

City of Kingston

Ontario

By-Law Number 97-102

**The Cataraqui North
Zoning By-Law**

Passed: November 4, 1997

Updated: June 18, 2019

Amended By: Please See Following Pages

Updated to include the last amendment passed on June 18, 2019

Maps: Note: for the most recent consolidated map schedules; these are available from the following web site:

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

(Office Consolidation)

The Cataraqui North Zoning By-Law Number 97-102

Amendments To By-Law 97-102

The following approved Amendments have been included in this consolidation document.

By-Law Number	Date Of Council Approval (Dd/Mmy/Y)	Name Of Applicant	Effect Of Project
97-116	07/11/97	Twp. Of Kingston	To repeal and replace Schedule "A"
98-270	20/10/98	City of Kingston	Zone Change to MU1-H on Schedule "A"
99-28	15/12/98	City of Kingston, Part Lots 12 & 13, Concession 3, Development (D)	Zone Change to LDR-1-H and OS1-H on Schedule "A"; Table B1 Special Provisions amended to add new Section 8
99-54	09/02/99	City of Kingston	Remove zone symbol MU2-H from Schedule "A"
99-58	09/02/99	City of Kingston	Zone Change to LDR-1-H; LDR-2-H; MDR-1-H; MU1-H; OS1-H on Schedule "A"; Table B1, Special Provisions amended to add new Section 9; Table B4, Special Provisions amended to add new Section 7
99-298	21/09/99	G. Binnington In Trust, Binnington Phase 1 Subdivision	NOT PROCEEDED WITH
99-315	28/09/99	G. Binnington In Trust, Binnington Phase 1 Subdivision	Removal of –H Holding symbol, Schedule "A"
99-336	19/10/99	Braebury Homes Corp., Kings Landing Phase 1 Subdivision, Part Lots 12 & 13, Concession 3	Removal of –H Holding symbol, Schedule "A"
2000-101	18/04/00	J.A. Pye Ontario Ltd. (Lyndenwood Subd.), Lots 1-79 inclusive, Reg. Plan 13M-21	Removal of –H Holding symbol, Schedule "A"
2000-112	18/04/00	City of Kingston, Lot 44, Reg. Plan 13M-18, Emerald St.	Zone Change to LDR-1*1; Add new Section 7.1
2001-76	21/02/01	City of Kingston, N/S Princess St. west of Andersen Drive and south of Ellesmeer Ave.	Zone change to C2-54-H on Schedule "A"
2001-93	20/03/01	Dacon Corp. (Pinehill II Subdivision)	Zone change to LDR*1-H and LDR*1-H on Schedule "A"; Add new Subsection 7.2

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By-Law Number	Date Of Council Approval (Dd/Mmy/Y)	Name Of Applicant	Effect Of Project
2002-52	19/02/02	Frontline Worship Centre/Former Cataraqui Public School	Zone change to LDR/1*1; Add new Subsection 7.3
2002-186	16/07/02	City of Kingston	Administrative amendments for Parking provisions
2002-212	03/09/02	Walnut Grove Subdivision, Stages 1 & 2, Part Lots 14 & 15, Concession 3	Removal of –H Holding symbol, Schedule “A”
2002-221	01/10/02	Lyndenwood Subdivision, Phase 1, Stage 2, Part Lots 14 & 15, Concession 3	Removal of –H Holding symbol, Schedule “A”
2002-228	17/09/02	City of Kingston, Block 71, 13M-16	Zone change to LDR-1-H on Schedule “A”
2003-85	01/04/03	Braebury Homes Corporation, King’s Landing Subdivision, Phase 3, Part Lot 13, Concession 3	Removal of –H Holding symbol, Schedule “A”
2003-182	15/07/03	Braebury Homes Corporation, Block 71, Reg. Plan 13M-16 – Jennifer Court, west of Augusta Drive	Removal of –H Holding symbol, Schedule “A”
2003-197	15/07/03	City of Kingston, S/E corner of Cataraqui Woods Drive and Centennial Drive; 7.9 hectare parcel – Part Lots 12 & 13, Conc. 3 2.75 hectare parcel – Part Lots 12 & 13, Conc. 3	Zone change to MU*1-H Zone change to LDR-1*2-H Zone change to OS1
2003-199	15/07/03	J. A. Pye (Ontario) Limited, Part Lot 14, Concession 1	Zone change to OS1-H; LDR/I-H; MDR*1-H; and MDR*2-H; Add new Subsections 7.6 and 7.7
2003-206	15/07/03	Taylor Chev Olds Cadillac Limited, Part Lots 12 & 13, Concession 3	Zone change to OS1; LDR-1*2-H; MU1*1-H; Add new Subsections 7.4 and 7.5
2003-378	16/09/03	Dacon Corporation	Zone change to LDR*1-H
2003-382	16/09/03	City of Kingston	Administrative amendments for Model Homes and to Maintain Development Potential where lands are required by municipality for Road Widening, Daylighting Triangles, etc.

