building entrance or to hardscaped areas within a courtyard. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 2.5 metres above the adjacent exterior ground level.

- 9. Off-Street Vehicle Parking:
 - (a) A minimum parking ratio of 1.1 parking spaces per dwelling unit is required
 - (b) Surface parking spaces shall have minimum dimensions of 2.6 metres wide by 5.2 metres long
 - (c) Indoor garage parking spaces shall have minimum dimensions of 2.6 metres wide by 5.9 metres long
 - (d) Aisle width shall have a minimum dimension of 6.0 metres
 - (e) For a double-loaded drive aisle, the combined dimension of parking space lengths and aisle width shall be a minimum of 16.4 metres
 - (f) For a single-loaded drive aisle, the combined dimension of a parking space length and aisle width shall be a minimum of 11.2 metres

- 10. Off-Street Bicycle Parking (minimum): 12 outdoor spaces and 27 indoor spaces located in underground parking garage.

- 11. Accessible Parking Vertical Clearance (minimum): 2.1 metres, where spaces provided indoors

- 12. Yards Where Parking Is Permitted: Parking is permitted in the front yard and side yard within 0.6 metres of the front yard or side yard lot line. Parking is also permitted in that portion of the rear yard west of the building but no closer than 6 metres to the rear lot line.

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13. Fencing: A solid wooden fence with a height of 2.4 metres shall be located on the lands zoned R5-25 in the following locations:
 - (a) Along the full width of the rear property line;
 - (b) Where they abut properties that are included on the Municipal Heritage Register; and
 - (c) Where the property abuts Block 11 of Registered Plan 13M-39

14. Planting Strip Width (minimum): A planting strip with a minimum width of 3 metres and comprised of a mix of deciduous and coniferous native species of trees and shrubs shall be located:
 - (a) Along the entire rear of the property, south of the required fencing; and
 - (b) Where the lands abut properties that are included on the Municipal Heritage Register, west of the required fencing

15. 'H' Holding Symbol Provisions - In addition to the provisions of Section 6(6) of this By-Law respecting the use and removal of '-H' Symbols, the following shall be provided prior to the removal of the '-H' Symbol:
 - (a) a memorandum from Utilities Kingston indicating that the Days Road Pumping Station project has reached substantial completion and that development may proceed under the regulations of the R5-25 zone; from a sanitary servicing capacity perspective,
 - (b) An access easement over the abutting lands known municipally as 2260 Princess Street is designed, approved and registered to the satisfaction of the Municipality; and
 - (c) An updated servicing report respecting fire flows is submitted and reviewed to the satisfaction of Utilities Kingston and the Municipality."

(By-Law 76-26; 2021-182)

(3) SPECIAL R5 ZONES

- (a) Sutton Mills North Apartments R5-1

Notwithstanding any provisions of Section 15A(2)(k) hereof to the contrary, the lands designated R5-1 on Schedule "A" hereto shall be developed in accordance with the following provision: (80-70)

- (i) **Height of Building (maximum):**

apartment dwelling house	-40 metres
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(b) R5-2

Notwithstanding any provisions of this By-law to the contrary, the lands designated as R5-2 on Schedule "A" hereto shall be used in accordance with the following provisions: (83-72)

(i) **Uses Permitted**

an apartment dwelling house for the housing of the elderly;
a church;
a penal institution;
a public use in accordance with the provisions of Section 5(18) hereof.

(ii) **Lot Frontage (minimum):** 20.0 metres.

(iii) **Yard Depth Adjacent To All Property Lines (minima)** 9.0 metres

(iv) **Height of Building (maximum):** 18.3 metres, provided that the total number of storeys shall not exceed six (6).

(v) **Dwelling Units Permitted (maximum):** 100

(vi) **Dwelling Unit Area (minimum):** 42 square metres.

(vii) **Parking Requirements (minimum):** 0.25 parking spaces per dwelling unit.

(viii) **Parking Area Location:** No parking space shall be located closer than 2.0 metres to any lot line.

(ix) **Building Location And Buffering Required:**

Appropriate buffering techniques including building design, building orientation, lighting orientation and plantings shall be employed in the design of any project to both minimize any potential adverse impact of the housing project on adjacent lands and adequately protect the project site from any potential adverse impact of adjacent uses.

(x) Deleted

(By-Law 76-26; 2017-170)

(c) St. Andrew/St. Thomas Senior Citizens Residences R5-3

Notwithstanding any provisions of Sections 15A(1) and 15A(2) hereof to the contrary, the lands designated R5-3 on Schedule "A" hereto shall be used for

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no purpose other than a housing project designed and developed solely for the purpose of housing the elderly, in accordance with the following provisions: (87-116)

- (i) **Rear Yard Depth (minimum):** 8.5 metres
- (ii) **Height of Building (maximum):** 12.2 metres
- (iii) **Dwelling Units Permitted (maximum):** 50

(d) R5-4

Notwithstanding the provisions of Sentence (16)(c) of Section 5 and Sentence (2)(k) of Section 15A hereof to the contrary, the lands designated R5-4 on Schedule "A" hereto shall be developed in accordance with the following provisions: (89-58)

- (i) **Parking-Yards Where Permitted:**
All yards provided that no part of any parking area, other than a driveway, is located closer than 25 feet to any street line or flood plain.
- (ii) **Height of Building (maximum)**
Apartment Dwelling House 47 feet (By-Law
Number 76-26; 97-123)

(e) Rosewood Retirement Centre R5-5

Notwithstanding any provisions of Section 15A(1) and 15A(2) hereof to the contrary, the lands designated R5-5 on Schedule "A" hereto shall be used in accordance with the following provisions:

- (i) **Uses Permitted**
A retirement home
A nursing home
Accessory medical and commercial uses related to a retirement home or nursing home
- (ii) **Interior Side Yard Width (minimum)**
 $\frac{1}{2}$ the height of the building or 9.5 metres whichever is greater

(By-law Number 76-26; 99-25 – 1999)

(f) 860 Norwest Road

Notwithstanding the provisions of Section 15A to the contrary, the lands designated 'R5-6' on Map 5 of Schedule "A" hereto may be used in accordance with the following special provisions:

- (i) For the purposes of defining yards the front yard of the property for zoning purposes shall be the property line abutting Princess Street.

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(ii) Uses Permitted

A maximum of two apartment buildings shall be permitted with a combined maximum total of 235 apartment units.

(ii) Interior Side Yard Depth

A minimum interior side yard of 19.8 metres is required abutting the adjacent 'R4' and 'C2-24' property lines.

(iii) Rear Yard Depth

A minimum rear yard depth of 22.6 metres from Norwest Road is required.

(iv) Maximum Building Height

The maximum permitted height of the west tower shall be 39.6 metres

The maximum permitted height of the east tower shall be 39.9 metres

(v) Required Parking Spaces

A minimum of 294 parking spaces shall be provided on the property; this total shall include the required number of barrier free parking stalls.

(vi) Landscaped Open Space (minimum) - 30% Children's Play Area There shall be no requirement for a children's play area on this site.

(vii) Children's Play Area There shall be no requirement for a children's play area on this site.

(By-Law Number 76-26; 2003-200)

(3) Cont'd

(g) 982 Nottingham Avenue

OMB (Ontario Municipal Board) Approval Authority / OMB File Number PL070366

Issue date Feb. 15, 2008 / File Number D14-071-2006 as follows:

Notwithstanding any provisions of Sections 5(1), 5(6), 15A(1) and 15A(2) to the contrary, the lands designated R5-7 on Schedule 'A' shall be used in accordance with the following provisions:

(i) Minimum Interior Side Yard: 3.0 metres

(ii) Minimum Rear Yard: 9.0 metres

(iii) Minimum Lot Area per Unit: 69 square metres

(iv) Notwithstanding Section 5(16) to the contrary, a Maximum of 12 parking spaces shall be permitted in the exterior side yard

(v) Notwithstanding Section 5(1) to the contrary, accessory uses are permitted in all yards provided the use is a minimum setback of 1.0 metre from the front lot line and 3.0 metres from any other lot line.

(vi) For the east and north exterior walls the minimum privacy yards in front of a habitable window shall be 3.0 metres. No driveways or

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pedestrian walkways are permitted within the privacy yard.

- (vii) Notwithstanding Section 15A(2)(n), Children's Play Area to the contrary, a minimum of 4% of the lot area shall be used for passive recreation, which may be included in the calculation for required open space. The following provisions shall apply:
- a) The passive recreational space shall be located a minimum setback of 8 metres from any ground floor habitable window and a minimum setback of 15 metres from any street line.
 - b) A 3.0 metre strip of land along the abutting property lines shall be used for no purpose other than a planting strip. The planting strip shall be used for no other purpose than planting a row of trees or a continuous unpierced hedgerow of evergreens or shrubs not less than 1.5 metres high, immediately adjacent to the lot line or portion thereof along which such planting strip is required hereunder; the remainder of the strip shall be used for no other purpose than the planting of ornamental shrubs, flowering shrubs, flower beds or a combination thereof.

(OMB Decision / Order / PL070366.– Feb. 15, 2008 / File Number D14-071-2006)

(h) R5-8 810 Blackburn Mews

Notwithstanding the provisions of Section 15A hereof to the contrary, the lands zoned 'R5-8-H' on Schedule 'A' hereto, the following regulations shall apply:

- i) Minimum Lot Frontage: 31 metres
- ii) Dwelling Unit Area (minimum): 1 bedroom dwelling unit – 53 square metres
- iii) Notwithstanding any provisions to the contrary, within the privacy yard, an area unobstructed by a public or joint pedestrian access surface shall be provided extending 1.09 metres from any ground floor habitable room window, this distance being measured radially from any point on the window. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 2 ½ metres above the adjacent exterior ground level.
- iv) Notwithstanding Section 5(16)(c) to the contrary the following provision shall apply in the yard in which required parking area permitted for a residential - apartment dwelling house: Rear and interior side yard only, except for visitor parking, provided that no part of any parking area, other than a driveway, is located closer than 7.62 metres to any street line and no closer than 3.0 metres to any side lot line or rear lot line where it abuts a residential zone.

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(3) Cont'd

- v) In addition to the Conditions for Removal of an –H Symbol in Section 6(6) hereof, a sidewalk shall be constructed on Blackburn Mews as part of the required offsite works from 810 Blackburn Mews to Taylor-Kidd Boulevard.
- vi) Notwithstanding any provisions to the contrary a children's play area is not required.
- vii) Notwithstanding any provisions to the contrary the required parking ratio shall be 1.08 parking spaces per dwelling unit.
- viii) Notwithstanding any provisions to the contrary, the minimum privacy yard for a ground floor habitable room window for an apartment dwelling house of more than 10 dwelling units shall be 2.8 metres on the southwest corner of the main structure and 4.6 metres on the northwest corner of the main structure."

(By-Law Number 76-26; 2009-92)

(OMB Decision / Order / PL070366.– Feb. 15, 2008 / File Number D14-071-2006)

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(i) R5-9 269-274 Chimo Lane (539 Armstrong Road)

Notwithstanding the provisions of Sections 5 and 15A hereof to the contrary, for the lands zoned 'R5-9' on Schedule 'A' hereto, the following provisions shall apply:

- i) Notwithstanding any provisions to the contrary, within the privacy yard, an area unobstructed by a public or joint pedestrian access surface shall be provided extending 2.0 metres from any ground floor habitable room window, this distance being measured radially from any point on the window. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 2.5 metres above the adjacent exterior ground level.
- ii) Notwithstanding Section 5(16)(c) to the contrary the following provision shall apply in the yard in which required parking area permitted for a residential - apartment dwelling house: Rear and interior side yard only, except for visitor parking, provided that no part of any parking area, other than a driveway, is located closer than 7.62 metres to any street line and no closer than 1.5 metres to the lot line.
- iii) Notwithstanding any provisions to the contrary a children's play area shall consist of a minimum 2.5% of the lot area, which may be included in the area calculated as required open space. The play space shall not be less than 4.0 metres from a ground floor habitable room window and not less than 15.0 metres from any street line.
- iv) Off-Street Parking shall be provided as follows:
 - (1) Notwithstanding any provisions to the contrary the required parking ratio shall be 1.07 parking spaces per dwelling unit.
 - (2) Required parking shall be provided on-site and shall not be provided using off-site and/or on-street parking.
 - (3) The minimum size of a typical parking space located in the 'R-9' Zone shall be 2.6 metres wide and 5.2 metres long.
 - (4) The minimum width of a drive aisle adjacent to a parking space shall be 6.5 metres.
- v) The minimum setback from the north property line to any part of the main structure shall be 15.0 metres.
- vi) The minimum setback for an interior side yard shall be 10.0 metres from the lot line.
- vii) The maximum number of bedrooms permitted in the R5-9 Zone shall be 215.
- viii) That a secure and dry bicycle storage area shall be provided

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- ix) That the minimum number of bicycle parking spaces shall be 0.5 of a space per dwelling unit. Bicycle parking may be accommodated within the main building or structure. A minimum of 15% of the required bicycle parking shall be outside of the main structure and available for general use.

(By-law Number 76-26; 2011-68)

(j) R5-10 845 Gardiners Road

Notwithstanding the provisions of Sections 4, 5 and 15A and Schedule 'C' hereof to the contrary, the lands designated 'R5-10' on Schedule 'A' hereto, the following definitions and provisions shall apply:

- i) "Landscaped Open Space" shall be defined to also include landscaped areas that are raised above grade.
- ii) "Tower" shall be defined as the apartment dwelling building or structure containing the residential dwelling units.
- iii) "Height" shall be defined as the vertical distance between the finished grade and the highest point of the building or structure proper, inclusive of any accessory or auxiliary roof construction such as antenna, a chimney, a ventilation duct, an elevator or service penthouse, or a steeple.
- iv) Floodplain:
No building shall be erected within 6 metres of the regulatory floodplain elevation of 89.3 metres Geodetic Surveys of Canada (G.S.C.).
- v) Maximum Number of Residential Dwelling Units: 167
- vi) Minimum Front Yard, Parking Structure: 2.2 metres
- vii) Minimum Interior Side Yard:
 - a) Tower
North: 17.5 metres
South: 22 metres
 - b) Parking Structure
North: 3.2 metres
South: 1.3 metres
- viii) Minimum Rear Yard:
 - a) Tower: 22 metres
 - b) Parking Structure: 13 metres

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- ix) Maximum Building Height, Tower: 48 metres or 136 metres Above Mean Sea Level (A.M.S.L.), whichever is lesser
- x) Maximum Building Height, Parking Structure: 8 metres or 97 metres Above Mean Sea Level (A.M.S.L.), whichever is lesser.
- xi) Maximum Lot Coverage: 64%
- xii) Setback From Centreline of Road for Parking Structure
The parking structure shall be setback a minimum front yard depth of 2.2 metres plus 16.75 metres to the centreline of the road.
- xiii) Off-Street Parking Regulations:
 - a) The minimum number of off-street parking spaces shall be 204.
 - b) No more than 10 visitor parking spaces may be located in the front yard.
 - c) The minimum parking stall length for parking spaces located within the parking structure shall be 5.2 metres.
 - d) The minimum parking aisle width shall be 6.1 metres.
 - e) The minimum number of bicycle parking spaces shall be 1 space per dwelling unit. Bicycle parking spaces may be accommodated within the main building or parking structure. A minimum of 5% of the required bicycle parking shall be outside of the structure and designated for visitor use.
- xiv) Privacy Yards:
 - a) For the south-east and south-west exterior walls the minimum privacy yards in front of a habitable window shall be 3 metres for parking spaces and 7 metres for a driveway.
 - b) Within the privacy yards extending from the south-east and south-west exterior walls, an area unobstructed by a public or joint pedestrian access surface shall be provided extending a minimum of 1 metre from any ground floor habitable window;
 - c) The minimum setback for the children's play area from a ground floor habitable window shall be 4 metres.

(By-law Number 76-26; 2014-180)

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(3) Cont'd

(r) R5-18' (999 Purdy's Mill Road)

Notwithstanding the provisions of Section 15A and 5 hereof to the contrary, the lands designated 'R5-18' on Schedule 'A' hereto, the following regulations shall apply:

- (a) Minimum Lot Area: 1.4 hectares
- (b) Minimum Lot Frontage: 100 metres
- (c) Minimum Front Yard Depth: 10 metres
- (d) Minimum Exterior Side Yard Depth: 30 metres
- (e) Minimum Interior Side Yard Depth: 10 metres
- (f) Minimum Rear Yard Depth: 42 metres
- (g) Yards Where Parking is Permitted:

Parking is permitted in all yards provided no part of any parking area, other than a driveway or any underground parking, is located no closer than 1.5 metres to a front lot line, 1.5 metres to any side lot line and 30 metres to the rear lot line.

(By-law Number 76-26; 2014-111)

(3)(r) R5-18' (999 Purdy's Mill Road) continued:

- (h) Minimum Percentage of Landscaped Open Space: 40%
- (i) Maximum Lot Coverage: 30%
- (j) Maximum Building Height: 45 metres
- (k) Maximum Number of Dwelling Units per Block: 185 dwelling units
- (l) Privacy Yards: A privacy yard for an apartment dwelling, unobstructed by parking area or vehicular driveway shall be provided adjoining a habitable room window with a minimum depth of 5 metres measured at right angles from such wall the window adjoins except at front entrance and loading area where a 1.5 metre yard shall be required. An unbroken 1.8 metre high chain link fence is required to be constructed along the westerly property line for the whole extent of this zone. The fence shall be constructed without any openings and/or gates.

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(3) Cont'd

- (m) A berm(s) shall be constructed along the entire westerly property line, save and except where existing drainage and secondary emergency access need to be incorporated into the design of the berm(s) and subject to the following provisions:
- Minimum setback from property line: 3 metres
 - Minimum height: 4 metres at the average finished grade
 - Minimum slope shall be: 3:1
 - The design of the berm(s) will take into account the existing drainage from the abutting property to the west to ensure that excessive ponding does not occur as a result of the berm construction.
 - The berm(s) shall be used for no other purpose than planting a row of trees or a continuous unpierced hedgerow of evergreens and deciduous trees, not less than 5 feet high, along the crest of the berm(s); the remainder of the strip shall be used for no other purpose than the planting of shrubs, flowering shrubs, flower beds or a combination thereof. The berm will be vegetated with a mix of deciduous and coniferous native species with a trunk diameter to be determined to be satisfactory to the City's Arborist in consultation with the City's Planner (Parks Development) and Senior Heritage Planner.
- (n) Minimum vertical clearance for a parking structure or underground garage shall be 2.1 metres.

(By-law Number 76-26; 2014-111)

(s) 'R5-19' (999 Purdy's Mill Road)

Notwithstanding the provisions of Section 15A and 5 hereof to the contrary, the lands designated 'R5-19' on Schedule 'A' hereto, the following regulations shall apply:

- (a) Minimum Lot Area: 1.4 hectares
- (b) Minimum Lot Frontage: 100 metres
- (c) Minimum Front Yard Depth: 10 metres
- (d) Minimum Interior Side Yard Depth: 10 metres
- (e) Minimum Rear Yard Depth: 55 metres

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(3) (s) Cont'd

(f) Yards Where Parking is Permitted:

Parking is permitted in all yards provided no part of any parking area, other than a driveway or any underground parking, is located no closer than 1.5 metres to a front lot line, 1.5 metres to any side lot line and 30 metres to the rear lot line.

(g) Minimum Percentage of Landscaped Open Space: 40%

(h) Maximum Lot Coverage: 30%

(i) Maximum Building Height: 45 metres

(j) Maximum Number of Dwelling Units per Block: 185 dwelling units

(k) Privacy Yards: A privacy yard for an apartment dwelling, unobstructed by parking area or vehicular driveway shall be provided adjoining a habitable room window with a minimum depth of 5 metres measured at right angles from such wall the window adjoins except at front entrance and loading area where a 1.5 metre yard shall be required.

(l) An unbroken 1.8 metre high chain link fence is required to be constructed along the westerly property line for the whole extent of this zone. The fence shall be constructed without any openings and/or gates.

(m) A berm(s) shall be constructed along the entire westerly property line, save and except where existing drainage and secondary emergency access need to be incorporated into the design of the berm(s) and subject to the following provisions:

- Minimum setback from property line: 3 metres
- Minimum height: 4 metres at the average finished grade
- Minimum slope shall be: 3:1
- The design of the berm(s) will take into account the existing drainage from the abutting property to the west to ensure that excessive ponding does not occur as a result of the berm construction.
- The berm(s) shall be used for no other purpose than planting a row of trees or a continuous unpierced hedgerow of evergreens and deciduous trees, not less than 5 feet high, along the crest of the berm(s); the remainder of the strip shall be used for no other purpose than the planting of shrubs, flowering shrubs, flower beds or a combination thereof. The berm will be vegetated with a mix of deciduous and coniferous native species with a trunk diameter to be determined to be satisfactory to the City's Arborist in consultation with the City's Planner (Parks Development) and Senior Heritage Planner.

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- (n) Minimum vertical clearance for a parking structure or underground garage shall be 2.1 metres.

(By-law Number 76-26; 2014-111)

- (t) 'R5-20' (999 Purdy's Mill Road)

Notwithstanding the provisions of Section 15A and 5 hereof to the contrary, the lands designated 'R5-20' on Schedule 'A' hereto, the following regulations shall apply:

- (a) Minimum Lot Area: 1.4 hectares
- (b) Minimum Lot Frontage: 100 metres
- (c) Minimum Front Yard Depth: 10 metres
- (d) Minimum Interior Side Yard Depth: 10 metres
- (e) Minimum Rear Yard Depth: 65 metres
- (f) Yards Where Parking is Permitted:
Parking is permitted in all yards provided no part of any parking area, other than a driveway or any underground parking, is located no closer than 1.5 metres to a front lot line, 1.5 metres to any side lot line and 30 metres to the rear lot line.
- (g) Minimum Percentage of Landscaped Open Space: 40%
- (h) Maximum Lot Coverage: 30%
- (i) Maximum Building Height: 45 metres
- (j) Maximum Number of Dwelling Units per Block: 185 dwelling units
- (k) Privacy Yards: A privacy yard for an apartment dwelling, unobstructed by parking area or vehicular driveway shall be provided adjoining a habitable room window with a minimum depth of 5 metres measured at right angles from such wall the window adjoins except at front entrance and loading area where a 1.5 metre yard shall be required.
- (l) An unbroken 1.8 metre high chain link fence is required to be constructed along the westerly property line for the whole extent of this zone. The fence shall be constructed without any openings and/or gates.
- (m) A berm(s) shall be constructed along the entire westerly property line, save and except where existing drainage and secondary emergency access need to be incorporated into the design of the berm(s) and subject to the following provisions:
- Minimum setback from property line: 3 metres
 - Minimum height: 4 metres at the average finished grade

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- Minimum slope shall be: 3:1
 - The design of the berm(s) will take into account the existing drainage from the abutting property to the west to ensure that excessive ponding does not occur as a result of the berm construction.
 - The berm(s) shall be used for no other purpose than planting a row of trees or a continuous unpierced hedgerow of evergreens and deciduous trees, not less than 5 feet high, along the crest of the berm(s); the remainder of the strip shall be used for no other purpose than the planting of shrubs, flowering shrubs, flower beds or a combination thereof. The berm will be vegetated with a mix of deciduous and coniferous native species with a trunk diameter to be determined to be satisfactory to the City's Arborist in consultation with the City's Planner (Parks Development) and Senior Heritage Planner.
- (n) Minimum vertical clearance for a parking structure or underground garage shall be 2.1 metres.

(u) **R5-21**

Notwithstanding the provisions of Section 5 and Section 15A hereof to the contrary, the lands designated 'R5-21' on Schedule 'A' hereto, the following regulations shall apply:

1) Zoning Interpretation:

For the purposes of zoning interpretation the lands within the 'R5-21' zone shall be treated as a single parcel.

2) Density:

(a) Minimum: The minimum number of residential units per net hectare of land within the R5-21 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 100 dwelling units per net hectare.

(b) Maximum: The maximum number of residential units per net hectare of land within the R5-21 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 200 dwelling units per net hectare.

3) Yard Depths (minimum):

- | | |
|-------------------------|-----------|
| (a) West lot line | 3 metres |
| (b) All other lot lines | 10 metres |

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- (c) Notwithstanding subsections 15A(3)(u)(3)(a) and 15A(3)(u)(3)(b) a below grade parking structure may have a minimum yard depth of 0.3 metres to any lot line.
- 4) Height of Building
 - (a) The maximum permitted height above sea level is 136 metres
 - (b) The provisions of Section 5.8 – Height Exceptions, shall not apply within the R5-21 zone
- 5) Privacy Yards:

Notwithstanding any provisions to the contrary, a privacy yard shall be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard shall be required. There shall be no required privacy yard where a loading area abuts the wall of a building.
- 6) Parking Space Dimensions (minimum):

2.6 metres wide by 5.2 metres long
- 7) Barrier-free Parking Space Vertical Clearance (minimum): 2.1 metres
- 8) Parking:
 - (a) Parking is permitted in any yard.
 - (b) If parking is located within any yard adjacent to a street, a minimum 1.0 metre high berm shall be provided, which includes a minimum 3.0 metres wide landscaping strip containing a mixture of coniferous and deciduous trees.
 - (c) Below grade parking may be located under a landscaping strip.
- 9) Parking Aisle Lane Width (minimum): 6.1 metres.
- 10) Lot coverage:

Below grade parking structures are not included in the calculation of lot coverage.
- 11) Children’s Play Area (minimum) Not required

(By-law Number 76-26; 2017-46)

Section 16

Estate Residential Zone (ER)

(1) Uses Permitted

No person shall within any ER Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following ER uses, namely:

- (a) **Residential Uses:**
a single-family dwelling house.
- (b) **Non-Residential Uses:**
a home occupation;
a public use in accordance with the provisions of Section 5(18) hereof.

(2) ZONE PROVISIONS

No person shall within any ER Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) **Lot Area (minimum):** 2 acres
- (b) **Lot Frontage (minimum):** 200 feet
- (c) **Water Frontage (minimum):** Any lot having water access shall have not less than 50 feet of water frontage.
- (d) **Front Yard Depth (minimum):** 40 feet
- (e) **Exterior Side Yard Width (minimum):** 40 feet
- (f) **Interior Side Yard Width (minimum):** 40 feet
- (g) **Rear Yard Depth (minimum):** 40 feet
- (h) **Dwelling Unit Area (minimum):** 1,500 square feet
- (i) **Landscaped Open Space (minimum):** 70%
- (j) **Lot Coverage (maximum):** 30%
- (k) **Height Of Building (maximum):** 35 feet
- (l) **Dwelling Houses Per Lot (maximum):** 1 only
- (m) **Accessory Uses, Parking, Etc.:** In accordance with the provisions of Section 5 hereof.

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(3) SPECIAL ER ZONES

(a) ER-1: Rosedale Estates

Notwithstanding any provisions of this By-law to the contrary, the lands designated ER-1 on Schedule "A" hereto shall be used in accordance with the following provisions: (77-24-F)

(i) **Lot Frontage (minimum):**

200 feet, provided that where a lot has a lot frontage of less than 200 feet and where such lot abuts a parcel of land owned by the Corporation for the purpose of future road extension, such parcel of land shall be considered to be a street for the purpose of determining the minimum lot frontage.

(ii) **Location of Buildings And Structures:**

No building or structure shall be erected or constructed below an elevation of 350 feet.

(For accurate reference please consult By-law Number 77-24).

(b) ER-2 Creal Developments

Notwithstanding any provisions of this By-law to the contrary, the lands designated ER-2 on Schedule "A" hereto shall be used in accordance with the following provisions: (78-23-F)

(i) **Location of Buildings And Structures:**

No building or structure shall be erected or altered below the 295 foot contour.

(For accurate reference, please consult By-law NNumber 78-23).

(c) ER-3

Repealed by By-law Number 83-43. (80-41).

(d) ER-4

Notwithstanding any provision of this By-law hereof to the contrary, the lands designated 'ER-4' on Map Number 1 of Schedule "A" hereto shall be developed in accordance with the following provisions:

(i) **Lot Area (minimum)** 5070 sq. metres

(ii) **Lot Frontage (minimum)** 49.0 m

Where a lot designated 'ER-4' on Map Number 1 of Schedule "A" hereto also has an 'EPA-2' designation on a portion thereof, the minimum lot frontage calculation shall be based on the total frontage within the lot lines of the lot.

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(iii) **Location of Buildings And Structures:**

- (a) Where a lot line is adjacent to or abuts the east-west drainage course, which bi-sects the lands designated 'ER-4' on Map Number 1 of Schedule "A" hereto, no building, structure or accessory structure, including pools, shall be located closer than 8 metres from the toe of the slope of the drainage course; except for an accessory structure, no larger than 10 square metres, which may be located no closer than 3 metres from the top of the bank.
- (b) Where a lot designated "ER-4" on Map Number 1 of Schedule "A" hereto also has an "EPA-2" designation on a portion thereof, the required yard shall be the limit of the "EPA-2" designation or the required yard of the "ER-4" designation for that yard, whichever is the greater.

(iv) **Lot Area Calculation:**

Where a lot designated 'ER-4' on Map Number 1 of Schedule "A" hereto has an 'EPA-2' designation on a portion thereof, the lot area calculation shall be based on the total horizontal area within the lot lines of the lot.

(OMB Decision / Order N. 1353 – July 16, 1999)

(e) **ER-5 ALLEN**

Notwithstanding any provisions Section 16(2)(b), (c) and (g) to the contrary, the lands designated as "ER-5" on Schedule "A" attached hereto shall be used in accordance with the following provisions:

- (i) **LOT FRONTAGE (minimum):** 55 metres
- (ii) **WATER FRONTAGE (minimum):** Any lot having water access shall have not
less than 60 metres of water

frontage.

- (iii) No building opening shall be built or altered below 89.22 metres geodetic.
- (iv) No marine facility shall be located closer than 5 metres to a side lot line.
- (v) No building, structure or septic system shall be located closer than 30 metres from the high water mark.
- (vi) Lands located below the contour line of 88.92 metres geodetic shall be used for no other purpose that one or more of the following uses: a conservation use, a forestry use or a marine facility.
- (vii) Notwithstanding clause (v) above the location of the existing house is recognized as complying with the required setback from the high water mark.

(By-law Number 99-323 - 1999)

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(f) ER-6 530 Maple Lawn Drive

Notwithstanding the provisions of Section 16 hereof to the contrary, the lands designated 'ER-6' on Schedule 'A' hereto, the following regulations shall apply:

- (i) Lot Area (minimum): 1.0 hectares
- (ii) Setback from 1:100 year floodplain (minimum): 15 metres

(By-law Number 76-26; 2014-191; 2016-5)

SECTION 17

INSTITUTIONAL ZONE (I)

(1) Uses Permitted

No person shall within any I Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following I uses, namely:

(a) Residential Uses:

an accessory dwelling unit.

(b) Non-Residential Uses:

an administrative office of The Corporation, The County, The Province of Ontario or The Government of Canada;

- a arena;
- a cemetery;
- a church;
- a community centre;
- a hospital;
- a nursery school;
- a nursing home;
- a penal institution;
- a private club;
- a public use in accordance with the provisions of Section 5(18) hereof;
- a secondary school.

(2) Zone Provisions

No person shall within any I Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Lot Area (minima):

(i) Accessory dwelling unit

- (a) Lot served by only a public water system or a sanitary sewer system**

-15,000 square feet

- (b) Lot not served by a public water system nor a sanitary sewer system**

-22,000 square feet

- (b) Front Yard Depth (minimum):** 20 feet

- (c) Exterior Side Yard Width (minimum):** 20 feet

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(2) Cont'd

- (d) **Interior Side Yard Width (minimum):** 25 feet, provided that where the interior side lot line abuts a Residential Zone, the minimum interior side yard width required shall be 20 feet.
- (e) **Rear Yard Depth(minimum):** 25 feet
- (f) **Landscaped Open Space (minimum):** 30%
- (g) **Lot Coverage (maximum):** 30%
- (h) **Dwelling Unit Area (minima):**
 - (i) Accessory dwelling unit
 - (a) Bachelor dwelling unit -400 square feet,
 - (b) Dwelling unit containing 1 bedroom -600 square feet,
 - (c) Dwelling unit containing 2 bedrooms -700 square feet,
 - (d) Dwelling unit containing 3 bedrooms -900 square feet,
 - (e) Dwelling unit containing more than 3 bedrooms -900 square feet plus 100 square feet for each bedroom in excess of three.
- (i) **Height Of Building (maximum):** 35 feet
- (j) **Dwelling Units Per Lot (maximum):** 1 only
- (k) **Accessory Uses, Parking, Etc.:**

In accordance with the provisions of Section 5 hereof.

(3) SPECIAL I ZONES

(a) I-1

Notwithstanding the provisions of Section 17(1) hereof to the contrary, the lands designated I-1 on Schedule "A" hereto shall be used for no purpose other than a bowling alley.

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(3) Cont'd

(b) I-2

Notwithstanding the provisions of Section 17(1) hereof to the contrary, the lands designated I-2 on Schedule "A" hereto shall be used for no purposes other than a church, a nursery school and a maximum of two accessory dwellings, which may consist of either accessory dwelling houses, accessory dwelling units or a combination of the foregoing.

(c) I-3

Notwithstanding the provisions of Section 17(1)(b) hereof to the contrary, the lands designated I-3 on Schedule "A" hereto, shall be used for no purpose other than a church, a nursery school, and/or a public use in accordance with the provisions of Section 5(18). (81-40).

(d) I-4

Notwithstanding the provisions of Section 17(2)(e) hereof to the contrary, the minimum required rear yard depth for the lands designated as I-4, on Schedule "A" hereto, shall be 3.0 metres. (83-72).

(e) I-5 St. Paul the Apostle Church

Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated as I-5 on Schedule "A" hereto shall be used for no purpose other than a church and an accessory dwelling unit and development on these lands shall be subject to the following provision: (85-31).

(i) The planting of any shrubs or trees within 6.1 metres of the right-of-way of Taylor-Kidd Boulevard shall be prohibited.

(f) I-6

Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated as I-6 on Schedule "A" hereto may be used for a single- family dwelling house accessory to a church, provided that such use is developed in accordance with the following provisions: (85-54).

(i) **Lot Area (minimum):** 6272 sq. metres
(67,518 sq. ft.)

(ii) **Dwelling Unit Area (minimum):**

(a) Single family dwelling house 92 sq. metres
(1000 sq. ft.)

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(3) Cont'd

(g) I-7 Kingston Christian School

Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated as I-7 on Schedule "A" hereto shall only be used and developed in accordance with the following special provisions: (89-30)

(i) PERMITTED USES:

-a Commercial School offering elementary education to children in kindergarten through Grade 8;

-a public use in accordance with the provisions of Section 5(18) hereof.

(ii) LOT AREA (minimum): 0.9 hectares

(iii) LOT FRONTAGE (minimum): 121 metres.

For the purposes of this Section only, the Woodbine Road frontage shall be considered as the Lot Frontage.

(By-law Number 98-301)

(iv) That any addition to the existing building located on the lands Zoned 'I-7' shall be constructed in accordance with the requirements of Section 17 (2) of this By-law.

(By-law Number 98-301)

(h) I-8

Notwithstanding the provisions of Subsection (1) of Section 17 hereof to the contrary, the lands designated as "I-8" on Schedule "A" hereto shall be used for no purpose other than a church, a community centre, a nursery school, a nursing home, and a public use in accordance with the provisions of Section 5(18) hereof. (92-66)

(i) I-9

Notwithstanding any provisions of this By-law to the contrary, the lands designated I-9 on Schedule "A" hereto shall be used for no purposes other than municipal fire and policing services and development on these lands shall be in accordance with the following special provision: (96-42)

(i) Driveway width (maximum) 21.34 metres (70 feet)

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(3) Cont'd

(j) I-10

Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated I-10 on Schedule "A" hereto shall be used for no purposes other than nursing home and/or a public use in accordance with the following provisions: (96-115)

(i) Removal of Holding Provision

Development of the lands within the I-10 Zone shall be delayed by the use of the Holding symbol "-H", until such time as:

- a) the following municipal requirements have been complied with:
 - i) the construction of the public road serving the proposed development to municipal standards;
 - ii) demonstration to the satisfaction of the Township that the volume and pressure of municipal water supply are sufficient for fire-fighting purposes;
 - iii) demonstration to the satisfaction of the Township, the Cataraqui Region Conservation Authority and the area Health Unit that the soil and drainage conditions are suitable for the installation of a private sewage disposal system and that such system would not adversely affect the quality and quantity of ground water;
 - iv) submission of a stormwater management and drainage plan satisfactory to the Township and the Cataraqui Region Conservation Authority.
 - v) renaming of Elizabeth Street in accordance with the Township's street naming conventions;
 - vi) submission of a tree preservation and protection plan;
- b) confirmation that the owner has entered into an agreement with the Canadian National Railways.
- c) a Site Plan Agreement has been registered on title;
- d) and the "-H" has been removed by further amendment to this By-law.

(k) I-11

Notwithstanding any provisions of Section 17 hereof to the contrary, the lands designated as 'I-11' on Schedule "A" hereto shall be developed in accordance with the following special provisions:

- (i) That notwithstanding the provisions of Section 17(1) (b), the uses on the site shall also include a Call-Centre and General Office Uses.

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- (ii) That notwithstanding the provisions of Section 5(16)(d)(i), the current shared driveway with Centre 70 shall be the permitted access into Call-Centre.

(By-Law Number 2002-65)

(l) I-12-H (564 Tanner Drive):

1. Subject to the removal of the '-H' Symbol pursuant to the Planning Act, and notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 17 for the 'I' Zone shall apply to the 'I-12' Zone except that:

(a) USES PERMITTED:

Institute

Nursing home

Associated row dwelling house

Accessory uses to be located within and related to the institute or nursing home to service only the residents, employees or visitors to the institute, nursing home and associated row dwelling houses including a day nursery, a medical clinic, personal service shop, a business or professional office, pharmacy, banking facility, convenience store, coffee shop, recreational uses, chapel and dining facilities.

- (b) HEIGHT OF BUILDING (maximum): 16 metres

- (c) DWELLING UNITS PER LOT (maximum): 23

2. The '-H' Symbol shall only be removed once the following conditions have been complied with:

- (i) Archaeological Assessment and Environmental Site Assessment to the satisfaction of the City;
- (ii) All applicable Municipal and Agency requirements have been complied with;
- (iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
- (iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the *Planning Act*."

(By-law Number 76-26; 2007-40)

(m) I-13 1030 Sunnyside Road (Cataraqui Community Centre)

1. Notwithstanding the provisions of Section 17(1) hereof to the contrary, the following uses shall also be permitted as accessory uses within the lands zoned I-13 on Map 3 of Schedule A hereto:

- Specific day retail sales
- Trade show

The uses noted above are defined as follows:

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Specific Day Retail Sales means the use of any lot, building or structure, or part thereof, for an event that brings together members of the public or an industry for the purpose of selling or buying goods or services, including entering into contracts for the sale and/or purchase of goods or services; which are complementary to the principle permitted uses.

Trade Show means the use of any lot, building or structure, or part thereof, for an event held to bring together members of a particular industry to display, demonstrate, and promote their latest products and services; which are complementary to the principle permitted uses.

2. Parking Provisions

- (i) Parking for any recreational use and accessory use to a recreational use shall be at a rate of 1 space for each 26 square metres of gross floor area.

(n) **I-14 100 Days Road (Centre 70 Arena property)**

1. Notwithstanding the provisions of Section 17(1) hereof to the contrary, the following uses shall also be permitted as accessory uses within the building known as 100 Days Road (Centre 70 Arena) zoned I-14 on Map 3 of Schedule A hereto:

- specific day retail sales
- trade shows

The uses noted above are defined as follows:

Specific Day Retail Sales means the use of any lot, building or structure, or part thereof, for an event that brings together members of the public or an industry for the purpose of selling or buying goods or services, including entering into contracts for the sale and/or purchase of goods or services; which are complementary to the principle permitted uses.

Trade Show means the use of any lot, building or structure, or part thereof, for an event held to bring together members of a particular industry to display, demonstrate, and promote their latest products and services; which are complementary to the principle permitted uses.

2. Parking Provisions

- (i) Parking for any recreational use and accessory use to a recreational use shall be at a rate of 1 space for each 26 square metres of gross floor area.

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(n) I-14 670 Front Road (Centre 70 Arena property)

1. Notwithstanding the provisions of Section 17(1) hereof to the contrary, a retail store shall be permitted within the limits of the existing 170 square metre building located at 670 Front Road, which is situated on the Centre 70 Arena property, zoned I-14 on Map 3 of Schedule A hereto:
2. Parking Provisions
Parking for a retail store shall be at a rate of 5.25 parking spaces per 100 square metres of gross floor area.
3. That the existing deficient rear yard setback of the building known as 670 Front Road, existing on the date of passing this By-Law, shall be permitted.

(By-Law 76-26; 2019-77)

(o) I-15 (1381 Newport Avenue):

Notwithstanding the provisions of Sections 5 and 17 hereof to the contrary, on the lands designated 'I-15' on Schedule "A" hereto, the following regulations shall apply:

- | | |
|-----------------------------------|---|
| (a) Height of Building (Maximum): | 11.9 metres |
| (b) Off-Street Parking (Minimum): | |
| (i) Elementary school: | 2.1 parking spaces per classroom |
| (ii) Secondary school: | 4.3 parking spaces per classroom |
| (iii) Daycare centre: | 2.1 parking spaces per classroom |
| (iv) Community room: | 10.76 parking spaces per 100 square metres of gross floor area |
| (v) Offices (cultural centre): | 3.57 parking spaces per 100 square metres of gross floor area
10.76 parking spaces per 100 square metres of gross floor area |
| (vi) Theatre | square metres of gross floor area |

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- (c) Notwithstanding the foregoing, the off-street parking requirements for the theatre, with a maximum gross floor area of 720 square metres, may be satisfied through shared use of the parking facilities described in subsections (b)(i)-(v) above. The theatre shall be for the exclusive use of the school during school hours.
- (d) A maximum of 20 parking spaces (in the aggregate) are permitted to be located off-site on an adjacent parcel.
- (e) Parking spaces shall have minimum dimensions of 2.6 metres wide by 5.2 metres long.
- (f) Off-Street Accessible Parking:
 - (i) Type A accessible parking spaces shall have minimum dimensions of 3.4 metres wide by 5.2 metres long.
 - (ii) Type B accessible parking spaces shall have minimum dimensions of 2.7 metres wide by 5.2 metres long.
 - (iii) An accessible aisle with minimum dimensions of 1.5 metres wide by 5.2 metres long, and marked with high tonal contrast diagonal lines, shall be provided adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between Type A and Type B accessible parking spaces.”

(By-Law 76-26; 2019-133)

Section 18

Local Commercial Zone (C1)

(1) Uses Permitted

No person shall within any C1 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C1 uses, namely:

(a) Residential Uses:

an accessory dwelling unit.

(b) Non-Residential Uses:

- a bank;
- a business or professional office;
- a convenience store;
- a dry-cleaning outlet or laundry outlet;
- a home occupation;
- a personal service shop;
- a public use in accordance with the provisions of Section 5(18) hereof;
- a shopping centre consisting of any of the permitted uses listed herein;
- a day nursery.

(By-law Number 76-26; 2007-159)

(2) Zone Provisions

No person shall within any C1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Lot Area (minima):	Accessory Dwelling <u>Unit</u>	Other Permitted <u>Uses</u>
(i) Lot served by a public water system and a sanitary sewer system	5,000 square feet	
(ii) Lot served by only a public water system or a sanitary sewer system	15,000 square feet	12,500 square ft
(iii) Other lots	22,000 square feet	12,500 square ft

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- (b) **Lot Frontage (minima):**
 - (i) Lot served by a public water system and a sanitary sewer system 20 feet
 - (ii) Other lots 50 feet
- (c) **Front Yard Depth (minimum): (94-21)** 10 feet
- (d) **Exterior Side Yard Width (minimum): (94-21)** 10 feet
- (e) **Interior Side Yard Width (minimum):** 20 feet,
provided that where the interior side lot line abuts a Commercial Zone, no interior side yard is required.
- (f) **Rear Yard Depth (minimum):** 20 feet
- (g) **Dwelling Unit Area (minima):**
 - (i) Accessory dwelling unit
 - (a) Bachelor dwelling unit 400 square feet
 - (b) Dwelling unit containing 1 bedroom 600 square feet
 - (c) Dwelling unit containing 2 bedrooms 700 square feet
 - (d) Dwelling unit containing 3 bedrooms 900 square feet
 - (e) Dwelling unit containing more than 3 bedrooms 900 square feet plus 100 square feet for each bedroom in excess of three.
- (h) **Gross Floor Area (maximum):**

The gross floor area of a shopping centre shall not exceed 10,000 square feet and no single use shall have a gross floor area of greater than 2,000 square feet.
- (i) **Landscaped Open Space (minimum):** 10%
- (j) **Lot Coverage (maximum):** 35%

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- (k) **Height of Building (maximum):** 35 feet
- (l) **Dwelling Units Per Lot (maximum):** 1 only
- (m) **Open Storage:** No open storage of goods and materials shall be permitted.
- (n) **Accessory Uses, Parking, Etc.:**

In accordance with the provisions of Section 5 hereof.

(3) **Special C1 Zones (79-87)**

(a) **C1-2**

Notwithstanding the provisions of Section 18(1)(b) hereof to the contrary, the lands designated as C1-2 on Schedule "A" hereto, shall not be used for a convenience store. (80-15) & (89-71).

(b) **C1-3**

Notwithstanding the provisions of Section 18(2)(h) hereof to the contrary, on the lands designated C1-3 on Schedule "A" hereof, the gross floor area of a shopping centre shall not exceed 1,100 square metres and no single use shall have a gross floor area of greater than 280 square metres. (80-70) & (89-71).

(c) **C1-4**

Notwithstanding the provisions of Sections 18(1) and 18(2)(h) hereof to the contrary, the lands designated C1-4 on Schedule "A" hereto shall be developed in accordance with the following provisions: (86-117) & (89-71)

(i) **Uses Permitted:**

- a bank;
- a business or professional office;
- a clinic;
- a convenience store;
- a dry cleaning outlet or laundry outlet;
- a launderette;
- a merchandise service shop;
- a personal service shop;
- a public use in accordance with the provisions of Section 5(18) hereof;
- a restaurant;

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- a takeout restaurant;
- a retail store;
- a wholesale use accessory to a permitted use;
- a shopping centre consisting of any of the permitted uses listed herein.

(ii) Gross Floor Area (Maximum)

The combined total gross floor area of all uses shall not exceed 7293 square metres (78,504 square feet). (89-4).

(d) Fern Moor South C1-5

Notwithstanding any provision of Section 18 hereof to the contrary, the lands designated C1-5 on Schedule "A" hereto shall be used for no purpose other than business or professional offices and the maximum permitted gross floor area shall be 1858 square metres. (89-71).

(e) **C1-6**

Notwithstanding any provision of this By-Law to the contrary, the lands designated 'C1-6' on Schedule "A" hereto shall be used and developed in accordance with the following provisions:

(i) **Permitted Uses:**

- (a) A use authorized by Section 18(3)(c)(i) of this By-Law;
- (b) An automobile service station;

(ii) **Gross Floor Area (maximum)**

The combined total gross floor area of all permitted uses shall not exceed 2000 square metres.

(iii) **Holding Symbol '-H'**

That a Holding Symbol '-H' shall be applied to the 'C1-6' Zone as indicated on Schedule "A" attached hereto. In addition to the provisions of Section 6(6) of this By-Law respecting the use and removal of '-H' Symbols, the following shall be provided prior to the removal of the '-H' Symbol:

- an approved site plan for the subject lands addressing ingress and egress to the property and traffic flows along Gardiners Road and Development Drive; and,
- an executed Site Plan Control Agreement."

(By-law Number 76-26; 91-137; 2004-124; 2015-56)

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3 cont'd:

(f) **C1-7**

Notwithstanding the provisions of Sections 18(1)(b) and 18(2)(h) hereof to the contrary, the lands designated C1-7 on Schedule "A" hereto also may be used for a merchandise service shop, a take-out restaurant, a veterinary clinic, and a retail store, provided that the merchandise service shop and take out restaurant uses are developed in accordance with the following provision: (96-13)

- (i) GROSS FLOOR AREA (maximum): 93 sq. metres
(1,000 sq. ft.)

(g) **C1-8**

Notwithstanding the provisions of Section 18(1)(b) and Section 18(2) to the contrary, the lands designated on Schedule A hereto shall be used and developed in accordance with the following provisions:

(i) PERMITTED NON-RESIDENTIAL USES:

An animal clinic;
A clinic;
A commercial club;
A drive-in restaurant;
A dry-cleaning or laundry outlet;
A farm produce retail outlet;
A florist shop;
A golf driving range or miniature golf course;
A home occupation;
A laundromat;
A merchandise service shop;
A public use, in accordance with the provisions of Section 5918) hereof;
A rental outlet;
A restaurant;
A Nursery/Garden Centre/Greenhouse; (2005-210)
A wholesale use accessory to a permitted use;
A retail store;
A business or professional office;
A bank;
A convenience store;
A personal service shop;
A shopping centre consisting of any of the above permitted uses listed herein;

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3 cont'd:

(ii) SERVICES

No person shall, within the C1-8 Zone, use any lot or erect, alter or use any building or structure unless such a lot is served by a public water and a sanitary sewer system.

(iii) LOT FRONTAGE (minima)

(a) Lot abutting an arterial road - 100 feet

(b) Other lots - 75 feet

(iv) INTERIOR SIDE YARD WIDTH (minima) - 30 feet

(v) REAR YARD DEPTH (minima) - 50 feet

(vi) GROSS FLOOR AREA (maximum)

The gross floor area of a shopping centre shall not exceed 10,000 square feet and no single use shall have a gross floor area of greater than 2,000 square feet.

(vii) OPEN STORAGE

No open storage of goods or materials shall be permitted except in accordance with Section 5(15A).

(viii) No building or structure shall be erected or altered within 25 feet of a 100 year flood line or high-water mark.

(By-law 98-235 - 1998)

(h) **1555 Sydenham Road**

Notwithstanding the provisions of Section 18(1) to the contrary, the lands designated 'C1-9' on Map 1 of Schedule "A" hereto shall only be used in accordance with the following special provisions:

(i) The only permitted uses on the property shall be:

a. business and professional office;

b. personal service shop; and

c. premises engaged in the development of computer software, and testing and assembly of related computer hardware components.

(ii) Such uses shall be contained within the existing building on the property on the date of passing of this By-law.

(iii) Any redevelopment of the existing building shall be subject to site plan control.

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- (iv) Parking: 1 space per 37.0 square metres of occupied gross floor area.
- (v) No parking space shall be located closer than 1 metre to any lot line.
- (vi) All required loading spaces shall be located in the rear yard.
- (vii) No open storage of goods or materials shall be permitted.

(By-Law Number 2005-81)

(i) **920 Sydenham Road**

Notwithstanding the provisions of Section 18(1) to the contrary, the lands zoned 'C1-10' on Map 3 of Schedule "A" attached hereto shall only be used for a single detached dwelling or a business or professional office.

Any non-residential uses shall be developed in accordance with the following provisions:

- (i) **GROSS FLOOR AREA (maximum)**
Maximum permitted gross floor area shall be 120 square metres and contained within the existing building at the date of the passing of this by-law.
- (ii) **BUFFERING (minimum)**
A solid fence 1.8 metres in height or a buffering strip of 2 metres in width shall be provided on the property where a non-residential use abuts a residential use.
- (iii) **PARKING**
Parking shall be in conformance with Section 5(16), Parking Area Regulations, of this By-Law.
- (iv) **DEEMED COMPLIANT**
Notwithstanding the provisions of Section 18(2) to the contrary, the existing building shall be deemed to comply with the minimum setback requirements

(By-law Number 2005-244)

(j) **C1-11**

Notwithstanding the provisions of Section 18(3)(a) to the contrary, the lands zoned 'C1-11' on Map 4 of Schedule 'A' attached hereto, shall permit the following additional use provided said use is developed and used in accordance with the following provisions:

- i) **Funeral Home:** means a commercial establishment for the purpose of furnishing funeral supplies and services

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to the public by a licensed undertaker, and licensed under provincial legislation.

- ii) **Parking (minimum)** 80 spaces for a funeral home, in accordance with Section 5 for all other uses.

(By-law Number 2006-63)

(k) **C1-12 (484 Days Road)**

Notwithstanding the provisions of Section 5 and Section 18 hereof to the contrary, the C1-12-H Zone shall apply to regulate the uses within the existing structure on the date of passing of this by-law. Any new development or redevelopment of the property shall be required to comply with the performance standards of the C1 zone and all other general provisions of By-Law Number 76-26 as amended, with the exception of the following provisions:

(a) **Uses Permitted**

i. **Residential Uses:**

- an accessory dwelling unit; or,
- a converted dwelling house; or,
- a single-family dwelling house.

ii. **Non-Residential Uses:**

- a medical or dental clinic
- a business or professional office
- a personal service shop
- a dry-cleaning outlet or laundry outlet
- a day nursery
- a convenience store
- a restaurant
- a take-out restaurant

(b) **Zone Provisions**

i. **Non-Residential Uses within the structure existing on the date of the passage of this by-law:**

- a) The maximum gross floor area of the ground floor commercial use shall be 205 square metres (2,400 square feet).
- b) An accessory staff room to the ground floor commercial use is permitted on the second floor of the existing structure, up to a maximum gross floor area of 26 square metres (280 square feet).

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(c) Removal of Holding Provision (-H)

In addition to the provisions of Section 6(6), the following provisions apply to the specified uses:

- i. A restaurant or a take-out restaurant shall not be permitted until the following Holding symbol “-H” conditions have been satisfied:
 - a) a Municipal-Industrial Strategy for Abatement (MISA) manhole is installed on the property; and
 - b) completion of a Traffic Impact Study to the satisfaction of the City, and implementation of any required mitigation measures.
- ii. A medical clinic, a personal service shop, dry-cleaning outlet or laundry outlet shall not be permitted until the following Holding symbol “-H” condition has been satisfied:
 - a) a Municipal-Industrial Strategy for Abatement (MISA) manhole is installed on the property.
- iii. A convenience store shall not be permitted until the following Holding symbol “-H” condition has been satisfied:
 - a) completion of a Traffic Impact Study to the satisfaction of the City, and implementation of any required mitigation measures.
- iv) The ‘H’ Holding Zone provision will only be removed for the specified use(s) which have satisfied the above-noted condition(s). All other uses identified above will remain subject to the holding provision.

(By-Law Number 2016-157)

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Section 19

General Commercial Zone (C2)

(1) Uses Permitted

No person shall within any C2 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C2 uses, namely:

(a) Residential Uses:

an accessory dwelling unit in the upper portion of a Non-Residential building.

(b) Non-Residential Uses:

- an auditorium;
- an automatic car wash;
- an automobile service station;
- an appliance rental shop;
- a bank;
- a beverage room;
- a boat sales establishment;
- a business or professional office;
- a clinic;
- a commercial club;
- a commercial school;
- a dry-cleaning or laundry outlet;
- a funeral home;
- a gasoline retail facility;
- a home occupation;
- an institute;
- a laundromat;
- a merchandise service shop;
- a vehicle sales or rental establishment; (83-43)
- a parking lot;
- a personal service shop;
- a copy shop;
- a private club;
- a public use in accordance with the provisions of Section 5(18) hereof;
- a recreational establishment;
- a restaurant;
- a take-out restaurant;
- a retail store;
- a supermarket;
- an undertaking establishment;
- a veterinary clinic;
- a shopping centre consisting of any of the permitted uses listed herein;
- a day nursery.

(By-law Number 76-26; 2007-159)

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(2) Zone Provisions

No person shall within any C2 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Lot Area (minima):

(i) Accessory dwelling unit

- (a) Lot served by only a public water system or a sanitary sewer system

15,000 square feet

- (b) Lot not served by a public water system nor a sanitary sewer system

22,000 square feet

(ii) Automobile service station

12,500 square feet

(iii) Other uses

- (a) Lot served by a public water system and a sanitary sewer system

5,000 square feet

- (b) Lot served by only a public water system or a sanitary sewer system

6,000 square feet

- (c) Other lots

10,000 square feet

(b) Lot Frontage (minima):

(i) Automobile service station

125 feet

(ii) Other uses

- (a) Lot served by a public water system and a sanitary sewer system

20 feet

- (b) Lot served by only a public water system or a sanitary sewer system

50 feet

- (c) Other lots

50 feet

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(2) Cont'd

(c) **Lot Depth (minimum):**

- (i) Automobile service station
125 feet

(d) **Front Yard Depth (minima):**

- (i) Automobile service station
50 feet
- (ii) Other uses (94-21)
10 feet

(e) **Exterior Side Yard Width (minima):**

- (i) Automobile service station
50 feet
- (ii) Other uses (94-21)
10 feet

(f) **Interior Side Yard Width (minima):**

- (i) Automobile service station
30 feet
- (ii) Other uses
20 feet, provided that where the interior side lot line abuts
another lot
in a Commercial Zone, no interior side yard shall be
required.

(g) **Rear Yard Depth (minimum):**

25 feet

(h) **Landscaped Open Space (minimum):**

- (i) Automobile service station
5%
- (ii) Other uses
10%

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(2) Cont'd

(i) **Lot Coverage (maxima):**

(i) Automobile service station

20%

(ii) Other uses

50%

(j) **Dwelling Unit Area (minima):**

(i) Accessory dwelling unit

(a) Bachelor dwelling unit

400 square feet

(b) Dwelling unit containing 1 bedroom

600 square feet

(c) Dwelling unit containing 2 bedrooms

700 square feet

(d) Dwelling unit containing 3 bedrooms

900 square feet

(e) Dwelling unit containing more than 3 bedrooms

900 square feet plus 100 square feet for each bedroom in excess

(k) **Gross Leasable Area (maximum):**

The gross leasable area of a shopping centre shall not exceed 2000 square metres. For the purpose of this provision the term "gross leasable area" shall not include floor area which is exclusively devoted to institutional, office or residential use. (86-38)

(l) **Height Of Building (maximum):**

35 feet

(m) **Dwelling Units Per Lot (maximum):**

1 only

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(2) Cont'd

(n) **Open Storage:**

No open storage of goods or materials shall be permitted. (77-26).

(o) **Gasoline Pump Island Location:**

Notwithstanding any other provisions of this By-law to the contrary, a gasoline pump island accessory to a permitted use may be located within any front yard or exterior side yard provided:

- (i) The minimum distance between any portion of the gasoline pump island or its canopy and any lot line shall be 15 feet. (94-83)
- (ii) Where the lot is a corner lot, no portion of any gasoline pump island shall be located closer than 10 feet to a sight triangle.

(p) **Accessory Uses, Parking, Etc.:**

In accordance with the provisions of Section 5 hereof.

(3) **Special C2 Zones**

(a) C2-1 Highway 2 - Cataraqui

Notwithstanding any provisions of this By-law to the contrary, the lands designated C2-1 on Schedule "A" hereto may be used for a motel, a hotel, a convention centre, a place of worship, a day nursery, an arcade accessory to a permitted principal use, and an accessory dwelling unit located on the ground floor. Such lands shall be developed in accordance with the following provisions: (88-86)

(i) **TOURIST ESTABLISHMENTS:**

Tourist establishments shall be developed on lands served by a public water system and a sanitary sewer system, in accordance with the following provisions:

(a) **Lot Area (Minimum):**

7500 sq. ft. plus 500 sq. ft. for each guest room in excess of 4.

(b) **Lot Frontage (Minimum):**

75 ft.

(c) **Interior Side Yard (Width):**

30 ft., provided that where the interior side yard lot line abuts another lot in a Commercial Zone, no interior side yard shall be required.

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19 (3)(a) cont'd

(d) **Habitable Room Window:**

Where the exterior wall of a tourist establishment building contains a first storey habitable room window, such wall shall be located no less than 30 ft. from any interior side lot line or rear lot line.

(e) **Distance Between Buildings:**

Where more than one motel building is erected on the same lot, the minimum distance between the buildings shall not be less than 50 ft.; provided that where two external walls facing and parallel to each other contain no openings or windows to habitable rooms, the distance between such two walls may be reduced to 10 ft.

For the purpose of the foregoing, such external walls having an angle of divergence not more than 85 degrees shall be deemed to face and be parallel to each other.

In the above paragraph, "angle of divergence" means the interior acute angle formed by and lying between such two external walls or their projections.

(ii) Arcades

Arcades shall be permitted provided that such uses are accessory to and located within the same premises as a permitted principal use.

(iii) Day Nurseries

Parking shall be provided at the rate of 1 space plus 1 space for each person employed in the day nursery operation.

(b) C2-2

Notwithstanding the provisions of Section 19(1) hereof to the contrary, the lands designated C2-2 on Schedule "A" hereto may be used for a prefabricated building products outlet.

(c) C2-3

Notwithstanding the provisions of Section 19(1) hereof to the contrary, the lands designated C2-3 on Schedule "A" hereto may be used for a drive-in restaurant.

(d) C2-4

Notwithstanding the provisions of Section 19(1) hereof to the contrary, the lands designated C2-4 on Schedule "A" hereto may be used for a builder's merchant.

(e) Repealed by By-law Number 2007-20

(By-law Number 76-26; 2007-20)

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(f) C2-6

Notwithstanding the provisions of Section 19(1) hereof to the contrary, the lands designated C2-6 on Schedule "A" hereto may be used for a body shop.

(g) C2-7

Notwithstanding the provisions of Section 19(1) hereof to the contrary, the use of the lands designated C2-7 on Schedule "A" hereto shall be limited to one dwelling unit plus one or more of the following uses: an antique shop, a business or professional office, a clinic, a home occupation and a personal service shop.

(h) C2-8

Notwithstanding the provisions of Section 19(1) hereof to the contrary, the lands designated C2-8 on Schedule "A" hereto may be used for an existing travel trailer and/or motor home sales establishment. (77-26)

(i) C2-9

Notwithstanding any provision of Section 19(1) or Section 5(6)(b) of this By-law to the contrary, the lands designated C2-9 on Schedule "A" hereto shall be used for no purpose other than the following: (80-37)

- an automotive centre including an automatic car wash as an accessory use but excluding any facilities for the sale of gasoline or diesel fuel;
- an appliance rental shop;
- a bank;
- a boat sales establishment;
- a business or professional office;
- a clinic;
- a commercial club;
- a dry cleaning or laundry outlet;
- a funeral home;
- a laundromat;
- a merchandise service shop;
- a personal service shop;
- a private club;
- a recreational establishment;
- a restaurant;
- a retail store providing for the sale of products related to home repairs and improvements;
- a shopping centre consisting of any of the permitted uses listed herein;
- a theatre;
- a union hall;
- a vehicle sales establishment;
- a veterinary clinic.

The lands designated as C2-9 on Schedule "A" shall be used in accordance with the following special provisions:

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(i) **Restrictions Adjacent To Flood Plans:**

No building or structure shall be erected or altered within 60 metres (200 feet) of a flood plain except with the approval of the local Conservation Authority.

(ii) **Gross Floor Area (maximum):**

The gross floor area of a shopping centre shall not exceed 1858.1 square metres (20,000 square feet) and no single use within such shopping centre shall have a gross floor area of greater than 185.9 square metres (2,000 square feet).

(j) C2-10

Notwithstanding the provisions of Section 19(1) hereof to the contrary, the lands designated C2-10 on Schedule "A" hereto may be used for a church. (82-52)

(k) C2-11

Notwithstanding any provisions of this By-law to the contrary, on the lands designated as C2-11 on Schedule "A" hereto, no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right-of-way. (79-4)

(l) C2-12

Notwithstanding the provisions of Section 19(2)(k) hereof to the contrary, on the lands designated C2-12 on Schedule "A", the gross floor area of a shopping centre shall not exceed 1,850 square metres (20,000 square feet) (79-26) (94-83).

(m) C2-13

Notwithstanding any provisions of Section 5(16) and Section 19(l) hereof to the contrary, the lands designated C2-13 on Schedule "A" hereto shall be used for no purpose other than a dental clinic, or a dental clinic and an accessory dwelling unit in the upper portion of a dental clinic building and such lands shall be used in accordance with the following provisions: (80-13).

(1) Parking Area Regulations

- (i) If only one dentist is practicing on the premises, a minimum of ten (10) parking spaces shall be required to be provided on the subject lands.
- (ii) If two or more dentists are practicing on the premises, the parking regulations of Section 5(16) shall apply to the subject lands.

(n) C2-14

Notwithstanding the provisions of Section 19(2)(k) hereof to the contrary, on the lands designated C2-14 on Schedule "A", the gross floor area of a shopping centre shall not exceed 1,850 square metres and no single use shall have a gross floor area of greater than 375 square metres. (80-29)

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(o) C2-15

Notwithstanding the provisions of Subsection (1) of Section 19 hereof to the contrary, the lands designated C2-15 on Schedule "A" hereto shall be developed in accordance with the following provisions:

(i) Uses Permitted

(a) **Residential Uses:**

an accessory dwelling unit in the upper portion of a Non-Residential building.

(b) **Non-Residential Uses:**

an auditorium;
an automatic car wash;
an appliance rental shop;
a bank;
a beverage room;
a boat sales establishment;
a business or professional office;
a clinic;
a commercial club;
a commercial school;
a dry-cleaning or laundry outlet;
a funeral home;
a home occupation;
an institute;
a laundromat;
a merchandise service shop;
a vehicle sales or rental establishment;
a parking lot;
a personal service shop;
a copy shop;
a private club;
a public use in accordance with the provisions of Section 5(18) hereof;
a recreational establishment;
a restaurant;
a take-out restaurant;

(By-law number 98-164 – 1998)

a retail store;
an undertaking establishment;
a veterinary clinic;
a shopping centre consisting of any of the permitted uses listed herein.

(By-law number 98-164 – 1998)

(ii) **Retail Gross Leasable Area (maximum):**

10,000 square metres

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- (p) C2-16
Notwithstanding any provisions of Section 19 hereof to the contrary, the lands designated C2-16 on Schedule "A" hereto shall not be used for an auditorium, an appliance rental shop, a boat sales establishment, a funeral home, an institute, a private club, a recreational establishment, an undertaking establishment or a veterinary clinic but may be used for any other purpose set out in Section 19(1) hereof provided that such uses are developed in accordance with the provisions of Section 19(2) and the following special provision: (82-12).

(i) **ACCESS TO IMPROVED STREET:**

No access shall be permitted to or from Bayridge Drive.

- (q) C2-17
Notwithstanding any provisions of Section 19(1) hereof to the contrary, the lands designated C2-17 on Schedule "A" hereto may be used for an existing manufacturing plant and accessory dwelling house provided that the facade of the exterior walls of each building is maintained in general harmony with the residential buildings permitted in the zone which such facade abuts. (82-15).

- (r) C2-18
Notwithstanding the provisions of Section 19(1) to the contrary, the lands designated 'C2-18' on Map 5 of Schedule "A" hereto may be used in accordance with the following special provisions:

- (i) Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-18 shall be used for no purpose other than one or more of the following:

- an automatic car wash
- an automotive centre
- a business or professional office
- a gasoline retail facility
- a public use in accordance with the provisions of Section 5(18) hereof
- a retail store

(By-Law Number 2001-231 – 2001)

- (s) C2-19 - Cataraqi Woods Square
Notwithstanding the provisions of Section 19(1)(b) and 19(2)(k) hereof to the contrary, the following special provision shall apply to the lands designated C2-19 on Schedule "A" hereto: (85-10) & (86-78).

- (i) the maximum gross leasable area of all buildings and structures permitted within the C2-19 Zone shall not exceed 6038.5 square metres.

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- (t) C2-20
Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated as C2-20 on Schedule "A" hereto shall be used for no purpose other than one or more of the following: (84-24)
- a business or professional office
 - a clinic.
- (u) C2-21
Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated as C2-21 on Schedule "A" hereto shall not be used for a supermarket and no automobile service station or gasoline retail facility shall be permitted on Lot 5 of Registered Plan 1724. (84-43).
- (v) C2-22
Notwithstanding any provisions of this By-law to the contrary, the lands designated C2-22 on Schedule "A" hereto (described as Parts 1, 2, 3, 4 and 5, Reference Plan 13R-5750 and Parts 1, 2 and 3, Reference Plan 13R-6357) shall be used for no purpose other than a business or professional office, and a clinic. (85-47) (91-94) (94-83)
- (w) C2-23
(i) Permitted Uses - Notwithstanding Section 19(1)(b) hereof to the contrary, the lands designated C2-23 shall be used for no other purpose than the following:
- an automatic car wash;
 - an automobile service station;
 - an automotive centre;
 - an appliance rental shop;
 - a bank;
 - a beverage room;
 - a boat sales establishment;
 - a business or professional office;
 - a clinic;
 - a commercial club;
 - a commercial school;
 - a dry-cleaning or laundry outlet;
 - a funeral home;
 - a gasoline retail facility;
 - a home occupation;
 - an institute;
 - a laundromat;
 - a merchandise service shop;
 - a vehicle sales or rental establishment;
 - a parking lot;
 - a personal service shop;
 - a copy shop;
 - a private club;
 - a public use in accordance with the provisions of Section 5(18) hereof;

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a restaurant;
a take-out restaurant;
a retail store;
an undertaking establishment;
a veterinary clinic;
a shopping centre consisting of any of the permitted uses listed herein.

- (ii) Side Yard Provision – Notwithstanding Section 19(2)(f)(ii) to the contrary, the existing building and any future additions may have a minimum side yard width of 2.5 metres along the east lot line; this side yard provision shall only apply to a maximum building length of 30 metres and shall include the length of the existing building.
- (iii) Open Storage Provision – Notwithstanding Section 19(2)(n) to the contrary, an open storage area may be located in a rear yard with a maximum area of 60 square metres; any open storage area shall be fenced and comply with the minimum yard requirements.

(By-Law Number 2003-351)

- (x) C2-24 Core Area
Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-24 on Schedule "A" hereto shall be used for no purpose other than one or more of the following: (86-44) & (88-55).

-an auditorium
-a bank
-a beverage room
-a business or professional office
-a clinic
-a commercial club
-a dry cleaning or laundry outlet
-a personal service shop
-a private club
-a public use in accordance with the provisions of Section 5(18) hereof
-a recreational establishment
-a restaurant
-a retail store
-a shopping centre consisting of any of the permitted uses listed herein.

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(y) C2-25
Notwithstanding the provisions of Section 19(1)(b) and 19(3)(x) hereof to the contrary, the lands designated C2-25 on Schedule "A" hereto shall be used for no purpose other than a use authorized by Section 19(3)(x), an automobile dealership or an automotive centre. (86-44).

(z) C2-26
Notwithstanding the provisions of Section 19(1)(b) and 19(3)(x) hereof to the contrary, the lands designated 'C2-26' on Schedule "A" attached hereto, shall be used for no other purpose other than a use authorized by Section 19(3)(x), a day care centre, a nursery school and a veterinary clinic.

For the purpose of this section, a veterinary clinic is defined to mean a building where one or more licensed veterinarians and any associated staff provide medical, grooming, boarding operations or similar services. Accessory uses such as kennels and other similar uses shall be permitted. Any overnight boarding of animals shall be within the main building only.

(By-Law Number 2002-206 – 2002)

(aa) C2-27 - Non-Retail Commercial Service Area

Notwithstanding the provisions of Sections 19(1) and 19(2)(k) hereof to the contrary, the lands designated C2-27 on Schedule "A" hereto shall be developed in accordance with the following provisions: (87-27).

(i) Uses Permitted

- an automotive centre;
- a bank;
- a business or professional office;
- a commercial club;
- a commercial garage;
- a dry cleaning or laundry outlet;
- a medical or scientific research facility;
- a merchandise service shop;
- a public garage;
- a public use in accordance with the provisions of Section 5(18) hereof;
- a printing or drafting establishment;
- a recreational establishment;
- a restaurant;
- a retail or wholesale use accessory to a permitted use;
- a vehicle sales or rental establishment;
- a shopping centre consisting of any of the permitted uses listed herein.

(ii) The maximum gross leasable area of a shopping centre comprised of the above uses is not subject to the provisions of Section 19(2)(k).

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(ab) C2-28 - Cataraqui Neighbourhood Centre

Notwithstanding any provisions of this By-law to the contrary, the lands designated C2-28 on Schedule "A" hereto may also be used for a day nursery, and such lands shall be developed in accordance with the following provisions: (88-86) (94-83)

- (i) The maximum gross leasable area of all retail commercial buildings and structures permitted within the C2-28 Zone shall not exceed 3,000 sq. metres.

(ac) C2-29 - Funeral Home

Notwithstanding any provisions of this By-law to the contrary, the lands designated C2-29 on Schedule "A" hereto shall be used for no purpose other than a funeral home, including an accessory residential unit, and such lands shall be developed in accordance with the following special provision:

- (i) PARKING REQUIREMENTS (minimum):

Funeral Home

In accordance with the provisions of Section 5(16)(a) hereof. (95-129)

Accessory residential unit 1 parking space

(ad) C2-30 – Nursery/Garden Centre/Greenhouse

Notwithstanding any provision of this By-law to the contrary, the lands designated C2-30 on Schedule "A" hereto shall be used in accordance with the provisions of the C2-1 Zone and may also be used for the purpose of a Nursery/Garden Centre/Greenhouse.

(88-112; 2005-210).

(ae) C2-31 - Par 3 Golf Course

Notwithstanding any provision of this By-law to the contrary, the lands designated C2-31 on Schedule "A" hereto shall be used in accordance with the provisions of the C2-1 Zone and may also be used for the purpose of a par 3 golf course. (88-112).

(af) C2-32

Notwithstanding the provisions of Sections 19(1) and 19(2) hereof to the contrary, the lands designated C2-32 on Schedule "A" hereto shall be used for no purpose other than a business or professional office, and such use shall be developed in accordance with the following provision: (88-101)

- (i) The maximum gross leasable area of all buildings and structures permitted within the C2-32 Zone shall not exceed 1,160 square metres.

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(ag) C2-33

Notwithstanding the provisions of Sections 19(1) hereof to the contrary, the lands designated C2-33 on Schedule "A" hereto may be used for a convenience store. (88-113)

(ah) C2-34 - Clock Tower Plaza

Notwithstanding any provision of this By-law to the contrary, the lands designated C2-34 on Schedule "A" hereto shall be used in accordance with the provisions of the C2-24 Zone and may also be used for the purpose of an appliance rental shop, a commercial school, an institute, a laundromat, a merchandise service shop, a copy shop, a takeout restaurant, a supermarket or a veterinary clinic. (88-112)

(ai) C2-35

Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-35 on Schedule "A" hereto (being Block `I' on Registered Plan 1794) shall be used for no purpose other than one or more of the following uses: (89-1)

- an appliance rental shop;
- a bank;
- a business or professional office;
- a clinic;
- a commercial club;
- a commercial school;
- a dry cleaning or laundry outlet;
- a gasoline retail facility;
- an institute;
- a merchandise service shop;
- a parking lot;
- a personal service shop;
- a coffee shop;
- a private club;
- a public use in accordance with the provisions of Section 5(18) hereof;
- a recreational establishment;
- a restaurant;
- a take-out restaurant;
- a retail store;
- a supermarket;
- a veterinary clinic;
- a shopping centre consisting of any of the permitted uses listed herein.

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(aj) C2-36

Notwithstanding the provisions of Section 5(1), 19(1) and 19(2) hereof to the contrary, the lands designated C2-36 on Schedule "A" hereto shall be used and developed in accordance with the following provisions.

(i) **PERMITTED USES**

Principal use of the lands within the C2-36 Zone shall be restricted to one or more of the following:

- convention centre;
- an hotel;
- a motel;
- a public use in accordance with Section 5(18) hereof.

(ii) **SERVICES**

No person shall, within the C2-36 Zone, use any lot or erect, alter or use any building or structure unless such a lot is served by a public water system and a sanitary sewer system.

(iii) **ACCESSORY USES**

Notwithstanding the provisions of Section 5(1) hereof to the contrary the following special provisions related to accessory uses shall apply:

(1) Uses Permitted

Commercial uses providing for the sale of goods and services may be permitted provided that said uses are accessory to a permitted principal use. Accessory commercial uses may include those uses authorized by Section 19(1)(b) hereof, a place of worship, a day nursery, and an arcade.

(2) Gross Floor Area

The combined maximum gross floor area of permitted accessory commercial uses shall not exceed 2,000 square metres. (90-87)

(ak) C2-37

Notwithstanding the provisions of Section 19(1) and 19(2) hereof to the contrary, the lands designated C2-37 on Schedule "A" hereto shall be used and developed in accordance with the following provisions.

(i) **PERMITTED USES**

(a) Principal use of the lands within the C2-37 Zone, and served by only a public water system or sanitary sewer system, shall be restricted to one or more of the following:

- an accessory dwelling unit,
- an antique shop,
- a business or professional office,
- a merchandise service shop,
- a retail store.

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- (b) Principal use of the lands within the C2-37 Zone, and served by a public water system and a sanitary sewer system may be used in accordance with the provisions outlined in Section 19(1) and 19(2).

- (ii) **GROSS FLOOR AREA**

The gross floor area of all buildings and structures on the lands within the C2-37 Zone shall not exceed 280 sq. m. unless the lands are served by a public water system and sanitary sewer system. (91-107)

- (al) C2-38

Notwithstanding the provisions of Clause (c) of Section 5(16), Clause (b) of Section 19(1), and Clauses (d), (e), (g), (h) and (o) of Section 19(2) hereof to the contrary, the lands designated C2-38 on Schedule "A" hereto shall be used for no purpose other than a use authorized by Section 19(3)(ai) hereof, and such uses shall be developed in accordance with the following provisions: (93-177)

- (i) **FRONT YARD DEPTH (minimum)** -3.0 metres
- (ii) **EXTERIOR SIDE YARD WIDTH (minima)**
 - (a) Adjacent to Bath Road (Highway Number 33) -6.0 metres or as required by the Ministry of Transportation, whichever is the greater.
 - (b) Adjacent to Coverdale Drive -3.0 metres
- (iii) **REAR YARD DEPTH (minimum)** -3.0 metres
- (iv) **PARKING AREA LOCATION:**

No part of any parking area shall be located closer to the streetline of Coverdale Drive than the nearest part of any wall of a principal building.
- (v) **LANDSCAPED OPEN SPACE (minimum)** -10%, provided that the Front Yard and Exterior Side Yard adjacent to Coverdale Drive shall be used for no purpose other than landscaped open space. This requirement however shall not prevent access to the lands in accordance with Section 5(16)(d) hereof.

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(vi) **GASOLINE PUMP ISLAND LOCATION:**

May only be located in a required yard when such a yard is an exterior side yard adjacent to Bath Road (Highway Number 33). All other provisions of Section 19(2)(o) hereof shall apply.

(am) C2-39

Notwithstanding the provisions of Sections 19(1) and 19(2) hereof to the contrary, the lands designated C2-39 on Schedule "A" hereto may also be used for a church and such lands shall be developed in accordance with the following provisions: (93-127)

(i) **HEIGHT OF BUILDING (maximum):** 6 storeys

(an) **Abandoned**

(ao) C2-41 - G. & F. Day

Notwithstanding the provisions of Section 5(19) and Section 19 hereof to the contrary, the lands designated C2-41 on Schedule "A" hereto shall be used and developed in accordance with the following provisions:

(i) **RESIDENTIAL USES:**

Accessory residential dwelling units within a non-residential building.

(ii) **NON-RESIDENTIAL USES:**

- All uses permitted by Section 19(1)(b) hereof;
- a convention centre
- a day nursery
- a hotel
- a motel
- a place of worship
- a Nursery/Garden Centre/Greenhouse (By-law Number 2005-210)

(iii) **LOT COVERAGE (maximum):** 35%

(iv) **DWELLING UNITS PER LOT (maximum):** 2

(v) **YARD REQUIREMENTS ADJACENT TO RAILWAY:**

No building shall be erected within 120 metres of a railway right-of-way. This distance may be reduced from 120 metres to 30

metres where a 2.5 metre high safety berm has been constructed adjoining and parallel to the railway right-of-way.

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(vi) **SERVICING REQUIREMENTS:**

In the absence of full municipal sewerage services being available to lands zoned C2-41, no person shall use any lot or erect any building or structure without the approval of the area Health Unit and the Cataraqui Region Conservation Authority for on-site sewage disposal systems and storm water quality control measures, respectively.

(ap) C2-42

Notwithstanding the provisions of Section 4, Section 5(16), Section 19(1) and clauses (j), (l), (n) and (p) of Section 19(2) hereof to the contrary, the lands designated C2-42 on Schedule "A" hereto also may be used for a self-service storage facility, an accessory dwelling house and an accessory dwelling unit, provided said uses are developed and used in accordance with the following provisions: (95-5)

(i) **SELF-SERVICE STORAGE FACILITY** - means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles (boats, motor homes, trailers). Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.

(ii) **DWELLING UNIT AREA (minima):**

(a) Accessory Dwelling Unit

In accordance with Section 19(2)(j)(i) hereof

(b) Accessory Dwelling House

93 square metres

(iii) **PARKING AREA REGULATIONS**

In accordance with Section 5(16) hereof.

(iv) **OPEN STORAGE - SELF-SERVICE STORAGE FACILITY:**

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

(a) Every open storage use shall be accessory to the main use of the lot and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles (boats, motor homes, trailers).

(b) Every open storage use shall comply with the yard and setback provisions of Section 5(20) and clauses (f) and (g) of Section 19(2) hereof as if such open storage use were a building or structure provided, however, that such use complies with paragraph (a) above.

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- (c) Notwithstanding paragraph (b) above, no open storage use shall be located in a front yard, or an interior side yard or rear yard which abuts a residential or Development (D) Zone.

(aq) C2-43

Notwithstanding the provisions of Section 19(2) hereof to the contrary, on the lands C2-38 on Schedule "A" hereto, no buildings shall be erected within 15 metres of a railway right-of-way. A minimum 1.83 metre high chain-link fence shall be constructed parallel along the railway right-of-way.

(By-law 76-26; By-Law 2014-71)

(ar) C2-44

Notwithstanding the provisions of Clause (b) of Sections 5(15A), Clauses (a) and (c) of Section 5(16), Clause (h) of Section 19(2) and Clause (b) of Section 19(1) hereof to the contrary, the lands designated C2-44 on Schedule "A" hereto shall not be used for an auditorium, an appliance rental shop, a boat sales establishment, a funeral home, an institute, a private club, a recreational establishment, an undertaking establishment or a veterinary clinic but may be used for any other purpose set out in Section 19(1) hereof provided that such uses are developed in accordance with the provisions of Section 19(2) and the following special provisions: (95-19)

(i) Outdoor Seasonal Display Area

An outdoor seasonal display and sales area may be located within a parking area provided that it occupies no more than four (4) parking spaces and provided that it meets all other requirements of Section 5(15A) hereof.

(ii) Parking Area Regulations

(a) Requirements (minimum): 66 parking spaces, each such parking space as defined in Schedule "C" hereto

(b) Location: The uncovered surface parking area shall be permitted in all yards, or in an area between the streetline and the required setback.

(iii) Landscaped Open Space (minimum): 8%

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(as) C2-45

Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-45 on Schedule "A" hereto shall be used for no purpose other than one or more of the following uses: (95-31)

- an appliance rental shop;
- a bank;
- a business or professional office;
- a clinic;
- a commercial club;
- a commercial school;
- a convenience school;
- a convenience store;
- a dry cleaning or laundry outlet;
- a gasoline retail facility;
- an insitute;
- a merchandise service shop;
- a parking lot;
- a personal service shop;
- a coffee shop;
- a private club;
- a public use;
- a recreational establishment;
- a restaurant;
- a take-out restaurant;
- a retail store;
- a veterinary clinic;
- a shopping centre consisting of any of the permitted uses listed herein.

(at) C2-46

Notwithstanding any provisions of this By-law to the contrary the lands designated C2-46 on Schedule "A" hereto shall be used and developed in accordance with the following provisions: (96-12)

(i) **USES PERMITTED**

In accordance with the provisions of the C2-1 Zone, Section 19(3)(a) hereof, with the exception of an automatic car wash

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(ii) **SPECIAL YARD WIDTHS/DEPTHS**

Minimum yard widths/depths abutting residential uses or vacant land in an “R” Zone are listed below for each permitted use:

Permitted Use	Minimum Yard Width/Depth abutting a residential use or vacant land in an “R” Zone	
	7.6 metres (25 feet)	30 metres (100 feet)
an accessory dwelling unit	X	
an appliance rental shop	X	
an auditorium		X
an automobile service station		X
a bank	X	
a beverage room		X
a boat sales establishment		X
a business or professional office	X	
a church	X	
a clinic	X	
a commercial club		X
a commercial school	X	
a convention centre		X
a day nursery	X	
a dry cleaning or laundry outlet	X	
a funeral home	X	
a gasoline retail facility		X

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a hotel		X
an institute	X	
a laundromat	X	
a merchandise service shop	X	
a motel		X
a parking lot	X	
a personal service shop	X	
a copy shop	X	
a private club	X	
a public use in accordance with the provisions of Section 5(18) hereof	X	
a recreational establishment		X
a restaurant- gross floor area of up to 93 square metres	X	
a restaurant - gross floor area in excess of 93 square metres (1,000 square feet)		X
a retail store	X	
a supermarket		X
a take-out restaurant	X	
an undertaking establishment	X	
a vehicle sales or rental establishment		X
a veterinary clinic	X	

(iii) **GROSS LEASABLE AREA - RETAIL (maximum)**

Up to 2,000 sq. metres (21,530 square feet) of gross leasable area within the C2-46 Zone may be used for retail purposes.

(iv) **GROUND FLOOR AREA (maxima)**

The ground floor area of buildings or structures located within the C2-46 Zone shall be in accordance with the following:

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- (a) For buildings located within 180 metres of the intersection of the road rights-of-way of Princess Street and Taylor-Kidd Boulevard
 - as determined by other applicable provisions of this By-law.
- (b) For buildings located wholly or in part within 30 metres of a residential zone
 - 1,200 square metres (12,500 square feet).
- (c) For other buildings
 - 1,600 square metres (17,200 square feet).

(v) HEIGHT OF BUILDINGS (maxima):

- (a) For buildings abutting Princess Street (County Road 2)
 - 7 storeys provided that the upper four storeys stepback at least four metres.
- (b) For buildings located wholly or in part within 30 metres of a residential zone
 - 10.6 metres (35 feet) including an elevator or service penthouse, provided that no exterior wall of any building shall exceed a height of 6 metres (20 feet) measured from the finished grade elevation of the land adjoining said wall exclusive of parapets or cornices.
- (c) For other buildings
 - 10.6 metres (35 feet).
- (d) For the purposes of this zone the term “stepback” shall mean a building design plan that recesses the upper stories of a building a specified distance from the established building setback and side yard depths where applicable, in a step-like manner.

(vi) SCREENING OF ROOF EQUIPMENT

All mechanical, electrical, communications, heating, ventilation and air conditioning or other equipment including satellite dishes located on the roof of a building which is located within 30 metres of a residential zone shall be screened from view to the extent that said equipment is not visible from the same elevation of a residential dwelling on an abutting lot.

(vii) WALLS ABUTTING RESIDENTIAL USES

The combined length of the exterior walls of any building, located within 30 metres of a residential zone, which serve to define any yard width or depth abutting the residential zone, shall not exceed 45 metres (150 feet).

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(viii) **COMMERCIAL PATIOS**

Unenclosed porches, balconies, patios and verandahs, covered or uncovered, are permitted in a front yard and an exterior side yard only, but shall not be located closer than 30 metres to a residential zone and not closer than 3 metres to any street line.

(ix) **LOADING SPACES - YARDS WHERE PERMITTED**

The loading spaces required pursuant to Section 5(12) of this By-law shall not be located in any yard abutting a residential use or undeveloped lands within an "R" Zone.

(x) **REMOVAL OF HOLDING PROVISION**

Development of lands within the C2-46 Zone shall be delayed by use of the Holding symbol "-H", until such time as:

- (1) A traffic signalization analysis, satisfactory to the County of Frontenac and/or the Ministry of Transportation, has been provided.
- (2) Detailed storm water management considerations for the subject lands have been approved by the Cataraqui Region Conservation Authority and the appropriate road authority.
- (3) All other applicable municipal requirements have been complied with.
- (4) A Site Plan Agreement (or Agreements) has been executed by the Township.
- (5) The "-H" symbol has been removed by amendment to this By-law.

(au) C2-47

Notwithstanding any provisions of this By-law to the contrary, the lands designated C2-47 on Schedule "A" hereto shall be used and developed in accordance with the following provisions: (96-12)

(i) **USES PERMITTED**

In accordance with the provisions of the C2-1 Zone, Section 19(3)(a) hereof.

(ii) **GROSS LEASABLE AREA - RETAIL (maximum)**

Up to 2,000 square metres (21,530 square feet) of gross leasable area within the C2-47 Zone may be used for retail purposes.

(iii) **REMOVAL OF HOLDING PROVISION**

Development of lands within the C2-47 Zone shall be delayed by use of the Holding symbol "-H", until such time as:

- (1) A traffic signalization analysis, satisfactory to the County of Frontenac and/or the Ministry of Transportation, has been provided.

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- (2) Detailed storm water management considerations for the subject lands have been approved by the Cataraqui Region Conservation Authority and the appropriate road authority.
- (3) All other applicable municipal requirements have been complied with.
- (4) A Site Plan Agreement (or Agreements) has been executed by the Township.
- (5) The “-H” symbol has been removed by amendment to this By-law.

(av) C2-48

Notwithstanding the provisions of Subsection (27) of Section 4, Subsection (12) of Section 5, Article (a) of Subsection (17) of Section 5, Subsection (1) of Section 19 and Articles (e) and (l) of Subsection 2 of Section 19 hereof to the contrary, the lands designated C2-48 on Schedule “A” hereto shall be used for no purpose other than a business or professional office, a medical clinic and a hospital equipment and supply store and such uses shall be developed in accordance with the following provisions: (96-113)

(i) **DEFINITIONS**

- (a) **MEDICAL CLINIC** - means a building or structure used solely for the purpose of consultation, diagnosis and treatment of patients by three or more legally qualified physicians, dentists and/or drugless practitioners, their staff and their patients without over-night care facilities and shall include such uses as reception areas, offices, consultation rooms, x-ray and minor operating rooms, laboratories and a dispensary.
- (b) **HOSPITAL EQUIPMENT AND SUPPLY STORE** - means a part of a building or structure where medical equipment and supplies are offered or kept for sale.

(ii) **PLANTING STRIPS**

Where a lot line abuts or runs parallel to Liston Drive a planting strip shall not be required.

(iii) **SIDE YARD WIDTH (minimum):**

Yard parallel to Liston Drive 20 feet

(iv) **HEIGHT OF BUILDING (maximum):**

- (i) For that portion of a building or structure located no closer than 70 feet from a lot line which abuts a Residential use or which runs parallel to Liston Drive 35 feet

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(ii) Other portions of a building or structure 25 feet

(v) **LOADING SPACES - YARDS WHERE PERMITTED**

The loading spaces required pursuant to Section 5(12) of this By-law shall not be located in any yard abutting or facing a residential use.

(aw) C2-49

Notwithstanding any provisions of this By-law to the contrary, the lands designated C2-49 on Schedule "A" hereto shall be used for no purpose other than a mini self-storage facility and such land use shall be developed in accordance with the following provisions (97-69):

(i) **HEIGHT OF BUILDING (maximum):** 6 metres (20 feet)

(ii) Any building(s), structure(s), or parking area associated with the mini self-storage facility shall be located within the area shown on Schedule "B-9" hereto, provided that a drive aisle shall be permitted within the easterly 25 foot setback.

(iii) **REMOVAL OF HOLDING PROVISION:** Development of the lands with the C2-49 Zone shall be delayed by the use of the Holding symbol "-H" until such time as:

(a) a drainage plan satisfactory to the Township and the Cataraqui Region Conservation Authority have been completed and approved;

(b) a Site Plan Agreement has been registered on title; and,

(c) the "-H" has been removed by further amendment to this By-law.

(ax) **C2-50-H**

(1) Notwithstanding the '-H' applied pursuant to the *Planning Act*, the lands designated 'C2-50-H' may be used in accordance with the permitted uses and regulations contained in Section 29 of this By-Law for Zone 'D' Development.

(2) Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, the lands shall be used in accordance with the permitted uses and regulations contained in Section 19 of this By-Law for the 'C2' General Commercial Zone, and with any modifications thereto as specified below or elsewhere in this By-Law.

(3) Subject to the removal of the '-H' Symbol pursuant to the *Planning Act*, and notwithstanding the provisions of Subsection (2) of Section 19 hereof to the contrary, the lands located on the south side of Coverdale Drive, designated 'C2-50-H' on the Zoning Schedule attached hereto and forming part of By-Law Number 99-66 as Schedule "A", shall be developed in accordance with the following provisions:

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(i) **USES PERMITTED/PROHIBITED**

- (a) Notwithstanding the provisions of Section 19 (1)(b) of this By-Law, a **Supermarket** shall not be permitted on the lands zoned 'C2-50'.
- (b) Notwithstanding the provisions of Section 19 (1) (b) of this By-Law, a **Convenience Store** shall be permitted on the lands zoned 'C2-50' provided that the total floor area for all such uses does not exceed 300 square metres.

(ii) **GROSS LEASABLE AREA (maximum):**

The total gross leasable area of all retail commercial uses permitted within the 'C2-50' Zone shall not exceed 3,000 square metres.

(iii) **HEIGHT OF BUILDING (maximum)**

Notwithstanding the provisions of Section 19(2) Subsection (l) of this By-Law, the maximum building height shall be 15.2 metres (50 feet).

(4) The '-H' Symbol shall only be removed once the following conditions have been complied with:

- (i) Confirmation that sufficient servicing capacity is available in the former Township of Kingston's sewage treatment plant;
- (ii) All applicable Municipal and Agency requirements have been complied with;
- (iii) All necessary Agreements, including the Subdivision Agreement, have been registered on title; and
- (iv) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the *Planning Act*.

(By-law Number 99-66 - 1999)

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(ay) **C2-51 (677 to 691 Gardiners Road)**

Notwithstanding the provisions of Sections 5 and 19 hereof to the contrary, the lands designated 'C2-51' on Schedule 'A' hereto, the following regulations shall apply:

(i) Residential Uses

- an apartment dwelling house including a residential/commercial complex;
- a senior citizens complex; and
- a nursing home.

(ii) Non-Residential Uses

- an arcade;
- an art gallery;
- automotive centre;
- a banquet hall;
- a day nursery or day care centre;
- a department store;
- a financial institution;
- a home improvement centre;
- a laboratory;
- a motel or hotel;
- a rental outlet;
- a Nursery/Garden Centre/Greenhouse;
- a retail warehouse;
- a shopping centre;
- a workshop; and
- an automobile body shop.

(iii) Zone Interpretation

All parcels within the C2-51 zone will be treated as a single parcel for the purpose of zone interpretation.

(iv) Buffering

That a landscaped buffering strip of 6.0 metres shall be required between any residential use which abuts an industrial zone.

(v) Gross Leasable Area (maximum)

That notwithstanding the provisions of Section 19(2)(k) hereof to the contrary, the retail gross leasable area of a shopping centre shall not exceed 10,000 square metres. For the purpose of this provision the term "gross leasable area" shall not include floor area which is exclusively devoted to institutional, office or residential use.

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(vi) Height Of Building (maximum)

That notwithstanding the provisions of Section 19(2)(1) hereof to the contrary, the maximum permitted building height shall be 24.38 metres.

(vii) Interior Side Yard Width (minimum)

- a) Automobile Service Station shall be 3.0 metres.
- b) Other uses shall be 6.0 metres, provided that where the interior side lot line abuts another lot in a Commercial or Industrial Zone, no interior side yard shall be required.
- c) For an accessory building or structure abutting a non-residential use the minimum setback shall be 0.0 metres.
- d) For an accessory building or structure abutting a residential use the minimum interior side yard setback shall comply with Section 5(1)(e), Yards and Setbacks of Zoning By-Law Number 76-26.

(viii) Parking Location

Parking may be provided in all yards with a 0.0 metre setback from Gardiners Road extending from the north east corner of the lot, south for 75.5 metres along the front lot line.

(ix) Access (minimum)

The minimum driveway access used for combined ingress and egress shall be 6.0 metres.

(x) Drive Aisle Width (minimum)

The minimum drive aisle width shall be 6.0 metres and shall permit 2-way traffic.

(xi) Driveway Separation From Intersections

The minimum distance between a driveway and an intersection of street lines shall be 15.2 metres, provided that where a driveway intersects with an intersection of street lines at a 90-degree angle, no minimum distance between a driveway and an intersection of street lines shall be required.