The Cataraqui North Zoning By-Law Number 97-102

By-Law Number	Date Of Council Approval (Dd/Mmy/Y)	Name Of Applicant	Effect Of Project
2004-63	02/03/04	J.A. Pye (Ontario) Ltd. – Lyndenwood Subdivision, Phase 2, Stage 1, Lots 23 to 37, inclusive Augusta Drive; Lots 3 to 22 inclusive Chadwick Court; and Lots 1 & 2 Anderson Drive, Part Lot 14, Concession 3	Removal of –H Holding symbol on Schedule “A”
2004-120	18/05/04	Dacon Construction Ltd. – Walnut Grove Subdivision, Stages 3A and 3B, Blocks 4 & 5, Part Blocks 6 and 13, Plan 13M-39, 28-43 Ellesmeer Avenue; 1176-1181 Richwood Court and 1166-1176 Anderson Drive	Removal of –H Holding symbol on Schedule “A”
2004-125	18/05/04	Lyndenwood Subdivision, Phase 4	Zone change to MDR*1-H and LDR-H on Schedule “A”
2004-181	15/06/04	City of Kingston, 9.5 hectare parcel on Part Lots 12 & 13, Concession 3	Zone change to MU1*2-H and OS1 on Schedule “A”
2004-182	15/06/04	Jerome Taylor, Part Lots 12 & 13, Concession 3	Zone change to MU1*2-H; OS1 and OS1; Add new Subsection 7.8
2005-62	05/04/05	Dacon Corporation Walnut Grove Subdivision	Removal of –H symbol on Schedule “A”
2005-106	03/05/05	J.A. Pye (Ontario) Ltd. – Part Lots 14 & 15, Concession 2, Lyndenwood Subdivision, Phase 3	Removal of –H Holding symbol on Schedule “A”
2005-198	02/08/05	City of Kingston – Part Lot 15, Concession 3	Zone Change to LDR-H on Schedule “A”
2005-209	23/08/05	City of Kingston	Administrative Amendments
2005-243	21/09/05	Lyndenwood Subdivision, Phase 3, Reg. Plan 13M-58, Lots 135-144 inclusive, Seale Court	Zone change to LDR*2 on Schedule “A”; Add new Subsection 7.9
2006-31	01/10/06	City of Kingston	Zoning Administration
2006-43	26/01/06	City of Kingston	Administrative Amendments
2006-189	23/08/06	Taggart (Cataraqui North) Subdivision Part of Lots 12 & 13, Concession 3	Remove The ‘-H’ Holding Symbol Related To The ‘LDR-1*2-H’ Zones (Map change only)
2006-190	23/08/06	Lyndenwood Subdivision Phase 4	Remove The ‘-H’ Holding Symbol Related To The ‘LDR-H’, ‘MDR*1-H’ And MDR-H’ Zones (Map change only)

The Cataraqui North Zoning By-Law Number 97-102

By-Law Number	Date Of Council Approval (Dd/Mmy/Y)	Name Of Applicant	Effect Of Project
2007-97	17/04/07	King's Landing Subdivision Phase 2 and 4	Remove The '-H' Holding Symbol Related To The 'LDR-1-H' and 'MDR-1-H' Zones (Map change only)
2007-107	1/05/07	471 Cataraqui Woods Drive	Modify The Existing Holding Special Mixed Use 'MU1*1-H' Zone
2007-160	14/08/07	City of Kingston	Administrative Amendments
2007-188	02/10/07	471 Cataraqui Woods Drive	Remove The '-H' Holding Symbol Related To The 'MU1*1-H' Zone (Map change only)
2008-63	19/02/08	City of Kingston	Amend Existing Parking Requirements for Hotels/Motels
2008-126	17/06/08	Forest Park Subdivision, Lots 1-32, 37-50, 61-104 and Blocks 105-112	Remove The '-H' Holding Symbol Related To The 'LDR-H' Zone (Map change only)
2008-162	2/09/08	Reg. Plan 13M-69	Zone Change from Medium Density Residential (MDR) to Low Density Residential (LDR), Lots 112 to 117 and Blocks 124 to 132, Registered Plan 13M-69 (Map change only)
2008-168	02/09/08	City of Kingston	Administrative Amendments
2009-72	05/05/09	1170 To 1183 Crossfield Avenue	Zone Change From Medium Density Residential (MDR*1) To Medium Density Residential (MDR*3), Lots 48 To 54 And 148 To 154, Registered Plan 13M-58 (See Section 7.10)
2009-133	01/09/09	Braebury Homes Corporation, King's Landing Subdivision, Phase 4 – Lots 1 to 135 and Blocks 136 and 145 in the City of Kingston	Remove The '-H' Holding Symbol Related To The 'LDR-1-H' AND 'OS1-H' Zones (Map change only)