(xii) Location of Automobile Body Shops

An automobile body shop use shall be located no closer than 52 metres to the front lot line and shall be screened from view from any street and comply with all other minimum yard setback requirements.

(xiii) Accessory Vehicle Storage

An accessory vehicle storage area shall be permitted, provided that it complies with the following provisions:

- Vehicle storage shall be permitted only as an accessory use to a permitted vehicle sales or rental establishment use.
- Vehicle storage shall be limited to the storage of vehicles, recreational vehicles (boats, trailers, mobile homes), and power sports vehicles.

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- No vehicle storage shall be permitted in a front yard except for the purpose of display of vehicles for sale, rent, or lease. The location of front yard display area shall be no closer than 115 metres to the northern interior side lot line.
- Vehicle storage and display shall be permitted in the south interior side yard and rear yard.

(xiv) “Power sports vehicles”

means vehicles, equipment and accessories including snow machines, personal watercraft, all-terrain vehicles, utility vehicles, trailers, cargo racks and other similar vehicles and accessories.

(By-law Number 98-268; 2019-110)

(az) C2-52

Notwithstanding the provisions of Section 19 (1)(b) and Section 19 (3)(x) hereof to the contrary, the lands designated ‘C2-52’ on Map Number 3 to Schedule “A” hereto shall be used for no purpose other than:

- (i) a use authorized by Section 19(3)(x) of this By-Law;
- (ii) an automobile dealership or an automotive centre;
- (iii) a free standing restaurant;
- (iv) an institute;
- (v) a vehicle sales and rental establishment;
- (vi) a parking lot;
- (vii) a copy shop;
- (vii) a take-out restaurant.

(By-law Number 98-234 - 1998)

(ba) C2-53

Notwithstanding the provisions of Section 19 (1) hereof to the contrary, the land designated C2-53 on Schedule "A" hereto may also be used for a rental outlet and a convenience store.

(By-law Number 99-199 – 1999)

(bb) C2-54

Notwithstanding any provisions of this By-Law to the contrary, the lands designated ‘C2-54’ on Map 3 of Schedule “A” hereto shall be used and developed in accordance with the following provisions:

(i) USES PERMITTED

In addition to the uses permitted in Section 19(1) (a) and (b) and Section 19(3) (a), a Home Improvement Store as defined herein shall be permitted.

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(ii) **MAXIMUM GROSS FLOOR AREA**

A maximum gross floor area of 13 006 square metres shall be permitted for the Home Improvement Store use.

(iii) **PARKING**

Notwithstanding the provisions of Section 5(16) of this By-Law, the minimum number of required off-street parking spaces shall be 512.

(iv) **DEFINITIONS**

For the purposes of the 'C2-54' Zone, the following definitions shall apply:

HOME IMPROVEMENT STORE means a building or part of a building devoted to wholesale and retail sales of merchandise typically found in hardware stores, home and auto supply stores, home centres and building supply stores, including the sale of nursery and landscaping plants, equipment and supplies, and including retail outside storage.

(By-Law Number 2001-77 – 2001)

(v) **OUTDOOR STORAGE**

Open storage of goods and materials accessory to the permitted Home Improvement Store use shall be permitted in the exterior side yard only, subject to a minimum setback of 23 metres from the street line and a maximum area of 2690 square metres, including any areas covered by a canopy.

(vi) **REMOVAL OF HOLDING PROVISION**

Development of the lands within the 'C2-54' Zone shall be delayed by the use of the '-H' Holding Symbol. Use and Removal of the '-H' Symbol shall be in accordance with the provisions of Section 6(6) of this By-Law, as amended.

(By-Law Number 2001-77 – 2001)

(bc) C2-55

Notwithstanding the provisions of Section 19(3) (x) hereof to the contrary the lands designated C2-55 on Schedule "A" may also be used and developed for one or more of the following use:

All uses permitted in the C2-24 zone:

- Free standing restaurants; and
- Take out restaurants.

(By-Law Number 2001-44 – 2001)

(bd) C2-56

Notwithstanding the provisions of Section 19(1) to the contrary, the lands designated C2-56 on Map 5 of Schedule "A" hereto shall be used in accordance with the following special provisions:

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- (i) Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-56 on Schedule 'A' hereto shall be used for no purpose other than one or more of the following:

- an auditorium
- an automobile service station
- an appliance rental shop
- a bank
- a beverage room
- a boat sales establishment
- a builders merchant
- a business or professional office
- a clinic
- a commercial club
- a commercial school
- a convenience store
- a dry-cleaning or laundry outlet
- a farm implement dealer
- a gasoline retail facility
- a merchandise service shop
- a vehicle sales or rental establishment
- a personal service shop
- a copy shop
- a private club

a public use in accordance with the provisions of Section 5(18) hereof

- a recreational establishment
- a restaurant
- a take out restaurant
- a retail store
- a rental establishment
- a veterinary clinic
- a wholesale use
- a warehouse
- a shopping centre consisting of any of the permitted uses listed herein.

(ii) **Open Storage**

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

- (a) Every open storage use shall be accessory to the use of the main building on the lot.
- (b) Every open storage use shall comply with the yard and setback provisions of Section 19(2) as if the open storage use were a building or structure.

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- (c) An open storage use shall only be permitted to the rear of the existing buildings on the property.
- (d) Every open storage use shall be enclosed within a closed wooden, metal and/or plastic fence, extending at least six feet in height above the ground, constructed of durable materials and maintained in good condition.

(By-law Number 2001-163 - 2001)

(be) C2-57

Notwithstanding the provisions of Section 19(1) to the contrary, the lands designated 'C2-57' on Map 5 of Schedule "A" hereto may be used in accordance with the following special provisions:

- (i) Notwithstanding the provisions of Section 19(1)(b) hereof to the contrary, the lands designated C2-57 on Schedule 'A' hereto shall be used for no purpose other than one or more of the following:
 - an auditorium
 - a bank
 - a beverage room a business or professional office
 - a clinic
 - a commercial club
 - a dry cleaning or laundry outlet
 - a personal service shop
 - a public use in accordance with the provisions of Section 5(18) hereof
 - a recreational establishment
 - a restaurant
 - a retail store
 - a shopping centre consisting of any of the permitted uses
 - a veterinary clinic is permitted as an accessory use to a retail store

(By-law Number 2001-180 - 2001)

(bf) C2-58

Notwithstanding any provisions of the By-Law to the contrary, the lands designated 'C2-58' on Map 3 of Schedule "A" hereto shall be used and developed in accordance with the following provisions:

- (i) In addition to the uses permitted in Section 19(1)(a) and (b), a Nursery/Garden Centre/Greenhouse shall be permitted;
- (ii) Open Storage of goods or materials accessory to the permitted Nursery/Garden Centre/Greenhouse use shall be permitted in the Rear Yard and Interior Side Yard only.
- (iii) Maximum Gross Leasable Area

Notwithstanding the provisions of Section 19(2)(k) hereof to the contrary, the gross leasable area of a shopping centre shall not exceed 3000

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square metres. For the purpose of this provision the term “gross leasable area” shall not include floor area which is exclusively devoted to institutional, office or residential use.

(By-Law Number 2004-31; 2005-210)

(bg) C2-59

Notwithstanding the provisions of Section 19(1) and (2) of this By-law to the contrary, the lands designated ‘C2-59’ on Map 1 of Schedule ‘A’ hereto may be used for:

(a) **RESIDENTIAL USES:**

two accessory dwelling units in the upper portion of a Non-Residential building

(b) **NON-RESIDENTIAL USES**

- an appliance rental shop;
- a bank;
- a beverage room;
- a boat sales establishment;
- a business or professional office;
- a clinic;
- a home occupation;
- a merchandise service shop;
- a vehicle sales or rental establishment; (83-43)
- a personal service shop;
- a copy shop;
- a private club;
- a public use in accordance with the provisions of Section 5(18) hereof;
- a recreational establishment;
- a restaurant;
- a take-out restaurant;
- a retail store;
- a supermarket;
- a veterinary clinic;
- a shopping centre consisting of any of the permitted uses listed herein.

(By-Law Number 2004-79)

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(bh) C2-60

Notwithstanding the provisions of Section 5 (16)(a) to the contrary, the lands designated 'C2-60' on Schedule 'A' hereto shall have a minimum parking space requirement for the existing 'Department Store' use of 1.7 parking spaces per 100 square metres of Gross Leaseable Area.

(By-Law Number 2004-307)

(bi) 743 Cataraqui Woods Drive

Notwithstanding the provisions of Section 19(1) and 19(2) to the contrary, the lands zoned 'C2-61-H' on Map 3 of Schedule "A" hereto shall only be used in accordance with the following special provisions:

(i) The only permitted uses on the property shall be the following:

a bank

a business or professional office

a clinic

a dry-cleaning or laundry outlet

a home occupation

a laundromat

a merchandise service shop

a personal service shop

a copy shop

a public use in accordance with the provisions of Section 5(18) hereof

a restaurant, to a maximum gross floor area of 223 square metres and shall not include a drive-through window

a take-out restaurant, to a maximum gross floor area of 223 square metres

a retail store, to a maximum gross floor area of 223 square metres

a veterinary clinic

an accessory dwelling unit in the upper portion of a Non-Residential building

(ii) Development on this site shall be subject to site plan control.

(iii) All required loading spaces shall be located in the rear yard or side yard not abutting a residential use.

(iv) No open storage of goods or materials shall be permitted.

(By-Laws Number 2005-142)

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(bj) C2-62 2040 Unity Road

Notwithstanding the provisions of Section 19(1) and 19(2) to the contrary, the lands zoned 'C2-62' on Map 3 of Schedule "A" hereto and known municipally as 2040 Unity Road shall only be used in accordance with the following special provisions:

The only permitted uses on the property shall be the following:

(a) **RESIDENTIAL USES:**

an existing single detached dwelling.

(b) **NON-RESIDENTIAL USES:**

an appliance rental shop;
a bank;
a boat sales establishment;
a business or professional office;
a dry-cleaning or laundry outlet;
a home occupation;
a merchandise service shop;
a vehicle sales or rental establishment;
a parking lot;
a personal service shop;
a copy shop;
a public use in accordance with the provisions of Section 5(18) hereof;
a retail store.

(By-law Number 2006-34)

(bl) C2-64-H - 1281 Midland Avenue:

1. Notwithstanding the '-H' Symbol applied pursuant to the Planning Act, the lands may be used in accordance with the provisions of Section 19 for the 'C2' Zone except that:

(a) **ADDITIONAL PERMITTED USES:** church;

prefabricated building products outlet;
vehicle sales or rental establishment
excluding accessory uses for the
repair and maintenance of such
vehicles.

(b) **PROHIBITED USES:** automatic car wash;

automobile service station;
boat sales establishment;
gasoline retail facility;
parking lot;
vehicle sales or rental establishment;
accessory dwelling unit.

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- (c) MINIMUM WIDTH OF A PLANTING STRIP ABUTTING A “D” ZONE: none

(By-law Number 76-26; 2009-45)

- (d) DEEMED TO COMPLY:

The building existing as of the date of the passing of this By-Law shall be deemed to comply with the regulations of this Zoning By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the regulations of Section 19 of this By-Law.”

2. Subject to the removal of the ‘-H’ Symbol pursuant to the Planning Act, a day nursery is a permitted use.
3. The ‘-H’ Symbol shall only be removed once the following conditions have been complied with:
 - (i) Submission of a Record of Site Condition to the satisfaction of the City;
 - (ii) All applicable Municipal and Agency requirements have been complied with;
 - (iii) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
 - (iv) City Council has passed a further amendment to the Zoning By-Law to remove the ‘-H’ Symbol pursuant to the Planning Act.

(By-law Number 76-26; 2009-45)

(bm) **C2-65 – 506 Canatara Court**

Notwithstanding the provisions of Section 5 hereof to the contrary, Section 5(1B)(b) shall not apply to the lands designated ‘C2-65’ on Schedule ‘A’ hereto.

Notwithstanding the provisions of Section 19 hereof to the contrary, the lands designated ‘C2-65’ on Schedule ‘A’ hereto, the following regulations shall apply:

- i. **Additional permitted uses:** apartment dwelling house
- ii. **Minimum lot area:** 1.0 hectares
- iii. **Minimum lot frontage:** 33.5 metres
- iv. **Minimum front yard setback:** 3.0 metres
- v. **Minimum side yard setback:** ½ the height of the building, or 10.6 metres, whichever is the greater, provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to 6 feet where the side lot line does not adjoin an R1 or R2 zone.

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- vi. **Minimum rear yard setback:** $\frac{1}{2}$ the height of the building, or 10.6 metres, whichever is the greater, provided that a rear yard adjoining an end wall containing no habitable room windows may be reduced to 6 feet where the rear lot line does not adjoin an R1 or R2 zone.
- vii. **Minimum dwelling unit area:**
 - (a) Dwelling unit containing 1 bedroom – 55.8 square metres
 - (b) Dwelling unit containing 2 bedroom – 65.0 square metres
- viii. **Setback of parking area from interior side lot line:** 1.5 metres
- ix. **Setback of drive-through service facility from residential use or zone:** 0 metres
- x. **Minimum required landscape open space:** 37%
- xi. **Maximum height of building:** 26.8 metres
- xii. **Maximum number of apartment dwelling houses permitted:** 2
- xiii. **Privacy yards:** A privacy yard, clear and unobstructed by any parking area or any vehicular driveway, other than a private driveway for a dwelling unit, shall be provided adjoining each habitable room window of every dwelling unit with a minimum depth measured at right angles from such walls it adjoins in accordance with the following:
 - (a) Distance from ground floor living room or habitable room window to parking area or vehicular driveway: 4.6 metres
 - (b) Within the privacy yard, an area unobstructed by any public or joint pedestrian access surface shall be provided extending 3.0 metres from any ground floor habitable room window, this distance being measured radially from any point on the window. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 2.4 metres above the adjacent exterior ground level.
- xiv. **Children's Play Area:** A children's play area shall be provided on each lot containing more than ten dwelling units. The minimum area shall be 4% of the lot, which may be included in the area calculated as required open space on the lot. The location shall be not less than 7.6 metres from a ground floor habitable room window and not less than 15.2 metres from any street line.

(By-law Number 76-26; 2011-97)

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(bo) 'C2-67-H' - 3480 Princess Street

Notwithstanding the provisions of Section 20 hereof to the contrary, the lands Zoned 'C2-67' on Schedule 'A' hereto, the following regulations shall apply:

- 1) Permitted uses, limited to: a retail use; a restaurant, except a drive through restaurant; a clinic, a veterinary clinic, a commercial club, a personal service shop, a day nursery, a public use, in accordance with the provisions of Section 5(18) hereof; a professional and business office use; a commercial school, a financial institution; a mixed commercial/residential use
- 2) Prohibited uses: automobile and vehicle sales and service establishment, a gasoline retail facility; boat sales and rental establishment, ground floor residential use, a drive through facility accessory to a permitted use
- 3) Lot Area Minimum: 3,700 square metres
- 4) Lot Frontage Minimum: 23 metres
- 5) Exterior Side Yard Minimum: 9.0 metres
- 6) Interior Side Yard Minimum: 9.0 metres for end units
- 7) Landscaped Open Space Minimum: 15%
- 8) Lot Coverage Maximum: 60%
- 9) Building Height Maximum: 15 metres
- 10) The minimum height of ground floor commercial in a mixed commercial/residential building shall be 4.0 metres.
- 11) Maximum Floor Area per Professional and/or Business Office Use: 200 square metres
- 12) Maximum aggregate floor area of Professional and/or Business Office Uses: 600 square metres
- 13) For the purposes of this Zone a Mixed Commercial/Residential use shall be defined as, "a building or structure which is used for a mixture of commercial and residential uses, where the entire ground floor of such building or structure shall be used for commercial purposes.

(By-law Number 76-26; 2012-53)

(bp) 'C2-68 - 351 Select Drive

Notwithstanding the provisions of Section 5 and 19 hereof to the contrary, the lands designated 'C2-68' on Schedule 'A' hereto, the following regulations shall apply:

- a) Permitted Use: In addition to the permitted uses of the C2 Zone a Self-Storage use is a permitted use;
- b) Prohibited Uses: Open Storage associated with a self-storage use is prohibited; and
- c) Maximum Height: the Maximum height of a self-storage use shall be 9.2 metres.

(By-law Number 76-26; 2012-119)

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(bq) C2-69 (1905 John Counter Boulevard & 225 Purdy's Court)

Notwithstanding the provisions of Section 5 and Section 19 hereof to the contrary, the lands designated 'C2-69' on Schedule 'A' hereto, the following regulations shall apply:

(i) USES PERMITTED:

Notwithstanding any provisions to the contrary only the following uses are permitted:

(a) RESIDENTIAL USES:

an accessory dwelling unit.

(b) NON-RESIDENTIAL USES:

an automobile service station;
a beverage room;
a boat sales establishment;
a clinic;
a commercial club;
a commercial school;
a landscape supply business;
a merchandise service shop;
a nursery/garden centre/greenhouse;
offices as an accessory use to a permitted use;
a public use in accordance with the provision of Section

5(18);

a recreational establishment;
a rental outlet;
a restaurant;
a take-out restaurant;
a vehicle sales or rental establishment;
a veterinary clinic.

(ii) DEFINITIONS:

For the purpose of the 'C2-69' zone, the following definition shall apply:

LANDSCAPE SUPPLY BUSINESS shall mean the bulk storage and sale of landscaping and gardening supplies, such as soil, gravel, potting mix, sand and mulch, where the majority of materials sold from the premises are not in pre-packaged form

(iii) OPEN STORAGE AREA:

(a) No open storage area shall be permitted within:

- (i) 1.0 metres of a lot line abutting Princess Street
- (ii) 3.0 metres of a lot line abutting John Counter Boulevard or Purdy's Court

(By-law Number 76-26; 2013-207)

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(bq) C2-69 (1905 John Counter Boulevard & 225 Purdy's Court) cont'd:
Open Storage Area cont'd:

- (a) Notwithstanding any other provision, display of pre-packaged landscape products will be permitted within the required 3.0 metres setback along John Counter Boulevard, but not within 1.5 metres of the lot line.
- (b) No storage of materials shall be greater than 4.0 metres in height
- (iv) **LANDSCAPE STRIP:**
 - (a) A minimum 3.0 metres wide landscape strip shall be provided along the lot line adjacent to Purdy's Court.
 - (b) A landscape strip shall include a mixture of coniferous and deciduous trees which will provide a sight obscuring buffer.

PARKING:

A landscape supply business shall provide a minimum of 5 parking spaces.

(By-law Number 76-26; 2013-207)

(br) C2-70 (360 Select Drive; 370 Select Drive to become 949 Futures Gate and 955 Futures Gate)

Notwithstanding the provisions of Section 5(17) and Section 19 hereof to the contrary, the following provisions shall apply to the lands designated 'C2-70' on Schedule 'A':

1. Section 5(17) Planting Strips - shall not apply, a planting strip is not required.
2. Parking Requirements – for the purpose of Parking Area Regulation requirements, the lands within the 'C2-70' Zone shall be calculated as a single parcel of land.

(By-law Number 76-26; 2014-65)

(bt) C2-71 50 Old Mill Road

Notwithstanding the provisions of Section 5, 6 and 19 hereof to the contrary, the lands designated 'C2-71' on Schedule 'A' hereto, the following regulations shall apply:

- (a) Only Permitted Uses:
 - A bank;
 - A business office or professional office;

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A clinic;
A convenience store;
A dry-cleaning or laundry outlet;
A home occupation;
A laundromat;
A mixed residential/commercial use;
A personal service shop;
A public use in accordance with the provisions of Section 5(18) hereof;
A recreational establishment;
A restaurant;
A take-out restaurant;
A retail store;
A shopping centre consisting of any of the permitted uses listed herein;
A supermarket; and
A day nursery.

(b) In addition to the provisions of Section 6(6), Holding Zone Provisions the following additional provisions apply:

- The preparation of a floodplain compensation plan to the satisfaction of the CRCA and the City, and

The execution of the floodplain compensation plan through a permit under Ontario Regulation 148/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses.

(By-law Number 76-26; 2014-111)

(bu) C2-72 607 and 645 Gardiners Road

Notwithstanding the provisions of this By-Law to the contrary, the lands designated 'C2-72' on Schedule 'A' hereto, the following regulations shall apply:

(a) Only Permitted Residential Uses:

An accessory dwelling unit in the upper portion of a Non-Residential building

(b) Only Permitted Non-Residential Uses:

an appliance rental shop
an auditorium
an automatic car wash
an automobile service station
a bank

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a boat sales establishment
a business or professional office
a copy shop
a clinic
a commercial club
a commercial school
a convenience store
a day nursery
a dry-cleaning or laundry outlet
a gasoline retail facility
a home occupation
an institute
a laundromat
a merchandise service shop
a personal service shop
a private club
a public use in accordance with the provisions of Section 5(18)
hereof
a recreational establishment
a restaurant
a retail store
a shopping centre consisting of any of the permitted uses listed
herein
a supermarket
a take-out restaurant
a vehicle sales or rental establishment, with limited service and/or
repair operations
a veterinary clinic
a wholesale use accessory to a permitted use

(c) **Gross Floor Area (Maximum)**

The combined gross floor area of all uses shall not exceed 7,293 square metres.

(d) **'-H' Holding Zone Provisions:**

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- (i) That a Holding Symbol '-H' shall be applied to the 'C2-72' zone as indicated on Schedule 'A' attached hereto. The 'H' Holding provision applies to the following uses separately or in combination:

Accessory dwelling unit in the upper portion of a non-residential building located at 607 Gardiners Road.

A day nursery located at 607 Gardiners Road.

- (ii) In addition to the provisions of Section 6(6) of this By-Law respecting the use and removal of '-H' Symbols, the following provisions shall also apply:
 - (a) The 'H' Holding provision may be removed for any one of the above listed uses or any combination of the above uses at such time as an applicable Record of Site Condition and all required supporting studies, prepared by a qualified person as defined by the City of Kingston, is completed to the satisfaction of the City of Kingston and adhering to all municipal and provincial requirements.
 - (b) The 'H' Holding Zone provision will only be removed for the specified use(s) for which an approved Record of Site Condition and supporting studies are applicable. All other listed uses will remain subject to the holding provision. A separate Record of Site Condition and supporting studies must be submitted for all subsequent requests to remove the holding provision to permit additional listed uses.

(By-law 76-26; 2016-23)

(bv) C2-73 (1233 Midland Avenue)

Notwithstanding the provisions of Section 19 and Section 5 hereof to the contrary, the lands designated 'C2-73' on Schedule 'A' hereto, the following regulations shall apply:

- (i) Permitted uses on the lands designated 'C2-73' shall be limited to the following:
 - (a) Arterial Commercial Uses:
 - An Automatic Car Wash;
 - An Automobile Service Station;
 - A Gasoline Retail Facility;
 - A Rental Outlet;
 - A Coffee Shop;

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- A Commercial Club;
- A Commercial School;
- An Institute;
- A Restaurant;
- A Take-Out Restaurant;
- A Drive-In Restaurant or Restaurant with Drive-Through;
- A Restaurant with Patio;
- A Beverage Room;
- A Veterinary Clinic;
- An Animal Hospital.

(b) Limited Convenience Commercial Uses:

- A Day Nursery;
- A Dry-Cleaning or Laundry Outlet;
- A Copy Shop;
- A Retail Store;
- A Personal Service Shop;
- A Florist Shop;
- A Merchandise Service Shop;
- A Laundromat;
- A Bank.

- (ii) Exterior Side Yard Width (Minimum): 5.7 metres;
- (iii) Interior Side Yard Width (Minimum): 7.5 metres;
- (iv) Rear Yard Depth (Minimum): 6.1 metres;
- (v) Setback

The setback requirements of Section 5(20) regarding setback distances from buildings to public roadways shall not apply.

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(vi) Gross Floor Area:

Limited convenience commercial uses shall have a maximum gross floor area of 500 square metres per commercial unit.

(vii) Drive-Through Service Facility:

- (a) No drive through service facility shall be constructed or established within 50 metres of a residential zone;
- (b) A drive through service facility may be located in, or within 50 metres of a commercial zone that permits a residential use.

(viii) ‘H’ Holding Zone Provisions:

- (a) The ‘H’ Holding provision applies only to a “Day Nursery” use.
- (b) The ‘H’ Holding provision may be removed at such time as a Record of Site Condition (RSC) signed by the Qualified Person who prepared it, along with a copy of all supporting studies, and which meet the requirements of Ontario Regulation 153/04 (as amended), is provided and completed to the satisfaction of the City of Kingston.

(By-law 76-26; 2016-22)

(bw) **C2-74 (2666 Princess Street & 1027 Midland Avenue)**

Notwithstanding the provisions of this By-Law to the contrary, the lands designated ‘C2-74’ on Schedule ‘A’ hereto, the following regulations shall apply:

(i) Definition:

- a. ‘Seniors’ Residence’ means a building consisting of three or more dwelling units inclusive of nursing homes, rest homes, retirement homes, convalescent facilities, and palliative care facilities. A seniors’ residence shall not include a hospital, maisonette dwelling, a townhouse dwelling, or a triplex dwelling.

(ii) Permitted Uses

a. Residential Uses

- i. a seniors’ residence

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- a. Accessory medical and commercial uses related to the seniors' residence, which shall service only the residents, employees and visitors to the seniors' residence:
 - an auditorium
 - a banking facility
 - a beverage room
 - a business or professional office
 - a chapel
 - a coffee shop
 - a convenience store
 - a day nursery
 - a dining facilities
 - a grocery store
 - a medical clinic
 - a personal service shop
 - a pharmacy
 - a recreational uses
- b. Non-residential uses
 - an auditorium
 - a bank
 - a beverage room
 - a business or professional office
 - a clinic
 - a commercial club
 - a dry cleaning or laundry outlet
 - a personal service shop
 - a private club
 - a recreational establishment

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- a restaurant
- a retail store
- a shopping centre consisting of any of the permitted uses
- (iii) Building Height (maximum)
 - a. 17 metres
 - b. Notwithstanding Section 19(3)(bw)(ii)(a), a maximum building height of 23.5 metres is permitted no closer than 26 metres to a residential zone.
 - c. The height provisions of the C2-74 zone do not prevent the erection of:
 - i. Window washing equipment, lighting fixtures, ornamental elements, lightning rods, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, ventilating equipment, landscape and green roof elements, solar panels, partitions dividing outdoor recreation areas, wind mitigation, chimney stack, exhaust flues, garbage chute overrun and public art elements, mechanical penthouses, and architectural elements.
- (iv) Dwelling units Per Lot (maximum): Section 19(2)(n) of this By-Law does not apply.
- (v) Height of Accessory Structure (maximum): 9.5 metres
- (vi) Parking
 - a. Parking areas are permitted in any yard
 - b. Parking stall size (minimum): 2.6 metres wide by 5.2 metres long
- (vii) Driving Aisle Width (minimum): 6.0 metres

(By-Law 76-26; 2018-112)

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(bw) **C2-75 (2267 & 2271 Princess Street)**

Notwithstanding the provisions of Sections 5 and 19 hereof to the contrary, on the lands designated 'C2-75' on Schedule 'A' hereto, the following regulations shall apply:

- (a) Additional Permitted Use: Hotel
- (b) Hotel:
 - i. Building Height
 - a) The maximum building height shall be 15 metres.
 - b) The maximum building height does not prevent the erection of functional or mechanical elements approved under the Site Plan Agreement and required for the normal operation of the building and permitted uses.
 - ii. Required Yards/Setbacks
 - a) The minimum yards shall be as follows:
 - i. Front Yard Depth – 15 metres
 - ii. Rear Yard Depth – 9 metres
 - iii. Interior Side Yard Width – East – 17 metres
 - iv. Interior Side Yard Width – West – 19 metres
 - b) The maximum front yard depth, measured to the nearest wall of the main building, shall be 17 metres.
 - iii. Canopies

Notwithstanding the required yard provisions set out in subsection (ii) above, canopies may project up to 3.5 metres from the wall of the main building.
 - iv. Accessory Building

An accessory building shall be permitted no closer than 1.5 metres from the rear lot line.

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v. Loading Space

- a) A minimum of one loading space shall be provided for a hotel.
- b) The required loading space may also be used as a bus parking space.
- c) The minimum dimensions of such loading space shall be 12 metres long by 3.2 metres wide.
- d) Access to loading spaces shall be by means of a driveway at least 6.0 metres wide for two-way operation.

vi. Off-Street Parking

- a) The minimum parking ratio requirement shall be 0.9 spaces per guest room.
- b) Standard parking spaces shall have minimum dimensions of 2.6 metres wide by 5.2 metres long.
- c) The minimum parking aisle width shall be 6 metres.
- d) Access to the required parking spaces and parking areas shall be provided by means of unobstructed driveways or passageways having a minimum width of 6 metres for combined ingress and egress.

vii. Off-Street Accessible Parking

- a) Type A accessible parking spaces shall have minimum dimensions of 3.4 metres wide by 5.2 metres long.
- b) Type B accessible parking spaces shall have minimum dimensions of 2.7 metres wide by 5.2 metres long.
- c) An accessible aisle with minimum dimensions of 1.5 metres wide by 5.2 metres long, and marked with high tonal contrast diagonal lines, is required adjacent to Type A and Type B accessible parking spaces. The accessible aisle may be shared between Type A and Type B accessible parking spaces.

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viii. Planting Strip

A minimum 2.0 metre wide planting strip is required along the front lot line and the east side lot line, with the exception of the east-west portion of the east lot line, where the minimum width of the planting strip is 1.3 metres. The planting strip shall be regulated through Site Plan Control.”

(By-Law Number 76-26; 2019-158)

(by)

C2-76 (870 Centennial Drive)

Notwithstanding the provisions of Section 19 hereof to the contrary, on the lands designated ‘C2-76’ on Schedule ‘A’ hereto, the following regulation shall apply:

- (i) The minimum interior side yard width for an automobile service station abutting a commercial zone shall be 2.5 metres.

(By-Law Number 76-26; 2021-101)

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SECTION 20

HIGHWAY COMMERCIAL ZONE (C3)

(1) USES PERMITTED

No person shall within any C3 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C3 uses, namely:

(a) RESIDENTIAL USES:

an accessory dwelling unit in the upper portion of a Non-Residential building.

(b) NON-RESIDENTIAL USES:

an animal hospital;
an automobile service station;
an existing auctioneer's establishment;
a builders' merchant;
a clinic;
a commercial club;
a drive-in restaurant;
a dry-cleaning or laundry outlet;
a farm implement dealer;
a farm produce retail outlet;
a florist shop;
a gasoline retail facility;
a golf driving range or miniature golf course;
a home occupation;
a laundromat;
a merchandise service shop;
a motel or hotel;
a boat sales establishment; (83-43)
a vehicle sales or rental establishment;
a travel trailer and/or mobile home sales establishment;
a prefabricated building products outlet;
a public use, in accordance with the provisions of Section 5(18) hereof;
a rental outlet;
a restaurant;
a nursery/garden centre/greenhouse;
a wholesale use accessory to a permitted use.
a day nursery.

(By-law Number 76-26; 2005-210; 2007-159)

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(2) ZONE PROVISIONS

No person shall within any C3 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) LOT AREA (minima):

(i) Accessory dwelling unit

- (a) Lot served by only a public water system or a sanitary sewer system 15,000 square feet
- (b) Lot not served by a public water system nor a sanitary sewer system 22,000 square feet

(ii) Tourist establishment

- (a) Lot served by a public water system and a sanitary sewer system 7,500 square feet plus 500 square feet for each guest room in excess of 4.
- (b) Lot served by only a public water system or a sanitary sewer system 15,000 square feet plus 1,000 square feet for each guest room in excess of 4.
- (c) Other lots 30,000 square feet plus 2,000 square feet for each guest room in excess of 4.

(iii) Automobile service station

12,500 square feet

(iv) Other uses

- (a) Lot served by a public water system and a sanitary sewer system 6,000 square feet
- (b) Lot served by only a public water system or a sanitary sewer system 6,000 square feet
- (c) Other lots -10,000 square feet

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(b) LOT FRONTAGE (minima):

- (i) Tourist establishment
 - (a) Lot served by a public water system and a sanitary sewer system 75 feet
 - (b) Lot served by only a public water system or a sanitary sewer system 100 feet
 - (c) Other lots 150 feet
- (ii) Automobile service station 125 feet
- (iii) Other uses 75 feet

(c) WATER FRONTAGE (minimum):

Any tourist establishment with water access shall have a minimum water frontage of 250 feet, and an additional water frontage of 10 feet for each tourist establishment guest room in excess of 30 units.

(d) LOT DEPTH (minimum):

- (i) Automobile service station 125 feet

(e) FRONT YARD DEPTH (minimum): (94-21) 10 feet

(f) EXTERIOR SIDE YARD WIDTH (minimum): (94-21) 10 feet

(g) INTERIOR SIDE YARD WIDTH (minima):

- (i) Automobile service station 30 feet
- (ii) Other uses 30 feet,
provided that where the interior side lot line abuts another lot in a Commercial Zone, no interior side yard shall be required.

(h) REAR YARD DEPTH (minima):

- (i) Automobile service station or Tourist establishment -25 feet
- (ii) Other uses 50 feet

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(i) LANDSCAPED OPEN SPACE (minima):

- (i) Automobile service station 5%
- (ii) Other uses 10%

(j) LOT COVERAGE (maxima):

- (i) Tourist establishment 40%
- (ii) Other uses 20%

(k) DWELLING UNIT AREA (minima):

- (i) Accessory dwelling unit
 - (a) Bachelor dwelling unit 400 square feet,
 - (b) Dwelling unit containing 1 bedroom 600 square feet,
 - (c) Dwelling unit containing 2 bedrooms 700 square feet,
 - (d) Dwelling unit containing 3 bedrooms 900 square feet,
 - (e) Dwelling unit containing more than 3 bedrooms 900 square feet
plus 100 square feet for each bedroom in excess of three.

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2 cont'd:

- (l) **HEIGHT OF BUILDING (maximum):** 35 feet
- (m) **DWELLING UNITS PER LOT (maximum):** 1 only
- (n) **OPEN STORAGE:**

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

- (i) Every open storage use shall be accessory to the use of the main building on the lot.
- (ii) An open storage use shall only be permitted in a rear yard.
- (iii) Notwithstanding paragraph (ii) above, in the case of a vehicle sales or rental establishment, an open storage use shall be permitted in all yards provided that no such use is located closer than 3 feet to any street line.

- (o) **HABITABLE ROOM WINDOW:**

Where the exterior wall of a tourist establishment building contains a first storey habitable room window, such wall shall be located no less than 30 feet from any interior side lot line or rear lot line.

- (p) **DISTANCE BETWEEN BUILDINGS:**

Where more than one motel building is erected on the same lot, the minimum distance between buildings shall not be less than 50 feet; provided that where 2 external walls facing and parallel to each other contain no openings or windows to habitable rooms, the distance between such 2 walls may be reduced to 10 feet.

For the purpose of the foregoing, such external walls having an angle of divergence not more than 85 degrees shall be deemed to face and be parallel to each other.

In the above paragraph, "angle of divergence" means the interior acute angle formed by and lying between such 2 external walls or their projection.

- (q) **GASOLINE PUMP ISLAND LOCATION:**

Notwithstanding any other provisions of this By-law to the contrary, a gasoline pump island accessory to a permitted use may be located within any front yard or exterior side yard provided:

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- (i) the minimum distance between any portion of the gasoline pump island or its canopy and any lot line shall be 15 feet; and (94-83)
- (ii) where the lot is a corner lot, no portion of any gasoline pump island shall be located closer than 10 feet to a sight triangle.

(r) DRIVEWAYS FOR AUTOMOBILE SERVICE STATIONS:

Notwithstanding any provisions of this By-law to the contrary, the following provisions shall apply to driveways on any lot used as an automobile service station:

- (i) The maximum width of a driveway, measured along the street line shall be 30 feet.
- (ii) The minimum distance between driveways measured along the street line intersected by such driveways shall be 25 feet.
- (iii) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 30 feet.
- (iv) The minimum distance between an interior side lot line and any driveway shall be 10 feet.
- (v) The interior angle, formed between the street line and the centreline of any driveway, shall not be less than 45 degrees.

(s) SPECIAL ACCESS REQUIREMENTS:

Notwithstanding the provisions of Section 5(16)(d)(vii) to the contrary, the maximum number of driveways shall be limited to 2 per lot where a lot has a frontage on one street and 4 per lot where a lot has frontage on more than one street. (77-26).

(t) ACCESSORY USES, PARKING, ETC.:

In accordance with the provisions of Section 5 hereof. (77-26).

(3) SPECIAL C3 ZONES

(a) Thake Monuments (C3-1)

Notwithstanding the provisions of Section 20(1)(b) and Section 20(2)(n)(ii) hereof to the contrary, the lands designated C3-1 on Schedule "A" hereto may be used for an establishment for the sale of cemetery monuments,

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markers and vaults including a display court for cemetery monuments, markers and vaults and such display court shall be permitted in the side yard of lands designated C3-1 where such side yard abuts a Commercial Zone. (76-56).

- (b) C3-2 Repealed by By-law Number 82-15. (82-15).
- (c) C3-3 By-law not approved.
- (d) C3-4 By-law 78-69 not approved. (78-69)
- (e) C3-5 Repealed by By-law Number 80-14. (80-14)
- (f) C3-6 By-law not approved.
- (g) C3-7

Notwithstanding any provisions of this By-law to the contrary, the lands designated C3-7 on Schedule "A" hereto may be used for a horse barn in accordance with the following provision: (79-54)

- (i) Interior Side Yard Width (minima): 7 metres (24 feet)
- (h) C3-8

Notwithstanding the provisions of Section 5(16)(a), Section 20(1), Section 20(2)(e)(ii), Section 20(2)(h)(ii) and Section 20(2)(n) hereof to the contrary, the lands described as Part of Lots 3 and 4, Registered Plan Number 448, Part of Lot 6, Concession III and designated as C3-8 on Schedule "A" hereto, shall be used for no purpose other than an automobile body shop and radiator service business, in accordance with the following provisions: (81-14)

- (i) FRONT YARD DEPTH (minimum): 13,411 metres (44 feet)
- (ii) REAR YARD DEPTH (minimum): 38.10 metres (125 feet)
- (iii) OPEN STORAGE:

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

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

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- (c) All open storage shall be enclosed by a fence designed to effectively screen from view such storage area.

(i) C3-9

Notwithstanding any provision of Section 20(1), Section 20(2)(f), Section 20(2)(h) and Section 20(2)(n) hereof to the contrary, the lands designated C3-9 on Schedule "A" hereto, may be used for an automobile body shop together with an existing dwelling house, used as an accessory dwelling house, provided that such uses are developed in accordance with the following provisions: (80-55).

(a) EXTERIOR SIDE YARD WIDTH (minimum):

- (i) Accessory dwelling house -7.620 metres
- (ii) Other uses -15.240 metres

(b) REAR YARD DEPTH (minimum):

- (i) Accessory dwelling house -4.572 metres
- (ii) Other uses -45.720 metres

(c) OPEN STORAGE:

No open storage of goods, materials or motor vehicles shall be permitted except in accordance with the following provisions:

- (i) Every open storage use shall be accessory to the use of the main building on the lot.
- (ii) An open storage use shall only be permitted in yard other than a required yard, a front yard or an exterior side yard.

(j) C3-10

Notwithstanding any provision of Section 20(1) hereof to the contrary, the lands designated C3-10 on Schedule "A" hereto may be used for a business or professional office together with an accessory dwelling unit provided that such uses are developed in accordance with the following provisions: (82-34).

- (i) Such uses shall constitute the only uses to which the property is devoted; and

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- (ii) Such uses shall be confined to the existing residential building, or, in the event of the destruction of the existing residential building a replacement building of equal or lesser size;
- (iii) Notwithstanding item (ii) above, nothing shall prevent the temporary storage or parking of a motor vehicle within a required front yard or a required exterior side yard provided that no such vehicle is located closer than 0.914 metres to any street line and provided further that such motor vehicle is operative and bears a motor vehicle license plate or sticker which is currently valid.

(k) C3-11

Notwithstanding any provisions of this By-law to the contrary, the lands designated C3-11 on Schedule "A" hereto may be used for a model home display court provided that such use is developed in accordance with the following provisions: (87-87).

- (i) INTERIOR SIDE YARD WIDTH (minimum): 10 feet,
provided that where the interior side lot line abuts another lot in a Commercial Zone, no interior side yard shall be required.
- (ii) REAR YARD DEPTH (minimum): 25 feet
- (iii) PARKING AREA LOCATION:
Front yard only, provided that no part of any parking area, other than a driveway, shall be located closer than 3 feet to any street line or closer than 10 feet to any side lot line.

(l) C3-12 Ontario Motor League

Notwithstanding the provisions of Section 20(1) hereof to the contrary, the lands designated C3-12 on Schedule "A" hereto may be used for a business office which provides services to the travelling public primarily. (87-194).

(m) Deleted by By-Law Number 2003-31

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3 cont'd:

(n) C3-14

Notwithstanding the provisions of Sections 20(1) and 20(2) hereof to the contrary, the lands designated C3-14 on Schedule "A" hereto shall be used for no purpose other than a single family dwelling house, a florist shop, a Nursery/Garden Centre/Greenhouse and a public use, in accordance with Schedule "B-6" hereto. (94-114; 2005-210)

(o) C3-15 991 Sydenham Road

Notwithstanding the provisions of Section 20(1) and 20(2)(e) to the contrary, the lands designated C3-15 on Schedule "A" hereto may only be used for a retail store, restaurant and one dwelling unit, in accordance with the following provisions:

- (i) FRONT YARD DEPTH (minimum) 9.7 feet
- (ii) GROSS FLOOR AREA (maximum) 204 sq. metres
- (iii) ACCESS No driveway will be permitted within 15 metres of any residentially zoned property.
(By-law Number 76-26; 2007-73)

(p) C3-16

Notwithstanding the provisions of Section 20 of this By-Law to the contrary, the lands designated 'C3-16' on Map 2 of Schedule 'A' hereto may be used and developed in accordance with the following regulations:

(i) PERMITTED USES:

The following uses shall be permitted:

(a) RESIDENTIAL USES

a single-detached dwelling house;

(b) NON-RESIDENTIAL USES

a boat sales establishment and accessory office, warehouse and showroom

a travel trailer and/or mobile home sales establishment;
a vehicles sales or rental establishment.

(c) NON-RESIDENTIAL USES ON THE SOUTHERN PORTION OF THE SITE WITHIN THE FILL LINE

The subject lands lying between the fill line along Westbrook Creek (as determined by the Cataraqui Region Conservation Authority) and the existing chain link security fence will be permitted the following uses:

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- (i) Outdoor storage;
- (ii) Boat storage building.

(ii) REAR YARD DEPTH (minimum)

10 feet

From the existing chain link fence located south of the fill line.

(iii) SETBACKS FOR EXISTING BUILDINGS

Existing buildings are hereby deemed to be in compliance with the minimum setbacks. Any new buildings or additions to existing buildings shall be built in accordance with the setback regulations of this By-Law.

(iv) USE OF THE ACCESSORY SHOWROOM

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

(v) ACCESSORY OFFICE USE

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

(vi) ACCESSORY WAREHOUSE

The warehouse use associated with the boat, travel trailer, mobile homes sales, vehicles sales or rental establishment shall be located to the south of the gas pipeline easement and be located within the one storey Quonset structures. The warehouse use shall only be permitted in conjunction with the permitted boat, travel trailer, mobile home, and vehicles sales or rental establishment located at 3667-3669 Princess Street. The warehouse structures will be permitted to encroach into the rear portion of the 'C3-16' Zone, south of the fill line extending to the perimeter fence located to the north of the Westbrook Creek. The warehouse will not be permitted to extend beyond the perimeter fence into the Westbrook Creek.

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(vii) OPEN STORAGE

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

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

(viii) OUTDOOR SEASONAL DISPLAY AND SALES AREA

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

- (a) Is seasonal in nature and does not include a permanent retailing area; and,
- (b) Is not located within a fire lane, a parking area or a loading space required to fulfill the provisions of the Zoning By-Law, or a driveway or passageway which provides an access route for vehicular traffic across the lot or to an improved street which abuts said lot.

(ix) PARKING SPACES (minimum)

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

(x) LOADING SPACE REGULATIONS (minimum)

One required loading space as per the requirements of Section 5(12).

(xi) ADVERTISING

All advertising devices shall be consistent with the Sign By-Law as to minimize the visual impact of such uses from adjacent roads and properties.

(By-law Number 2000-13; 2004-309)

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(q) C3-17 3188 Princess Street

Notwithstanding the provisions of Section 20 hereof to the contrary, on the lands designated 'C3-17' on Schedule 'A' hereto, the following regulations shall apply:

- (i) In addition to the uses permitted in Section 20(1)(a) and (b), the following uses shall also be permitted:
 - a retail store; and
 - a business office accessory to a permitted use.
- (ii) An accessory business office shall be restricted to a maximum of 25 percent of the gross floor area of any building or structure occupying the subject property.

(By-law Number 2005-83; 2015-167)

(t) C3-20 (2285 and 2311 Battersea Road and Kingston Con 6 PT Lot 33 RP; 13R-15799 Part 1)

Notwithstanding the provisions of Sections 5 and 20 hereof to the contrary, on the lands designated C3-20 on Schedule "A" hereto, the following regulations shall apply:

I. Definitions

For the purposes of this section, the following definitions shall apply:

- (a) "Assembly hall" means a building or a part of a building in which facilities are provided for the gathering of persons for civic, political, travel, religious, social, educational, recreational or similar purposes, and includes, without limitation, an auditorium or banquet hall. An assembly hall does not include a standalone beverage room, restaurant, gym, or nightclub.
- (b) "Building footprint" means all parts of a building (excluding roof overhangs) that rest, directly or indirectly, on the ground, including those portions of the building that are supported by posts, piers, or columns.
- (c) "Café" means a building or part of a building where beverages are offered for sale or sold to the public and may include ancillary retailing of prepared foods and/or merchandise related to the principal use. This definition shall not include a Restaurant, retail store, or farm produce retail outlet.

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- (d) "Conservation use" means the use of land for the preservation, protection and improvement of the natural environment through management and maintenance programs.
- (e) "Farm produce retail outlet" means a use accessory to a permitted farm use which consists of the retail sale of agricultural products and may include the sale of gifts, souvenirs, or personal items.
- (f) "Rental cabin" means a detached building providing sleeping accommodation for the travelling or vacationing public, and which includes washroom facilities, but does not include a kitchen or laundry facilities. Limited facilities for the preparation of food shall be permitted including a bar sink, mini fridge, small plug in appliances such as a coffee maker, kettle, and toaster, and cupboards.
- (g) "Spa" means those premises where personal services for therapeutic or relaxation purposes are performed by certified aestheticians or registered massage therapists and may include such services as aromatherapy, massage therapy and aesthetics/beauty services.
- (h) "Tied house" means those premises where food and beverages produced on-site are offered for consumption by the public under licence from the Alcohol and Gaming Commission of Ontario.
- (i) "Winery" or "nanobrewery" or "cidery" means the use of land, buildings or structures for the production, distribution, and retail sale of beer, cider, and/or wine products predominantly grown and processed on-site, and which may include administrative facilities, a retail and/or a sampling area and any associated outdoor patio area, but shall not include a restaurant or other on-site dining facilities.

II. Permitted uses

The only permitted uses on the property shall be:

(a) Residential use:

An accessory dwelling unit in the upper floor of a non-residential building that is occupied by the owner or operator of the site. This unit shall not be rented out for short term accommodation.

(b) Non-residential uses:

- i. a farm;

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- ii. a public use in accordance with the provisions of Section 5(18) hereof;
- iii. a conservation use;
- iv. a hotel;
- v. a spa;
- vi. an assembly hall;
- vii. rental cabins;
- viii. a restaurant;
- ix. a café;
- x. a winery;
- xi. a nanobrewery;
- xii. a cidery;
- xiii. a farm produce retail outlet;
- xiv. a nursery/garden centre/greenhouse; and
- xv. accessory buildings

III. Regulations for Permitted Uses

A. General Provisions

- I. For the purposes of zoning, the lands zoned C3-20 shall be treated as one lot.
- II. Unless otherwise specified, the following regulations apply:
 - a) Maximum lot coverage: 10%
 - b) Minimum landscaped open space: 30%
 - c) Where the property abuts a lot containing a dwelling house and no farm or agricultural use, or abuts a hydro corridor, a minimum 3-metre wide landscape buffer shall be provided. The landscaped buffer shall include a visual screen consisting of any combination of privacy fencing and/or unbroken vegetation with a minimum height of 1.8 metres.
 - d) Front yard setback (minimum): 7.6 metres
 - e) Exterior side yard setback (minimum): 7.6 metres
 - f) Interior side yard setback (minimum): 9.1 metres

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- g) Rear yard setback (minimum): 9.1 metres
 - h) Parking: In accordance with Section 5 of this By-law
 - i) Setback to wetland feature boundary (minimum): 7.5 metres
 - j) Maximum building height: 10.7 metres
- III. A maximum of 67 hotel rooms are permitted, of which, a maximum of 40 can be rental cabins.
- IV. Special Access Requirements: A maximum of five (5) driveways are permitted.
- V. Standard parking stall size (minimum): 2.6 metres x 5.2 metres
- VI. Accessible parking stall size (minimum):
- a) Type A: 3.4 metres x 6.0 metres
 - b) Type B: 2.7 metres x 6.0 metres
 - c) Access aisle: 1.5 metres x 6.0 metres
- VII. The lands shall be serviced by means of a private communal water system and private sewage disposal system that are designed and operated in accordance with all applicable laws, permits and regulations, including, without limitation, all laws, permits and regulations of the Ministry of Environment Conservation and Parks, the local health unit, and the City.

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B. Winery, Nano-brewery, Cidery

The following regulations apply to the winery, nanobrewery, and cidery:

- a. A minimum of 2 hectares on the lands must be planted with crops used in the annual production of wine, beer, and/or cider.
- b. Goods produced by the winery, nanobrewery and/or cidery shall be made from crops grown on the property, or in the Province of Ontario that are processed on site;
- c. The nanobrewery shall not produce more than one thousand (1,000) barrels (or one thousand, two hundred (1,200) hectolitres) of beer per year. The maximum amount of beer produced per year may be increased to 3,000 hectolitres through the utilization of imported water.
- d. A tied house may be included as an accessory use to a winery, cidery, and/or nanobrewery.
- e. Subject to provincial licensing requirements, the gross floor area of the on-site tasting room, tied house, and beer, wine and/or cider retail store shall not, in the aggregate, exceed 200 square metres excluding the following areas: (i) below ground storage; and (ii) any outdoor area(s).

C. James Hickey House

- I. Front yard setback (minimum): 60 metres
- II. Exterior side yard setback (minimum): 30 metres
- III. Interior side yard setback (minimum): 30 metres
- IV. Maximum building height: 13.7 metres
- V. Outdoor patios are prohibited on the west side of the building.
- VI. Maximum gross floor area of restaurant including outdoor areas: 200 square metres

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- VII. Maximum gross floor area of farm produce retail outlet and café: 200 square metres in the aggregate

D. Assembly Hall

- I. Maximum building footprint: 490 square metres
- II. Maximum gross floor area for event space, including reception: 495 square metres.
- III. Maximum building height: 13.7 metres
- IV. Minimum setback from a dwelling unit on an adjacent lot: 80 metres

E. Rental Cabins

- I. Maximum number of rental cabins: 40
- II. Maximum gross floor area per rental cabin: 47 square metres
- III. Maximum height of a rental cabin: 7.6 metres

F. Hotel and Spa

- I. Minimum setback from eastern interior side lot line: 30 metres

G. Minimum Distance Separation (MDS)

- I. For the purposes of calculating MDS I and MDS II setbacks , the following uses shall be considered a Type A land use:
 - a. Restaurant, contained within the Expanded Farmhouse, which may include outdoor seating;
 - b. Farm produce retail outlet and café;
 - c. Winery, nanobrewery, and cidery;
 - d. Accessory tasting room and tide house;
 - e. Farm;
 - f. Conservation use;
 - g. Nursery, garden centre, or greenhouse;
 - h. Parking and other accessory buildings that are not used for human habitation; and
 - i. A maximum of 7 hotel rooms consolidated in one building.

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- II. For the purposes of calculating MDS I and MDS II requirements, the following uses shall be considered a Type B land use:
 - a. Hotel;
 - b. Spa and associated indoor and outdoor amenity areas;
 - c. Restaurant and café with outdoor seating area;
 - d. Rental cabins; and
 - e. Assembly hall.
- III. Minimum distance separation (MDS): An MDS I setback of 220 metres is required from the existing horse barn located at 896 Unity Road for Type B land uses. If the barn no longer generates an MDS I setback, this provision will cease to apply in accordance with Section H.
- IV. For the purposes of calculating MDS I and MDS II requirements, the lands zoned C3-20-H1 shall be considered a Type B land use.
- V. For the purposes of calculating MDS I and MDS II requirements, the lands zoned C3-20-H2 shall be considered a Type A land use. The lands will be considered a Type B land use when a by-law has been enacted to remove the ‘-H’ Holding Symbol in accordance with the requirements outlined in Section H.
- VI. For the purposes of calculating MDS I and MDS II requirements, the lands zoned C3-20-H3 shall be used for farm uses only. The lands will be considered a Type B land use when a by-law has been enacted to remove the ‘-H’ Holding Symbol in accordance with the requirements outlined in Section H.

H. Holding Symbols

- I. C3-20-H1: A by-law shall not be enacted to remove the ‘-H1’ Holding Symbol until such time as:
 - a. A site plan has been approved and a site plan agreement has been executed and registered on the title of the lands;
 - b. A minimum distance separation study demonstrates, to the City’s satisfaction, that any buildings proposed comply with the MDS formulae;
 - c. All approvals have been received and permits issued from the Cataraqui Region Conservation Authority under its

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regulations for new development near the unevaluated wetland;

- d. A Hydrogeological Report outlining the methods of servicing the site with private well and subsurface sewage disposal systems has been completed and approved by the Ministry of Environment, Conservation, and Parks, or its successor, and the local health unit;
 - e. A Development Agreement has been executed and registered on the title of the lands to implement the groundwater monitoring program.
 - f. The City has received a copy of a current Environment Compliance Approval from the Ministry of Environment, Conservation, and Parks, or its successor, for all required private sewage works on the lands; and
 - g. City Council has given notice pursuant to the requirements of the *Planning Act* of its intention to pass a by-law to remove the '-H1' Holding Symbol.
- II. C3-20-H2: Only uses defined as a Type A land use are permitted, in accordance with the provisions outlined in Section H.I. Type B land uses are not permitted until such time that the '-H2' Holding Symbol is removed.

A by-law shall not be enacted to remove the '-H2' Holding Symbol until such time as:

- a. A site plan has been approved and an amending site plan control agreement has been executed and registered on the title of the lands;
- b. A minimum distance separation study demonstrates, to the City's satisfaction, that any buildings proposed comply with the MDS formulae;
- c. A Hydrogeological Report outlining the methods of servicing the site with private well and subsurface sewage disposal systems has been completed and approved by the Ministry of Environment, Conservation, and Parks, or its successor, and the local health unit;
- d. The City has received a copy of a current Environment Compliance Approval from the Ministry of Environment, Conservation, and Parks, or its successor, for all required private sewage works on the lands; and

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- e. City Council has given notice pursuant to the requirements of the *Planning Act* of its intention to pass a by-law to remove the '-H2' Holding Symbol.
- III. C3-20-H3: Only farm uses or accessory buildings are permitted in accordance with the provisions outlined in Section H.I. Type B land uses are not permitted until such time that the '-H3' Holding Symbol is removed. A by-law shall not be enacted to remove '-H3' Holding Symbol until such time as:
- a. A site plan has been approved and an amending site plan control agreement has been executed and registered on the title of the lands;
 - b. A minimum distance separation study demonstrates, to the City's satisfaction, that any buildings proposed comply with the MDS formulae;
 - c. The City has received a copy of a current Environment Compliance Approval from the Ministry of Environment, Conservation, and Parks, or its successor, for all required private sewage works on the lands, if required; and
 - d. City Council has given notice pursuant to the requirements of the *Planning Act* of its intention to pass a by-law to remove the '-H3' Holding Symbol.

(By-Law 76-26; 2020-120)

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SECTION 21

MARINE COMMERCIAL ZONE (C4)

(1) USES PERMITTED

No person shall within any C4 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C4 uses, namely:

(a) RESIDENTIAL USES:

- an accessory dwelling house;
- an accessory dwelling unit;
- an apartment dwelling house.

(b) NON-RESIDENTIAL USES:

- a boat sales and/or service establishment;
- a commercial club;
- a drive-in restaurant;
- a home occupation;
- a marina;
- a merchandise service shop;
- a motel or hotel;
- a personal service shop;
- a public use, in accordance with the provisions of Section 5(18) hereof;
- a recreational establishment;
- a restaurant;
- a retail store;
- a take-out restaurant;
- a day nursery.

(By-law Number 76-26; 2007-159)

(2) ZONE PROVISIONS

No person shall within any C4 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) LOT AREA (minima):

(i) Accessory dwelling house

- (a) Lot served by a public water system and a sanitary sewer system
4,000 square feet

- (b) Lot served by only a public water system or a sanitary sewer system
15,000 square feet

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(c) Other Lots
22,000 square feet

(ii) **Accessory dwelling unit**

(a) Lot served by only a public water system or a sanitary sewer system

15,000 square feet

(b) Lot not served by a public water system nor a sanitary sewer system

22,000 square feet

(iii) **Apartment dwelling house**

750 square feet per dwelling unit, plus 375 square feet per bedroom.

(iv) **Tourist establishment**

(a) Lot served by a public water system and a sanitary sewer system

7,500 square feet, plus 500 square feet for each guest room in excess of 4.

(b) Lot served by only a public water system or a sanitary sewer system

15,000 square feet, plus 1,000 square feet for each guest room in excess of 4.

(c) Other lots

30,000 square feet, plus 2,000 square feet for each guest room in excess of 4.

(v) **Other uses**

(a) Lot not served by a public water system nor a sanitary sewer system

10,000 square feet

(b) Other lots

6,000 square feet

(b) **LOT FRONTAGE (minima):**

(i) **Accessory dwelling house**

(a) Lot served by a public water system and a sanitary sewer system

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50 feet

- (b) Lot served by only a public water system or a sanitary sewer system

100 feet

- (c) Other lots

150 feet

- (ii) **Apartment dwelling house**

110 feet

- (iii) **Tourist establishment**

- (a) Lot served by a public water system and a sanitary sewer system

75 feet

- (b) Lot served by only a public water system or a sanitary sewer system

100 feet

- (c) Other uses

150 feet

- (iv) **Other uses**

75 feet

- (c) **WATER FRONTAGE (minimum):**

Any tourist establishment with water access shall have a minimum water frontage of 250 feet, and an additional water frontage of 10 feet for each tourist establishment guest room in excess of 30 units.

- (d) **FRONT YARD DEPTH (minima):**

- (i) Accessory dwelling house

20 feet

- (ii) Apartment dwelling house

1/3 of the height of the building, or 20 feet, whichever is the greater.

- (iii) Other uses (94-21)

10 feet

- (e) **EXTERIOR SIDE YARD WIDTH (minima):**

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- (i) Accessory dwelling house
20 feet
 - (ii) Apartment dwelling house
1/3 of the height of the building, or 20 feet, whichever is the greater.
 - (iii) Other uses (94-21)
10 feet
- (f) **INTERIOR SIDE YARD WIDTH (minima):**
- (i) Accessory dwelling house
4 feet, provided that on a lot where there is no attached private garage or attached carport, the minimum interior side yard width shall be 8 feet on one side and 4 feet on the other side.
 - (ii) Apartment dwelling house
1/2 the height of the building, or 35 feet, whichever is the greater, provided that an interior side yard adjoining an end wall containing no habitable room windows may be reduced to 6 feet where the side lot line does not adjoin an R1 or R2 Zone.
 - (iii) Other uses
30 feet, provided that where the interior side lot line abuts another lot in a Commercial Zone, no interior side yard shall be required.
- (g) **REAR YARD DEPTH (minima):**
- (i) Accessory dwelling house
25 feet
 - (ii) Apartment dwelling house
1/2 the height of the building, or 35 feet, whichever is the greater, provided that a rear yard adjoining an end wall containing no habitable room windows may be reduced to 6 feet where the rear lot line does not adjoin an R1 or R2 Zone.
 - (iii) Tourist establishment
25 feet

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- (iv) Other uses
50 feet

- (h) **LANDSCAPED OPEN SPACE (minima):**
 - (i) Accessory dwelling house
30%

 - (ii) Apartment dwelling house
45%

 - (iii) Other uses
10%

- (i) **LOT COVERAGE (maxima):**
 - (i) Accessory dwelling house
35%

 - (ii) Apartment dwelling house
30%

 - (iii) Other uses
40%

- (j) **DWELLING UNIT AREA (minima):**
 - (i) Accessory dwelling house
1,000 square feet

 - (ii) Apartment dwelling house or Accessory dwelling unit
 - (a) Bachelor dwelling unit
400 square feet

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- (b) Dwelling unit containing 1 bedroom
600 square feet
- (c) Dwelling unit containing 2 bedrooms
700 square feet
- (d) Dwelling unit containing 3 bedrooms
900 square feet
- (e) Dwelling unit containing more than
3 bedrooms 900 square feet plus 100 square feet for each
bedroom in excess of three, except that for a senior
citizens' apartment project, the minimum dwelling unit area
for a unit containing one bedroom shall be 460 square feet.

(k) HEIGHT OF BUILDING (maxima):

- (i) Apartment dwelling house
45 feet
- (ii) Other uses
35 feet

(l) ACCESSORY DWELLINGS PER LOT (maximum):

1 accessory dwelling house or accessory dwelling unit

(m) DWELLING HOUSES PER LOT (maximum):

1 only

(n) APARTMENT DWELLING HOUSE:

(i) Courts:

Where a building is in a court form, the distance between opposing side walls of the building forming the court shall be not less than 70 feet or the height of the highest portion thereof, whichever is the greater.

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(ii) **Privacy yards:**

A privacy yard, clear and unobstructed by any parking area or any vehicular driveway, other than a private driveway for a dwelling unit, shall be provided adjoining each habitable room window of every dwelling unit with a minimum depth measured at right angles from such wall it adjoins in accordance with the following table:

MINIMUM PRIVACY YARDS

EXTERIOR WALL WINDOW REQUIRING A PRIVACY YARD	APARTMENT DWELLING HOUSE OF MORE THAN 10 DWELLING UNITS	APARTMENT DWELLING HOUSE OF UP TO 10 DWELLING UNITS	
		SURFACE PARKING AREA	VEHICULAR DRIVEWAY
GROUND FLOOR LIVING ROOM WINDOW	35 FEET	25 FEET	25 FEET

(iii) **Deleted**

(By-Law 76-26; 2017-170)

(iv) **Boat moorings:**

The owner of an apartment dwelling house shall provide and maintain for the use of the owner, occupant or other persons entering or making use of the said premises not less than one boat mooring per dwelling unit.

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(o) HABITABLE ROOM WINDOW:

Where the exterior wall of a tourist establishment contains a first storey habitable room window, such wall shall be located no less than 30 feet from any interior side lot line or rear lot line.

(p) DISTANCE BETWEEN BUILDINGS:

Where more than one tourist establishment building is erected on the same lot, the minimum distance between buildings shall not be less than 50 feet; provided that where 2 external walls facing and parallel to each other contain no openings or windows to habitable rooms, the distance between such 2 walls may be reduced to 10 feet.

For the purpose of the foregoing, such external walls having an angle of divergence not more than 85 degrees shall be deemed to face and be parallel to each other.

In the above paragraph, "angle of divergence" means the interior acute angle formed by and lying between such 2 external walls or their projection.

(q) OPEN STORAGE:

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

- (i) Every open storage use shall be accessory to the use of the main building on the lot.
- (ii) An open storage use shall only be permitted in a rear yard.
- (iii) Every open storage use shall be concealed from view from abutting streets and abutting non-Commercial Zones by a fence, wall or similar structure.
- (iv) No open storage use shall cover more than 35% of the lot area.
- (v) The open storage provisions of this subsection shall not apply to marinas or boat sales and/or service establishments.

(r) ACCESSORY USES, PARKING, ETC.:

In accordance with the provisions of Section 5 hereof.

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(3) Special C4 Zones

(a) C4-1 (2165 Bath Road)

Notwithstanding the provisions of Section 21 hereof to the contrary, the lands designated 'C4-1' on Schedule 'A' hereto, the following regulations shall apply:

(i) Definitions:

For the purpose of the 'C4-1' zone, the following definition shall apply:

Veterinary Clinic shall mean a building or part thereof used by a veterinarian(s) and their associated staff and services for the purpose of consultation, diagnosis, grooming, treatment, and necessary boarding of animals.

(ii) Additional Permitted Use:

Veterinary Clinic

(By-law Number 76-26; 2016-155)

SECTION 22

GENERAL SHOPPING CENTRE COMMERCIAL ZONE (C5)

(1) USES PERMITTED

No person shall within any C5 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C5 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

a shopping centre which contains one or more of the following uses:

an art gallery;
an auditorium;
a bank;
a banquet hall;
a beverage room;
a business or professional office;
a clinic;
a commercial club;
a commercial school;
a department store;
a dry-cleaning or laundry outlet;
a florist shop;
a gasoline retail facility;
a laundromat;
a library;
a personal service shop;
a pet shop;
a public use, in accordance with the provisions of Section 5(18) hereof;
a recreational establishment;
a restaurant;
a retail nursery;
a retail store;
a supermarket;
a taxi stand or bus station;
a day nursery.

(By-law Number 76-26; 2007-159)

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(2) **ZONE PROVISIONS**

No person shall within any C5 Zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

- (a) **LOT AREA (minimum):** 2 acres
- (b) **LOT FRONTAGE (minimum):** 200 feet
- (c) **FRONT YARD DEPTH (minimum):** 10 feet (94-21)
- (d) **EXTERIOR SIDE YARD WIDTH (minimum):** 10 feet (94-21)
- (e) **INTERIOR SIDE YARD WIDTH (minimum):** 30 feet, provided that where the interior side lot line abuts another lot in a Commercial Zone, no interior side yard shall be required.
- (f) **REAR YARD DEPTH (minimum):** 50 feet
- (g) **LANDSCAPED OPEN SPACE (minimum):** 10%
- (h) **LOT COVERAGE (maximum):** 20%
- (i) **HEIGHT OF BUILDING (maximum):** 35 feet or one storey, whichever is the greater
- (j) **GASOLINE PUMP ISLAND LOCATION:**
Notwithstanding any other provisions of this By-law to the contrary, a gasoline pump island accessory to a permitted use may be located within any front yard or exterior side yard provided:
 - (i) The minimum distance between any portion of the gasoline pump island or its canopy and any lot line shall be 15 feet. (94-83)
 - (i) Where the lot is a corner lot, no portion of any gasoline pump island or its canopy shall be located closer than 10 feet to a sight triangle. (94-83)
- (k) **OPEN STORAGE:**
No open storage of goods or materials shall be permitted.
- (l) **ACCESSORY USES, PARKING, ETC.:**
In accordance with the provisions of Section 5 hereof:

(3) **SPECIAL C5 ZONES**

- (a) **C5-1**

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Notwithstanding the provisions of Section 22(1) and Section 22(2) hereof to the contrary, the lands designated 'C5-1' on Map Number 5 to Schedule "A"

hereto shall be subject to the following provisions:

- (i) The permitted uses shall also include:
 - public garages, and
 - wholesale businesses and warehouses;
- (ii) The existing building on the westerly portion of the property shall be deemed to be conforming with respect to the minimum rear yard, maximum lot coverage and minimum landscaped area provisions of this By-law, provided there is no enlargement or expansion of the existing building.

(By-law Number 98-194 – 1998)

(b) C5-2 (Frontenac Mall)

Notwithstanding any provisions of Clauses (a) and (c) of Section 5(16), Subsection (1) of Section 22 and Clauses (g) and (h) of Section 22(2) hereof to the contrary, the lands designated C5-2 on Schedule "A" hereto also be used for a drive-in restaurant, a take-out restaurant, a free-standing restaurant and one arcade provided that such arcade is located as one of the rental units within the main mall building, in accordance with the following provisions:

- (i) GROSS LEASABLE FLOOR AREA (maximum): 28,500 sq. metres
- (ii) PARKING AREA REGULATIONS
 - (a) PARKING AREA (minimum): 4.3 parking spaces
Per 100 square metres gross
leasable floor area

Notwithstanding Section 4(70) of this By-law to the contrary, for the purpose of this provision "Gross Leasable Area" means the total area of all floors in a building or part of a building designated for tenant occupancy and the tenants' exclusive use including basements, cellars, mezzanines, upper floor areas and integral storage areas, measured from the centre line of joint partitions and from outside wall faces but not including public or common

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areas, such as parking spaces and parking areas, walls, corridors, stairways, elevators or machine or equipment rooms.

(b) **PARKING STALL SIZE (minima):**
Parking space dimensions shall be as defined in Schedule "C" hereof.

(c) **PARKING AREA LOCATION:**
Parking areas located within 15.25 metres of Bath Road and Centennial Drive shall be designed in accordance with the City's Site Plan Design Guideline.

(iii) **LANDSCAPED OPEN SPACE (minimum):** 7.5%

(iv) **LOT COVERAGE (maximum):** 30%.
(By-law Number 76-26; 2008-209)

(c) C5-3 - Repealed by By-law Number 94-11

(d) (C5-4-H) 1600 Bath Road

(1) Notwithstanding any provisions of this By-Law to the contrary, the lands designated C5-4 on Schedule 'A' may be used for the following uses in accordance with Section 22(2) herein:

(a) uses existing as of July 14th, 2004;

(b) an accessory dwelling unit (manager's residence) which shall be accessory to the indoor climate controlled self-service storage use;

(c) apartment dwelling houses to a total on-site maximum of 360 dwelling units, in accordance with the 'R5-1' (Modified Residential Type 5) Zone requirements;

(d) a park, in accordance with the 'OS' (General Open Space) Zone requirements.

(2) **Parking Spaces (minimum)**

Off street parking shall be in accordance with the regulations of Section 5(16) of this By-Law

(3) The '-H' Holding Symbol applicable to this property shall be used and removed in accordance with the following:

(a) provisions of Section 6(6) of By-Law Number 76-26; and

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(b) a Noise Study and proposed noise mitigation methods shall be provided to the satisfaction of the City of Kingston.

(By-Laws Number 79-74 – 1979; 99-24 – 1999; 2004-241)

(e) C5-5

Notwithstanding any provisions of Section 22(2) hereof to the contrary, the maximum gross floor area of all buildings and structures permitted within the C5-5 Zone shall not exceed 5250 square metres (56,500 square feet). (85-89) & (87-72).

(f) C5-6

Notwithstanding the provisions of Sections 22(2) hereof to the contrary, the maximum gross leasable area of all buildings and structures permitted within the C5-6 Zone shall not exceed 10,000 square metres. (86-135).

(g) C5-7 (950 Centennial Drive):

Notwithstanding the provisions of Sections 4, 5 and 22 hereof to the contrary, on the lands designated 'C5-7', the following regulations shall apply:

(i) Definitions:

- (a) "Amenity Area" shall be defined as an area or areas, at or above ground level, intended for recreational purposes which may include landscaped site area, patios, balconies, communal lounges, swimming pools, and similar uses, but is not deemed to include areas occupied by service areas, parking or driveways.
- (b) "Retirement Home" shall be defined as accommodation where retirement home suites have a separate private bathroom and a separate entrance from a common hall and where common facilities for the preparation and consumption of meals are provided and where common lounges, recreation areas and medical care facilities may also be provided. Retirement homes may also include a subordinate number of 'dwelling units' as defined in Section 4 of this By-Law.
- (c) "Retirement Home Suite" shall be defined as a habitable space designed for living and sleeping consisting of studios, one and two bedrooms, private bathroom and separate entrance from a common

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hall, and may include a kitchenette with convenience facilities but without full cooking facilities.

- (ii) Additional permitted uses:
 - (a) an apartment dwelling house
 - (b) retirement home

- (iii) Maximum Lot Coverage: 30%

- (iv) Maximum Height of Building:
 - (a) 27 metres where the building will not abut a residential zone
 - (b) 19 metres along the southern lot line of the property abutting existing residential uses.

- (v) Maximum Gross Leasable Floor Area:
 - (a) retail use: 14,000 square metres
 - (b) office use: 4,500 square metres
 - (c) residential use: 39,390 square metres

- (vi) Maximum Dwelling Units Permitted: 351
 - (a) From the maximum number of 351 dwelling units, an additional 82 units are permitted at the 2.79 ha property known municipally as 950 Centennial Drive, for a total of 433 units within the 'C5-7' zone.
 - (b) The residential density of the 'C5-7' zone shall include 56 existing dwelling units located at the property municipally known as 2395 Princess Street.

- (vii) Planting Strip Adjoining Residential Zone: 3.0 metres

- (viii) Building Setback Abutting Residential Zone: 15 metres

Within the 15 metre setback, there shall be no parking or provision for motorized vehicular access, with the exception of a permitted encroachment of a maximum of 3 metres for an area to permit vehicular access.

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- (ix) Minimum Amenity Area: 2.0 square metres per dwelling unit/suite.
- (x) Privacy Yards: a privacy yard, clear and unobstructed by any parking area or any vehicular driveway shall be provided adjoining each habitable room window of every dwelling unit/retirement home suite with a minimum depth measured at right angles from such wall it adjoins in accordance with the following:
 - (a) ground floor habitable room window: 7.6 metres
 - (b) a passenger pickup/drop off area may encroach into the privacy yard within 15 metres of the main entrance to the building. There shall be no vehicle parking permitted within this area.
 - (c) within the privacy yard, an area unobstructed by a public or joint pedestrian access surface shall be provided extending 3.5 metres from any ground floor habitable room window, this distance being measured radially from any point on the window. A window shall be considered to be located on the ground floor if any portion of the glazing is less than 2.5 metres above the adjacent ground floor level.
- (xi) Minimum Parking for the residential use located at the property municipally addressed as 2395 Princess Street: 1.1 space per unit
- (xii) Minimum Parking for Residential Uses at the 2.79 ha property municipally addressed as 950 Centennial Drive: 0.6 spaces per dwelling unit. For the purposes of calculating the minimum off-street parking requirement for a 'retirement home suite', as defined herein, a dwelling unit equivalency ratio of 2 retirement home suites to 1 dwelling unit shall apply.

(By-law Number 76-26; 2007-77; 2007-210; 2009-120; 2012-17; 2017-190)

(h) C5-8

Notwithstanding any provisions of this By-law to the contrary, the maximum gross leasable floor area of all buildings and structures permitted within the C5-8 Zone shall not exceed 2,445 square metres. (88-74).

(By-law Number 99-200 - 1999)

(i) C5-9

Notwithstanding the provisions of Clauses (37) and (127) of Section 4, and Subsection (1) of Section 22 hereof to the contrary, the lands designated

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C5-9 on Schedule "A" hereto shall be used and developed in accordance with the following provisions: (95-115)

(i) Uses Permitted: a shopping centre which contains one or more of the following uses:

- . an art gallery;
- . an auditorium;
- . a bank;
- . a banquet hall;
- . a beverage room;
- . a business or professional office;
- . a clinic;
- . a commercial club;
- . a commercial school;
- . a dry cleaning or laundry outlet;
- . a florist shop;
- . a gasoline retail facility;
- . a home improvement store;
- . a laundromat;
- . a library;
- . a personal service shop;
- . a pet store;
- . a public use, in accordance with the provisions of Section 5(18) hereof ;
- . a recreational establishment;
- . a restaurant;
- . a restaurant; take out;
- . a retail nursery;
- . a retail store;
- . a taxi stand or bus stop.

(By-law Number 2001-234; 2004-297; 2009-113)

(ii) Definitions:

For the purpose of the C5-9 zone the following definitions shall apply:

- (a) "RETAIL STORE" means a building or part of a building, where a single user occupies a minimum gross leasable area of 5,000 sq. feet, and shall not exceed a maximum gross leasable area of 80,000 sq. feet, and where the principal use is the sale at retail of goods, wares, merchandise, substances, articles or things, but does not include a DEPARTMENT STORE, supermarket or any other establishment otherwise defined or specifically named elsewhere in Zoning By-law 76-26.

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Notwithstanding the foregoing, the aforesaid minimum gross leasable area shall not apply to Retail Stores devoted primarily to selling, displaying or storing food, food products, tobacco, periodicals, household products and merchandise ancillary or accessory thereto. The maximum gross leasable area of any retail store other than a supermarket devoted primarily to selling food, food products, tobacco, periodicals, household products and merchandise ancillary or accessory thereto shall be 3,000 sq. ft. The portion of any other Retail Store other than a supermarket devoted to the sale, display and storage of food or food products shall not exceed a gross leasable are of 3.000 sq. ft.

(By-law Number 2001-234 - 2001)

- (b) “DEPARTMENT STORE” means a building occupied by a store primarily engaged in general merchandising at retail of a wide range of commodities organized into a number of individual departments within such building.
- (c) “DEPARTMENT STORE TYPE MERCHANDISE (DSTM)” means a category of retail sales which covers goods typically found in Canadian department stores, as well as those sold in specialty stores which focus on only one, or a few, of the merchandise lines found in department stores, including but not limited to general merchandise, apparel/accessories, household furnishings (hardware, furniture, appliances, electronics, lighting), drugs/cosmetics, books, stationary, cards, jewellery, sporting goods, luggage, pets/pet supply, art and garden centre but excluding food stores, eating/drinking establishments, liquor/beer/wine stores, automotive related stores, home improvement/building supply centres and personal service facilities such as barber shops, beauty salons, dry cleaners and shoe repair outlets.
- (d) “NON-DEPARTMENT STORE DSTM” means Department Store Type Merchandise (DSTM) found in a RETAIL STORE, other than a DEPARTMENT STORE.
- (e) “HOME IMPROVEMENT STORE” means a building or part of a building devoted to wholesale and retail sales of merchandise typically found in hardware stores, home and auto supply stores, home centres and building supply stores, including the sale of nursery and landscaping plants, equipment and supplies and including retail outside storage.

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- (iii) Gross Leaseable Area (maxima):
 - (a) Home Improvement Store
137,000 square feet
 - (b) Sale of Food and Food Products other than a supermarket
18,000 square feet
(By-law Number 2001-234 - 2001)
 - (c) Non-department store DSTM uses
330,000 square feet
(By-Law Number 2000-87 – 2000)
(By-law Number 99-89; 2001-234; 2004-297; 2009-113)

- (iv) Retail Store Uses

Notwithstanding the provisions of Section 22(3)(i)(ii)(a) hereof to the contrary, a maximum of 24,100 square feet of the total non-department store DSTM space permitted may be occupied by RETAIL STORES with a gross leasable area of less than 5000 square feet.

(By-law Number 2000-87 - 2000)

- (v) Phasing

- (a) Notwithstanding the provisions of Section 22(3)(i)(iii) hereof to the contrary, the following phasing provisions shall apply to the development of the permitted uses:

- (i) Phase 1 A Home Improvement Store
A maximum of 150,000 square feet .
Gross Leasable Area of non-department store DSTM uses
food and food product uses
Other uses

- (ii) Phase 2 A maximum 91,000 square feet
Gross Leasable Area of non-department store DSTM uses

- (iii) Phase 2 shall not proceed until:

- (a) all applicable municipal requirements have been complied with, including satisfactory demonstration that introduction of the additional non-

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department store DSTM space into the community will not result in significant and demonstrable levels of impact in the form of urban blight and/or service reductions that are clearly harmful to the planned functions of existing commercial areas in the Township.

- (b) All necessary agreements, including the site plan agreement between the Township and the owner/developer, have been executed.
- (c) After conditions (a) and (b) above have been fulfilled to the satisfaction of the Township, development of the balance of the permitted Gross Leaseable Area shall be allowed.

(vi) More Than One Lot In The Zone

For the purpose of interpreting the provisions of this zone, the lands zoned C5-9 on Schedule "A" hereto, shall be considered to be one lot, and the provisions of this zone shall apply to the C5-9 zone as a whole.

(j) C5-10

Notwithstanding any provision of this By-Law to the contrary the lands zoned 'C5-10' on Schedule 'A', shall be used in accordance with the permitted uses set out in Section 22(1) and may include an automobile centre as defined in this section. Development shall be in accordance with the provisions of Section 22(2) and the following special provisions:

- (i) Notwithstanding Section 22(2)(h), the maximum combined Gross Leaseable Area of all permitted uses on the site shall be 23,000 m².
- (ii) Any supermarket shall have a maximum gross leaseable floor area of 5600 m².
- (iii) Rear yard (minimum) 3.0 m
- (iv) Parking Spaces (minimum) 5.0 parking spaces per 100 square metres of Gross Leaseable Area
- (v) Parking Module Size

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Notwithstanding any provisions to the contrary, where the parking angle is 90 degrees, the stall length shall be a minimum of 6.0m, the aisle width shall be a minimum of 6.0m, the centre to centre width of a double row with an aisle in between be a minimum of 18.0 meters and shall permit 2-way movement.

(vi) Access

Notwithstanding Section 5(16)(d)(i)(b), for driveways used for combined ingress and egress, the minimum width shall be 16 m, measured 6 m from the property line.

(vii) Minimum Setback along Major Arterials

Notwithstanding Section 5(20), the minimum building or structure setback along Gardiner's Road and Taylor Kidd Boulevard shall be 50 feet plus the required front or exterior side yard.

(viii) Automobile Centre

a) For the purposes of this section only, an automobile centre shall be defined as an establishment for the minor servicing of vehicles such as oil changing facilities and related operations. The retail sales of products related thereto shall be permitted. Vehicle bodywork and painting establishments, commercial garages, muffler shops, tire shops and similar uses shall not be permitted.

b) Any automobile centre operation shall be within a wholly enclosed

c) building.

(ix) Service Bay Doors

Any service bay doors associated with a permitted use shall not be oriented to directly abut a public street.

(By-law Number 2004-296; 2005-199)

(k) C5-11 Wal-Mart Midland Avenue

Notwithstanding Section 22 and Section 5(16) of this By-Law 76-26 to the contrary, the lands designated 'C5-11' to Schedule 'A' hereto shall be subject to the following provisions:

(i) In addition to the permitted uses in Section 22(1) the following use shall be permitted: automotive service and repair

(ii) Maximum Lot Coverage shall be 29%

(iii) Maximum Aggregate Gross Leasable Floor Area shall be 17873 square metres

(iv) Minimum Rear Yard Setback: 5.4 metres

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- (v) One freestanding commercial building may be constructed for the purpose of facilitating a permitted use within the 'C5' Zone
- (vi) The minimum parking ratio requirement shall be 4.38 spaces per 100 square metres of gross floor area.
- (vi) Notwithstanding any provisions of Subsection 5(16)(l) Parking Space Dimensions, Schedule 'C' to the contrary, the following dimensions shall apply:
 - (a) A parking stall with a 90° Parking Angle shall have a minimum stall length (dimension 'C') of 6.1 metres;
 - (b) An Aisle Width (dimension 'D') shall be a minimum of 6.1 metres on which two-way traffic shall be allowed.
- (vii) Notwithstanding any regulations in Zoning By-Law Number 76-26 to the contrary a Seasonal Outdoor Display and Sales Area shall be permitted from April 01 to November 30 with a maximum area of 670 square metres;
- (viii) Open storage shall be permitted with the following provisions applied:
 - a) maximum aggregate area of 325 square metres
 - b) open storage area shall consist of the garden centre and pallet storage areas
- (ix) A Loading Door and/or Garage Door shall not face front lot line unless fully screened in accordance with a Site Plan approved by the City of Kingston. Loading Door is defined as a door to allow the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials; and a Garage Door is defined as a door for the primary function of allowing automobiles into a building.

(By-law Number 76-26; 2004-184; 2009-26)

(I) C5-11-H

Notwithstanding any provision of this By-Law to the contrary the lands designated 'C5-11-H' on Schedule 'A', shall be used in accordance with the permitted uses set out in Section 22(1) and developed in accordance with the provisions of Section 22(2) and the following special provisions:

- (i) The maximum combined Gross Leaseable Area of all permitted uses on the site shall be 22,300 m².
- (ii) Any supermarket shall have a maximum gross leaseable floor area of 5000 m².
- (iii) Parking Spaces (minimum) 5.0 parking spaces per 100 square metres of Gross Leaseable Area
- (iv) The '-H' Holding symbol shall be used and removed in accordance with the provisions of Section 6(6) of this By-Law and the following specific requirements:

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- (i) the provision of site servicing is provided to the satisfaction of Utilities Kingston and the City, including any necessary agreements;
- (ii) The submission and approval of a Phase II Environmental Assessment; and
- (iii) The submission and approval of an updated Market Study to the satisfaction of the City

(By-law Number 2004-296)

C5-12(General Shopping Center Commercial Zone, Woodhaven Phase 4)

C5-12 (950 Cataraqui Woods Drive)

Notwithstanding the provisions of Section 5 and Section 22 hereof to the contrary, the lands designated 'C5-12' on Schedule 'A' hereto, the following regulations shall apply:

- i) Uses Permitted:
 - Non-Residential uses
 - Uses as permitted in Section 22(1)(b)
 - A mixed commercial/residential development;
 - A place of worship;
 - Residential uses: (In accordance with the R2-50 zone).
 - Prohibited uses
 - an auditorium
 - a department store
 - a gasoline retail facility
 - a retail nursery
 - a taxi stand or bus station
- ii) Lot Area (minimum): nil
- iii) Lot Frontage (minimum): nil
- iv) Lot Coverage (maximum): 30%
- v) Height of Building (maximum):
 - i. Mixed commercial/residential building 6 storeys or 20 metres, whichever is less

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- ii. Apartment dwelling house 6 storeys or 20 metres,
whichever is less
- iii. Commercial building 11 metres or one storey
- iv. Other uses 10.7 metres
- vi) Gross Leasable Floor Area (maximum): 2,000 square metres for all
nonresidential uses
- vii) Retail Gross Floor Area (maximum): 300 square metres for any
individual use
- ix) Planting Strip Adjoining Residential Zoned Lands: 3.0 metres

(By-Law 76-26; 2018-152)

(m) C5-12, Woodhaven - Deleted by By-Law 2015-189

(n) C5-13

Notwithstanding the provisions of Section 5 and Section 22 hereof to the contrary, the lands designated 'C5-13' on Schedule 'A' hereto, the following regulations shall apply:

1) Definitions:

For the purpose of the C5-13 zone, the following definitions shall apply:

- (a) 'Gross Leasable Floor Area' means the total area of each floor whether located above, at or below grade, measured from the interior of the outside walls and including floor area occupied by interior walls and floor area created by bay windows, but excluding:
 - Floor area occupied by shared mechanical, service and electrical equipment that serve the building;
 - Common hallways, corridors, stairwells, elevator shafts and other voids, steps and landings;
 - Bicycle parking, motor vehicle parking or loading facilities;
 - Common laundry, storage and washroom facilities that serve the building or tenants;

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- Common storage areas that are accessory to the principal use of the buildings; and,
- Common amenity area and play areas accessory to the principal use on the lot.

(b) 'Seniors Residence' means a building consisting of three or more dwelling units inclusive of nursing homes, rest homes, retirement homes, convalescent facilities, and palliative care facilities. A seniors' residence shall not include a hospital, maisonette dwelling, a townhouse dwelling, or a triplex dwelling.

2) Zoning Interpretation:

For the purposes of zoning interpretation the lands within the 'C5-13' zone shall be treated as a single parcel.

3) Permitted Uses:

The following uses shall also be permitted:

(a) Residential Uses:

- (i) Apartment Dwelling House
- (ii) Seniors Residence

(b) Non-Residential Uses:

- (i) Mixed Commercial / Residential Building
- (ii) Laboratory, research, development facility
- (iii) Data processing and related services operations
- (iv) Business or professional offices

(c) Notwithstanding Section 22(3)(n)(3), a business or professional office is only permitted on the upper floor(s) of a building and may not comprise more than 25% of the gross floor area of the building

(d) Holding Provision:

In addition to the provisions within Section 6(6)(iii) the following requirement shall also be complied with:

- (i) the holding symbol for the permitted uses of apartment dwelling house and seniors residence can only be removed if it can be demonstrated through a servicing report prepared

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by a Professional Engineer to the satisfaction of the City that adequate servicing and sanitary capacity is available.

(ii) A MISA manhole is required to be included on the site for all non-residential uses to the satisfaction of Utilities Kingston.

4) Prohibited Uses:

Gasoline retail facility

5) Non-Residential Uses Gross Leasable Floor Area

(a) Maximum:

(i) Total Gross Leasable Floor Area: 10,700 square metres

(ii) Supermarket Floor Area: 4,200 square metres

(b) Minimum: 2,500 square metres

6) Ground Floor Height (Minimum):

The ground floor storey of all buildings/structures shall have a minimum floor-to-ceiling height of 4.0 metres.

7) Yard Depths (minimum):

(a) All yards shall have a minimum depth of 3 metres.

(b) Notwithstanding subsection 22(3)(n)(7)(i) a minimum yard depth of 15 metres shall be required where a lot line abuts any Residential Zone.

(c) Notwithstanding subsection 22(3)(n)(7)(i) a minimum yard depth of 10 metres shall be required where a building or structure is greater than 13.5 metres in height above the grade at the lot line

8) Height of Building:

(a) The maximum permitted height above sea level is 136 metres

(b) The provisions of Section 5.8 – Height Exceptions, shall not apply within the C5-31 zone

9) Privacy Yards

Notwithstanding any provisions to the contrary, a privacy yard shall be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard shall be required. There shall be no required privacy yard where a loading area abuts the wall of a building.

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- 10) Parking Space Dimensions (minimum):
2.6 metres wide by 5.2 metres long
- 11) Barrier-free Parking Space Vertical Clearance (minimum): 2.1 metres
- 12) Parking:
 - (a) Parking is permitted in any yard.
 - (b) If parking is located within any yard adjacent to a street, a minimum 1.0 metre high berm shall be provided, which include a minimum 3.0 metres wide landscaping strip containing a mixture of coniferous and deciduous trees
- 13) Parking Aisle Lane Width (minimum): 6.1 metres
- 14) Landscaping Strip:

A minimum 3.0 metre wide landscaping strip containing a mixture of coniferous and deciduous trees shall be provided adjacent to any lot line which abuts a Residential Zone”.
- 15) Pedestrian Clearway:

A minimum 3 metre wide ‘pedestrian clearway’ is provided between the park or Parnell Avenue and Taylor-Kidd Boulevard to provide a north-south pedestrian connection between the commercial block and the residential neighbourhood. The ‘clearway’ shall include pedestrian access and landscaping. No buildings are permitted to be included in the ‘clearway’.

(By-law 76-26; 2017-46)

SECTION 23

REGIONAL SHOPPING CENTRE COMMERCIAL ZONE (C6) (94-83)

(1) USES PERMITTED

No person shall within any C6 Zone use any land or erect, alter or use any building or structure for any purpose except a shopping centre which contains one or more of the following uses:

- an art gallery;
- an auditorium;
- an automotive centre;
- a bank;
- a banquet hall;
- a beverage room;
- a business or professional office;
- a clinic;
- a commercial club;
- a commercial school;
- a day care centre;
- a department store;
- a dry cleaning or laundry outlet;
- a gasoline retail facility;
- a laundromat;
- a library;
- a personal service shop;
- a public use;
- a recreational establishment;
- a restaurant, including a freestanding restaurant;
- a retail nursery;
- a retail store;
- a supermarket;
- a taxi stand or bus stop;
- any use accessory to the foregoing uses.

(2) ZONE PROVISIONS

No person shall within any C6 Zone use any land or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

- (a) **LOT COVERAGE (maximum):** 33 percent
- (b) **GROSS LEASABLE AREA (maximum):** 500,000 square feet

Notwithstanding Section 4(70) of this By-law to the contrary, for the purpose of this section Gross Leasable Area shall mean the aggregate of the horizontal areas of each floor of buildings or portions of them used for a permitted use but shall not include floor area used for storage purposes or enclosed malls and walkways giving public access to a permitted use.

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(c) **PHASING**

Notwithstanding the provisions of Section 23(2)(b) hereof to the contrary, development of the lands to a total of 450,000 square feet Gross Leasable Area shall be permitted according to the provisions of the By-law and development of the additional 50,000 square feet Gross Leasable Area shall not be permitted until:

- (i) All applicable municipal requirements have been complied with, including confirmation that sufficient capacity is available in the Township sewage treatment plant to accommodate proposed development in accordance with a Council-approved sewage capacity management plan, or alternatively, tenders have been let for the expansion of the sewage treatment plant; and,
- (ii) All necessary agreements, including the site plan agreement between the Township and the owner/developer, have been registered on title.

After conditions 1 and 2 have been fulfilled to the satisfaction of the Township, development of the balance of the permitted Gross Leasable Area shall be allowed.

- (d) **PARKING AREA (minimum):** 5.4 parking spaces per 100 square metres of gross leasable area
(94-83)
- (e) **SHOPPING CENTRE OPEN SPACE (minimum):** 10 percent of lot area; such landscaped open space being provided on a pro rata basis with the construction of the gross leasable area.
- (f) **FRONT YARD DEPTH (minimum):** 10 feet
Except that the minimum front yard depth for a gasoline pump island accessory to a permitted use shall be 15 feet. (94-21)
- (g) **EXTERIOR SIDE YARD WIDTH (minimum):** 10 feet (94-21)
- (h) **INTERIOR SIDE YARD WIDTH (minimum):** 50 feet (94-21)
- (i) **REAR YARD DEPTH (minimum):** 50 feet (94-21)
- (j) **OPEN STORAGE:**

No open storage of goods or materials shall be permitted, save and except in conjunction with and for the sole purpose of a garden centre.

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(k) Notwithstanding the provisions of Section 23(1) hereof to the contrary, one arcade may be permitted within the C6 Zone provided that such arcade is located as one of the rental units within the main mall building. (82-51).

(l) **ACCESSORY USES, ETC.:**

In accordance with the provisions of Section 5 hereof.

SECTION 23A

INDUSTRIAL COMMERCIAL ZONE (C7)

(1) USES PERMITTED

No person shall within any C7 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C7 uses, namely: (78-18)

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

- a bank;
- a business or professional office;
- a clinic;
- a convenience store;
- a dry cleaning or laundry outlet;
- a hotel or motel;
- a private club;
- a public use, in accordance with the provisions of Section 5(18) hereof;
- a restaurant;
- a day nursery.

(By-law Number 76-26; 2007-159)

(2) ZONE PROVISIONS

No person shall within any C7 Zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

- (a) LOT AREA (minimum):** 0.5 acres
- (b) LOT FRONTAGE (minimum):** 100 feet
- (c) FRONT YARD DEPTH (minimum):** 10 feet (94-21)
- (d) EXTERIOR SIDE YARD WIDTH (minimum):** 10 feet (94-21)
- (e) INTERIOR SIDE YARD WIDTH (minimum):** 10 feet, provided that where the interior Zone, no side lot line abuts a Commercial interior side yard is required.
- (f) REAR YARD DEPTH (minimum):** 30 feet

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- (g) **LANDSCAPED OPEN SPACE (minimum):** 10% provided that landscaped open space shall be provided and maintained in any rear yard, which abuts Highway Number 2, in any front yard which abuts Highway Number 38, in any exterior side yard and in the portion of any front yard which is located between the street line and the parking area except that this requirement shall not prevent a driveway leading to a parking area from being located in any front yard. (78-18)
- (h) **LOT COVERAGE (maximum):** 60%
- (i) **HEIGHT OF BUILDING (maximum):** 60 feet
- (j) **OPEN STORAGE:** No open storage of goods and materials shall be permitted.
- (k) **ILLUMINATION:**
Notwithstanding the provisions of Section 5(10) hereof to the contrary, lighting fixtures designed for exterior illumination, which are not public uses, shall be installed with the light deflected away from adjacent lots and streets.
- (l) **PARKING:**
Notwithstanding the provisions of Section 5(16)(e) hereof to the contrary, all parking areas and driveways located in a required front yard or in a required exterior side yard shall be surfaced with asphalt or concrete.
- (m) **NON-CONFORMING USES:**
Notwithstanding the provisions of Section 5(14)(b) and Section 5(14)(c) hereof to the contrary, any building or structure which is damaged to the extent of fifty percent (50%) or more of the value thereof immediately prior to

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the damage shall not be restored except in accordance with the provisions of this By-law.

(n) **ACCESSORY USES, ETC.:**

In accordance with the provisions of Section 5 hereof.