The Cataraqui North Zoning By-Law Number 97-102

By-Law Number	Date Of Council Approval (Dd/Mmy/Y)	Name Of Applicant	Effect Of Project
2010-43	02/02/10	V. Marques Construction Ltd., Forest Park Subdivision – Lots 33 to 36, 13M-76, in the City of Kingston File No. D28-062-2009	Remove The '-H' Holding Symbol Related To The 'LDR-H' Zone (Map change only)
2010-80	20/04/10	1191 to 1235 Crossfield Avenue and 686 to 700 Augusta Drive, Lots 167 to 195, Registered Plan 13M-58 File No. D14-171-2009	Zone Change from Medium Density Residential (MDR*1) to Medium Density Residential (MDR*4), (see section 7.11)
2010-151	20/07/10	Lots 155 to 166 inclusive, Block 220 and part of Blocks 217, Registered Plan 13M-58 and Lots 64 to 79 inclusive, and Block 134, Registered Plan 13M-69], [Zone Change from Medium Density Residential (MDR*1) and Neighbourhood Commercial (NC-H) to Low Density Residential (LDR*14), Part of Block 217, Registered Plan 13M-58 and Part of Lot 63, Registered Plan 13M-69] and, [Zone Change from Low Density Residential (LDR) to Low Density Residential (LDR*13), Lots 80 to 111 inclusive, Registered Plan 13M-69] File No. D14-108-2007	Zone Change from Medium Density Residential (MDR*1) and Neighbourhood Commercial (NC-H) to Low Density Residential (LDR*12), Lots 155 to 166 inclusive, Block 220 and part of Blocks 217, Registered Plan 13M-58 and Lots 64 to 79 inclusive, and Block 134, Registered Plan 13M-69], [Zone Change from Medium Density Residential (MDR*1) and Neighbourhood Commercial (NC-H) to Low Density Residential (LDR*14), Part of Block 217, Registered Plan 13M-58 and Part of Lot 63, Registered Plan 13M-69] and, [Zone Change from Low Density Residential (LDR) to Low Density Residential (LDR*13), Lots 80 to 111 inclusive, Registered Plan 13M-69] (see section 7.12)
2010-228	16/11/10	Part of Lot 14, Concession 3, File No. D14-112-2008	Zone Change from Low Density Residential (LDR-H) to Low Density Residential (LDR*15-H) (see section 7.15)
2011-84	07/06/11	476 Cataraqui Woods Drive, Plan 13M72 Blk 2 File No. D28-066-2011	Remove The '-H' Holding Symbol Related To The 'MU1*2-H' Retail And Mixed Use Zone (map change only)

The Cataraqui North Zoning By-Law Number 97-102			
By-Law Number	Date Of Council Approval (Dd/Mmy/Y)	Name Of Applicant	Effect Of Project
2011-94	19/07/11	471 Cataraqui Woods Drive, File No. D14-209-2011	Modify the Existing MU1*1 Zone,) (See Clause 1, Report No. 75 (see section 7.4)
2011-98	19/07/11	693 – 699 Augusta Drive & 1261 – 1277 Crossfield Avenue File No. D14-210-2011	Zone Change from Medium Density Residential (MDR*1) to Medium Density Residential (MDR*16), Lots 132 and 200 to 211, Registered Plan 13M-58 (see section 7.16)
2012-50	Feb. 21/12	471 Cataraqui Woods Drive File No. D14-229-2011	Modify the Existing MU1*1 Zone
2012-72	April 3/12	J.A. Pye Ontario Ltd. – Lyndenwood Phase 4, Stage 5 File No. D28-076-2012	Remove the ‘-H’ Holding Symbol Related to the ‘LDR/I’ and ‘LDR*15’ Zones (map change only)
2012-102	June 19/ 2012	Geertsma Homes Ltd., Lots 132 and 200 to 211, Registered Plan 13M-58 File No. D14-241-2012	Zone Text Change, 693 – 699 Augusta Drive & 1261 – 1277 Crossfield Avenue
2013-44	Feb. 5/13	Secondary Suites – Addition of new Schedule B File No. D14-254-2012	Secondary Suites – Addition of new Schedule B (see Sections 5.5; 5.17; 5.29; 6.0)
2013-111	May 7/ 2013	Tamarack (Cataraqui North) Corporation PLAN 13M68 BLK 113.	Removal of “-H” Symbol from LDR-1*2
2013-223	Nov. 19/ 2013	City of Kingston	A By-Law to Amend By-Law Number 97-102, “Cataraqui North Zoning By-Law” (Administrative Amendments) Three Readings NOP – Appeals by 4:30 p.m. on the 20 th day of April, 2015 Declaration sent to Kathy in Planning on April 22 2015 Administrative Amendments