(3) **SPECIAL C7 ZONES**

(a) **C7-1**

Notwithstanding the provisions of Section 23A(1)(b) and Section 5(16)(a) hereof to the contrary, the lands designated C7-1 on Schedule "A" hereto may be used for a Physical Fitness and Racquet Sports Centre provided that such use is developed in accordance with the following provision: (80-79)

(i) **PARKING REQUIREMENTS (minima):**

Racquet Sports Court	5 parking spaces per court
Employee Parking	1 parking space per employee
Exercise Room	1 parking space per 1.5 persons design capacity

(b) **C7-2**

- i) Notwithstanding any provisions of Section 23A(1)(b) and Section 23A(2)(j) hereof to the contrary, the lands zoned C7-2 may be used for the sale or renting of vehicles, the warehousing or the sale of boats, recreational vehicles, power sports vehicles, property maintenance equipment, sporting goods, auto parts, and accessories and services related to the foregoing, provided that any outside display and/or storage shall be limited to that of vehicles, boats, power sports vehicles, travel trailers, camper truck caps, and motor homes only (87-122). Outside display and/or open storage shall be permitted provided that no such display and/or open storage is located closer than three feet to any street line and provided further that such display and/or open storage is limited to vehicles, boats, property maintenance equipment, power sports vehicles, travel trailers, camper truck caps, and motor homes.
- ii) "Power sports vehicles" means vehicles, equipment and accessories including snow machines, personal watercraft, all-terrain vehicles, utility vehicles, trailers, cargo racks and other similar vehicles and accessories.
- iii) "Property maintenance equipment" means vehicles and accessories including lawn mowers, chain saws, grass trimmers, generators, water pumps, and other similar vehicles and accessories.

(By-law 76-26; 2017-123)

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3 cont'd:

(c) C7-3

Notwithstanding the provisions of Sections 5(16)(d), 23A(1)(b) and 23A(2)(j) hereof to the contrary, the lands designated C7-3 on Schedule "A" hereto may also be used for an automobile service station, a gasoline retail facility, a retail store, an automatic car wash facility and a warehouse accessory to a permitted retail store; provided that the lands are developed in accordance with the following provisions: (94-76), (95-21)

(By-Law Number 2002-226 – 2002)

(i) GROSS LEASABLE AREA (maximum)

The maximum gross leasable area of all buildings and structures permitted within the C7-3 Zone shall not exceed 13,100 sq. metres.

(ii) ACCESS

Access to the required parking spaces and parking areas shall be provided by means of unobstructed driveways or passageways used for combined ingress and egress at least 12 metres but not more than 15 metres in width measured along and at the streetline and within the property for the lesser of a distance of 20 feet beyond the landscaped strip or the initial row of parking spaces.

(iii) OPEN STORAGE

Open storage of goods and materials accessory to a permitted retail garden centre use shall be permitted in the yard adjacent to the garden centre use only.

(d) C7-4

Notwithstanding the provisions of Sections 23A(1) and 23A(2) hereof to the contrary, the lands designated C7-4 on Schedule "A" hereto shall be used and developed in accordance with the following provisions:

(i) USES PERMITTED:

a bank; a trust company; a business or professional office; a clinic; a day nursery; a hotel; a place of entertainment; a freestanding restaurant; a take-out restaurant; an institutional use; a cinema; a personal service shop; a private club; a dry cleaning or laundry outlet; a public use in accordance with the provisions of Section 5(18) hereof; a speciality food store; a home improvement store; a home furnishing outlet; a toy/hobby store; a general merchandise store, excluding department stores or junior department stores; a liquor/beer/wine store; a drug store; a convenience store; a nursery/garden centre; a speciality retail store; an apparel store provided such apparel store contains a minimum gross floor area of 5,000 sq. ft. (95-76)

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- (ii) **LOT AREA (minimum):** 5.6 hectares
- (iii) **FRONT YARD DEPTH (minimum):** 13.7 metres
- (iv) **EXTERIOR SIDE YARD WIDTH (minimum):** 13.7 metres
- (v) **REAR YARD DEPTH (minimum):** 13.7 metres
- (vi) **LOT COVERAGE (maximum):** 25%
- (vii) **HEIGHT OF BUILDING (maximum):** 6 storeys
- (viii) **GROSS LEASABLE FLOOR AREA (maximum):** 14,680 sq. metres

(By-law Number 95-76 – 1995)

For the purposes of this provision, "gross leasable floor area" shall include those components of the proposal intended for retail or personal service commercial development but shall not include those components of the proposal intended for institutional and office uses.

(ix) **LANDSCAPED OPEN SPACE (minimum)**

10%, of lot area; such landscaped open space being provided on a pro rata basis with the construction of the gross leasable area.

(x) **OPEN STORAGE**

No open storage of goods or materials shall be permitted, save and except in conjunction with and for the sole purpose of a nursery/garden centre. (89-221)

(xi) **PARKING AREA LOCATION:**

Notwithstanding the provisions of Section 5(16)(j) hereof to the contrary, the required parking area shall not form part of any street, lane or required loading space but may be provided on a lot other than the lot occupied by the building, structure or use for which the said parking area is required. The required parking area shall also be located either in the same zone as the lot occupied by the building, structure or use for which the said parking area is required or within an abutting zone which permits a parking lot. (95-76)

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(e) C7-5

Notwithstanding the provisions of Subsections (1) and (2) and Clauses (i), (ii), (v) and (viii) of Subsection (3)(d) of Section 23A hereof to the contrary, the lands designated C7-5 on Schedule "A" hereto shall be used and developed in accordance with the provisions of the C7-4 zone except that the following provisions shall apply to the lands zoned C7-5:

- (i) **USES PERMITTED:** a supermarket, in addition to the uses permitted in the C7-4 zone.
- (ii) **LOT AREA (minimum):** 3 hectares
- (iii) **REAR YARD DEPTH (minimum):** 7.5 metres
- (iv) **GROSS LEASEABLE FLOOR AREA (maximum):** 8400 metres

For the purposes of this provision, "gross leasable floor area" shall include those components of the proposal intended for retail or personal service commercial development but shall not include those components of the proposal intended for institutional and office uses.

(By-law Number 99-26 - 1999)

(f) C7-6 (2628 Princess Street):

Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 23A for the 'C7' Zone shall apply to the 'C7-6' Zone except that:

- (a) Notwithstanding the provisions of the Section 23A(1)(b) hereof to the contrary, the lands designated 'C7-6' on Schedule "A" hereto may also be used for a retail store.
- (b) REAR YARD DEPTH (minimum): no rear yard is required.
- (c) Notwithstanding the provisions of Section 5(16)(e), a minimum of 34 off-street parking spaces shall be provided.

(By-law Number 76-26; 2007-199)

SECTION 24

GENERAL INDUSTRIAL ZONE (M1)

(1) USES PERMITTED

No person shall within any M1 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1 uses, namely:

(a) RESIDENTIAL USES:

an accessory dwelling unit. (83-43).

(b) NON-RESIDENTIAL USES:

- an assembly plant;
- a brick-making plant;
- a cartage or transport yard;
- a commercial garage;
- a concrete batching or mixing plant;
- a dry-cleaning or laundry plant;
- a fabricating plant;
- a fuel storage tank or supply yard;
- a lumber yard;
- a manufacturing plant;
- a parking lot;
- a processing plant;
- a public garage;
- a public use, in accordance with the provisions of Section 5(18) hereof;
- a retail outlet, a wholesale outlet or a business office accessory to a permitted use;
- a service shop;
- a transportation depot;
- a warehouse.

(2) ZONE PROVISIONS

No person shall within any M1 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) LOT AREA (minima):

(i) Accessory dwelling unit (83-43)

(a) Lot served by a public water system and a sanitary sewer system

4,000 square feet

(b) Lot served by only a public water system or a sanitary sewer system

15,000 square feet

(c) Other lots

22,000 square feet

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- (ii) Other uses
 - (a) Lot not served by a public water system nor a sanitary sewer system 20,000 square feet

(b) LOT FRONTAGE (minima):

- (i) Lot served by a public water system and a sanitary sewer system 21 metres
- (ii) Lot served by only a public water system or a sanitary sewer system 30 metres
- (iii) Other lots 45 metres

(c) REQUIRED YARDS (minima):

- (i) Deleted by By-law #83-43.
- (ii) Other Uses

	<u>Abutting Industrial Zone</u>	<u>Abutting Any other Zone</u>
(a) Front yard depth	50 feet	80 feet
(b) Exterior side yard width	50 feet	80 feet
(c) Interior side yard width	10 feet	20 feet
(d) Rear yard depth	25 feet	50 feet

provided that no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right-of-way.

(d) LANDSCAPED OPEN SPACE (minima):

- (i) Deleted by By-law #83-43
- (ii) Other uses 10%

(e) LOT COVERAGE (maxima):

- (i) Deleted by By-law #83-43
- (ii) Other uses served by coverage 35% provided that on a lot that is sanitary sewers, the maximum lot coverage may be increased to 70%.

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- (f) **DWELLING UNIT AREA (minimum):** 1,000 square feet
- (g) **HEIGHT OF BUILDING (maxima):**
 - (i) Deleted by By-law #83-43
 - (ii) 20 metres

(By-Law 76-26; 2015-56)
- (h) **DWELLING UNITS PER LOT (maximum):** (83-43) 1 only
- (i) **OPEN STORAGE:**

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

 - (i) Every open storage use shall be accessory to the use of the main building on the lot.
 - (ii) Every open storage use shall comply with the yard and setback provisions of Section 5(20) and Section 24(2)(c)(ii) hereof as if such open storage use were a building or structure provided, however, that such use complies with Section 24(2)(i)(i) hereof. (80-11)
 - (iii) Notwithstanding paragraph (ii) above, no open storage use shall be located in a front or exterior side yard.
 - (iv) No open storage use shall cover more than 35% of the lot area.
 - (v) Every open storage use shall be enclosed within a fence consisting of at least an eight-wire farm fence which is maintained in good condition.
- (j) **ACCESSORY USES, PARKING, ETC.:**

In accordance with the provisions of Section 5 hereof.

(3) SPECIAL M1 ZONES

- (a) M1-1

Notwithstanding the provisions of Section 24(1)(b) hereof to the contrary, the lands designated M1-1 on Schedule "A" hereto may be used for a sewage treatment facility.
- (b) M1-2

Repealed. (84-63)
- (c) M1-3

Notwithstanding the provisions of Section 24(1)(b) hereof to the contrary, the lands designated M1-3 on Schedule "A" hereto shall be used for no purpose other than: a manufacturing plant, a fabricating plant; a retail outlet, a wholesale outlet or a business office accessory to a permitted use listed in this clause.

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(d) M1-4

Notwithstanding the provisions of Sections 24(1) and 24(2) hereof to the contrary, the lands designated M1-4 on Schedule "A" hereto shall be used for no purpose other than a cartage or transport yard, or a public use, and such uses shall be developed in accordance with the following special provisions: (86-115) & (95-129)

- (i) Lot Area (minimum): 6 hectares (15 acres)
- (ii) Required Yards (minima): 61 metres (200 feet), except that where a lot abuts an Industrial zone the minimum required yard requirements shall be in accordance with the provisions of Section 24(2)(c)(ii) hereof.
- (iii) Restrictions Adjacent to Creek: No building or structure shall be erected or altered within 15.24 metres (50 ft.) of the centre line of the tributary of Glenvale Creek, except with the approval of the local Conservation Authority.

(e) **1645 Sydenham Road**

Notwithstanding the provisions of Sections 5 or 24 hereof to the contrary, the lands designated 'M1-5' on Schedule 'A' hereto, the following regulations shall apply:

- (i) The following uses only shall be permitted on the lands zoned 'M1-5'
 - a. Any manufacturing, compounding, processing, treating, assembling, repairing, packaging, office or research facility establishment which is not obnoxious by reason of emission of contaminants as defined in the Environmental Protection Act and which has been obtained Environmental Compliance Approvals as required under the Environmental Protection Act;
 - b. An accessory dwelling unit (watchman's quarters);
 - c. A retail outlet, wholesale outlet or business office accessory to a permitted use;
 - d. Accessory buildings which are subordinate to a permitted use;
 - e. Open storage accessory to a permitted use; or

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- f. An independent masonry/landscaping retail use limited to 1.3 hectares with a maximum gross floor area of 500 square metres for any buildings or structures.

(ii) Front Yard (minimum):

With the exception of buildings and structures to a maximum of 500 square metres for the independent masonry/landscaping retail use, all buildings and structures shall be setback a minimum of 25 metres. Within this setback, and except for access driveways and the display of products and signage specified within an approved site plan, the first 12 metres from the front property line shall be used for no other purpose than a landscaped buffer strip consisting of natural vegetation and/or a combination berm and landscaping sufficient to screen the industrial operation or associated open storage areas from the abutting street. Surface parking and open storage shall be permitted within the 25 metre front yard but shall be located outside of the 12 metre landscaped buffer strip.

(iii) Side Yard (minimum):

All buildings and structures shall be setback a minimum of 10 metres. Where required and except for access driveways, this area shall be used for no other purpose than a landscaped buffer strip consisting of natural vegetation and/or a combination berm and landscaping sufficient to screen an industrial operation or associated open storage areas from the abutting property.

(iv) Rear Yard (minimum):

13 metres

The required rear yard shall include a minimum 5 metre landscaped buffer strip consisting of natural vegetation and/or a combination berm and landscaping sufficient to screen an industrial operation or associated open storage areas from the abutting property.

(v) Open Storage:

- a. Open storage uses shall be permitted to locate in all yards provided the open storage use is located outside of any required landscape buffers.
- b. The maximum coverage for open storage uses shall be 70% of the lot area.
- c. Fencing of the open storage use is not required.

(vi) Yards In Which Parking Is Permitted: all yards provided that no part of any parking area, other than a driveway, is located closer than 12 metres to any street line.

(vii) Driveway Width (maximum): 16 metres

(By-law Number 99-61; 2005-8; 2017-31)

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(f) **M1-6 (1575 Westbrook Road)**

Notwithstanding the provisions of Section 4, 5 and 24 hereof to the contrary, the lands designated 'M1-6' on Schedule 'A' hereto, the following regulations shall apply:

(i) Permitted Uses:

Only the following uses are permitted:

- (a) Service Garage
- (b) Transportation Depot
- (c) Firewood Processing Yard
- (d) Soil Processing Facility
- (e) Contractor's Yard
- (f) An office associated with a permitted use

(ii) Prohibited Uses:

- (a) Hazardous material storage such as that of explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours.

(iii) For the purposes of the M1-6 Zone, the following definitions shall apply:

- (a) "Service Garage" means a building, structure or lot where commercial vehicles and equipment are stored or where vehicles are repaired or maintained.
- (b) "Transportation Depot" means any building, structure or lot where trucks or tractor trailers are rented, leased, kept for hire, stored or parked for commercial purposes.
- (c) "Firewood Processing Yard" means the storage and processing of timber into firewood.
- (d) "Soil Processing Facility" means storing, processing and recycling of non-hazardous rock, soils, general fill and sands as well as related equipment used for recycling, screening and processing base materials into engineered graded material.
- (e) "Contractors Yard" means the yard or depot of a construction company or contractor used for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used by the business, but does not include the

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retail sale of construction materials or supplies, or home improvement supplies.

- (iv) Minimum Lot Area: 13.7 hectares
- (v) A berm(s) shall be constructed between the area of the proposed development and the adjacent residential uses and Highway 401, save and except where existing drainage needs to be incorporated into the design of the berm(s) and subject to the following provisions:
 - (a) Minimum height: 4 metres at the average finished grade
 - (b) The design of the berm(s) will take into account the existing drainage from the abutting property to the north to ensure that excessive ponding does not occur as a result of the berm construction
 - (c) The berm(s) shall be used for no other purpose than planting a row of evergreens and deciduous trees. The berm will be vegetated with a mix of deciduous and coniferous native species.
- (vi) Open Storage Area:
For the purposes of the M1-6 Zone, no open storage of goods or material shall be permitted, except in accordance with the following provisions:
 - (a) Every open storage area shall be accessory to the main use and may include licensed vehicles, equipment, tractors and commercial vehicles.
 - (b) Every open storage area shall comply with the yard setback provisions hereof, as if such open storage were a building or structure.
 - (c) An open storage area shall be limited to an area approved through the Site Plan Control Process.
 - (d) Every open storage area shall be visually screened from the adjacent residential uses and Highway 401.
- (vii) Minimum setback from EPA zone: 30 metres.
(By-Law Number 2016-156)

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(g) M1-7

Notwithstanding the provisions of Article (13)(a) of Section 5 and Article (1)(b) of Section 24 hereof to the contrary, the lands designated M1-7 on Schedule "A" hereto shall be used for no purpose other than: a cartage or transport yard; a commercial garage; a parking lot; a public garage; a public use in accordance with the provisions of Section 5(18) hereof; a retail outlet, a wholesale outlet or a business office accessory to a permitted use; a service shop; manufacturing plant; assembly plant, and a warehouse. Such lands shall be used in accordance with the following provision:

(By-law Number 76-26; 97-33; 2006-153)

(i) **Access To Improved Street:**

No person shall erect any building or structure unless the lot, upon which such building or structure is proposed to be located, is provided with access for vehicular traffic, in the form of an unobstructed driveway or passageway at least 3.0 metres in width, from such lot to an improved street.

(h) M1-8

Notwithstanding the provisions of Section 24(1) to the contrary, the lands designated 'M1-8' on Map 1 of Schedule "A" hereto may be used in accordance with the following special provisions:

(i) Notwithstanding the provisions of Sections 24(1) and 24(2), the lands designated as M1-8 on Schedule 'A' shall be used only for the following uses:

- a cartage and transport yard;
- a contractor's yard;
- an open storage use;
- topsoil screening; and
- a public use

(ii) **Lot Area (minimum)** 6 hectares (15 acres)

(iii) **Required yard (minimum)** 61 metres (200 feet)

Except that where the lot abuts an Industrial Zone the minimum required yard shall be in accordance with the provisions of 24(2) (c) of the By-law.

(By-law Number 2001-268)

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(3) Cont'd:

(i) M1-9

The lands designated as 'M1-9' located on the south side of McAdoo's Lane and known municipally as 1351 McAdoo's Lane shall be developed in accordance with the following provisions:

(a) **USES PERMITTED:**

No person shall within the 'M1-9' Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses as set out in Section 24(1) of this By-Law. All uses as set out in Section 24(1) shall be permitted while the '-H' Holding Symbol is in place.

(b) **ZONE PROVISIONS:**

No person shall within the 'M1-9' Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions of Section 24(2) of this By-Law and sub-section (c) below.

(c) **HOLDING PROVISION:**

The lands designated as 'M1-9' shall be subject to a '-H' Holding provision. The use and removal of the '-H' Symbol shall be in accordance with the provisions of Section 6(6) of this By-Law.

Notwithstanding the provisions of Sections 24(1) and 24(2) of this By-Law, any existing or proposed industrial use on the lands zoned 'M1-9-H' shall not be permitted to draw ground water for the said use until such time as the '-H' Holding Symbol has been removed. The '-H' Symbol shall not be removed until such time as a detailed hydro-geologic study has been completed to demonstrate that ground water quality and quantity is sufficient to meet the needs of the uses on the subject lands and adjacent properties.

(By-Law Number 2004-3)

(j) **M1-10 2800 Highway # 38**

Notwithstanding the provisions of Section 24(1) to the contrary, the lands designated 'M1-10' on Map 1 of Schedule "A" hereto shall only be used in accordance with the following special provisions:

- (ii) In addition to the uses permitted by Section 24(1) of this By-law, the following uses shall also be permitted:

Self-Service Storage Facility; and

Open Storage – Self Service Storage Facility;

- (iii) For the purposes of this Section, the following definitions shall apply:

- i. **Self-Service Storage Facility:** means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of

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individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles. Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.

- ii. **Open Storage – Self-Service Storage Facility:** No open storage of goods or materials shall be permitted in a self-storage facility, except in accordance with the following provisions:
 - 1. Every open storage use shall be accessory to the main use of the Self-Service Storage Facility use and may include unlicensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles.
 - 2. Every open storage use shall comply with the yard setback provisions of Section 5(20) and Section 24(2)(c)(ii) hereof as if such open storage use were a building or structure provided, however that such use complies with paragraph (i) above.
 - 3. Every open storage use shall be limited to an area approved through the Site Plan Control process.
 - 4. Notwithstanding (ii) above, no open storage use shall be located in a front yard, interior side yard or rear yard which abuts a Residential Zone or a Development 'D' Zone.
 - 5. Every open storage use shall be enclosed within a fence consisting of at least eight-wire farm fence which is maintained in good condition.
- iii. **Recreational Vehicle:** means any vehicle, or portable structure designed to be towed or carried by a vehicle, which is used for temporary recreational travel and/or accommodation and shall include motor homes, camper trailers, converted buses, boats and boat trailers or similar equipment.

(By-Law Number 2005-156)

OMB - Ontario Municipal Board Approval Authority File Number D09-032-2007
OMB File Number PL081378;
OMB File Number PI081379; and
OMB File Number PL090694 dated the 8th day of February, 2009 and
OMB File Number PLO81378 dated the 4th day of November, 2009

- (k) M1-11 1035 Gardiners Road and a portion of 1085 Gardiners Road
 - 1. Notwithstanding any provisions of this By-law to the contrary, the lands designated 'M1-11' on Schedule "A" hereto shall be used in accordance with the following regulations:

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- (a) In addition to the uses permitted by Section 24 (1) of this By-law, the following uses shall also be permitted:
- (i) home improvement retail warehouse store;
 - (ii) One restaurant or take-out restaurant in the interior of the home improvement and retail warehouse store;
 - (iii) an outdoor seasonal display and sales area accessory to the home improvement retail warehouse store; and
 - (iv) Open storage accessory to a home improvement retail warehouse store.

- (b) For the purposes of the M1-11 Zone, the following definition shall apply:

“HOME IMPROVEMENT RETAIL WAREHOUSE STORE means a building or part of a building devoted to wholesale and retail sales of merchandise typically found in hardware stores, home and auto supply stores, home centres, building supply stores, and a garden sales centre (Garden sales centre means a part of a building and/or an enclosed area on the subject lands devoted to wholesale and retail sales of landscaping trees, shrubs and plants, and nursery materials, equipment and supplies), and includes sales of equipment and supplies, tool and equipment rental, and light truck rental for customer self-deliveries.”

- (c) PARKING AREA REGULATIONS – PARKING SPACE REQUIREMENTS for a home improvement retail warehouse store and accessory uses permitted in 1(a) above (minimum): 498 spaces
- (d) YARD IN WHICH REQUIRED PARKING AREA PERMITTED: all yards provided that no part of any parking area, other than a driveway, is located closer than:
- (i) 10 metres to any street line for a home improvement retail warehouse store and accessory uses permitted in 1(a) above; or
 - (ii) 15.5 metres to any street line for any other use permitted in Section 24(1) of this By-law
- (e) LOADING SPACES (minimum): 3 spaces
- (f) REAR YARD DEPTH (minimum): 11 metres
- (g) GROSS FLORR AREA for a home improvement retail warehouse store (maximum): 16,200 square metres, including the area

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devoted to the garden sales centre

- (h) HEIGHT OF BUILDINGS OR STRUCTURES (maximum): 14.5 metres
- (i) OUTDOOR SEASONAL DISPLAY AND SALES AREA accessory to the home improvement retail warehouse store shall be permitted provided:
 - (i) The outdoor seasonal display and sales area shall be setback a minimum of 40 metres from Gardiners Road; and
 - (ii) The outdoor seasonal display and sales area shall have a maximum area of 2,600 square metres
- (j) OPEN STORAGE accessory to the home improvement retail warehouse store shall be permitted provided:
 - (i) The open storage is located in a front, side or rear yard, but shall not be located in any required front or side yard;
 - (ii) The total of the area devoted to open storage shall be a maximum of 800 square metres;
 - (iii) The open storage use shall comply with the yard and setback provisions hereof, with the exception that open storage shall be a setback a minimum of 3 metres from the rear lot line and a minimum of 80 metres from the front lot line; and.
 - (iv) The enclosure of temporary open storage areas within fencing shall not be required

(OMB ORDER - Ontario Municipal Board Approval Authority File Number D09-032-2007; Feb. 8, 2009 - OMB File Number PL081378; PI081379; and PL090694 OMB File Number PLO81378 dated the 4th day of November, 2009)
(By-law Number 2010-67)

(l) M1-12

Notwithstanding any provisions of Section 24 (1) hereof to the contrary, the lands zoned 'M1-12' on Schedule "A" hereto, may be used in accordance with the provisions of Section 24 for the 'M1' zone except that:

- (i) ONLY PERMITTED USES:
 - Manufacturing, assembling, fabricating, and processing operations;
 - Construction and transportation activities and facility;
 - Storage, warehousing and wholesale trade activities;
 - Communications and utilities facility;
 - Institutional uses with General Industrial characteristics, such as a trade school; and,
 - Public use in accordance with Section 5(18) of By-Law Number 76-26.

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- (ii) ONLY COMPLEMENTARY PERMITTED USES:
 - Office and business services such as printing and equipment repair intended to serve the General Industrial area;
 - Restaurant;
 - Financial institution;
 - Personal services and convenience commercial;
 - Automotive, heavy equipment or truck repair facility;
 - Public and private parks and recreation facilities; and,
 - Parking lots and structure.
- (iii) MINIMUM FRONT YARD DEPTH : 10 metres
- (iv) MINIMUM EXTERIOR SIDE YARD WIDTH : 10 metres
- (v) MINIMUM INTERIOR SIDE YARD WIDTH: 3 metres
- (vi) MINIMUM REAR YARD DEPTH : 7.6 metres
- (vii) MAXIMUM BUILDING HEIGHT: 20 metres.

(By-law 76-26; 2010-123)

- (m) Cataraqui Estates Business Park (bounded by Resource Road, Venture Drive and Centennial Drive)

On the approximately 11.9 hectare parcel of land bounded by Resource Road, Venture Drive and Centennial Drive and zoned 'M1-13', the following regulations shall apply to the entire area zoned 'M1-13':

- (a) Notwithstanding any provisions of Sections 4 or 5 hereof to the contrary, for the lands zoned 'M1-13' on Schedule "A" hereto, the Venture Road frontage will be considered the front yard.
- (b) Notwithstanding any provisions of Sections 5 or 24 (1) hereof to the contrary, the lands zoned 'M1-13' on Schedule "A" hereto, may be used in accordance with the provisions of Sections 5 and 24 except that:
 - (i) ONLY PERMITTED USES:
 - Manufacturing, assembling, fabricating, and processing operations;
 - Construction and transportation activities and facility;
 - Storage, warehousing and wholesale trade activities;
 - Communications and utilities facility;
 - Institutional uses with General Industrial characteristics, such as a trade school;
 - Business and professional office provided that such use is located within 90 metres of the Resource Road frontage; and,
 - Public use in accordance with Section 5(18) of By-Law Number 76-26.
 - (ii) A maximum of 25% of the total floor area of a permitted use may be used for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises.

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- (iii) ONLY COMPLEMENTARY PERMITTED USES:
Office and business services such as printing and equipment repair intended to serve the General Industrial area;
Restaurant;
Financial institution;
Personal services and convenience commercial;
Automotive, heavy equipment or truck repair facility;
Public and private parks and recreation facilities; and,
Parking lots and parking structure.
- (iv) MINIMUM FRONT YARD DEPTH : 10 metres
- (v) MINIMUM EXTERIOR SIDE YARD WIDTH : 10 metres
- (vi) MINIMUM INTERIOR SIDE YARD WIDTH: 3 metres
- (vii) MINIMUM REAR YARD DEPTH : 7.6 metres
- (viii) MAXIMUM BUILDING HEIGHT: 20 metres
- (ix) MINIMUM PARKING REQUIREMENT FOR MANUFACTURING OR WAREHOUSE USE: 1 space per 100m² of gross floor area
- (x) YARD IN WHICH REQUIRED PARKING AREA PERMITTED:
Parking area may be permitted in the front yard, exterior side yard and rear yard provided that no part of any parking area, other than a driveway, is located closer than 7.6 metres to any street line
- (xi) YARD IN WHICH LOADING SPACES ARE PERMITTED: Loading spaces shall be located in the exterior side yard or rear yard only provided that such loading space is located no closer than 18.3 metres to any street line.

(By-law Number 76-26; 2012-5; 2012-45)

(n) **M1-14 (1660-1674 Sydenham Road)**

Notwithstanding the provisions of Section 4 and Section 24 hereof to the contrary, on the lands designated 'M1-14' on Schedule 'A' hereto and known municipally as 1660-1674 Sydenham Road, the following regulations shall apply:

- (i) For the purposes of the M1-14 Zone, the following definitions shall apply:
 - (a) "Self-service Storage Facility" means a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include personal property such as: general merchandise, furniture, household items, licensed vehicles, equipment, tractors and recreational vehicles;

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hazardous materials such as: explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.

(b) "Recreational Vehicle" means any vehicle, or portable structure designed to be towed or carried by a vehicle, which is used for temporary recreational travel and/or accommodation and shall include motor homes, camper trailers, converted buses, boats and boat trailers or similar equipment.

(ii) Permitted uses:

The lands designated as M1-14 on Schedule 'A' hereto shall be used for no purpose other than the following uses:

(a) Residential Uses:

an accessory dwelling unit.

(b) Non-Residential Uses:

an automobile body shop limited to a maximum floor area of 561.7 square metres;

a self-service storage facility;

an open storage area;

a warehouse.

(iii) Prohibited uses:

(a) a salvage yard;

(b) hazardous material storage such as that of explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours.

(iv) Open Storage Area:

For the purposes of the M1-14 Zone, no open storage of goods or materials shall be permitted, except in accordance with the following provisions:

(a) Every open storage area shall be accessory to the main use of the Self-service Storage Facility use and may include licensed vehicles, equipment, tractors, commercial vehicles and recreational vehicles.

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- (b) Every open storage area shall comply with the yard setback provisions of Section 5(20) and Section 24(2)(c)(ii) hereof as if such open storage area were a building or structure.
- (c) An open storage area shall be limited to an area approved through the Site Plan Control process.
- (d) Notwithstanding paragraph (b) above, no open storage area shall be located in a front yard, or an interior side or rear yard which abuts a Residential Zone or a Development 'D' Zone.
- (e) Every open storage area shall be visually screened and enclosed within a solid fence which is not less than 2.4 metres in height, constructed of durable materials and maintained in good condition.

(By-Law 76-26; 2015-196)

(o) **M1-15 (1316 Centennial Drive)**

Notwithstanding the provisions of Section 5 and 24 hereof to the contrary, the lands designated 'M1-15' on Schedule 'A' hereto, the following regulations shall apply:

(i) Permitted Uses

- a. Manufacturing, assembly, fabricating and processing operations;
- b. Construction and transportation activities and facility;
- c. Storage, warehousing and wholesale trade activities;
- d. Communications and utilities facility;
- e. Institutional uses with General Industrial characteristics, such as a trade school;
- f. Public use in accordance with Section 5(18) of By-law Number 76-26; and,
- g. A research and development facility.

(ii) Complementary Uses

- a. Office and business services such as printing and equipment repair intended to serve the General Industrial area;
- b. Restaurant;

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- c. Financial institution;
 - d. Personal services and convenience commercial;
 - e. Automotive, heavy equipment or truck repair facility;
 - f. Public and private parks and recreation facilities; and,
 - g. Parking lots and structure.
- (iii) For the purposes of the M1-15 Zone, the following definition shall apply:
- a. 'A research and development facility' means a place used for systematic research, data collection and manipulation, or technical or scientific development of information or new products, and may include a research laboratory.
- (iv) For the purposes of interpretation, the lot lines within the 'M1-15' zone shall be;
- a. Front Lot Line: the southern property line abutting Venture Drive shall be deemed the front lot line
 - b. All other property lines shall be deemed exterior side lot lines.
- (v) Minimum front yard depth: 10 metres
- (vi) Minimum exterior side yard setback: 10 metres
- a. Notwithstanding (vi), the minimum exterior side yard setback along Centennial Drive shall be 20 metres.
- (vii) Maximum building height:
- a. The maximum building height shall be 28 metres.
 - b. Notwithstanding (vii)(a), up to 40 percent of the ground floor area may have a maximum building height of 44 metres.
- (viii) Minimum parking requirement: 0.65 parking spaces per 100 square metres of gross floor area.
- (ix) Yards in which required parking area permitted: parking area may be permitted in the front yard and exterior side yard provided that no part of any parking area, other than a driveway, is located closer than 7.6 metres to any street line.
- (x) Yards in which loading facilities permitted: loading facilities may be permitted in the front yard and exterior side yard provided that no part

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of any loading area, other than a driveway, is located closer than 7.6 metres to any street line.

(xi) **Planting Strip:**

- a. No planting strip shall be required adjacent to the front lot line or the eastern most exterior side lot line.
- b. A planting strip is required along the western most and northern most lot lines in accordance with the provisions of 5(17).
- c. Notwithstanding (xi)(b), the required planting strip along the northern most lot line shall extend a minimum of 200 metres eastward from the intersection of Centennial Drive and Resource Road.

(By-law Number 76-26; 2017-56)

(p) M1-16 – 1201 McAdoo’s Lane

Notwithstanding the provisions of Section 24(1)(a) hereof to the contrary, for the lands designated ‘M1-16’ on Schedule ‘A’ hereto, the following regulations shall apply:

- (i) Prohibited use:
an accessory dwelling unit

(By-Law 76-26; 2018-60)

(q) M1-17 (190 & 198 Resource Road and 1315 Centennial Drive)

Notwithstanding the provisions of Section 5 and 24 hereof to the contrary, the lands designated ‘M1-17’ on Schedule ‘A’ hereto, the following regulations shall apply:

(i) Permitted Uses

- a. Manufacturing, assembly, fabricating and processing operations;
- b. Construction and transportation activities and facility;
- c. Storage, warehousing and wholesale trade activities;
- d. Communications and utilities facility;
- e. Institutional uses with General Industrial characteristics, such as a trade school;

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- f. Business or professional office; and
- g. Public use in accordance with Section 5(18) of By-law Number 76-26.

(ii) Permitted Complementary Uses

- a. Restaurant;
- b. Financial institution;
- c. Personal services and convenience commercial;
- d. Automotive, heavy equipment or truck repair facility;
- e. Research and development facilities, including laboratories;
- f. Clinic;
- g. Public and private parks and recreation facilities; and
- h. Parking lots or parking structure.

(iii) Permitted Uses

- a. A maximum of 25% of the total gross floor area of a permitted use may be used for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises.

(iv) Complementary Uses

- a. Complementary uses shall be limited to a maximum of 25% of the total gross floor area of all buildings and structures on the lot.
- b. Complementary uses may be established in advance of a primary permitted use, provided the gross floor area of such uses does not exceed five percent of the lot area.

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(v) Business or Professional Office Uses

- a. A business office or professional office shall be located within 90 metres of a street line.
- b. A business office or professional office shall be restricted to a maximum of 50% of the total gross floor area of all buildings or structures occupying the lot.

(vi) Lot Lines

For the purposes of the M1-17 Zone, the Lot Lines shall be as follows:

- a. Front Lot Line: All lot lines that abut a street shall be deemed to be front lot lines.
- b. All Other property lines shall be deemed rear lot lines.

(vii) Required Yards

- a. Minimum Front Yard Depth: 10 metres
- b. Minimum Rear Yard Depth: 7.6 metres

(viii) Maximum Building Height: 20 metres

(ix) Parking

- a. Minimum Parking Requirement for Industrial Uses:
 - 1 parking space per 100 square metres of gross floor area
- b. Minimum Parking Requirement for Office Uses:
 - 3.4 parking spaces per 100 square metres of gross floor area
- c. Minimum Parking Requirement for Complementary Uses:
 - 3.4 parking spaces per 100 square metres of gross floor area
- d. Parking Space Requirements:
 - Minimum width of a parking space shall be 2.7 metres and the minimum length of a parking space shall be 5.5 metres.
- e. Yards in Which Parking Area Permitted:

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Parking may be permitted in any yard provided that no part of any parking area, other than a driveway is located closer than 3.5 metres to any street line.

- f. Minimum Access Aisle Width: 6 metres

(x) Accessible Parking

- a. Accessible Parking Space Requirements

Type A spaces shall have minimum dimensions of 3.4 metres wide by 5.5 metres long.

Type B spaces shall have minimum dimensions of 2.7 metres wide by 5.5 metres long.

An accessible aisle with minimum dimensions of 1.5 metres wide by 5.5 metres long and marked with high tonal contrast diagonal lines is required adjacent to Type A and Type B accessible parking spaces. The access aisle may be shared between Type A and Type B spaces.

(xi) Yards in which loading spaces are permitted:

Loading spaces shall be permitted in any yard provided that such loading space is located no closer than 18.3 metres to any street line.

(xii) Sight Triangle:

There is no sight triangle where Resource Road and Centennial Drive intersect on lands zoned M1-17 as the sight triangle has already been assumed by the municipality.

(xiii) Planting Strip

A 3.5 metre wide planting strip is required along the front yards in accordance with the provisions of 5(17).

(By-Law Number 76-26; 2021-48)

SECTION 25

LIGHT INDUSTRIAL ZONE (M2)

(1) USES PERMITTED

No person shall within any M2 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M2 uses, namely:

(a) RESIDENTIAL USES:

an accessory dwelling unit. (83-43)

(b) NON-RESIDENTIAL USES:

an assembly plant;
a contractor's or tradesman's shop;
a dry-cleaning or laundry plant;
a fabricating plant;
a manufacturing plant;
a processing plant;
a public use, in accordance with the provisions of Section 5(18) hereof;
a retail lumber outlet;
a retail outlet, a wholesale outlet or a business office accessory to a permitted use;
a service shop;
a transportation depot;
a warehouse.

(2) ZONE PROVISIONS

No person shall within any M2 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) LOT AREA (minima):

(i) Accessory dwelling unit (83-43)

- | | | |
|-----|---|---------------------|
| (a) | Lot served by a public water system and a sanitary sewer system | 4,000 square feet |
| (b) | Lot served by only a public water system or a sanitary sewer system | 15,000 square feet |
| (c) | Other lots | -22,000 square feet |

(ii) Other uses

- (a) Lot not served by a public water

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system nor a sanitary sewer system 20,000 square feet

(b) LOT FRONTAGE (minima): (83-43)

- (i) Lot served by a public water system and a sanitary sewer system 21 metres
- (ii) Lot served by only a public water system or a sanitary sewer system -30 metres
- (iii) Other lots -45 metres

(c) REQUIRED YARDS (minima): (89-71)

	abutting Industrial <u>Zone</u>	abutting any other <u>Zone</u>
(i) Front Yard depth	50 ft.	80 ft.
(ii) Exterior Side Yard width	50 ft.	80 ft.
(iii) Interior Side Yard width	10 ft.	20 ft.
(iv) Rear Yard depth	25 ft.	50 ft.

provided that no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right of way.

(d) LANDSCAPED OPEN SPACE (minimum): (89-71) 10%

(e) LOT COVERAGE (maximum): (89-71) 35%

provided that on a lot that is served by sanitary sewers, the maximum lot coverage may be increased to 70%.

(f) DWELLING UNIT AREA (minimum): 1,000 square feet

(g) HEIGHT OF BUILDING (maximum): (89-71) 40 ft.

(h) DWELLING UNITS PER LOT (maximum): (83-43) 1 only

(i) OPEN STORAGE:

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

- (i) Every open storage use shall be accessory to the use of the main building on the lot.

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- (ii) Every open storage use shall comply with the yard and setback provisions of Section 5 (20) and ` (2)(c)(ii) hereof as if such open storage use were a building or structure provided, however, that such use complies with Section 25 (2)(i)(i) hereof. (80-11).
- (iii) Notwithstanding paragraph (ii) above, no open storage use shall be located in a front or exterior side yard.
- (iv) Every open storage use shall be enclosed within a closed wooden, metal, and/or plastic fence, extending at least six feet in height above the ground, constructed of durable materials and maintained in good condition.

(j) **ACCESSORY USES, PARKING, ETC.:**

In accordance with the provisions of Section 5 hereof.

(3) **SPECIAL M2 ZONES**

(a) M2-1

Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-1 on Schedule "A" hereto may be used for an automotive centre.

(b) M2-2

Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-2 on Schedule "A" hereto may be used for a public garage.

(c) M2-3

Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-3 on Schedule "A" hereto may be used for a vehicle sales and/or rental establishment.

(d) M2-4

Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-4 on Schedule "A" hereto may be used for an equipment rental establishment.

(e) M2-5

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Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-5 on Schedule "A" hereto may be used for a gasoline retail facility.

- (f) M2-6

Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-6 on Schedule "A" hereto may be used for an existing shopping centre.

- (g) M2-7

Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-7 on Schedule "A" hereto may be used for a body shop.

- (h) M2-8

Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-8 on Schedule "A" hereto may be used for an animal hospital.

- (i) M2-9

Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-9 on Schedule "A" hereto may be used for a restaurant.

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3 cont'd:

(j) M2-10

Notwithstanding the provisions of Section 25(1)(b) hereof to the contrary, the lands designated M2-10 on Schedule "A" hereto may be used for a commercial garage. (76-46)

(k) M2-11

Notwithstanding any provisions of this By-law to the contrary, the lands designated M2-11 on Schedule "A" hereto may be used for the operation of a telecommunications manufacturing, assembly, warehousing, storage, research and office facility in accordance with the following provisions: (77-26)

(i) HEIGHT OF BUILDING (maximum): -100 feet

(ii) OPEN STORAGE:

Every open storage use shall be enclosed within a chain link fence, extending at least seven feet in height above the ground and maintained in good condition.

(iii) PARKING REQUIREMENT:

One parking space per 725 square feet of gross floor area.

(l) M2-12

Notwithstanding any provision of Section 25(1)(b) or Section 5(6)(b) of this By-law to the contrary, the lands designated M2-12 on Schedule "A" hereto may be used for a business or professional office and shall be used in accordance with the following provisions: (80-37)

(i) RESTRICTIONS ADJACENT TO FLOOD PLAINS:

No building or structure shall be erected or altered within 60 metres (200 feet) of a flood plain except with the approval of the local Conservation Authority.

(m) M2-13

By-law not approved.

(n) M2-14

Repealed by By-law Number 79-53. (77-34)

(o) M2-15

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Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-15 on Schedule "A" hereto may be used for a recreational establishment, a commercial club, a restaurant accessory to the recreational uses, and notwithstanding the generality of the foregoing may also be used for a roller rink, discotheque, an arcade, a games room and a tennis court. (77-44) & (95-129)

- (p) M2-16
Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-16 on Schedule "A" hereto may be used for an existing business office and an existing professional office. (78-2)

- (q) M2-17
Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-17 on Schedule "A" hereto may be used for: (80-26)

-an open air market for the sale of fruits, vegetables, meat, fish, plants, flowers, antiques, crafts, artwork and other related items;

- a recreational establishment;

- a commercial club;

- a restaurant accessory to a permitted use listed in this special M2-17 Zone.

Notwithstanding the generality of the foregoing, the lands designated M2-17 on Schedule "A" may be used for a roller rink, discotheque, an arcade, a games room and a tennis court except that the sale or serving of alcoholic beverages shall be prohibited.

- (r) M2-18

Repealed. (85-53)

- (s) M2-19
Notwithstanding any provisions of this By-law to the contrary, the lands designated M2-19 on Schedule "A" hereto may be used for the purpose of an automotive centre (excluding a gasoline retail facility), a freestanding restaurant, and a business or professional office, provided that such uses are developed in accordance with the following special provision: (85-87)

(i) FRONT YARD SETBACK (minimum): 23.098 metres

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- (t) M2-20
Notwithstanding the provisions of Section 25(1) hereof to the contrary, the lands designated M2-20 on Schedule "A" hereto may be used for a freestanding restaurant. (87-180)

- (u) M2-21 619 McKay Street

Notwithstanding the provisions of Section 25(1)(b) or Section 5(6)(b) of this By-Law to the contrary, the lands designated M2-21 on Schedule "A" hereto shall be used and developed in accordance with the following special provisions:

- (i) PERMITTED USES:

a business or professional office;
a private club;
an assembly plant;
a fabricating plant;
a manufacturing plant;
a processing plant;
a public use, in accordance with the provisions of Section 5(18) hereof;
a retail outlet, a wholesale outlet or a business office accessory to a permitted use;
a service shop;
a warehouse.

- (ii) RESTRICTIONS ADJACENT TO FLOOD PLAINS:

- (a) All exterior openings of all buildings shall be located above the minimum elevation of 85.1 metres geodetic surveys of Canada.
- (b) No building or structure shall be erected or altered within 6.5 metres (21.3 feet) of a flood plain except with the approval of the local Conservation Authority. No open storage shall be permitted on the property.

(By-law Number 76-26; 2008-133)

- (v) M2-22

In addition to the uses permitted in Section 25(1)(b) and notwithstanding the provisions of Section 5(6)(b) of this By-Law to the contrary, the lands zoned M2-22 on Schedule "A" hereto may also be used for a business or professional office, a union hall, a free-standing restaurant, a church, a commercial school, an animal hospital, a clinic, a health club and such uses shall be developed in accordance with the following special provision:

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(i) RESTRICTIONS ADJACENT TO FLOOD PLAINS:

No building or structure shall be erected or altered within 60 metres (200 ft.) of a floodplain except with the approval of the local Conservation Authority.

(By-law Number 76-26; 2009-160)

(w) M2-23 - Arlington Court II

Notwithstanding any provision of this By-law to the contrary, the lands designated M2-23 on Schedule "A" hereto also may be used for a business or professional office and a clinic, and such lands shall be used in accordance with the following special provision: (92-43)

(i) PARKING REQUIREMENTS (minimum):

Clinic, The greater of:

(a) 8 parking spaces per full time practitioner, or

(b) 1 parking space per 16.7 square metres (180 square feet) of gross floor area.

(ii) RESTRICTIONS ADJACENT TO FLOOD PLAINS:

No building or structure shall be erected or altered within 60 metres (200 feet) of a flood plain except with the approval of the local Conservation Authority.

(x) M2-24

Notwithstanding the provisions of Subsection (1) of Section 25 hereof to the contrary, the lands designated M2-24 on Schedule "A" hereto also may be used for the purpose of a Commercial Club for health, fitness and training and accessory uses thereto, which accessory uses may include, but not necessarily be limited to, an indoor swimming pool, facilities for serving light refreshments, professional offices and personal service shops.

(By-law Number 92-61; 2000-14 - 2000)

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3 cont'd:

- (y) M2-25
Notwithstanding the provisions of Subsections (1) and (2) of Section 25 hereof to the contrary, the lands designated M2-25 on Schedule "A" hereto also may be used for the purpose of a health club provided that no portion of a health club use shall be located within 50 metres of the railway right-of-way, except with the written approval of Canadian National.
(92-138)

- (z) M2-26
Notwithstanding the provisions of Subsections (1) and (2) of Section 25 hereof to the contrary, the lands designated M2-26 on Schedule "A" hereto also may be used for the purpose of a health club, and a food catering business and associated freestanding restaurant, in accordance with the following special provision: (93-164)

- (i) GROSS FLOOR AREA (maximum):
The gross floor area of the freestanding restaurant shall not exceed 185.8 sq. metres (2,000 sq. ft.).

- (aa) M2-27
Notwithstanding any provisions of Section 25(1) hereof to the contrary, the lands designated M2-27 on Schedule "A" hereto also may be used for a commercial garage and an automobile body shop. (94-10)

- (ab) M2-28
Notwithstanding the provisions of clause (b) of Section 25(1), and clause (c) of Section 25(2) hereof to the contrary, the lands designated M2-28 on Schedule "A" hereto may also be used for a business or professional office, a restaurant, a freestanding restaurant, and a take-out restaurant, provided that the aforementioned uses are developed and operated in accordance with the following special provisions: (94-12) (96-107)

- (i) Front Yard Depth (minimum) -20 feet
(ii) Exterior Side Yard Width (minimum) -20 feet

- (ac) **M2-29**
Notwithstanding the provisions of Sections 25 (1) to the contrary, the lands designated 'M2-29' on Map 5 of schedule "A" hereto may also be used in accordance with the following special provisions:
(By-Law Number 2000-144 - 2000)

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- (i) The permitted uses set out in Section 25 (1) (b) shall also include the following uses:
(By-Law Number 2000-144 - 2000)

- (a) a warehouse, in which goods, wares, merchandise, substances, articles or things are stored and displayed in a warehouse format and offered for sale, at wholesale or retail, to other dealers, retail outlets, collectors and the general public, but shall not include a retail store as defined elsewhere in this By-Law. The retail sales shall not exceed forty-nine per cent (49%) of the total value of sales on the property;
(By-Law Number 2000-144 - 2000)

3 (ac) cont'd:

- (b) a lunch counter, intended to serve primarily the customers of the uses permitted on the property, provided such lunch counter does not occupy a floor area in excess of 45 square metres and is located within the walls of the building in existence on the day of the passing of this By-Law;
(By-Law Number 2000-144 - 2000)

- (c) a seasonal outdoor market for fruits, vegetables, antiques and crafts.
(By-Law Number 2000-144 - 2000)

- (ii) Notwithstanding the provisions of Section 5 (16) (c) of this By-Law, a maximum of two (2) on-site parking spaces may be located within 25 feet of the street line.
(By-Law Number 2000-144 - 2000)

- (ad) Notwithstanding any provisions of Section 25 (1) hereof to the contrary, the lands zoned '**M2-30**' on Schedule "A" hereto, may also be used for a medical clinic.
(By-law Number 76-26; 2009-129)

(ae) **M2-31 – 700 Gardiners Road**

Notwithstanding the provisions of Section 25 hereof to the contrary, the lands designated 'M2-31' on Schedule 'A' hereto, the following regulations shall apply:

- i. **Prohibited Use:** an accessory dwelling unit
- ii. **Additional Permitted Uses:**
A renewable and/or alternative energy sources use;
Trade show use;
Recreational Use, maximum gross floor area of 7,700 square

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- metres;
- iii. **Additional Permitted Accessory Commercial Uses:**
 - Professional and business office, excluding medical offices;
 - A daycare or day nursery;
 - Restaurant;
 - Financial institution;
 - Personal service establishment;
 - Convenience commercial (limited to 500 square metres); and
 - A retail use, part of and accessory to a permitted use.
- iv. Notwithstanding any provisions to the contrary an accessory retail use shall not exceed 25% of the gross floor area of a unit.
- v. Notwithstanding any provisions to the contrary the aggregate gross floor area for all complimentary and accessory uses shall not exceed 25% of the total gross floor area.
- vi. A trade show use shall not include any permanent display of goods and/or services.
- vii. Any use accessory to a trade show use shall not exceed 25% of the gross floor area of the trade show.

(By-law Number 76-26; 2010-224)

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3 Cont'd:

(af) **'M2-32', 2500 Princess Street**

Notwithstanding the provisions of Section 25 hereof to the contrary, the lands designated 'M2-32' on Schedule 'A' hereto, the following regulations shall apply:

- i) Notwithstanding the provision of Section 25(1) hereof to the contrary, within the 'M2-32' zone, only the following uses shall be permitted:
 - a display and sales area for landscaping material;
 - a self-storage facility;
 - a construction equipment rental business;
 - a contractor's or tradesman's shop;
 - a processing plant for landscaping materials and display area
 - an open storage area for pre-manufactured concrete products;
 - a service shop;
 - a retail outlet, a wholesale outlet or a business office accessory to a permitted use;
 - a public use in accordance with the provisions of Section 5(18) hereof.
- ii) In addition to the provisions of Section 25(2)(i), all open storage and display areas that are visible to non-industrial use shall be visually screened by a fence and multi-level landscaping.

(By-law Number 76-26; 2011-106)

(ag) **M2-33 (2400 Highway 38 and part of 3175 Unity Road)**

Notwithstanding the provisions of Section 25 hereof to the contrary, the lands designated 'M2-33' on Schedule 'A' hereto and known municipally as 2400 Highway 38 and 3175 Unity Road, may be developed in accordance with the following special provisions:

- (i) Permitted uses:

The lands designated as M2-33 on Schedule 'A' hereto shall be used for no purpose other than the following uses:

a fabricating plant;

a manufacturing plant;

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a contractor's or tradesman's shop;

a processing plant;

a retail outlet, a wholesale outlet or a business office accessory to a permitted use.

- (ii) Front yard depth (minimum): 14 metres
- (iii) Visitor parking: A maximum of three visitor parking spaces may be located at a minimum distance of 2 metres from the street line and shall be screened from the street with a landscaped planting strip, not less than 2 m wide.
- (iv) Open Storage:

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

- (i) Every open storage use shall be accessory to the main use of the building on the lot.
- (ii) Every open storage use shall comply with the yard and setback provisions of Section 5(20) and Section 25(2)(c) hereof as if such open storage area were a building or structure provided, however, that such use complies with paragraph (i) above.
- (iii) Notwithstanding paragraph (ii) above, no open storage use shall be located in a front yard.
- (iv) Every open storage use shall be visually screened within a closed wooden, metal, plastic fence constructed of durable materials and/or a landscaped screen consisting of coniferous planting, extending at least 1.8 metres in height above the ground and maintained in good condition.
- (v) Notwithstanding paragraphs (iii) and (iv) above, a maximum of 30 square metres of open storage area may be located in the front yard without screening and shall be used for product display only.

(By-law 76-26; 2016-21)

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(ah) **M2-34 (1110-1112 Sunnyside Road)**

Notwithstanding the provisions of this By-Law to the contrary, the lands designated 'M2-34' on Schedule 'A' hereto, the following regulations shall apply:

i. Permitted Use:

Notwithstanding the provision of 25(1) hereof to the contrary, within the 'M2-34' zone, only the following use shall be permitted:

A tradesman's shop

- ii. Front Yard Depth (Minimum): 14.5 m
- iii. Interior Side Yard Depth: 13.3 m
- iv. Building Height (Maximum): 7 metres
- v. Maximum Total Floor Area of all Buildings: 817m²
- vi. Parking:
 - a. Maximum total number of outdoor parking spaces for the tradesman's shop use: 25
 - b. A maximum of 4 visitor parking spaces shall be permitted in the front yard, located no closer than 4 metres to any streetline
- vii. Open storage is prohibited
- viii. Planting Strip:
 - a. No planting strip shall be required adjacent to the rear lot line and eastern interior side lot line
 - b. A planting strip is required along the front lot line in accordance with the provisions of 5(17)
- ix. Buildings/structures and septic systems constructed after the date of passage of this by-law shall have a minimum separation of 30 metres from the top of bank of the watercourse (tributary to Little Cataraqui Creek)

(By-law 76-26; 2017-5)

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(ai) **M2-35 1138 Sunnyside Road & 1397 Sydenham Road**

Notwithstanding the provisions of this By-Law to the contrary, the lands designated 'M2-35' on Schedule 'A' hereto, the following regulations shall apply:

- i. Prohibited use:
residential
- ii. Notwithstanding the provision of 25(1)(b) hereof to the contrary, within the 'M2-35' zone, only the following uses shall be permitted:
a contractor's yard
a tradesman's shop
- iii. Front Yard Depth (minimum): 13.8 m
- iv. Interior Side Yard Depth (minimum): 3.1 m
- v. Aggregate Side Yard Depth (Minimum): 18 m
- vi. Parking:
 - a. Maximum total number of outdoor parking spaces: 21
 - b. A maximum of 8 parking spaces shall be permitted in the front yard, located no closer than 4.5 metres to any streetline
 - c.
- vii. Height of Building (maximum): 7.8 m
- viii. Maximum Total Floor Area For All Buildings: 739 m²
- ix. Planting Strips:
 - a. A planting strip is required along the front lot line in accordance with the provisions of 5(17)
 - b. A planting strip shall not be required adjacent to the rear lot line and western interior side yard lot line
 - c. A planting strip adjacent to the eastern interior side lot line shall be required in accordance with Section 5(17) and shall have a minimum linear depth from the front lot line of 78 metres
- x. Open Storage:
 - a. The maximum permitted area of open storage within the 'M2-35' zone is 200 m²
 - b. All open storage within the 'M2-35' zone shall be located in the rear yard located a minimum of 35 metres from the rear yard lot line and visually screened on three sides by a combination of a pre-cast block wall, berm and landscaping"

(By-law 76-26; 2017-19)

SECTION 26

SERVICE INDUSTRIAL ZONE (M3)

(1) USES PERMITTED

No person shall within any M3 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M3 uses, namely:

(a) RESIDENTIAL USES:

an accessory dwelling house.

(b) NON-RESIDENTIAL USES:

an assembly plant;
an automobile body shop;
a bulk storage yard;
a commercial garage;
a contractor's or tradesman's shop;
an industrial repair shop;
a lumber yard;
a parking lot;
a public use, in accordance with the provisions of Section 5(18) hereof;
a transport terminal or depot;
a warehouse.

(2) ZONE PROVISIONS

No person shall within any M3 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) LOT AREA (minima):

(i) Accessory dwelling house

(a) Lot served by a public water system and a sanitary sewer system	4,000 square feet
(b) Lot served by only a public water system or a sanitary sewer system	15,000 square feet
(c) Other lots	22,000 square feet

(ii) Other Uses 20,000 square feet

(b) LOT FRONTAGE (minima):

(i) Accessory dwelling house

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- (a) Lot served by a public water system and a sanitary sewer system 50 feet
- (b) Lot served by only a public water system or a sanitary sewer system 100 feet
- (c) Other lots 150 feet

(c) **REQUIRED YARDS (minima):**

(i) **Accessory dwelling house**

- (a) Front yard depth 20 feet
- (b) Exterior side yard width 20 feet
- (c) Interior side yard width 4 feet, provided that on a lot where there is no attached private garage or attached carport, the minimum interior side yard width shall be 8 feet on one side and 4 feet on the other side.
- (d) Rear yard depth 25 feet

(ii) **Other uses**

	abutting Industrial <u>Zone</u>	abutting any other <u>Zone</u>
(a) Front yard depth	50 feet	80 feet
(b) Exterior side yard width	50 feet	80 feet
(c) Interior side yard width	20 feet	40 feet
(d) Rear yard depth	25 feet	50 feet

provided that no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right-of-way.

(d) **LANDSCAPED OPEN SPACE (minima):**

- (i) **Accessory dwelling house** 30%
- (ii) **Other uses** 10%

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(e) **LOT COVERAGE (maxima):**

- (i) **Accessory dwelling house** 35%
- (ii) **Other uses** 35%, provided that on a lot that is served by sanitary sewers, the maximum lot coverage may be increased to 70%.

(f) **DWELLING UNIT AREA (minimum):** 1,000 square feet

(g) **HEIGHT OF BUILDING (maxima):**

- (i) **Accessory dwelling house** 35 feet
- (ii) **Other uses** 40 feet

(h) **DWELLING HOUSES PER LOT (maximum):** 1 only

(i) **OPEN STORAGE:**

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

- (i) Every open storage use shall be accessory to the use of the main building on the lot.
- (ii) Every open storage use shall comply with the yard and setback provisions of Section 5(20) and Section 26(2)(c)(ii) hereof as if such open storage use were a building or structure provided, however, that such use complies with Section 26(2)(i)(i) hereof. (80-11).
- (iii) Notwithstanding paragraph (ii) above, no open storage use shall be located in a front or exterior side yard.
- (iv) Every open storage use shall be enclosed within a fence consisting of at least an eight-wire farm fence which is maintained in good condition.

(j) **SERVICING:**

All permitted uses shall be subject to the following provisions:

- (i) That no more than 10,000 gallons of water per day shall be taken from any lake, stream, well or reservoir;
- (ii) That no water taken from any lake, stream, well or reservoir and utilized in any way in the manufacturing process, shall be discharged in such manner that it flows outside the boundary of the lot, either above or below ground level;

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- (iii) That any privately-owned sewage disposal system does not discharge effluent in such manner that it flows outside the boundary of the lot, either above or below ground level;
- (iv) That the number of persons employed on the lot shall not exceed 8 persons per acre.

(k) **ACCESSORY USES, PARKING, ETC.:**

In accordance with the provisions of Section 5 hereof.

(3) **SPECIAL REQUIREMENT M3 ZONES:**

(a) M3-1

Notwithstanding the provisions of Section 26(1) and Section 26(2)(c)(ii) of this By-law to the contrary, the lands designated as "M3-1" on Schedule "A" attached hereto shall only be used for the following uses: a contractor's or a tradesman shop; a workshop; an accessory sales outlet, provided that such items for sale are manufactured on the property where the sales outlet is located, a public use in accordance with the provisions of Section 5(18) hereof; development shall be in accordance with the following provisions:

- (i) **Maximum Building Coverage** 5000 square feet
- (ii) **Maximum Open Storage Coverage** 2000 square feet
- (iii) **Front yard**
 - (a) abutting an industrial or agricultural zone 25 feet
 - (b) abutting any other zone 80 feet
- (iv) **Side yard**
 - (a) abutting an industrial or agricultural zone 20 feet
 - (b) abutting any other zone 40 feet
- (v) **Rear yard**
 - (a) abutting an industrial or agricultural zone 25 feet
 - (b) abutting any other zone 50 feet

(By-law Number 2001-160 - 2001)

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(b) **M3-2**

Notwithstanding the provisions of Section 26(1) to the contrary, the lands designated M3-2 on Map 5 of Schedule "A" attached hereto shall be used in accordance with the following special provisions:

- (i) In addition to the provisions of Section 19(1)(b) hereof to the contrary, the lands designated M3-2 on Schedule 'A' attached hereto may be used for one or more of the following:
- a commercial club
 - a private club
 - a recreational establishment

(By-law Number 2001-256 - 2001)

(c) **M3-3**

Notwithstanding the provisions of Section 26(2) to the contrary, the lands designated 'M3-3' on Map 3 of Schedule "A" hereto may be used in accordance with the following special provisions:

- (i) Lot Frontage (minimum) 100 feet
- (ii) Accessory Dwelling house front yard depth (minimum):
15 feet
- (iii) Interior side yard width for industrial garage along southern interior lot line abutting M3 zone (minimum):
17 feet

(By-Law Number 2002-68 – 2002)

(d) **M3-4 (2185 Perth Road)**

Notwithstanding the provisions of Section 5 and Section 26 hereof to the contrary, the lands designated 'M3-4' on Schedule 'A' hereto, the following regulations shall apply:

- (i) Permitted Uses:

Only the following uses are permitted:

- (a) commercial garage
- (b) contractor's or tradesman's shop
- (c) contractor's yard
- (d) equipment maintenance and repairs

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- (e) industrial repair shop
- (f) warehouse
- (g) retail sales accessory to a principal use
- (h) open storage associated with a permitted use
- (i) an office associated with a permitted use

(ii) Minimum Required Yards:

For the purposes of the M3-4 zone the zone boundaries shall be considered lot lines.

- (a) Front yard: 24 metres
- (b) Rear yard: 12 metres
- (c) Interior side yard: 12 metres

(iii) Landscape Strip:

- (a) a minimum 5.0 metre wide landscaping strip shall be provided along the lot line adjacent to Perth Road
- (b) a landscape strip shall include a mixture of coniferous and deciduous trees which will provide a sight obscuring buffer, and shall include an existing quarry face.”

(By-law Number 76-26; 2015-174)

M3-5 (1145 McAdoo's Lane)

Notwithstanding the provisions of this by-law hereof to the contrary, the lands designated 'M3-5' on Map 1 of Schedule 'A' hereto may be used in accordance with the following special provisions:

- (i) Residential uses:
Prohibited
- (ii) Additional Permitted Non-Residential uses: Open storage
Accessory business office
- (iii) Lot frontage 200 metres
- (iv) Front yard depth (minimum) 24 metres
- (v) Exterior side yard depth (minimum) 30 metres

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- (vi) Interior side yard depth (minimum) 15 metres
- (vii) Rear yard depth (minimum) 100 metres
- (viii) Open Storage
 - (a) Every open storage use shall comply with the yard and setback provisions of Section 5(20) and Section 26(d) hereof as if such open storage use were a building or structure.
 - (b) No open storage use shall be located in a front yard
 - (c) Fencing for the open storage use is optional.

(By-Law Number 76-26; 2016-140)

SECTION 27

DISPOSAL INDUSTRIAL ZONE (M4)

(1) USES PERMITTED

No person shall within any M4 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M4 uses, namely:

(a) RESIDENTIAL USES:

prohibited.

(b) NON-RESIDENTIAL USES:

- an automobile wrecking yard;
- a public use in accordance with the provisions of Section 5(18) hereof;
- a salvage yard;
- a sanitary landfill site;
- a telecommunications tower;
- a transportation depot;
- a warehouse.

(2) ZONE PROVISIONS

No person shall within any M4 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) **LOT AREA (minimum):** 10 acres
- (b) **LOT FRONTAGE (minimum):** 100 feet
- (c) **REQUIRED YARDS (minima):**
- | | abutting
Industrial
<u>Zone</u> | abutting
any other
<u>Zone</u> |
|---------------------------------------|---------------------------------------|--------------------------------------|
| (i) Front yard depth | 70 feet | 100 feet |
| (ii) Exterior side yard width | 70 feet | 100 feet |
| (iii) Interior side yard width | 70 feet | 140 feet |
| (iv) Rear yard depth | 70 feet | 140 feet |
- (d) **LANDSCAPED OPEN SPACE (minimum):** 10%
- (e) **HEIGHT OF BUILDING (maximum):** 40 feet

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(f) **ACCESSORY USES, PARKING, ETC.:**

In accordance with the provisions of Section 5 hereof.

(3) **SPECIAL M4 Zones**

(a) **M4-1**

Notwithstanding the provisions of Section (27)(1) hereof to the contrary, the lands designated M4-1 on Schedule "A" hereto may also be used for a lumber yard, a cartage or transport yard, a waste processing site and a waste transfer station provided that said uses are developed and operated in accordance with the following definitions and provisions:

- (i) **"WASTE PROCESSING SITE"** means a site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the management or preparation of waste for subsequent reuse or disposal.
- (ii) **"WASTE TRANSFER STATION"** means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.

(iii) The provisions of Section 27(2) hereof shall apply. (93-126)

(b) **M4-2**

Notwithstanding the provisions of Section (27)(1) and (2) hereof to the contrary, the lands designated M4-1 on Schedule "A" hereto may only be used for a waste transfer station provided that said uses are developed and operated in accordance with the following definitions and provisions:

- (i) **"WASTE TRANSFER STATION"** means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site. Temporary storage of contaminated materials or contaminants in an enclosed building or storage tanks is also permitted. Accessory uses. Such as offices, equipment storage, vehicle storage, equipment maintenance and vehicle maintenance, are permitted.
- (ii) Open storage of materials, equipment or vehicles for working accessory to the principle us, is permitted.
- (iii) Open storage of decommissioned and non-contaminated material, such as fuel tanks and pumps, is permitted

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- (iv) Minimum lot area –8 ha.
- (v) No waste transfer use or facility, including tanks, buildings or open storage shall be located within 42.672m of M4-2 zone boundary, save and except for an existing structure which may be used for an accessory office.
- (vi) Maximum storage capacity of liquid waste – 68,100 litres.
- (vii) Maximum storage capacity of solid contaminated waste shall be 299 tonnes.
- (viii) Solid contaminated waste stored under paragraph (vi) above shall be contained in a covered and enclosed building no greater than 250 square metres in area.
- (ix) No development shall proceed until such time a site development agreement has been reached with the City and all required securities deposited.

(By-law Number 99-321 - 1999)

(c) **M4-3**

- a) Notwithstanding the provisions of Section 27(1), the lands designated M4-3 on Schedule “A” attached hereto may be used for a waste processing site and waste transfer station provided the uses are developed and operated in accordance with the following definitions and provisions:
 - (i) **"WASTE PROCESSING SITE"** means a site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the management or preparation of waste for subsequent reuse or disposal.
 - (ii) **"WASTE TRANSFER STATION"** means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.
- b) Notwithstanding the provisions of Section 27(1), the lands designated M4-3 on Schedule “A” attached hereto the following uses are prohibited: an automobile wrecking yard, a salvage yard and a sanitary landfill site.
- c) Notwithstanding the provision of Section 27(2), the lands designated Special Disposal Industrial ‘M4-3’ Zone on Schedule “A” attached hereto, shall be used in accordance with the Zone Provisions of the Restricted General Industrial ‘M6’ Zone, Section 28A(2).

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- d) Notwithstanding any provisions to the contrary the maximum amount of waste to be received at lands designated 'M4-3' is limited to the following:
- Liquid industrial waste, including hazardous liquid waste – 125,000 litres per day
 - Non-hazardous solid waste – 100 tonnes
- e) Notwithstanding any provisions to the contrary PCB, radioactive, pathological and putrescible waste is prohibited and shall not be accepted on lands designated 'M4-3'.
- f) Notwithstanding any provisions to the contrary the maximum amount of waste that may be stored at lands designated 'M4-3', at any time is limited to:
- 125,000 litres of non-hazardous industrial waste and hazardous liquid waste;
 - 6 tonnes of solid waste consisting of residual waste and hazardous liquid waste;
 - 94 tonnes of non-hazardous or hazardous solid waste.
- g) Notwithstanding any provisions to the contrary the storage of waste is further limited to the following:
- ninety six (96) 205 litre drums and/or twenty four (24) 1,000 litre totes and/or twenty four (24) 1,000 litre skids for transfer/temporary storage and/or processing of non-flammable liquids stored inside the processing building;
 - ninety-six (96) 205 litre drums for transfer and temporary storage of flammable liquids stored outside of the processing building and in accordance with the Ontario Fire Code and National Fire Code of Canada.
 - Four (4) tanks located within the beamed area of the processing building for transfer/processing and temporary storage of oily wastes, oils and concentrates from the evaporator and having the following storage capacities:
 - a) Tank 1 – 35,000 litres;
 - b) Tank 2 – 35,000 litres;
 - c) Tank 3 – 35,000 litres and
 - d) Tank 4 – 13,000 litres
 - Solid waste shall be stored within the confines of the processing building.

(By-Law Number 2004-357)

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(d) **M4-4 (1709 Westbrook Road):**

Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 27 for the 'M4' zone shall apply to the 'M4-4' Zone except that:

1. ONLY PERMITTED USE:
Waste Transfer Facility
2. DEFINITIONS:
For the purpose of the 'M4-4' Zone, the following definitions shall apply:
WASTE TRANSFER FACILITY means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of receiving, handling and temporary storage of non-hazardous general construction and demolition waste and/or solid non-hazardous municipal waste prior to the transferring of the waste to another facility or waste disposal site. Temporary storage of materials, equipment or vehicles for work accessory to the principal use, shall be permitted. Accessory uses such as office and scale and scale house are also permitted.
3. Maximum storage of waste shall be 500 metric tonnes.
4. Maximum quantity of waste received on any given day shall be 299 metric tonnes.
5. Maximum quantity of solid non-hazardous municipal waste received on any given day shall be 200 metric tonnes.
6. All solid non-hazardous municipal waste shall be contained in a covered and enclosed building.
7. Municipal organic waste shall be prohibited.

(d) **M4-4 (1709 Westbrook Road) cont'd:**

8. The following provisions apply, providing the subject land is not used for a Waste Transfer Facility:
 - (a) PERMITTED USES:
 - a cartage and transport yard;
 - a contractor's yard;
 - an open storage use;
 - topsoil screening; and,
 - a public use.

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(b) Required yard (minimum) for uses permitted in Section 27(3)(d)(7)(a):

	<u>Abutting Industrial Zone</u>	<u>Abutting Any Other Zone</u>
(i) Front yard depth	15 metres	61 metres
(ii) Interior side yard width	3 metres	61 metres
(iii) Rear yard depth	8 metres	61 metres

(By-Law Number 76-26; 2013-155; 2013-155)

(e) **M4-5-H**

- a) Notwithstanding the provisions of Section 27(1), on the lands designated M4-5-H on Schedule "A" attached hereto may be used for a waste processing site and waste transfer station provided the uses are developed and operated in accordance with the following definitions and provisions:
- (i) **"WASTE PROCESSING SITE"** means a site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the management or preparation of waste for subsequent reuse or disposal.
 - (ii) **"WASTE TRANSFER STATION"** means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.
- b) Notwithstanding the provisions of Section 27(1), on the lands designated 'M4-5-H' on Schedule "A" attached hereto the following uses are prohibited: an automobile wrecking yard, a salvage yard and a sanitary landfill site.
- c) Notwithstanding the provisions of Section 27(1), on the lands designated 'M4-5-H' on Schedule "A" attached hereto the following additional uses are permitted: an assembly plant, a business professional office, but notwithstanding the provisions of Section 5(1)(a) herein, shall not include a primary of accessory retail use, a dry-cleaning or laundry plant, a fabricating plant, a manufacturing plant, a processing plant, a public use, in accordance with the provisions of Section 5(18) hereof, and a warehouse.

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(e) **M4-5-H cont'd:**

- d) Notwithstanding the provision of Section 27(2), the lands designated Special Disposal Industrial 'M4-5-H' Zone on Schedule "A" attached hereto, shall be used in accordance with the Zone Provisions of the Restricted General Industrial 'M6' Zone, Section 28A(2).
- e) Notwithstanding any provisions to the contrary the maximum amount of waste to be received at lands designated 'M4-5-H' is limited to the following:
 - Hazardous liquid – 100 tonnes per day;
 - Non-hazardous waste – 200 tonnes per day.
- f) Notwithstanding any provisions to the contrary PCB, radioactive, pathological and putrescible waste is prohibited and shall not be accepted on lands zoned 'M4-5-H'.
- g) Notwithstanding Section 5(6) of Zoning By-Law Number 76-26, the removal of the Holding Symbol shall be contingent upon the following condition:
The Owner shall obtain a Certificate of Approval from the Ministry of Environment for the 'waste processing' and 'waste transfer' uses. A copy of the Certificate of Approval will be submitted with the application for Removal of Holding Symbol.

(By-law Number 76-26; 2008-141)

(f) **M4-6-H (1174 McAdoo's Lane)**

Notwithstanding the provisions of Section 27 hereof to the contrary, on the lands designated 'M4-6-H' on Schedule 'A' hereto, the following regulations shall apply:

- (i) Only permitted uses:
 - (a) construction waste processing, such as asphalt and concrete recycling; processing and separating of aggregates and soils from construction sites;
 - (b) stockpiling of construction waste for processing and reuse;
 - (c) storage of empty construction bins;
 - (d) topsoil recycling;
 - (e) open storage of construction materials, equipment or vehicles;
 - (f) a public use in accordance with the provisions of Section 5(18) hereof; and
 - (g) a telecommunications tower.

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- (ii) Minimum rear yard: 0 metres
- (iii) Minimum front yard: 0 metres
- (iv) Minimum west side yard: 6 metres, except where the lands abut another industrial zone or lands used for industrial purposes, in which case there is no required minimum west side yard.
- (v) Minimum east side yard: 6 metres
- (vi) All areas identified as FODa woodland in the report entitled “Natural Heritage Environmental Impact Assessment”, prepared by Ecological Services and dated June 29, 2020 must be protected by a berm or concrete barrier that is:
 - (a) located at least 5 metres from the drip line of the FODa woodland; and,
 - (b) Minimum height: 0.8 metres
- (vii) Notwithstanding Section 6(6) of this By-Law, the “H” Holding Symbol applies to prevent the erection of any building or structure requiring water or sanitary services.
- (viii) Removal of the “H” Holding Symbol for the use described in subsection 6(6)(vii) above shall be contingent upon the owner submitting a functional servicing report prepared by a qualified professional engineer that confirms the capacity to accommodate the proposed development and is completed to the satisfaction of the municipality and in accordance with all municipal and provincial regulations.”

(By-Law 76-26; 2021-163)

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(g) M4-7-H (1533 McAdoo's Lane)

Notwithstanding the provisions of Section 5 and 27 hereof to the contrary, on the lands designated 'M4-7-H' on Schedule 'A' hereto, the following regulations shall apply:

- (a) The permitted uses shall be limited to:
 - i. An automobile wrecking yard; and
 - ii. A salvage yard.
- (b) Accessory Uses:
 - i. Vehicle sales establishment, limited to the sale of used vehicles; and
 - ii. Retail sales related to the servicing of motor vehicles.
- (c) Accessory retail sales shall be limited to a maximum of 16% of the gross floor area of the main building.
- (d) The permitted salvage yard use shall be limited to the collection, dismantling, sorting and storage of scrap metals. Processing of scrap metals, including shredding, is prohibited.
- (e) For the purposes of zoning interpretation, the front, exterior, interior and rear lot lines shall be as shown on Schedule 'B' attached to and forming part of By-Law Number 2021-194.
- (f) Minimum Setbacks for Buildings shall be as shown on Schedule 'C' attached to and forming part of By-Law Number 2021-194.
- (g) Minimum Setbacks for all other Permitted Uses, including the storage of articles or things wholly or partly in the open:
 - i. Front Lot Line: 20 metres
 - ii. Exterior Side Lot Line: 14 metres
 - iii. Interior Side Lot Line: 3 metres
 - iv. Rear Lot Line: 5 metres
- (h) Permitted Projections: A building overhang shall be permitted within a required interior side yard, provided it is not located closer than 12 metres to an interior side lot line.
- (i) Notwithstanding subsection (h) above, no car crusher shall be located closer than 229 metres to the exterior side lot line.
- (j) The maximum height of any storage of articles or things wholly or partly in the open shall be 2.5 metres.

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- (k) Structures associated with the placing of automobiles on the site shall be permitted within an area used for storage of articles or things wholly or partly in the open, up to a maximum height of 0.6 metres.
- (l) An opaque wooden fence that is at least 2.4 metres in height is required along the entire exterior side lot line, in addition to the berm described in subsection (m) below.
- (m) A berm that is at least 1.0 metre in height is required along the exterior side lot line wherever the grade of the site at the exterior side lot line is less than 1.0 metre higher than the grade of the abutting street centre line.
- (n) Planting strips are required in the front yard, exterior side yard and rear yard, and shall be used for no purpose other than the planting of trees, hedges, shrubs, flower beds, grass or a combination thereof. The planting strips shall comply with the provisions of subsection (o) below and will be further regulated through Site Plan Control.
- (o) Required Planting Strip Width (minimum):
 - i. Front yard: 3.0 metres
 - ii. Exterior side yard: 8.5 metres
 - iii. Rear yard: 5.0 metres
- (p) Required Loading Spaces (minimum): 1 space
- (q) Required Vehicle Parking Spaces (minimum): 63 spaces
- (r) A maximum of 11 required vehicle parking spaces may be used for the display of used vehicles for sale.
- (s) Parking shall be permitted in any yard, but shall not be located closer than 3 metres to the front lot line.
- (t) A by-law shall not be enacted to remove the '-H' Holding Symbol until such time as:
 - i. A site plan has been approved and a site plan agreement has been executed and registered on the title of the lands;
 - ii. A Hydrogeological Report outlining the methods of servicing the site with sufficient private water capacity and sewage disposal systems has been approved by the applicable approval authority;
 - iii. The City has received a copy from the Ministry of Environment, Conservation, and Parks, or its successor, of all required Ministry approvals for the permitted uses, as determined by the Ministry;
 - iv. City Council has given notice pursuant to the requirements of the *Planning Act* of its intention to pass a by-law to remove the '-H' Holding Symbol."

(By-Law 76-26; 2021-194)

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SECTION 28

EXTRACTIVE INDUSTRIAL ZONE (M5)

(1) USES PERMITTED

No person shall within any M5 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M5 uses, namely:

(a) **RESIDENTIAL USES:**

prohibited.

(b) **NON-RESIDENTIAL USES:**

an agricultural use;
a gravel pit;
a public use, in accordance with the provisions of Section 5(18) hereof;
a stone quarry.

(2) ZONE PROVISIONS

No person shall within any M5 Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a)	LOT AREA (minimum):	25 acres	
(b)	LOT FRONTAGE (minimum):	100 feet	
(c)	REQUIRED YARDS (minima):	<u>Abutting Industrial Zone</u>	<u>Abutting any other Zone</u>
(i)	Front yard depth	100 feet	130 feet
(ii)	Exterior side yard width	100 feet	130 feet
(iii)	Interior side yard width	100 feet	200 feet
(iv)	Rear yard depth	100 feet	200 feet

provided that no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right-of-way.

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(d) LOCATION OF GRAVEL PITS:

Notwithstanding any other provisions of this By-law to the contrary, no gravel pit shall be established or made within 400 feet of any rear or interior side lot line or portion thereof which abuts a Residential or Development Zone.

(e) LOCATION OF STONE QUARRIES:

Notwithstanding any other provisions of this By-law to the contrary, no stone quarry shall be made or established within 700 feet of any rear or interior side lot line or portion thereof which abuts a Residential or Development Zone.

(f) LOCATION OF OTHER USES:

Notwithstanding any other provisions of this By-law to the contrary, no building, plant or product stockpile shall be located within:

- (i) 100 feet of any lot line; or
- (ii) 300 feet of any lot line or portion thereof which abuts a Residential or Development Zone.

(g) LANDSCAPED OPEN SPACE (minimum): 10%

(h) HEIGHT OF BUILDING (maximum): 40 feet

(i) ACCESSORY USES, PARKING, ETC.:

In accordance with the provisions of Section 5 hereof.

(3) SPECIAL M5 ZONES

(a) Processing Operations (M5-1)

Notwithstanding the provisions of Section 28(1)(b) hereof to the contrary, the lands designated M5-1 on Schedule "A" hereto may be used for an aggregate screening operation, an asphalt plant, a concrete batching plant, a crushing plant or any combination of the foregoing uses.

(b) McKendry Quarry (M5-2) Deleted please see BL 2015-174

(c) (M5-3) Deleted please see BL 2015-174

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(d) Lafarge Quarry (M5-4) 1338 – 1362 McAdoo’s Lane

Notwithstanding the provisions of Section 5 or 28 hereof to the contrary, on the lands zoned ‘Extractive Industrial (M5-4)’ on Schedule “A” attached hereto, the following provisions shall apply:

- I. MINIMUM LOT AREA: 7 hectares
- II. MINIMUM LANSCAPED OPEN SPACE 6%
- III. MINIMUM NUMBER OF PARKING SPACES FOR A PIT OR QUARRY USE: 8
- IV. The main building existing on the site as of the date of the passing of this By-law shall be deemed to comply with the front yard depth and side yard width regulations of this Zoning By-Law. In the event that the existing main building on the site is removed or expanded, any new development shall be subject to the regulations of Section 28 of this By-Law.

(By-law Number 76-26; 2012-127)

(e) M5-5 2754 Creekford Road

Notwithstanding the provisions of Section 28 hereof to the contrary, the lands designated 'M5-5' on Schedule 'A' hereto, the following regulations shall apply:

- (i) Permitted Non-Residential Use: Open Storage including for a Waste Transfer Station and unconsolidated materials in accordance with the following provisions:
 - 1) Interior Side Yard (minimum)
 - 9 metres for open storage
 - 49 metres for an accessory structure.
 - 2) Front Yard (minimum)
 - 6 metres for open storage
 - 3) Visual Screen shall be provided along any public road which abuts and open storage area.

(By-Law 76-26; 2020-93)

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4. TEMPORARY M5 ZONES

(a) M5-1-T1

Notwithstanding provisions of Section 28(3)(a)[the M5-1 Zone] hereof to the contrary, the lands designated M5-1-T1 on Schedule "A" hereto also may be used temporarily for the purpose of a Recycling Operation provided that said temporary use is developed and operated in accordance with Schedule "B-8" hereto and the following definitions and provisions: (93-67)

- (i) "RECYCLING OPERATIONS" means an operation engaged in the processing and recycling of non-hazardous solid wastes approved by the Ministry of Environment including, but not limited to, wood construction waste and petroleum contaminated soils. Radioactive, pathological and/or asbestos-contaminated materials are not permitted to be processed.
- (ii) The provisions of Section 28(2) hereof shall apply.
- (iii) The temporary use authorization shall be for a period not to exceed three (3) years commencing on May 4th, 1993, the date of passing of By-law Number 93-67.

(b) M5-T1 - Aquatic Golf Driving Range

Notwithstanding any of the provisions of this By-law hereof to the contrary, the lands designated M5-T1-H on Schedule "A" may be used temporarily for the purpose of an aquatic golf driving range provided that the said temporary use is developed and operated in accordance with the following provisions: (95-50)

- (i) HOLDING PROVISION
Development of an aquatic golf driving range shall not be permitted until such a time as:
 - (a) Council has approved a development concept plan showing the location of all building(s) and structures to be erected and showing location of all facilities and work to be provided in conjunction therewith. Council may require the owner of the lands to provide to the satisfaction of, and at no expense to the municipality, any or all of the following:
 1. Vehicular parking facilities and access driveways.

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2. Walkway and other means of pedestrian access.
 3. Lighting, including flood lighting of the lands or the buildings or structures thereon.
 4. Walls, fences, hedges, trees, shrubs or other ground cover of facilities for landscaping of the lands or the protection of adjoining lands.
 5. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
 6. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water.
 7. 15 metre wide vegetative buffer maintained between the wetland and any part of the development.
- (b) Any agreements required by the Township have been executed.
- (c) The "-H" symbol has been removed and the related provisions repealed by amendment to this By-law.
- (ii) This temporary authorization shall be for a period not to exceed three (3) years commencing on May 2nd, 1995, the date of the passing of By-law Number 95-50

SECTION 28A

RESTRICTED GENERAL INDUSTRIAL ZONE (M6)

(1) USES PERMITTED

No person shall within any M6 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M6 uses, namely: (78-18)

(a) RESIDENTIAL USES:

an accessory dwelling unit.

(b) NON-RESIDENTIAL USES:

an assembly plant;
a business or professional office, but notwithstanding the provisions of Section 5(1)(a) herein, shall not include a primary or accessory retail use;
a dry-cleaning or laundry plant;
a fabricating plant;
a manufacturing plant;
a processing plant;
a public use, in accordance with the provisions of Section 5(18) hereof;
a warehouse.

(2) ZONE PROVISIONS

No person shall within any M6 Zone use any lot or erect, alter or use any building or structure unless such lot is served by a public water system and a sanitary sewer system and except in accordance with the following provisions:

(a) LOT AREA (minimum): 2 acres

(b) LOT FRONTAGE (minimum): 200 feet

(c) REQUIRED YARDS (minima):	Lots with Lot Areas less Than 5 acres	Lots with lot Areas greater Than 5 acres
	(i) Front yard depth	50 feet
(ii) Exterior side yard width		-50 feet
(iii) Interior side yard width (78-18)		10 feet
(iv) Rear yard depth	25 feet, provided that no interior side yard	

or rear yard is required along any portion of a lot line which abuts a railroad right-of-way.

(d) **LANDSCAPED OPEN SPACE
(minimum):**

10% provided that landscaped open space shall be provided and maintained in the required front yard and the required exterior side yard, except where front yard parking is provided according to the provisions of Section 28A(2)(j)(ii) hereof in which case the remainder of such required front yard or such required exterior side yard shall consist of landscaped open space, and except that this requirement shall not prevent either a driveway leading to a parking area or a railway spur line from being located in any front yard or exterior side yard.

(e) **PLANTING STRIPS:**

Notwithstanding the provisions of Section 28A(2)(d) hereof to the contrary, planting strips may be provided and maintained, in lieu of the mandatory open space locational requirements of Section 28A(2)(d) hereof, adjacent to any front lot line or any exterior side lot line in accordance with the provisions of Section 5(17) hereof, except that no planting strip shall be required along that portion of a lot line which abuts a railroad right-of-way.

(f) **LOT COVERAGE (maximum):** 60%

(g) **DWELLING UNIT AREA (minimum):** 400 square feet

(h) **HEIGHT OF BUILDING (maximum):** 60 feet

(i) **DWELLING UNITS PER LOT (maximum):** 1 only

(j) **PARKING:**

Notwithstanding the provisions of Sections 5(16)(a), 5(16)(c) and 5(16)(e) hereof to the contrary:

- (i) the Minimum Parking Space requirement for each building, structure or use in the M6 Zone shall be one parking space per 1,000 square feet or fraction thereof of gross floor area; and
- (ii) visitor parking spaces, in excess of the parking spaces required herein, for the parking of automobiles may be provided in a front yard on the following basis: (78-18)
 - (1) a maximum of 3 parking spaces for the first 50 feet of front wall of the principal building, plus
 - (2) a maximum of 2 additional parking spaces for each additional 25 feet of front wall of the principal building, and

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- (iii) all parking areas and driveways located in a required front yard or in a required exterior side yard shall be surfaced with asphalt or concrete.

(k) **GATE HOUSE:**

Notwithstanding the provisions of Section 5(25)(h) hereof to the contrary, a gate house or other structure for the accommodation of parking attendants or security personnel, shall be permitted in any yard or in the area between the street line and the required setback provided that such structure is not more than 10 feet in height and not more than 200 square feet in area.

(l) **OPEN STORAGE:**

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

- (i) Every open storage use shall be accessory to the main use of the lot.
- (ii) Every open storage use shall comply with the yard and setback provisions of Section 5(20) and Section 28A(2)(c) hereof as if such open storage use were a building or structure provided, however, that such use complies with Section 28A(2)(1)(i) hereof. (80-11)
- (iii) Notwithstanding paragraph (ii) above, no open storage use shall be located in a front or exterior side yard.
- (iv) Every open storage use shall be enclosed by a wall or fence which is not less than 6 feet in height, which is constructed of uniform materials, which is maintained in good condition and which is not located within any required yard. Where such open storage use is to be situated in a location such that it will be visible from a public street, the portion of such open storage use which would otherwise be visible from the public street shall be appropriately screened from such view by a buffering device of suitable composition and height.

Such buffering device may be used in lieu of the wall or fence required in this paragraph and such device may be deemed to fulfill all or a portion of the planting strip requirements of Section 28A(2)(e) hereof. (78-18)

(m) **ILLUMINATION:**

Notwithstanding the provisions of Section 5(10) hereof to the contrary, lighting fixtures designed for exterior illumination, which are not public uses, shall be installed with the light deflected away from adjacent lots and streets.

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(n) **NON-CONFORMING USES:**

Notwithstanding the provisions of Section 5(14)(b) and Section 5(14)(c) hereof to the contrary, any building or structure which is damaged to the extent of fifty percent (50%) or more of the value thereof immediately prior to the damage shall not be restored except in accordance with the provisions of this By-law.

(o) **ACCESSORY USES, ETC.:**

In accordance with the provisions of Section 5 hereof.

(3) **SPECIAL M6 ZONES**

(a) **M6-1**

Notwithstanding any provision of this By-law to the contrary, the lands designated M6-1 on Schedule "A" hereto shall be used in accordance with the following provisions: (78-18)

- (i) LOT AREA (minimum): 0.5 acres
- (ii) LOT FRONTAGE (minimum): 100 feet
- (iii) PARKING:

In accordance with the provisions of Section 5(16) hereof.

(b) **M6-2**

Notwithstanding any provision of this By-law to the contrary, the lands designated M6-2 on Schedule "A" hereto may be used as a contractor's or tradesman's shop or yard in accordance with the following provisions: (82-5) + (91-119)

- (i) LOT AREA (minimum): 2,000 square metres
- (ii) LOT FRONTAGE (minimum): 30.48 metres

(c) **M6-3**

Notwithstanding any provision of Section 28A(1) hereof to the contrary, the lands designated M6-3 on Schedule "A" hereto may be used for the development of an industrial mall consisting of one or more of the following uses: (82-46)

- a bank or financial institution;
- a factory retail outlet accessory to any manufacturing or similar use;
- a bottling, food packaging or processing plant;
- an apparel or finished textiles plant;
- a manufacturing plant;

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a bonded warehouse or custom brokers;
a processing plant;
an assembling plant;
a newspaper or printing and binding plant;
a dry cleaning or laundry plant;
an industrial supply operation;
a maintenance, service and sales operation for industrial equipment;
a parking lot or parking garage;
a public use including a fire hall, post office or auditorium;
a custom workshop;
an establishment for construction equipment sales, service and rental;
a workers or union hall;
business offices and/or training facilities related to industry and commerce to a maximum of 25 percent of the gross mall area;
an ambulance dispatch facility;
a tonsorial premises;
a warehousing and/or wholesale establishment

(d) **M6-4 - Santin Construction**

Notwithstanding any provisions of this By-law to the contrary, the lands designated M6-4 on Schedule "A" hereto may be used as a contractor's or tradesman's shop or yard or as an establishment for the sale, service and rental of construction equipment in accordance with the following provisions: (84-45)

- | | | |
|------|-------------------------|---------------------|
| (i) | LOT AREA (minimum): | 2,000 square metres |
| (ii) | LOT FRONTAGE (minimum): | 30.5 metres |

(e) **M6-5**

Notwithstanding any provisions of this By-law to the contrary, the lands designated M6-5 on Schedule "A" hereto may be served by a public water system and a private sewer system and may be used for one or more of the following uses: (85-8)

- a transportation depot
- a vehicle rental establishment.

(f) **M6-6**

Notwithstanding Section 28A(1)(b) hereof to the contrary, the lands designated M6-6 on Schedule "A" hereto may be used for the following purposes: (86-101)

- a bank or financial institution
- a factory retail outlet accessory to any manufacturing establishment
- a bottling, food packaging or processing plant

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- an apparel or finished textile plant
- a manufacturing plant
- a processing plant
- an assembling plant
- a newspaper or printing and binding plant
- an industrial supply operation
- business offices and/or training facilities related to industry and commerce to a maximum of 25% of the gross mall area
- an ambulance dispatch facility
- a warehousing and/or wholesale establishment
- a restaurant
- offices ancillary to the use of the individual tenant's portion of the building
- an ancillary retail use, including showrooms and display provided that such use is limited to a maximum of 30% of the total area of the individual tenant's portion of the building;
- a public use in accordance with the provisions of Section 5(18) hereof including a fire hall and post office.

(g) **M6-7**

Notwithstanding any provisions of this By-law to the contrary, the lands designated M6-7 on Schedule "A" hereto may be used as a contractor's or tradesmen's shop or yard in accordance with the following provisions: (88-100)

- (i) LOT AREA (minimum): 2,000 square metres
- (ii) LOT FRONTAGE (minimum): 30.5 metres
- (iii) FRONT YARD DEPTH (minimum): 2.8 metres

(h) **M6-8**

Notwithstanding the provisions of Sections 28A(1) and 28A(2) hereof to the contrary, the lands designated M6-8 on Schedule "A" hereto may be served by a public water system and a private sewerage system, and may be used for a transportation depot, a vehicle rental establishment, and a Truck Stop in accordance with the following provisions: (89-82)

- (i) GROSS FLOOR AREA OF TRUCK STOP
 - (a) the maximum gross floor area of a Truck Stop permitted within the M6-8 Zone shall not exceed 3,450 sq. metres; and,
 - (b) the total gross floor area of all accessory retail uses permitted within a Truck Stop shall not exceed 180 sq. metres.

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(i) **M6-9**

Notwithstanding the provisions of Sections 28A(1) and 28A(2) hereof to the contrary, the lands designated M6-9 on Schedule "A" hereto may be used for a Freestanding Restaurant in accordance with the following provision: (89-162)

(i) GROSS FLOOR AREA (maximum): 25 square metres

(j) **M6-10**

Notwithstanding the provisions of Section 28(A) hereof to the contrary, the lands designated M6-10 on Schedule "A" hereto may also be used and developed in accordance with the following provisions:

(i) NON-RESIDENTIAL USES

- a. a bottling, food packaging or processing plant;
- b. an apparel or finished textiles plant;
- c. a bonded warehouse or custom brokers;
- d. a newspaper or printing and binding plant;
- e. a wholesale establishment; and
- f. a self-service storage facility

(ii) Minimum Lot Area 0.9 acres

(iii) Minimum Lot Frontage 110 feet

(iv) Minimum Front Yard:

- a) self-storage facility 295 feet;
- b) all other uses 50 feet

(By-law Number 76-26; 2007-159)

(v) Minimum Interior Side Yard (along common side yard line between 1240/1250 Gardiners Road and 1234 Gardiners Road only) 5 feet

(vi) SELF-SERVICE STORAGE FACILITY – for the purposes of this Section, a self-service storage facility shall mean a facility designed and used for the purpose of renting or leasing individual secured storage units, which are generally accessible by means of individual loading doors, to tenants who are to have access to such units for the purpose of storing and removing property. Property may include general merchandise, furniture, household items, unlicensed and licensed vehicles, equipment, tractors and recreational vehicles (boats, motor homes, trailers). Explosives, radioactive materials, flammable or hazardous chemicals or goods which produce noxious odours are prohibited.

(vii) Any development on 1240/1250 Gardiners Road or 1234 Gardiners Road requiring a Site Plan Agreement or a Modified Site Plan Agreement shall require the said Agreement to be between the City

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of Kingston, the Owner(s) of 1240/1250 Gardiners Road and the Owner(s) 1234 Gardiners Road.

(By-Law Number 2003-371)

(k) **M6-11**

Notwithstanding the provisions of Sections 5(12)(c), 28A(1), and 28A(2)(o) hereof to the contrary, the lands designated M6-11 shall be used and developed in accordance with the provisions applicable to the M6-6 Zone except that a maximum of 6 loading spaces may be permitted in the Yard adjacent to Cataraqui Woods Drive. (91-06)

(l) **M6-12**

Notwithstanding the provisions of Clause (c) of Section 5(16), Clause (b) of Section 28A(1), and Clauses (a), (b), (c), (d), (e) and (j) of Section 28A(2) hereof to the contrary, the lands designated M6-12 on Schedule "A" hereto also may be used for a hotel, a bank or trust company, a business or professional office, a free-standing restaurant, a take-out restaurant, an institutional use, a convenience store, and a clinic, in accordance with the following provisions: (93-125)

- (i) LOT AREA (minimum): 0.5 acres
- (ii) LOT FRONTAGE (minimum): 100 ft.
- (iii) FRONT YARD DEPTH (minimum): 3.0 metres
- (iv) EXTERIOR SIDE YARD WIDTH (minimum): 3.0 metres
- (v) INTERIOR SIDE YARD WIDTH (minimum): 3.0 metres,

provided that where the interior side lot line abuts lands in the same zone as the subject lands or a Commercial Zone, no interior side yard is required.

- (vi) REAR YARD DEPTH (minimum): 3.0 metres,

provided that where the rear lot line abuts lands in the same zone as the subject lands or a Commercial Zone, no rear yard is required.

- (vii) LANDSCAPED OPEN SPACE (minimum): 10 %,

and shall be provided and maintained in the front yards and the exterior side yards.

- (viii) PARKING REQUIREMENTS: Shall be calculated in accordance with Section 5(16)(a) hereof.

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(ix) **PARKING AREA LOCATION:**

(a) No part of any parking area shall be located closer to the streetline of Gardiners Road than the distance between the nearest part of any wall of a principal building and said streetline, except that this provision shall not prevent a parking area from being located in a rear yard provided that such parking area is:

(i) Located no closer than 3 metres to any streetline; and,

(ii) A module consisting of no more than two rows of parking stalls separated by an aisle, the maximum width of the module measured parallel to the street line of Gardiners Road being no more than 18.1 metres.

(b) No part of any parking area, other than a driveway, shall be located closer than 1 metre to the streetline of Lillian Court.

(x) **GROSS LEASABLE AREA (maximum):** The total maximum gross leasable area of all primary and accessory retail uses in the M6-12 Zone shall not exceed 4,000 square metres and no single property holding shall have a gross leasable area of greater than 2,000 sq. metres.

(m) **M6-13**

Notwithstanding the provisions of Subsection (1) of Section 28A hereof to the contrary, the lands designated M6-13 on Schedule "A" hereto shall be permitted an accessory retail use in accordance with the following provision:

(i) Maximum permitted accessory retail space: 360 square feet

(By-law Number 98-160 – 1998)

(n) Repealed by By-law Number 2006-38

(By-Law Number 2002-69; 2006-38)

(o) **M6-15**

Notwithstanding any provisions of Section 28A(1) to the contrary, the lands designated 'M6-15' on Schedule 'A' attached hereto, may also be used in accordance with the following:

(i) a transportation depot;

(ii) a vehicle rental establishment;

(iii) an accessory showroom, display area, and/or retail space associated with the following uses:

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- a) an assembly plant, a fabricating plant, a manufacturing plant, or a processing plant for the advertising and sale of goods produced on-site within the primary use; or
- b) a warehouse.

(iv) **Maximum Floor Area**

The maximum floor area which may be devoted to an accessory showroom, display area and/or retail space shall be the lesser of the following:

- a) 25% of the gross floor area of an individual tenant's unit of the building, or
- b) 190 square metres of the individual tenant's unit of the building.

(By-Law Number 2004-75)

(p) **M6-16 Not Used**

(By-law Number 76-26; 2007-159)

M6-17

Notwithstanding any provisions of Section 28A(1) to the contrary, the lands designated 'M6-17' on Schedule 'A' attached hereto, may also be used for the following additional uses:

- i) a business office and/or training facilities related to industry and commerce;
- ii) a custom workshop;
- iii) an industrial supply operation;
- iv) an institutional use;
- v) a transportation depot (to be located within the General Industrial Designation 90-120 metres from the front property line)
- v) a warehouse and/or wholesale establishment; and
- vii) **Maximum Floor Area**

The maximum floor area which may be devoted to an accessory showroom, display area and/or retail space shall be the lesser of the following:

- a) 25% of the gross floor area of an individual tenant's unit of the building, or
- b) 280 square metres of the individual tenant's unit of the building.

(By-Law Number 76-26; 2004-312; 2007-159)

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3 cont'd:

(q) **M6-18** 566 & 578 Cataraqui Woods Drive

Notwithstanding the provisions of Section 28(1) to the contrary, the lands designated 'M6-18' on Map 3 of Schedule "A" hereto shall only be used in accordance with the following special provisions:

- (iv) In addition to the uses permitted by Section 28(1) of this By-law, the following uses shall also be permitted:
transportation depot; and
vehicle and automotive repair.
- (v) Prohibited Uses:
retail sale of automotive parts, fluids and accessories.
- (vi) For the purposes of this Section only, the following definition shall apply:
vehicle and automotive repair establishment: shall mean minor repairs, incidental replacement of parts and motor service to vehicles, automobiles and trucks.
- (vii) Notwithstanding any provisions of this By-law to the contrary, the vehicle and automotive repair use shall be restricted to 25% of the gross floor area permitted on the subject site.
(By-Law Number 76-26; 2005-55; 2007-159)

(s) **M6-19:**

Notwithstanding the provisions of Section 28A hereof to the contrary, on the lands designated 'M6-19' on Schedule 'A' hereto, the following regulations shall apply:

- i) **PERMITTED USES:**
In addition to the provisions of Section 28A(1), the permitted uses shall also include:
 - a. Accessory Wholesale Establishment; and
 - b. Accessory Retail Use.
 - ii) **MAXIMUM GROSS FLOOR AREA:**
The maximum combined gross floor area which may be devoted to an accessory wholesale use and/or accessory retail outlet use shall be equal to or lesser than the following:
 - a) 25% of the gross floor area of an individual tenant's unit within the building.
 - iii) **PROHIBITED USES:**
 - a. Accessory Dwelling Unit
 - iv) **LOT AREA (minimum):** 0.5 acres
 - v) **LOT FRONTAGE (minimum):** 100 feet
- PARKING:** In accordance with the provisions of Section 5(16) hereof.

(By-Law Number 76-26; 2005-207; 2006-24; 2007-159)

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t) **M6-20 (2602 Perth Road)**

Notwithstanding the provisions of Section 28A(1) to the contrary, the lands Zoned 'M6-20' on Map 1 of Schedule "A" hereto shall only be used in accordance with the following special provisions:

(i) **Prohibited Uses:**

Accessory Dwelling Unit
Dry-Cleaning, Laundry Plant

(ii) Maximum Lot Coverage: 10%

(iii) Notwithstanding Section 28A(l)(iii) to the contrary, open storage shall be permitted in the front yard with a minimum setback of 15 metres from the property line abutting a public road. The open storage shall be screened with a continuous vegetated berm along the west property line and portion of the north property line abutting the residential use. The screening shall be in conformity with the regulations of the Restricted General Industrial 'M6' Zone."

(By-law Number 76-26; 2007-14)

(u) **M6-21 1350 Gardiners Road**

Notwithstanding any provisions to the contrary, the lands zoned M6-21 on Map 3 of Schedule 'A' hereto may also be used in accordance with the following regulations.

1. In addition to the uses permitted in Section 28A (1) and 28A (3)(b) of By-Law Number 76-26, the following uses shall also be permitted:

- Recreational uses including an arena;
- Free-standing restaurant; and
- Accessory uses to the recreational uses including but not limited to a trade show, specific day retail sales, medical clinic, an office, meeting rooms, pro-shop, restaurant and coffee shop, provided such uses are ancillary to the main recreational use of the site.

The "trade show" and a "specific day retail sales" use shall be defined as follows.

Specific Day Retail Sales means the use of any lot, building or structure, or part thereof, for an event that brings together members of the public or an industry for the purpose of selling or buying goods or services, including entering into contracts for the sale and/or purchase of goods or services; which are complementary to the principle permitted uses.

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Trade Show means the use of any lot, building or structure, or part thereof, for an event held to bring together members of a particular industry to display, demonstrate, and promote their latest products and services; which are complementary to the principle permitted uses.

2. For the purposes of this Section, a recreational use shall be defined as a building, structure or lot used for such uses as an arena, outdoor playing fields (including such uses as, but not limited to, soccer fields, tennis courts, or skateboard park), field house, indoor or outdoor pool, or fitness facility.
3. Recreational uses may be located in more than one main building on the site.
4. Parking for specific day retail sales or trade show uses shall be at a rate of 1 space for each 26 square metres, to a maximum of 14,600 square metres of gross floor area.

(By-law Number 76-26; 2006-107; 2019-77)

(v) **M6-22 (485 O'Connor Drive)**

Notwithstanding the provisions of Section 28A hereof to the contrary, on the lands designated 'M6-22' on Schedule 'A' hereto, the following regulations shall apply:

vi) **PERMITTED USES:**

In addition to the provisions of Section 28A(1), the permitted uses shall also include:

- a. Accessory Wholesale Establishment; and
- b. Accessory Retail Use, for the purpose of selling motor homes and travel trailers only.

vii) **PROHIBITED USES:**

- a. Accessory Dwelling Unit; and
- b. Automotive Centre.

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- viii) **Maximum Gross Floor Area:**
The maximum combined gross floor area which may be devoted to an accessory wholesale use and/or accessory retail outlet use shall be equal to or lesser than the following:
 - a) 25% of the gross floor area of an individual tenant's unit within the building.
- ix) **LOT AREA** (minimum): 0.5 acres
- x) **LOT FRONTAGE** (minimum): 100 feet
- xi) **PARKING:** In accordance with the provisions of Section 5(16) hereof;
- xii) **STORAGE OF MOTOR HOMES:**
 - a) Notwithstanding any regulations to the contrary the indoor and outdoor storage of motor homes shall be limited to a maximum of 5% of the total lot area
- xiii) **DISPLAY:**
Roadside displays shall be limited to the following:
 - a) non-motorized travel trailers only;
 - b) a maximum display of 3 travel trailers along Gardiner's Road;
 - c) a maximum display of 3 travel trailers along O'Connor Drive;
and
 - d) displays shall not encroach into the right-of-way."
(By-law Number 76-26; 2007-15)

(w) **'M6-23'(Cataraqui Estates Business Park)**

Notwithstanding any provisions of Section 28A hereof to the contrary, the lands zoned 'M6-23' on Schedule "A" hereto, may be used in accordance with the provisions of Section 28A for the 'M6' zone except that:

- (i) **ADDITIONAL PERMITTED USES:**
Contractor's or Tradesman's shop or yard
- (ii) A maximum of 25% of the total floor area of a permitted use may be used for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises
- (iii) **MINIMUM LOT AREA:** 2,000 square metres
- (iv) **MINIMUM LOT FRONTAGE :** 30.48 metres
(By-law Number 76-26; 2011-105; 2015-56)

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3 cont'd:

(x) **M6-24 (555 O'Connor Drive)**

Notwithstanding any provisions of Section 5 or Section 28A hereof to the contrary, the lands zoned 'M6-24' on Schedule "A" hereto, may be used in accordance with the provisions of Section 28A for the 'M6' zone except that:

- (i) A maximum of 25% of the total floor area of a truck and trailer parts warehouse use may be used for the purpose of an accessory retail and accessory wholesale use.
- (ii) MINIMUM LOT AREA : 2,024 square metres
- (iii) MINIMUM LOT FRONTAGE : 30.48 metres
- (iv) A parking area shall be permitted in any yard provided that no part of any parking area, other than a driveway, is located closer than 7.6 metres to any street line.
- (v) The main building existing on the site as of the date of the passing of this By-Law shall be deemed to comply with the exterior side yard width regulations of this Zoning By-Law. In the event that the existing main building on the site is removed, any new development shall be subject to the regulations of Section 28A of this By-Law.

(By-law Number 76-26; 2011-124)

SECTION 29

DEVELOPMENT ZONE (D)

(1) **USES PERMITTED**

No person shall within any D Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following D uses, namely:

(a) **RESIDENTIAL USES:**

- an existing single-family dwelling house.
- an accessory dwelling house;

(b) **NON-RESIDENTIAL USES:**

- a cemetery;
- a church;
- a farm other than a specialized farm;
- a fraternal lodge or community centre;
- a public use, in accordance with the provisions of Section 5(18) hereof;
- a seasonal fruit, vegetable, flower or farm produce sales outlet, provided such produce is the product of the farm on which such sales outlet is located.

(2) **ZONE PROVISIONS**

No person shall within any D Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) **LOT AREA (minimum):**

- (i) Accessory dwelling house or Existing single-family dwelling house -25 acres

(b) **LOT FRONTAGE (minimum):**

- (i) Accessory dwelling house or Existing single-family dwelling house -330 feet

(c) **FRONT YARD DEPTH (minima):**

- (i) Accessory dwelling house or Existing single-family dwelling house -25 feet
- (ii) Other uses -20 feet

(d) **EXTERIOR SIDE YARD WIDTH (minima):**

- (i) Accessory dwelling house or Existing single-family dwelling house -25 feet
- (ii) Other uses -20 feet

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- (e) **INTERIOR SIDE YARD WIDTH (minimum):** -25 feet
- (f) **REAR YARD DEPTH (minimum):** -25 feet
- (g) **LANDSCAPED OPEN SPACE (minimum):** 30%
- (h) **LOT COVERAGE (maximum):** 20%
- (i) **DWELLING UNIT AREA (minimum):** - 850 square feet
- (j) **HEIGHT OF BUILDINGS (maximum):** - 35 feet
- (k) **DWELLING HOUSES PER LOT (maximum):** 1 only
- (l) **FARM BUILDING AND STORAGE LOCATION:**
No building or structure which is used to house animals or fowl and no manure storage area shall be located within:
 - (i) 200 feet of any Residential Zone; or
 - (ii) 100 feet of any street line.
- (m) **ACCESSORY USES, PARKING, ETC.:**
In accordance with the provisions of Section 5 hereof.

(3) **SPECIAL D ZONES**

(a) **D-1**

Notwithstanding the provisions of Section 29(1) to the contrary, the lands designated 'D-1' on Map 4 of Schedule "A" attached hereto may be used in accordance with the following special provisions:

(By-law Number 81-44, 2001-255)

- (i) **LOT AREA (minimum):** 5 hectares
(By-law Number 2001-255)

- (ii) **LOT FRONTAGE (minimum):** 70.0 metres
(By-law Number 2001-255)

(b) **D-2**

Notwithstanding any provisions of Section 29 hereof to the contrary, the lands designated D-2 on Schedule "A" hereto shall be used and developed in accordance with the following provisions: (87-51)

- (i) **USED PERMITTED:**
-an agricultural use;

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-a building occupied by a restaurant and a maximum of two dwelling units, provided that the gross floor area of said building shall not exceed 700 square metres.

-a public use in accordance with the provisions of Section 5(18) hereof.

(ii) **LOT AREA (minimum):** 6.156 hectares

(c) D-3

Notwithstanding the provision of Section 29(1) to the contrary, the lands designated 'D-3' on Map 2 of Schedule "A" hereto may be used in accordance with the following special provisions:

(i) **Lot Area (minimum)** 2.5 acres

(ii) **Lot Frontage (minimum)** 175 feet

(By-Law Number 2002-19)

(d) D-4 (3260 Princess Street)

Notwithstanding the provisions of Section 29 and Section 5 hereof to the contrary, the lands designated 'D-4' on Schedule 'A' hereto, the following regulations shall apply:

- i. Lot Area (minimum): 1.5 hectares
- ii. Lot Frontage (Minimum): 60 metres
- iii. Front Yard Depth (Minimum): 45 metres
- iv. Interior Side Yard (minimum): 5 metres
- v. Rear Yard Depth (minimum): 90 metres
- vi. That the minimum setback for all accessory buildings and structures shall be 7.5 metres from the lot lines for the properties municipally known as 3252 and 3244 Princess Street. The minimum setback for one accessory building and/or structure for all other lot lines shall be 2.5 metres. All additional accessory buildings and structures shall comply with the regulations for accessory buildings and structures in Section 5 of this Zoning By-Law and subsection vi and vii of this Zone.
- vii. Notwithstanding any provisions to the contrary, the maximum height of one accessory structure shall not exceed 6.1 metres in height. All additional accessory buildings and structures shall comply with the regulations for accessory buildings and structures in Section 5 of this Zoning By-Law and subsection vi and vii of this Zone.

(By-law 76-26; 2010-150)

(e) D-5 (1233 Midland Avenue)

Notwithstanding the provisions of Section 29 hereof to the contrary, the lands designated 'D-5' on Schedule 'A' hereto, shall only be used for access to a use permitted in the 'C2-73' Zone.

(By-law 76-26; 2016-22)

SECTION 30

AIRPORT ZONE (AP)

(1) **USES PERMITTED**

No person shall within any AP Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following AP uses, namely:

(a) **RESIDENTIAL USES:**

prohibited

(b) **NON-RESIDENTIAL USES:**

an airport

Notwithstanding the provisions of Section (1) of Section 30 hereof to the contrary the lands Zoned 'AP' on Schedule 'A' hereto may also be used for

- the Racquet and Fitness Club and Professional Office uses that were in existence as of the date of passing of this By-Law

(By-Law Number 2003-204)

(2) **ZONE PROVISIONS**

No person shall within any AP Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- (a) **FRONT YARD DEPTH (minimum):** -70 feet
- (b) **EXTERIOR SIDE YARD WIDTH (minimum):** -70 feet
- (c) **INTERIOR SIDE YARD WIDTH (minimum):** -10 feet
- (d) **REAR YARD DEPTH (minimum):** -25 feet
- (e) **HEIGHT OF BUILDING (maximum):-** -50 feet
- (f) **ACCESSORY USES, PARKING, ETC.:**

In accordance with the provisions of Section 5 hereof.

(3) **SPECIAL AP ZONES**

(a) **AP-1**

Notwithstanding the provisions of Section (1), of Section 30 hereof to the contrary, the lands designated AP-1 on Schedule "A" hereto may also be used for a golf course and driving range provided such uses are developed and operated in accordance with the following provisions:

- (i) Development of a golf course and/or driving range shall not be permitted until such time as:
 - (a) Council has approved a development concept plan showing the location of all building(s) and structures to be erected and showing location of all facilities and work to be provided in conjunction therewith.

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Council may require the owner of the lands to provide to the satisfaction of, and at no expense to the municipality, any or all of the following:

1. Vehicular parking facilities and access driveways.
 2. Walkway and other means of pedestrian access
 3. Lightning, including flood lighting of the lands or the buildings or structures thereon.
 4. Walls, fences, hedges, trees, shrubs or other ground cover or facilities for landscaping of the lands or the protection of adjoining lands.
 5. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
 6. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water.
- (b) The following environmental and engineering investigations have been completed and demonstrate to the satisfaction of Council and all pertinent regulatory agencies that the golf course proposal will not have adverse environmental impacts:
1. A turf management plan and a determination of impacts on storm water quality due to use of chemicals.
 2. A storm water quality plan detailing appropriate measures to ensure that storm water quality will not adversely impact the quality or quantity of ground water or surface water.
 3. A storm water quantity plan detailing anticipated increases in run-off and measures to deal with such impacts.
 4. A water taking plan to address the irrigation of a golf course and/or driving range in a manner which will not adversely affect ground water supply and quality and which will address impacts on Lake Ontario.
 5. An on-site sewage disposal plan.

(By-law Number 99-205 - 1999)

Notwithstanding the provisions of Section (1) of Section 30 hereof to the contrary, the lands Zoned 'AP-1' on Schedule 'A' hereto may also be used for:

- the Professional Office uses that were in existence as of the date of passing of this By-Law; and
- a golf clubhouse

(By-Law Number 2003-204)

Section 30A

Business Park Zone (BP)

(1) USES PERMITTED

No person shall within any BP Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following 'BP' uses, namely;

(a) RESIDENTIAL USES

prohibited

(b) NON RESIDENTIAL USES

data processing and related services;

business offices;

professional offices;

a hotel;

laboratory, research, development facilities carried out within enclosed buildings;

financial institution;

public use in accordance with section 5(18) of By-Law 76-26;

uses permitted in 'AP' and 'AP-1' Zones subject to appropriate provisions in Section 30; and

(2) Zone Provisions

(a) Deleted see (By-law 2015-56)

(b) **Lot Area (minimum)** 550 m²

(c) **Lot Frontage (minimum)** 25 metres

(d) **Front Yard Depth (minimum)** 21 metres

(e) **Interior Side Yard Width (minimum)** 7.5 metres

(f) **Exterior Side Yard Width (minimum)** 7.5 metres

(g) **Rear Yard Depth (minimum)** 7.5 metres

(h) **Lot Coverage (maximum)** 30 percent

(i) **Building Height (maximum)** 13 metres

(j) **Open Storage** Prohibited

(k) **Accessory Uses, Parking Etc.**

in accordance with the provisions of Section 5 of By-Law 76-26, and;

(i) parking is prohibited within 10m of any street line, and any parking located between a building and a street line shall be screened from view by landscaping including any necessary berms required to screen any parking area.

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- (ii) all parking areas shall be surfaced in asphalt or concrete.
- (l) **Landscaped Open Space (minimum)** 20 percent
 - (i) adjacent to existing or proposed street, not less than a 10m wide landscaped planting strip excluding driveway;
 - (ii) adjacent to each side or rear lot line, not less than 2m of landscaped planting strip, except for a lot abutting an arterial street where there shall be not less than 10m of landscaped planting strip;
 - (iii) no structures or parking will be permitted in landscaped area, with the exception of any required utility structures for servicing the site.
- (m) Deleted.

(By-Law Number 2003-166; 2003-204; 2015-56)

(3) Special Zone Provisions

(a) 'BP-1' - North-East Corner Of Gardiners Road And Centennial Drive

Definitions - For the purpose of this section the following definitions shall apply:

Recreation Centre or Community Centre means a building, structure or lot used for recreation or social or cultural activities, meeting or other leisure activities. Common types of facilities may include: swimming pools, curling rinks, hockey rinks, racquet courts, training rooms, meeting rooms, gymnasiums, auditoriums, and an arena.

Specialty/Limited Retail Store means a commercial establishment which offers for sale or rent one merchandise line or a limited number of closely related merchandise lines, and without limiting the forgoing, may include such establishments as an auto-oriented retail store, stores selling equipment whether for industrial or household purposes, a framing store or a convenience store. This definition shall not include a "Food Store" or a "Department Store".

Notwithstanding Section 30A Subsections (1) and (2) and Section 5(16)(l) of By-Law Number 76-26 to the contrary, the lands zoned 'BP-1' on Schedule 'A' attached hereto shall be subject to the following provisions:

- (i) Notwithstanding Section 30A(1)(b) to the contrary, the following non-residential uses are permitted and may be designed, developed and managed as a unit, having provided the required off-street parking on site in accordance with the provisions of the By-Law:

(By-Law Number 2006-38)

- a) RESIDENTIAL USES:
prohibited.

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b) NON-RESIDENTIAL USES:

- an assembly plant;
- a bakery;
- a bank;
- a business office;
- a professional office;
- a commercial club;
- a commercial school;
- a convenience store;
- a catering service;
- an equipment sales and service;
- a data processing and related service;
- a day nursery accessory to a principal use;
- a dry cleaning or laundry plant;
- a film or recording studio;
- a health club;
- a hotel;
- a motel;
- a laboratory;
- a manufacturing plant
- a processing plant;
- a packaging plant;
- a parking lot;
- a photographic establishment;
- a place of entertainment;
- a printing establishment;
- a private club;
- a public use;
- a research and development facility;
- a recreation centre or community centre;
- a service shop, merchandise;
- a specialty retail store;
- a technical training facility;
- a telecommunications tower;
- a warehouse;
- a wholesale establishment.
- a coffee shop;
- a restaurant and patio;
- a take-out restaurant;
- a drive through restaurant;
- a dry cleaning or laundry service;
- a gasoline retail facility;
- an automatic car wash;
- a service shop, personal;

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vehicle rental establishment;
a vehicle sales establishment, new;

c) RETAIL TYPE USES:

A combined maximum of 3000 square metres of gross floor area for the following uses shall be permitted in the 'BP-I' Zone:

a convenience store;
vehicle sales establishment, new;
a specialty retail store; and
a gasoline retail facility.

d) ACCESSORY USES

1. Accessory uses are permitted in accordance with the General Provisions unless otherwise specified.
2. Accessory retail uses associated with the sale of products assemble or manufactured on the site for any permitted non-residential use shall be restricted to a maximum of 10% of the built gross floor area for any single tenant or business.

- (ii) Open Storage shall be prohibited, except for vehicles for sale or rent associated with a permitted use and located in accordance with a Site Plan Control approval by the City.
- (iii) Lot Area (minimum) - 550 square metres
- (iv) Frontage (minimum) - 0 metres
- (v) Front Yard Depth (minimum) - 3 metres
- (vi) Exterior Side Yard Width (minimum) - 3 metres
- (vii) Interior Side Yard Width (minimum) - 0 metres
- (viii) Rear Yard Depth (minimum) - 3 metres
- (ix) Lot Coverage (maximum) - 60%
- (x) Landscaped Open Space (minimum) - 10 percent
- (xi) Building Height (maximum) - 20 metres
- (xii) Access – notwithstanding any other provision of this By-Law to the contrary, vehicle or pedestrian access may be provided by private right-of-way.
- (xiii) Required Parking Spaces

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- a) Required Parking Spaces shall be in accordance with Section 5(16) of this By-Law;
 - b) Notwithstanding Section 5.16(a) to the contrary, the property located at 1560 Centennial Drive, created by Consent Application D10-108-2005, shall require a minimum of 20 parking spaces based on the use of the building by Corcan Ltd.. A change in use or tenant shall require that the parking spaces be provided in accordance with Section 5(16) of this By-Law.
- (xiv) Parking Location – notwithstanding any other provision of this By-Law to the contrary, parking spaces may be located in any yard.
- (xv) All Loading Doors shall be appropriately screened.

(By-Law Number 2006-38)

3. **(b)** Notwithstanding any provisions of Section 30A (1) hereof to the contrary, the lands zoned 'BP-2' on Schedule "A" hereto, may be used in accordance with the provisions of Section 30A for the 'BP' zone except that:

- (i) **ONLY PERMITTED USES:**
Corporate administrative office;
Research and development facility carried out within enclosed buildings;
Data processing and related services, including call centre;
Administrative, professional and technical services supporting a permitted use; and,
Public use in accordance with Section 5(18) of By-Law Number 76-26.
- (ii) **ONLY COMPLEMENTARY PERMITTED USES:**
Office and business services such as printing and equipment repair intended to serve the Business Park Industrial area;
Restaurant;
Financial institution;
Personal services and convenience commercial;
Public and private parks and recreation facilities; and,
Parking lots and structure.
- (ii) **MINIMUM FRONT YARD DEPTH : 10 metres**
- (iii) **MINIMUM EXTERIOR SIDE YARD WIDTH : 10 metres**
- (iv) **MAXIMUM LOT COVERAGE: 60%**
- (v) **MAXIMUM BUILDING HEIGHT: 20 metres**

(By-law 76-26; 2010-123)

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3. (c) 'BP-3' – 631 Fortune Crescent

Notwithstanding the provisions of Section 5 and 30A hereof to the contrary, the lands designated 'BP-3' on Schedule 'A' hereto, the following regulations shall apply:

- i) Uses Permitted:
 - a) Residential uses are prohibited
 - b) Non-Residential Uses:

Permitted within 90 Metres of Gardiners Road	Restricted to Eastern Portion of Property (beyond 90 metres setback from Gardiners Road)	Uses permitted on Entire Site
One bank or financial institution Clinic Service Shop, Personal	Assembly Plant Bakery – manufacturing scale Manufacturing Plant Packaging Plant Processing Plant Warehouse Wholesale Establishment	Business Office Professional Office Restaurant and Patio Restaurant, Freestanding Restaurant, Take-Out Commercial School Dry cleaning and Related Services Data Processing and related services Film or Recording Studio Laboratory Printing Establishment Club, Private Club, Commercial Public Use Research and Development Facility Technical Training Facility Veterinary Clinic

- c) Retail Type Uses:
 1. Uses such as restaurants, banks, clinics and personal service shops shall be limited to a combined maximum gross floor area of 2,322 square metres;
 2. Maximum number of freestanding restaurants is two (2).

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d) Accessory Uses:

1. Accessory uses are permitted in accordance with the General Provisions unless otherwise specified;
2. Accessory retail uses associated with the sale of products assembled and manufactured on the site and any permitted non-residential use shall be restricted to a maximum 25% of the built gross floor area for any single tenant or business.

ii) Open Storage:

Open storage use shall be located beyond the 90 metre setback from Gardiners Road and located in accordance with the following provisions:

1. Every open storage use shall be accessory to the main use of the lot.
2. Every open storage use shall comply with the yard setback provisions established herein in Section 30A(3)b(v-viii);
3. Notwithstanding paragraph (2) above, no open storage shall be located in a front yard or exterior side yard;
4. Every open storage use shall be enclosed by a wall or fence which is not less than 1.8 metres in height, which is constructed of uniform materials, which is maintained in good condition and which is not located within any required yard. Where such open storage use is to be situated in a location such that it will be visible from a public street, the portion of such open storage use which would otherwise be visible from the public street shall be appropriately screened from view by a buffering device of suitable composition and height.

- iii) Lot Area (minimum) 550 square metres;
- iv) Frontage (minimum) 25.0 metres;
- v) Front Yard Depth (minimum) 3.0 metres;
- vi) Exterior Side Yard Width (minimum) 3.0 metres;
- vii) Interior Side Yard Width (minimum) 0.0 metres;
- viii) Rear Yard Depth (minimum) 3.0 metres;
- ix) Lot Coverage (maximum) 30%;
- x) Landscape Open Space (minimum)
 - 20% within 90 metres of Gardiners Road
 - 10% beyond 90 metres of Gardiners Road;
- xi) Building Height (maximum) 21 metres;
- xii) Notwithstanding any provisions to the contrary the parking ratio shall be 3.4 spaces per 100 square metres of gross floor area;
- xiii) Notwithstanding any provisions to the contrary parking shall be permitted in all yards;
- xiv) All loading spaces shall be appropriately screened with uniform building materials and maintained;
- xv) Notwithstanding any provisions to the contrary all parcels shall be considered a single parcel for the purpose of interpretation of the 'BP-3' Zone.

(By-law Number 76-26; 2010-204)

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3. (d) **'BP-4' – 1329-1383 Gardiners Road**

Notwithstanding the provisions of Section 5 and 30A hereof to the contrary, the lands designated 'BP-4' on Schedule 'A' hereto, the following regulations shall apply:

- i) Residential uses are prohibited
- ii) **Permitted Business Park Uses:**
 - a. Data processing and related services
 - b. Business offices
 - c. Professional offices
 - d. Laboratory, research, development facilities carried out within enclosed buildings
 - e. Film or Recording Studio
 - f. Printing Establishment
 - g. Public use in accordance with Section 5(18) of Zoning By-Law Number 76-26
 - h.
- iii) **Permitted Commercial Uses:**
 - a. Bank or financial institution
 - b. Clinic
 - c. Restaurant and patio
 - d. Restaurant, freestanding
 - e. Restaurant, take-Out
 - f. Dry cleaning and related services
 - g. Personal service shop
- iv) **Minimum number of loading spaces:** six
- v) **Permitted Commercial Uses:** shall be restricted to a maximum of 25% of the built gross floor area, except 371.6 square metres of gross floor area of Commercial Uses may be constructed prior to the maximum 25% restriction coming into effect.
- vi) **Landscaped Open Space:** A 7.0 metre wide landscaped planting strip excluding driveways shall be provided along the lot line adjacent to Gardiners Road. A 2.0 metre landscaping strip abutting the rear lot line shall not be required.
- vii) **Zoning Interpretation:**

For the purposes of zoning interpretation the lands within the 'BP-4' Zone shall be treated as a single parcel

(By-law Number 76-26; 2011-111; 2015-172)

3. (d)'BP-5' - 1110 and 1150 Gardiners Road

Notwithstanding the provisions of Sections 5 and 30A hereof to the contrary, the lands designated 'BP-5' on Schedule 'A' hereto, the following regulations shall apply:

- i) Residential uses are prohibited.
- ii) Permitted Business Park Uses:
 - a. Business Office;
 - b. Administrative, professional and technical services, such as printing and equipment repair, which are intended to support the business park area;
 - c. Professional office;
 - d. Data processing and related services operation;
 - e. Film or recording studio;
 - f. Laboratory, research, or development facility;
 - g. Printing establishment;
 - h. Commercial School;
 - i. Dry cleaning and related services;
 - j. Technologically advanced manufacturing;
 - k. Veterinary clinic;
 - l. Technical training facility
- iii) Permitted Commercial Uses:
 - a. Club, private;
 - b. Club, commercial;
 - c. Clinic;
 - d. Restaurant and patio;
 - e. Restaurant, freestanding;
 - f. Restaurant, take-out;
 - g. Personal service shop;
 - h. Bank or financial institution
- iv) Permitted uses within the existing building at 1150 Gardiners Road also include warehouse and distribution centre.

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- v) Permitted commercial uses shall be limited to a maximum of 25% of the built gross floor area on the property.
- vi) Accessory Uses:
 - a. Accessory uses are permitted in accordance with the General Provisions unless otherwise specified;
 - b. Accessory retail uses associated with the sale of products assembled and manufactured on the site and any permitted non-residential uses shall be restricted to a maximum 25% of the built gross floor area of any single tenant or business.
- vii) Minimum Front Yard Depth: 7 metres
- viii) Minimum Side Yard Depth: 3 metres
- ix) Maximum Lot coverage: 60%
- x) Landscaped Open Space:
 - a. 10% landscaped area at 1150 Gardiners Road;
 - b. 20% landscaped area at 1110 Gardiners Road;
 - c. 7 metres along an arterial road. A 2 metre landscaping strip abutting an interior lot line shall not be required. No landscape buffer shall be required for the existing building at 1150 Gardiners Road.
- xi) Parking
 - a. Required parking ratio: 3.4 spaces per 100 square metres of gross floor area;
 - b. Parking is prohibited within 5 metres from any street line;
 - c. Parking stall design standard: 2.6 metres wide and 5.2 metres long;
 - d. Barrier free parking stall design standards: 3.7 metres wide and 5.2 metres long.

(By-law 76-26; 2015-191)

3. (e) BP-6 – 193 Resource Road

Notwithstanding any provisions of Section 30A (1) hereof to the contrary, the lands zoned 'BP-6' on Schedule "A" hereto, may be used in accordance with the provisions of Section 30A for the 'BP' zone except that:

(i) Only Permitted Uses:

- (a)** Corporate administrative office;

Kingston Township Zoning By-Law Number 76-26

- (b) Research and development facility carried out within enclosed buildings;
- (c) Data processing and related services, including call centre;
- (d) Administrative, professional and technical services supporting a permitted use;
- (e) Indoor storage of equipment; and
Public use in accordance with Section 5(18) of By-Law Number 76-26.

(ii) Only Complementary Permitted Uses:

- (a) Office and business services such as printing and equipment repair intended to serve the Business Park Industrial area;
- (b) Restaurant;
- (c) Financial institution;
- (d) Personal services and convenience commercial;
- (e) Public and private parks and recreation facilities; and
- (f) Parking lots and structure.

(iii) Minimum Front Yard Depth: 10 Metres

(iv) Minimum Exterior Side Yard Width: 10 metres

(v) Maximum Lot Coverage: 60%

(vi) Maximum Building Height: 20 metres

(By-law 76-26; 2017-140)

3. (f) BP-7 – 205 Resource Road

Notwithstanding the provisions of Section 5 and 30A hereof to the contrary, the lands designated 'BP-7' on Schedule 'A' hereto, the following regulations shall apply:

- I. Permitted Uses
 - a. Corporate administrative office;
 - b. Research and development facility carried out within enclosed buildings;
 - c. Data processing and related services, include call centre;
 - d. Administrative, professional, and technical services supporting a permitted use;
 - e. Indoor storage of equipment;
 - f. Public use in accordance with Section 5(18) of By-Law Number 76-26.
- II. Permitted Complementary Uses
 - a. Office and business services such as printing and equipment repair intended to serve the Business Park Industrial area;
 - b. Restaurant
 - c. Financial Institution
 - d. Personal services and convenience commercial;
 - e. Public and private parks and recreation facilities;
 - f. Parking lots and structures; and
 - g. Hotels
- III. Minimum front yard 10 metres
- IV. Minimum exterior side yard 10 metres
- V. Maximum lot coverage 60%

Kingston Township Zoning By-Law Number 76-26

- VI. Maximum building height 20 metres

 - VII. Parking requirements
 - a. 1 parking space for each guest room / suite, plus 0.63 parking spaces for each 4 persons that can be accommodated at any one time in any beverage room or liquor lounge, plus one bus parking space per 50 guest suites.
 - b. Parking space design:
 - i. Standard parking space: 2.6 metres wide and 5.2 metres long
 - ii. Accessible Type A space: 3.4 metres wide and 5.2 metres long
 - iii. Accessible Type B space: 2.7 metres wide and 5.2 metres long
 - iv. Access aisle: 1.5 metres wide and 5.2 metres long

 - VIII. Landscaped Open Space
 - a. Adjacent to a public street: not less than a 10 metre wide landscaped planting strip excluding the driveway;
 - b. Adjacent to each interior side or rear lot line: not less than a 1.2 metre landscaped planting strip.
 - c. No structures or parking will be permitted in landscaped planting area, with the exception of any required utility structures for servicing the site.

 - IX. Maximum building height exceptions
 - a. The height provisions of the BP-7 zone do not prevent the erection of parapets and linen chute overrun
- (By-Law 76-26; By-law 2018-171)**

Kingston Township Zoning By-Law Number 76-26

3(h) **BP-8-H (Lots 430, 437, 438, 444, 446, and 452, Cataraqui Estates Business Park)**

Notwithstanding the provisions of Section 5 and 30A hereof to the contrary, on the parcels of land known as Lots 430, 437, 438, 444, 446, and 452 in the Cataraqui Estates Business Park and zoned 'BP-8-H' on Schedule "A" hereto, the following regulations shall apply:

i. **Permitted Uses:**

(a) Industrial Uses:

- i. research and development facilities, including laboratories;
data processing facilities, including call centres;
- ii. technologically advanced manufacturing, fabricating, and assembling operations for the production of high value products;
- iii. film or recording studio;
- iv. commercial school or training facility, provided the use is contained within an enclosed building(s); and
- v. the following light industrial uses, provided they are contained within an enclosed building(s):
 - i. manufacturing, repairing, fabricating, processing and assembling operations;
 - ii. construction and transportation activities and facilities;
 - iii. storage (does not include a self-storage facility), warehousing, and wholesale trade activities; and
 - iv. communications facilities and utilities.

(b) Office Uses:

- i. corporate administrative offices and government offices; and
- ii. administrative, professional and technical services, such as engineering and surveying firms, that are consistent with the image and amenity of a Business Park Industrial setting.

Kingston Township Zoning By-Law Number 76-26

ii. **Permitted Complementary Uses:**

- (a) office and business services, such as printing and equipment repair, which are intended to serve the Business Park Industrial area;
- (b) day care facilities;
- (c) hotel and/or conference facilities, including banquet halls, trade show buildings, and similar uses;
- (d) restaurants;
- (e) drive-through facilities;
- (f) financial institutions;
- (g) personal services;
- (h) medical and paramedical uses;
- (i) convenience commercial uses; and
- (j) sources of renewable energy.

iii. **Additional Complementary Use Provisions:**

- (a) The maximum gross floor area of complementary uses shall not, in the aggregate, exceed 25% of the total gross floor area of established, or concurrently developed space for permitted primary uses in the Cataraqui Estates Business Park;
- (b) On a single land holding equal to or greater than 10 hectares in area, complementary uses may be established in advance of a permitted primary use, provided the gross floor area of such complementary uses does not exceed 5% of the site's lot area; and
- (c) Complementary uses shall be oriented towards the street frontage.

iv. **Holding Symbol:**

The '-H' Holding Symbol applies to a daycare facility and/or hotel use. The Holding Symbol shall not be removed for the specified use(s) until such time as a noise impact study is completed by a qualified person, as defined by the City of Kingston, in accordance with all applicable municipal and provincial requirements and to the satisfaction of the City of Kingston.

Kingston Township Zoning By-Law Number 76-26

v. **Zone Provisions:**

- (a) Minimum Lot Frontage: 25 metres
- (b) Minimum Lot Area: 550 square metres
- (c) Minimum Front Yard Depth: 10 metres
- (d) Minimum Exterior Yard Width: 10 metres
- (e) Minimum Interior Yard Width: 3 metres
- (f) Minimum Rear Yard Depth: 7.5 metres
- (g) Minimum Landscaped Open Space: 10%
- (h) Maximum Lot Coverage: 60%
- (i) Maximum Building Height: 20 metres
- (j) Planting Strips: In accordance with the provisions of Section 5(17) hereof.

vi. **Open Storage:**

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

- (a) every open storage use shall be accessory to the main use of the property;
- (b) an open storage use shall not front onto or abut a public road;
- (c) an open storage use must be located in the rear yard or interior side yard;
- (d) an open storage use must comply with the yard and setback provisions contained in this section, as if the open storage use were a building or structure;
- (e) no open storage use shall cover more than 35% of the lot area;
- (f) an open storage use shall not generate any emissions, dust, or debris that cannot be contained on-site;
- (g) an open storage use shall be properly screened and/or buffered from view. Such screening and/or buffering will be addressed through the Site Plan Control process; and
- (h) an open storage use shall not abut a lot which is zoned for a non-industrial land use, except where the abutting lot is an Open Space Zone (OS) or Environmental Protection Area Zone (EPA).

Kingston Township Zoning By-Law Number 76-26

vii. **Parking:**

- (a) Minimum Parking Requirement for Industrial Uses: 1 parking space per 100 square metres of gross floor area.
- (b) Minimum Parking Requirement for Office Uses: 3.4 parking spaces per 100 square metres of gross floor area
- (c) Minimum Parking Requirement for Complementary Uses:
 - i. 10 parking spaces per 100 square metres of gross floor area for a restaurant; and
 - ii. 3.4 parking spaces per 100 square metres of gross floor area for all other complementary uses.
- (d) Parking Space Requirements:
 - i. Minimum width of a standard parking space: 2.6 metres
 - ii. Minimum length of a standard parking space: 5.2 metres.
- (e) Yards in Which Parking Area is Permitted: Parking is permitted in any yard, provided that no part of any parking area, other than a driveway, is located closer than 7.6 metres to any street line and that the area between the street line and the parking area must be landscaped.
- (f) Accessible Parking: In accordance with the provisions of Section 5(16)(a) hereof.

(By-Law 76-26; 2020-149)

Section 31

Administration

(1) Zoning Administrator

This By-law shall be administered by the Zoning Administrator.

(2) Issuance Of Building Permits

- (a) Notwithstanding any provisions of the Building By-law or any other By-law of the Corporation to the contrary, no building permit shall be issued where the proposed building, structure or use would be in violation of any of the provisions of this By-law. (77-26)
- (b) Notwithstanding the generality of (a) above, where the approval of another agent or authority is required, this shall mean that the written approval of such agent or authority shall be obtained by the applicant and submitted to the Chief Building Official at such time as an application is made for a building permit.

(By-law Number 2006-30)

(3) Requests For Amendments

Every request for an amendment to this By-law shall be accompanied by one (1) copy of the Corporation's "APPLICATION FOR ZONE CHANGE". (77-26)

(4) Certificate Of Occupancy

No change may be made in the type of use of any lot or of any building or structure until a Certificate of Occupancy has been issued by the Zoning Administrator to the effect that the proposed use conforms to this By-law.

(5) Inspection

The Zoning Administrator, Chief Building Official, Building Inspector or any other officer or employee of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his/her duties under this By-Law.

(By-law Number 2006-30)

(6) Violations And Penalties

- (i) Any person convicted of, by a Court of competent jurisdiction, a breach of this By-law shall forfeit and pay at the discretion of the convicting Justice or Provincial Judge, a penalty not exceeding the sum of Twenty-Five Thousand (\$25,000.00) Dollars (exclusive of costs) for the first offence; and for a subsequent offence, a penalty not exceeding the sum of Ten Thousand (\$10,000.00) Dollars (exclusive of costs) for each day or part thereof upon which the contravention has continued after the date of the first conviction.
- (ii) Any Corporation convicted of, by a Court of Competent jurisdiction, a breach of this By-law shall forfeit and pay at the discretion of the convicting Justice or Provincial Judge, a penalty not exceeding the sum of Fifty Thousand

Kingston Township Zoning By-Law Number 76-26

(\$50,000.00) Dollars (exclusive of costs) for the first offence; and for a subsequent offence, a penalty not exceeding the sum of Twenty-Five Thousand (\$25,000.00) Dollars (exclusive of costs) for each day or part thereof upon which the contravention has continued after the date of the first conviction

(By-Law Number 2005-210)

(7) **Remedies**

In case any building or structure is to be erected, altered, reconstructed, extended or part thereof is to be used, or any lot is to be used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of The Planning Act or The Municipal Act in that behalf.

(8) **Validity**

If any section, clause or provisions of this By-law, including anything contained in Schedule "A" attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

(9) **Existing By-Laws**

By-law Number 749 and all amendments thereto are hereby repealed.

KINGSTON TOWNSHIP ZONING BY-LAW NUMBER 76-26

Section 32

Approval

This By-law shall become effective on the date hereof subject to receiving the approval of the Ontario Municipal Board.

This By-Law was given its first and second readings this 6th day of July, A.D., 1976.

This By-Law was read a third time and finally passed this 8th day of July, A.D., 1976.

P. Beeman
Reeve

(SEAL)

D.A. Gordon
Clerk

Schedules

Schedule "A" - ZONE MAP

Maps 1 – 5

The boundaries of all the zones shall be shown on Schedule "A". Zone boundaries, where possible, shall be construed to be lot lines, street lines, shorelines, boundaries of railroad, hydro or other rights-of-way, or boundaries of registered plans. In the case where uncertainty exists as to the boundary of any zone, then the location of such zone boundary shall be determined in accordance with Schedule "A" at the original size in the scale of 1 inch equals 1,320 feet for Map 1 and 1 inch equals 400 feet for Maps 2, 3, 4 and 5.

Schedule "B" – Site Plans

Maps "B-1" to "B-9" with the exception of B-2 and B-5

Repealed:

Schedule "B-2" repealed by By-law Number 94-1

Schedule "B-5" repealed by By-law Number 2006-101 on May 2, 2006

(By-law Number 76-26; 94-1; 2006-101)

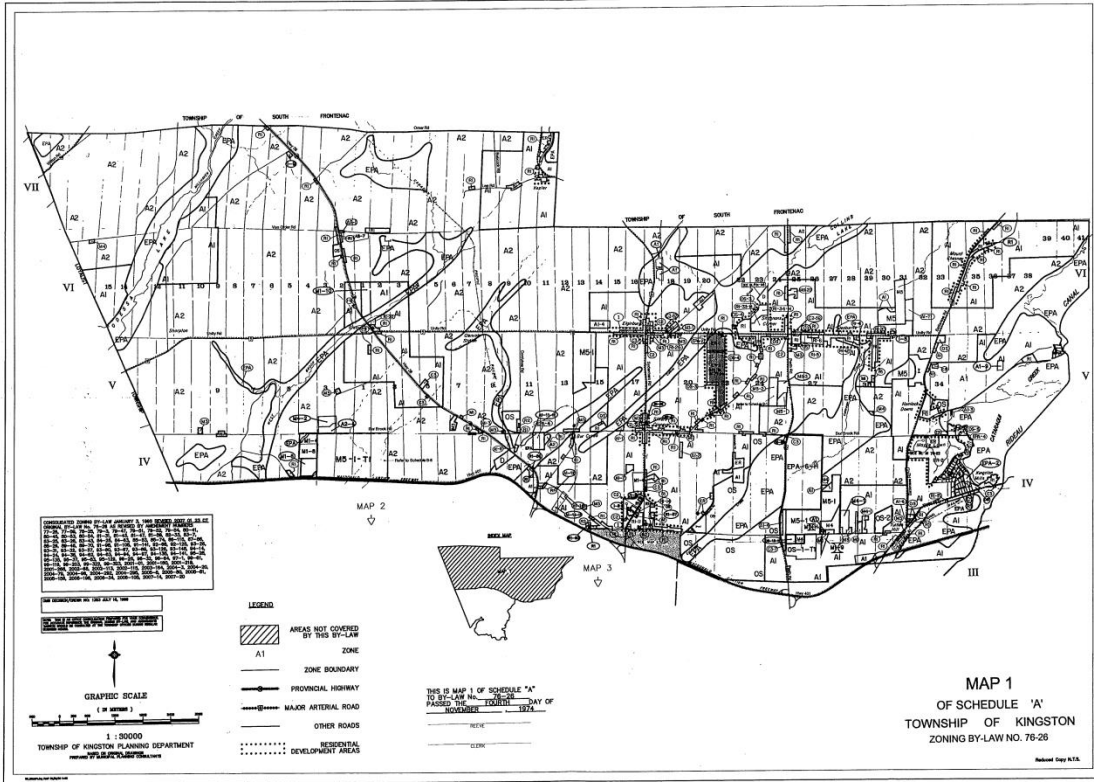
Each of the site plans attached hereto is designated as Schedule "B" accompanied by a site plan number (for example: Schedule "B-1".)

Schedule "C"

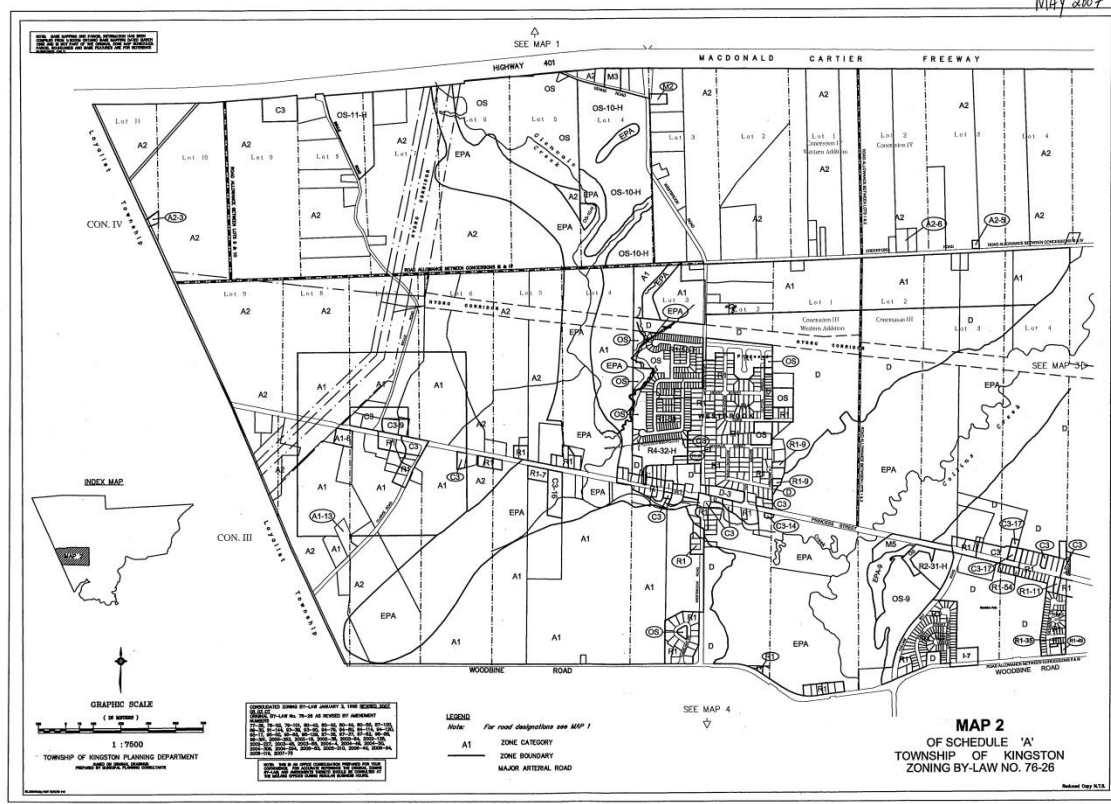
Geometric Design Standard for Parking – Township of Kingston

KINGSTON TOWNSHIP ZONING BY-LAW NUMBER 76-26

MAY 2007

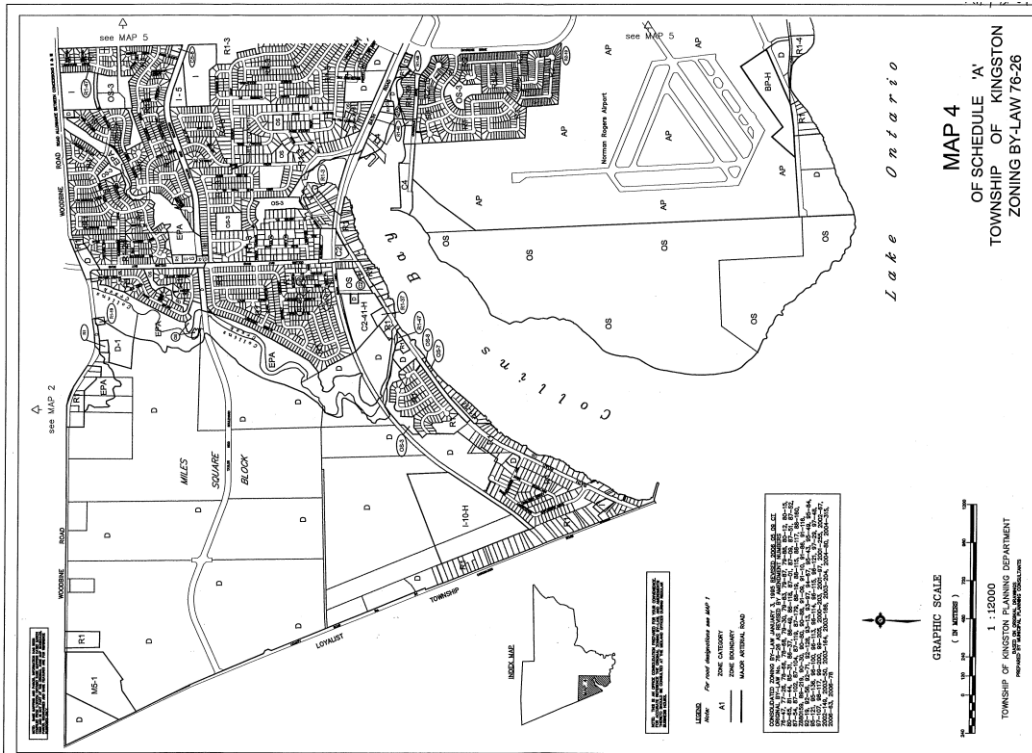
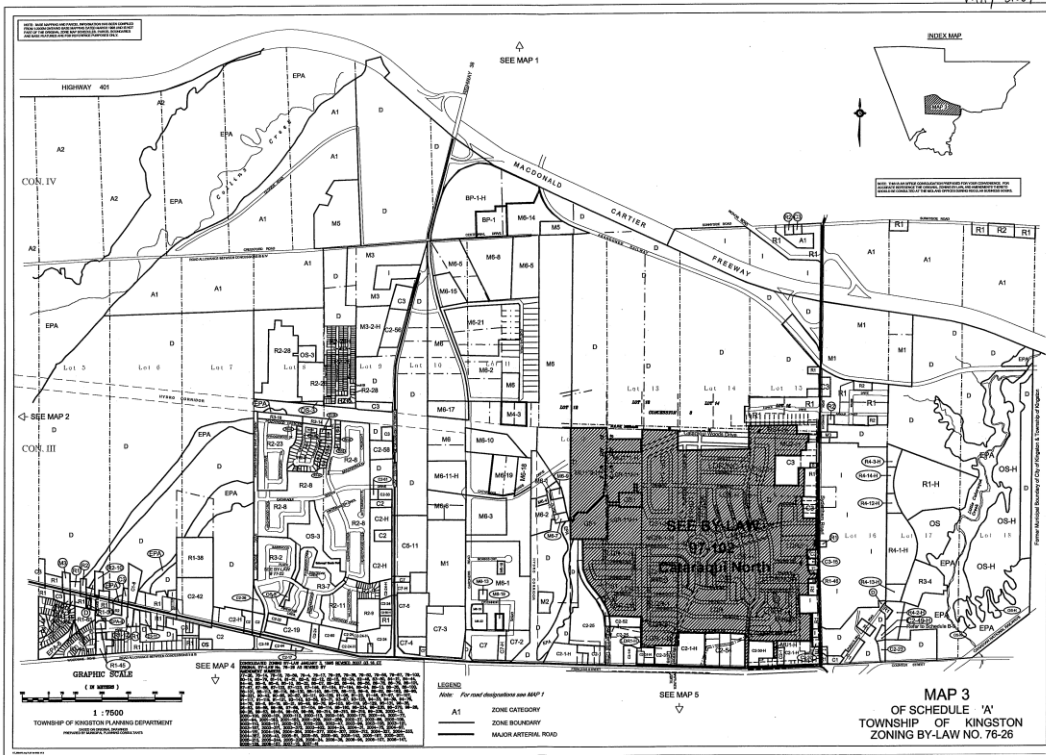


MAY 2007



"Please contact our Planning Dept for larger detailed maps 613-546-4291 ext. 3280 – thank you"

KINGSTON TOWNSHIP ZONING BY-LAW NUMBER 76-26



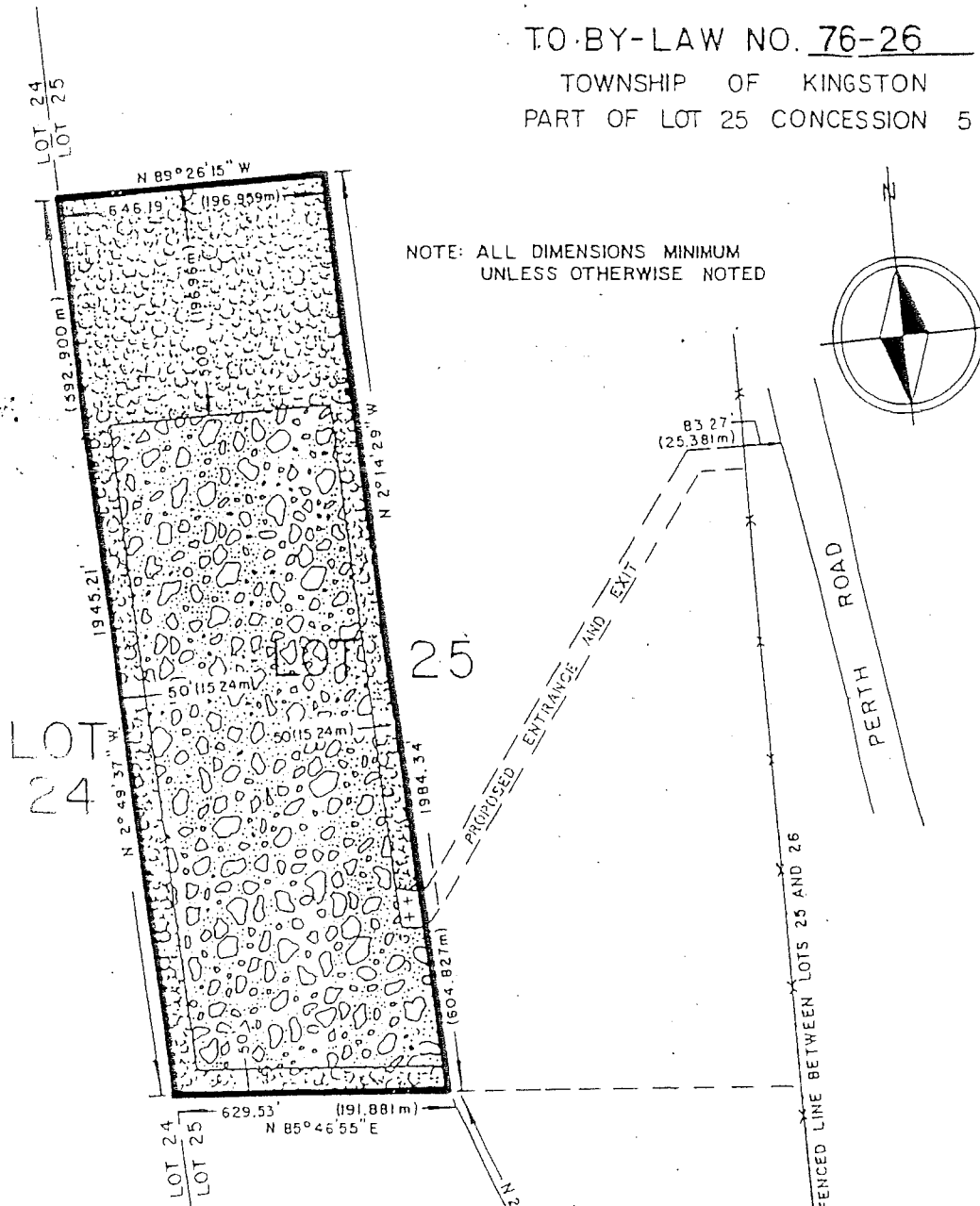
"Please contact our Planning Dept for larger detailed maps 613-546-4291 ext. 3280 – thank you"

SCHEDULE "B-1"

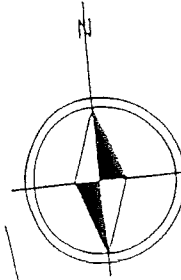
MAP 1

TO-BY-LAW NO. 76-26

TOWNSHIP OF KINGSTON
PART OF LOT 25 CONCESSION 5



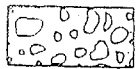
NOTE: ALL DIMENSIONS MINIMUM
UNLESS OTHERWISE NOTED



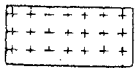
LEGEND



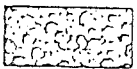
M5-2 ZONE



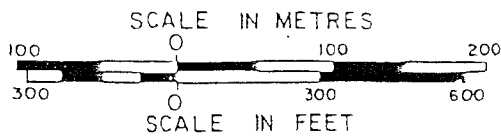
GRAVEL PIT, STONE QUARRY
AND LANDSCAPED OPEN SPACE



DRIVEWAY



LANDSCAPED OPEN SPACE



Municipal Planning Consultants

ROAD ALLOWANCE BETWEEN
CONCESSIONS 4 AND 5

THIS IS SCHEDULE "B-2"
TO-BY-LAW NO. 79-33, PASSED
THE 17th DAY OF April, 1979.

[Signature]
CLERK

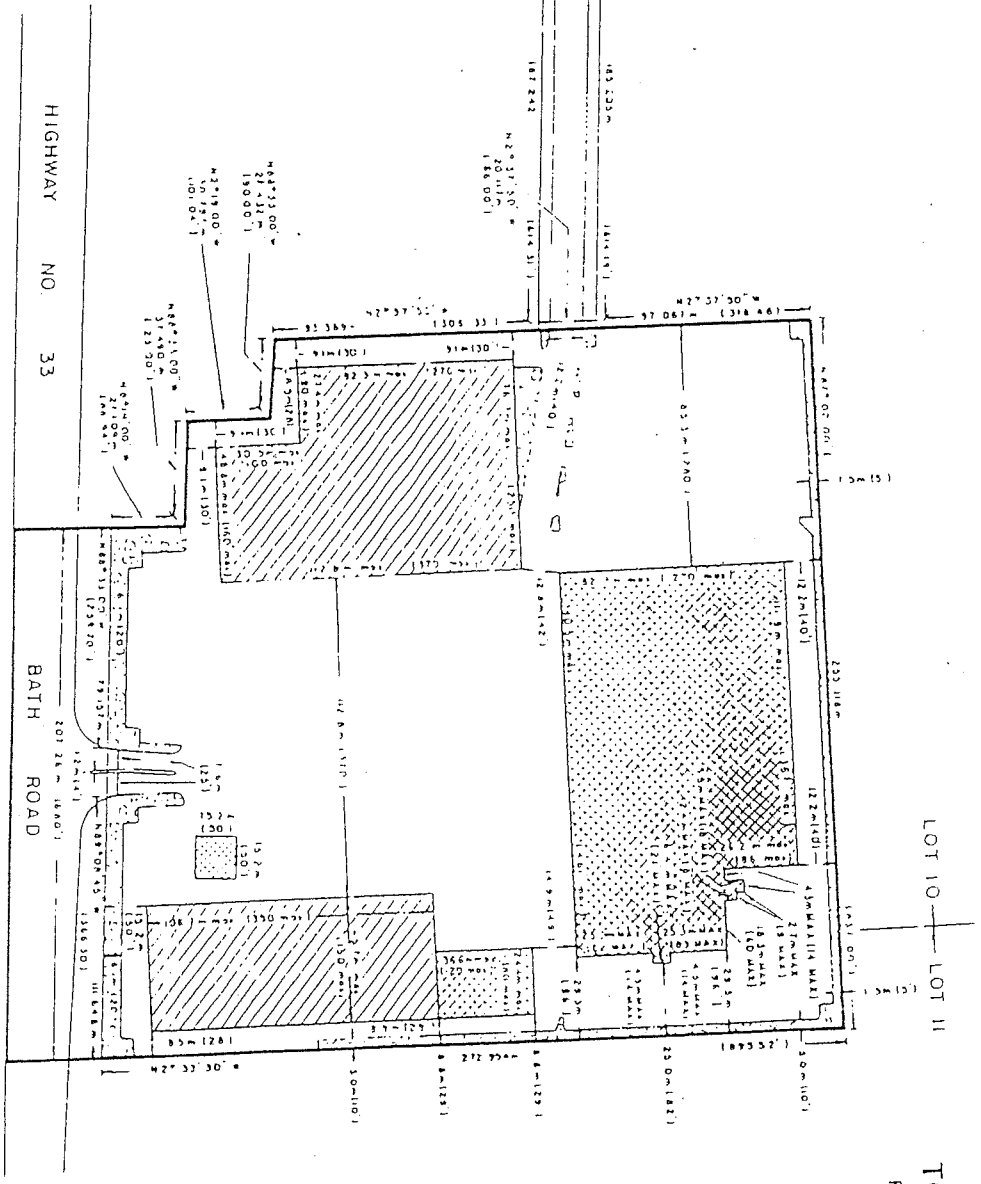
B-1

GARDINERS ROAD

ROAD

CONCESSION

PART OF LOT



NOTE ALL DIMENSIONS MINIMUM UNLESS OTHERWISE INDICATED







LOT 10 LOT 11

TO BY-LAW NO. 79-74 PASSED
 1st Report of Sept. 1979

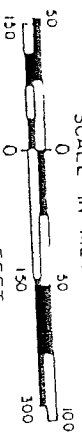
SCHEDULE "B-3"

B-2

LEGEND

-  ZONE CHANGE TO C-4
-  BUILDING AREAS A
TOTAL MAXIMUM
GROSS LEASABLE FLOOR AREA
119841.50 METRES (129,000 SQ FT)
-  BUILDING AREAS B
TOTAL MAXIMUM GROSS LEASABLE
FLOOR AREA 6796.50 METRES
(73,130 SQ FT) PARKING, DRIVEWAYS
AND SHOPPING CENTRE OPEN SPACE
-  PARKING AND DRIVEWAYS,
AND SHOPPING CENTRE OPEN SPACE
-  SHOPPING CENTRE OPEN SPACE
-  EXISTING GAS BAR

SCALE IN METRES



SCALE IN FEET
 Municipal Planning Consultants

P. Beeman
 REEVE

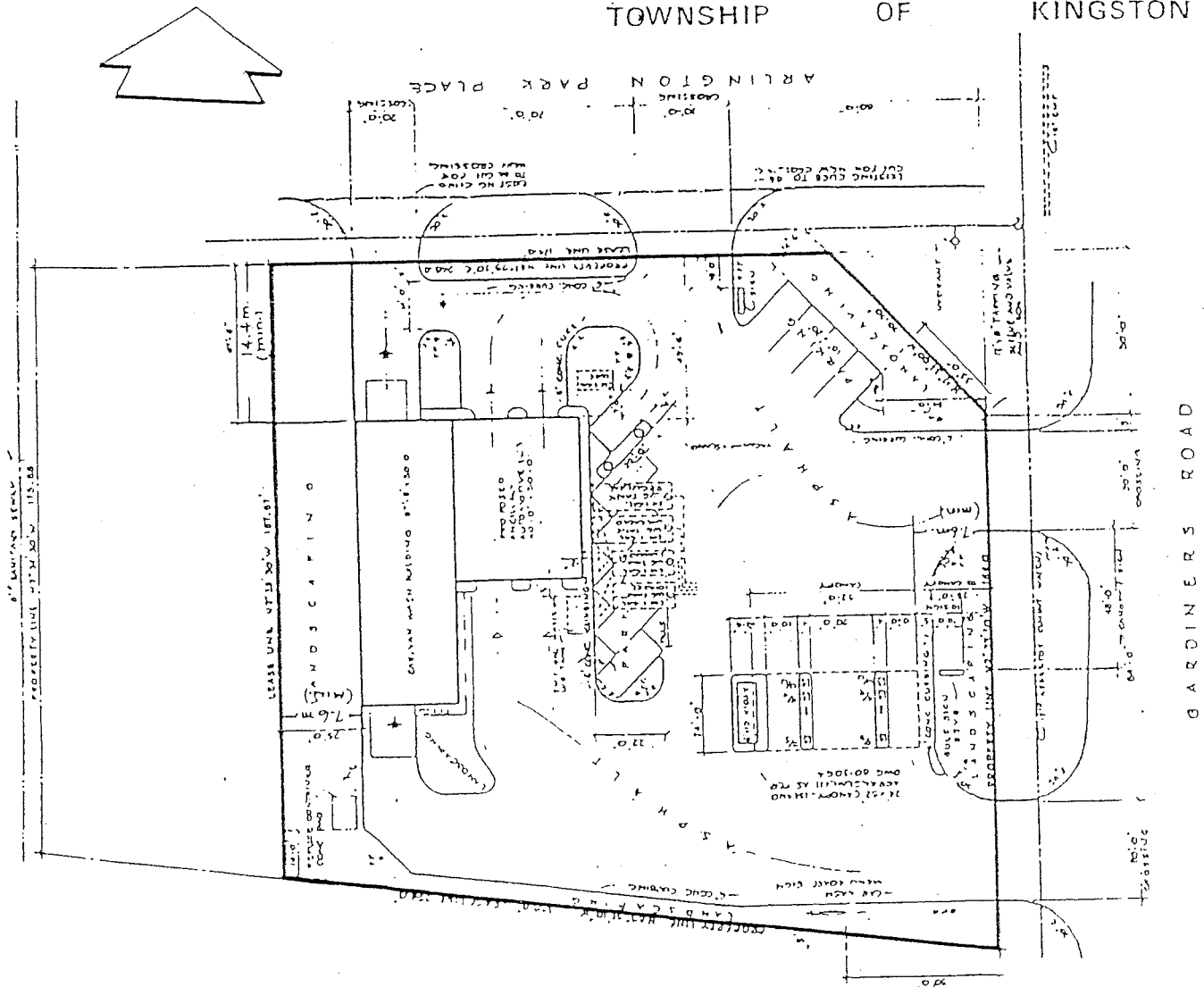
D.A. Gordon
 CLERK

ROLLED: JUNE 20, 1979
 W9 NO. 3971-64-94

TO BY-LAW NO 76-26

PART OF LOT 8 R.P. 1724

TOWNSHIP OF KINGSTON



THIS IS SCHEDULE B-4

TO BY-LAW NO. 82-30 PASSED
THE 6th DAY OF April, 1982.

J.G. Smale

REEVE

(SEAL) D.A. Gordon

CLERK

LEGEND



ZONE CHANGE
TO C 2-18



TOWNSHIP OF KINGSTON

PLANNING DEPARTMENT

DRAFTED: MARCH 23, 1982

DRW NO: P431-82-4-2

B-4

Schedule B - 6
To By-Law No. 94-114

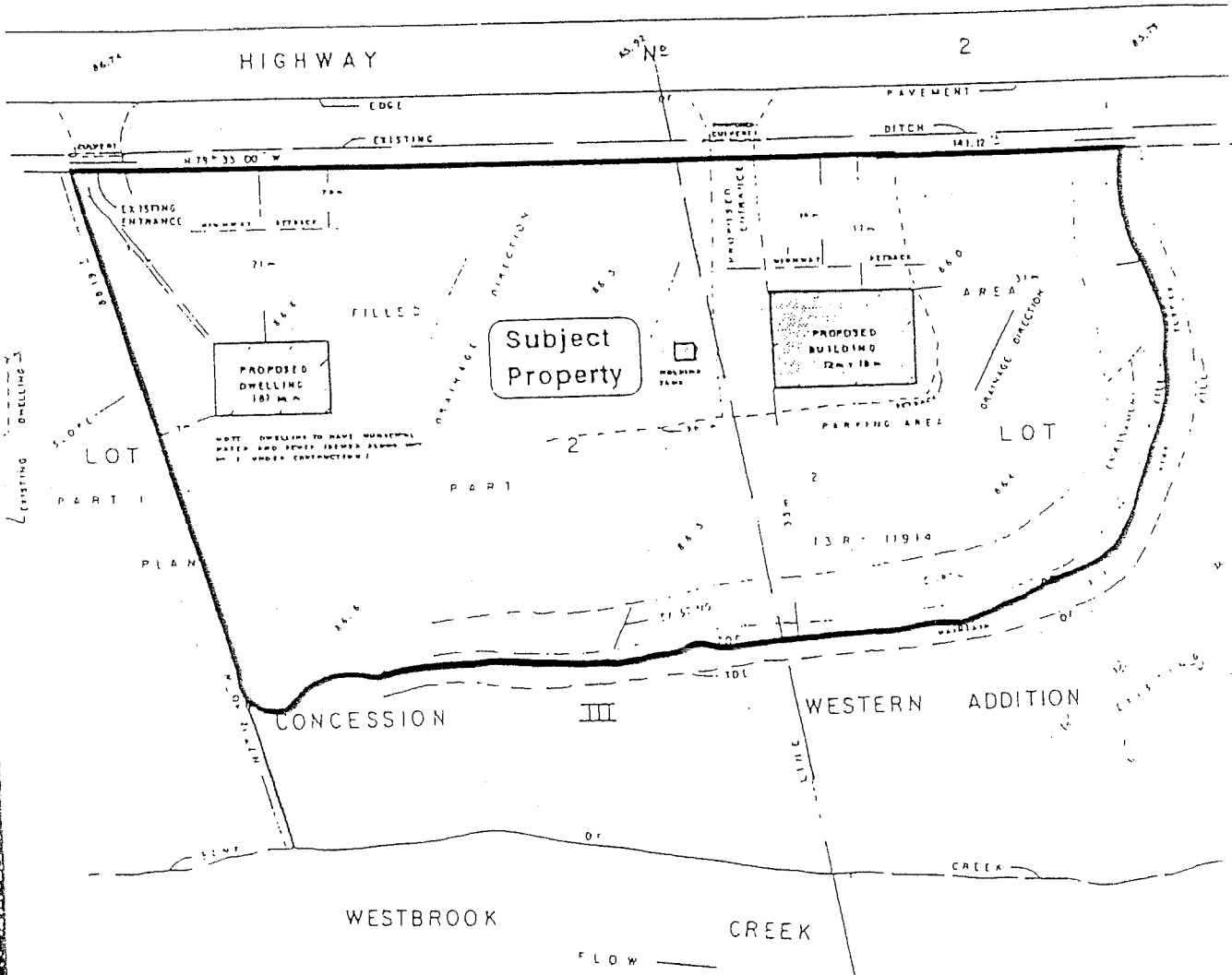
MAP 2

This is Schedule "B - 6" to By-law No. 94-114
Passed the 20th Day of September 1994.

Isabel Turner
Reeve

Part of Lots 1 & 2 Concession III

S.A. McLean
A/Clerk (seal)



Date: 09/21/94
File #: P-431-93-20

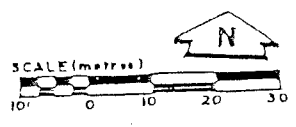
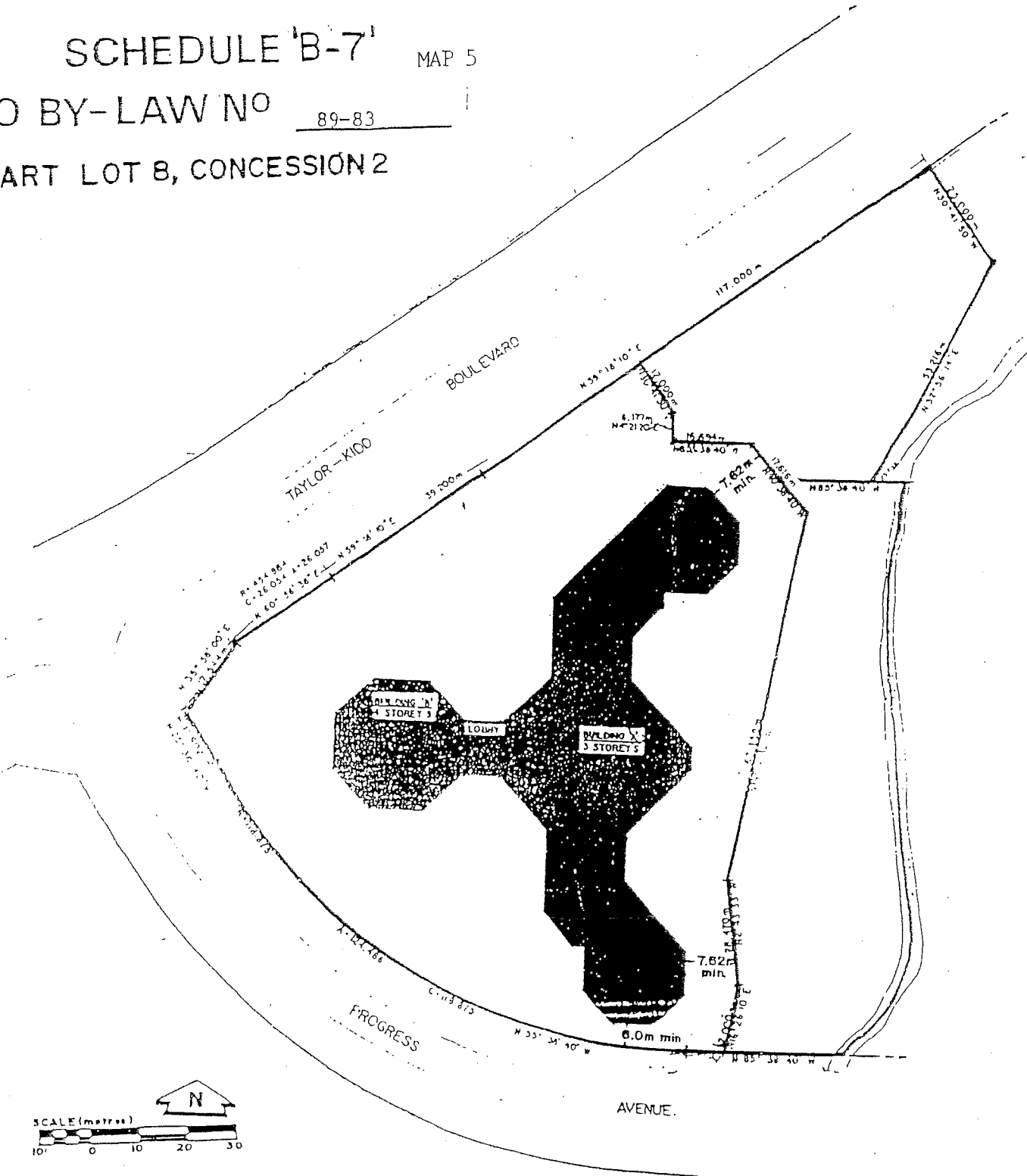
*94-114 amends
Township of Kingston BL# 76-26

B-6

SCHEDULE 'B-7' MAP 5

TO BY-LAW NO 89-83

PART LOT 8, CONCESSION 2



THIS IS SCHEDULE 'B-7'
 TO BY-LAW NO. 89-83 PASSED
 THE 16th DAY OF May, 1989.

Isabel Turner
 REEVE

(SEAL) D.A. Gordon
 CLERK



TOWNSHIP
 OF
 KINGSTON
 PLANNING DEPARTMENT

DRAFTED: May 8, 1989
 DWG. NO: P431-88-11(3)

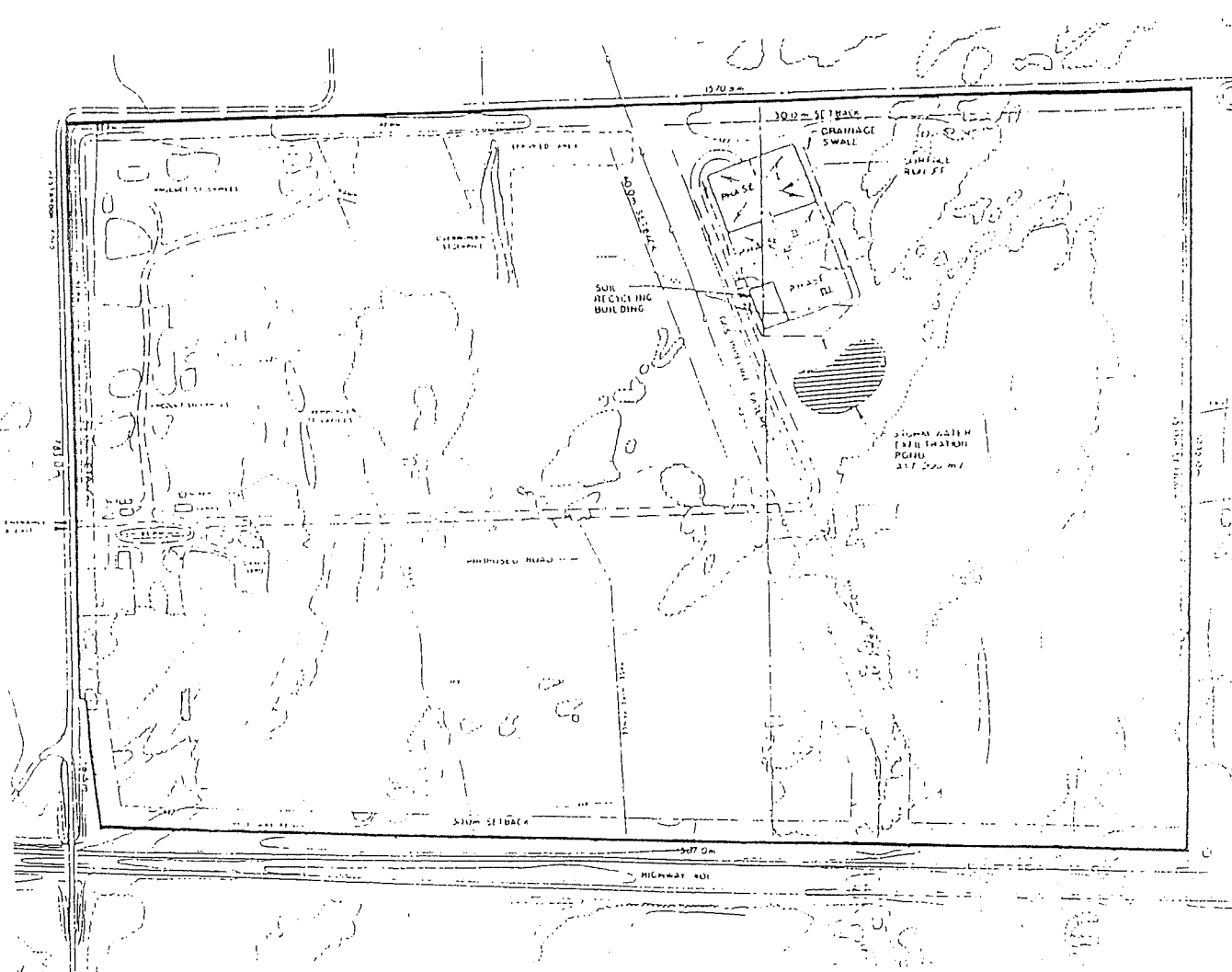
KT #76-26

B-7

Schedule 'B-8' MAP 1

To By-Law No. 93-67

PART OF LOTS 1,2,3 CONCESSION 4



THIS IS SCHEDULE 'A'
TO BY-LAW NO. 93-67 PASSED
THE 11th DAY OF May, 1993.

Isabel Turner
REEVE

(SEAL) D.A. Gordon
CLERK



K.T. 76-26



TOWNSHIP
OF
KINGSTON

B-8

DRAFTED APRIL 22, '93

D 031.02.87

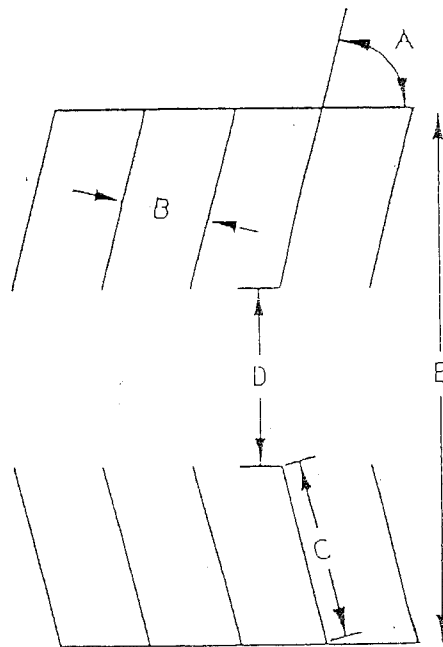
GEOMETRIC DESIGN STANDARD FOR PARKING - TOWNSHIP OF KINGSTON

PARKING MODULE SIZE

A	C	D	E
0°	6.0	3.5	8.7
30°	10.8	3.5	14.3
45°	9.0	4.0	16.8
60°	7.7	5.0	18.2
90°	6.0	6.5	18.5

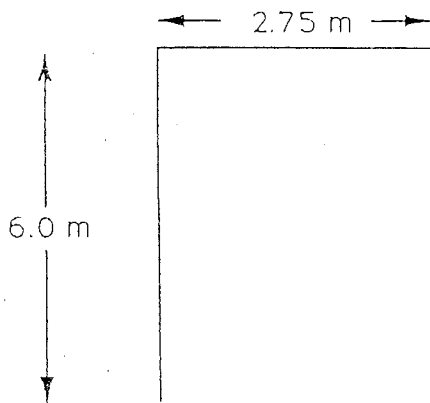
- A Parking Angle
- B Space Width (2.75 m)
- C Stall Length
- D Aisle Width
- E Centre to Centre Width of Double Row with Aisle Between

Notes: All measurements in metres
Aisle widths of less than 6.5 metres are restricted to one-way movement only

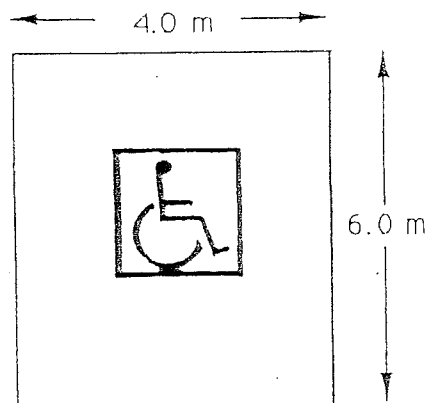


DESIGN STANDARDS

TYPICAL PARKING SPACE



PARKING SPACE FOR PHYSICALLY DISABLED PERSONS

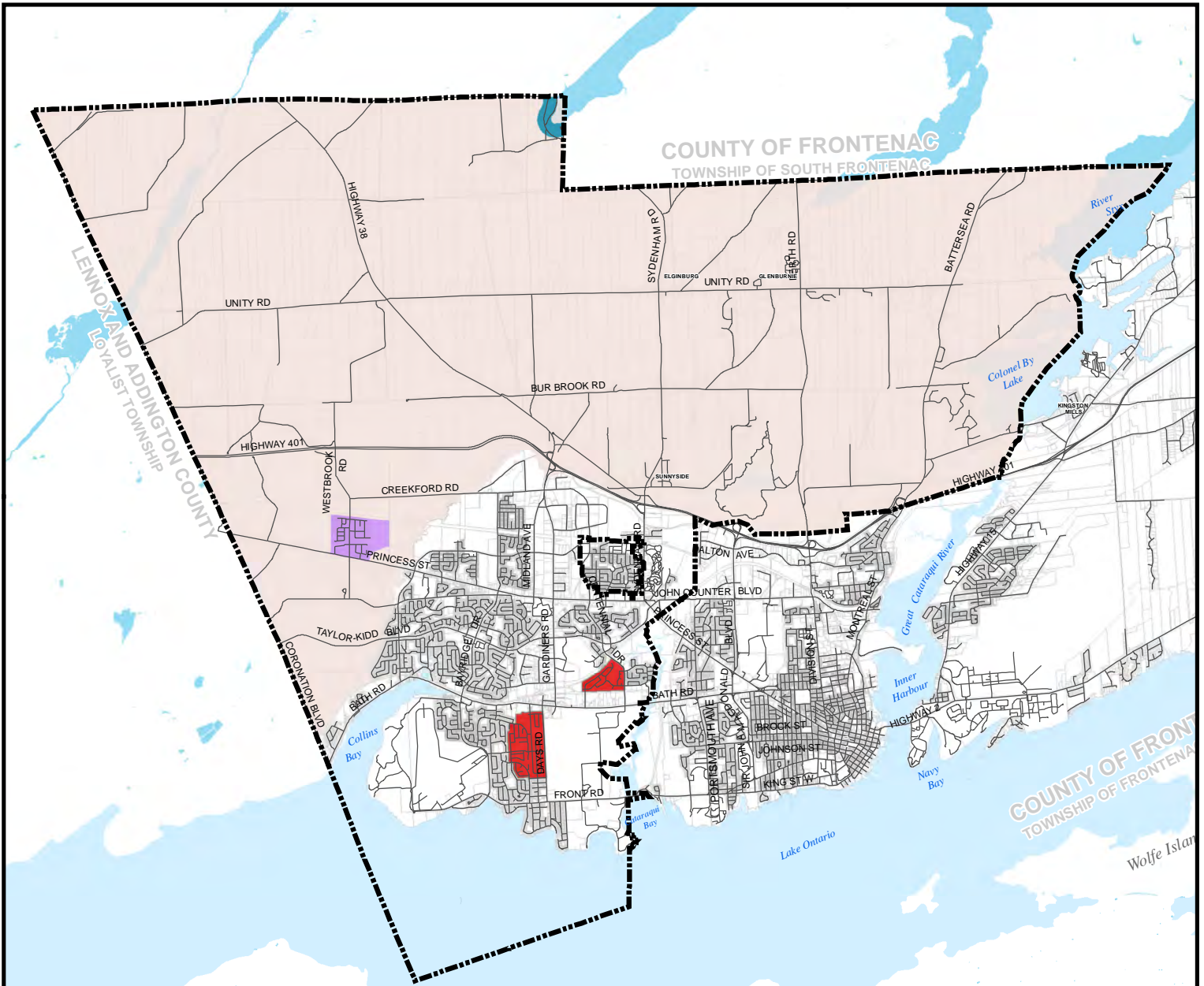


K.T. #76-26
Schedule "C"

This is Schedule 'C'
To By-Law No. 95-129 Passed
The 21st Day of November, 1995.

Isabel Turner
Reeve

Susan A. McLean
Clerk (seal)



Planning, Building & Licensing Services
 a department of
 Community Services

Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 76-26

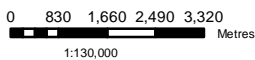
LEGEND

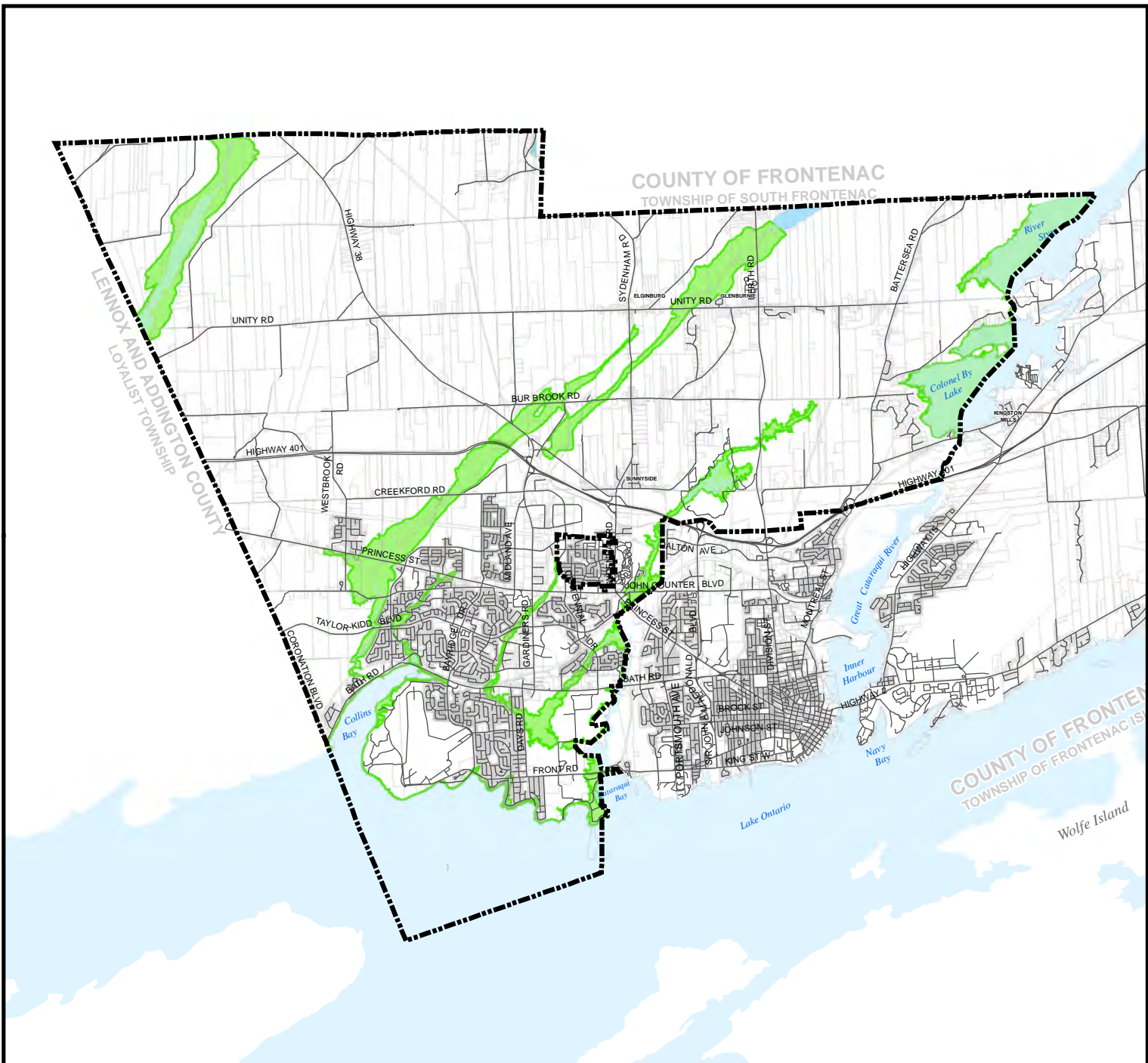
Replace Schedule 'D', By-law 76-26 with 'Second Residential Units Constraint Overlay' as shown:

- By-Law 76-26 Boundary
- Constraint Area (Subject to Holding Symbol)**
- Water Supply/Water Quality
- Constraint Area (Not Subject to Holding Symbol)**
- Sewer Surcharging
- Sewer Capacity Limitations
- Loughborough Lake (at-capacity lake)

Certificate of Authentication

This is Schedule 'A' to By-Law Number 2019-89, passed this 18th day of June 2019.





Planning, Building & Licensing Services
 a department of
 Community Services

Project: Second Residential Units
File Number: D35-003-2018
Location: By-Law 76-26

LEGEND

Add Schedule 'E' to By-law 76-26 'Second Residential Units Natural Hazards Overlay', as shown:

- By-Law 76-26 Boundary
- Natural Hazards Area

Certificate of Authentication

This is Schedule 'B' to By-Law Number 2019-89, passed this 18th day of June 2019.