The Cataraqui North Zoning By-Law Number 97-102

By-Law Number	Date Of Council Approval (Dd/Mmy/Y)	Name Of Applicant	Effect Of Project
2015-23	Jan. 27/15	2700 Delmar Street File Number: D14-064-2014	The Cataraqui North Zoning By-Law”, (Zone Change from D to LDR, 2700 Delmar Street) Map 1 of Schedule “A”, as amended
2015-57	Mar. 25/15	City of Kingston	Administrative Amendments
2015-59	Mar. 25/15	1163 Centennial Drive File Number: D14-058-2013	Zone Change from MU1*8-H and OS1 to MU1*20 and OS1*21, 1163 Centennial Drive)
2015-178	Nov. 3 2015	City Of Kingston	Zone change to amend the definition of Principal Residential Unit to Harmonize the definition with other comprehensive zoning By-law across the city.
2016-49	Jan. 26, 2016	1071 Sydenham Road	Zone Change from JU2-H to MU2*22-H
2016-132	June 23, 2016	Add Definition	To include a definition of a Casino Gaming Facility
2017-75	Mar. 21, 2017	City of Kingston	Adding Revised Accessible Parking
2017-171	Aug. 8, 2017	Administrative Amendments	Amenity Area and Landscaped Open Space Provisions
2019-45	March 19, 2019	DA Removal of Holding symbol – 1374 Andersen Drive (Lyndenwood Phase 5) Map change	Removal of Holding Symbol – LDR-H to LDR, LDR/NC-H to LDR/NC, MU2*22-H to MU2*22 and OS1-H to OS1
2019-90	June 18, 2019	City of Kingston	Second Residential Units

The Purpose Of This By-Law And How Should It Be Used

Introduction

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

Purpose Of This Zoning By-Law

The purpose of this zoning by-law is to implement the policies of Amendment Number 97 to the Township of Kingston Official Plan. The Amendment contains general policies that affect the use of land throughout the area covered by the Amendment. These policies specify where certain land uses are permitted and in some instances, specify what regulations are to apply to the development of certain lands.

The Official Plan is a general document that is not intended to regulate every aspect of the built-form on a private lot. In the Province of Ontario, this is the role of the zoning by-law. Once an Official Plan is in effect, any Zoning By-Law passed by Council must conform to the Official Plan. For example, if the Official Plan stated that lands in the vicinity of a significant natural feature are to remain in their natural state, the zoning by-law would prohibit the erection of buildings or structures on those lands.

The statutory authority to zone land is granted by the Planning Act. Section 34 of the Planning Act specifies what a by-law passed under this Section can regulate. A zoning by-law can:

- Prohibit the use of land or buildings by any use that is not specifically permitted by the by-law;
- Prohibit the erection or siting of buildings and structures on a *lot* except in locations permitted by the by-law;
- Regulate the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures;
- Regulate the minimum frontage and depth of a parcel of land;
- Regulate the proportion of a lot that any building or structure may occupy;
- Regulate the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures;

- Require the owners or occupants of buildings or structures to be erected or used for a purpose permitted by the by-law to provide and maintain loading or facilities; and,
- Prohibit the use of lands and the erection of a class or classes of buildings or structures on land that is:
 - subject to flooding;
 - the site of steep slopes;
 - rocky, low-lying, marshy or unstable;
 - contaminated;
 - a sensitive groundwater recharge area or head water area;
 - the location of a sensitive aquifer;
 - a significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest
 - a significant corridor or shoreline of a lake, river or stream; and,
 - the site of a significant archaeological resource.

How You Should Use This By-Law

The following six steps describe what a property owner should do to determine what can be done with a property.

1. Every property owner should first find the map, which in this by-law is called a schedule that applies to their property, locate their property and determine what Zone their property is in. The maps for this by-law are found immediately following Section 8.0 of this by-law.
2. The property owner should then verify whether an Amendment to the By-law affecting the property exists. Such an Amendment may not be incorporated in the version of the By-law referenced by the property owner.
3. Reference should then be made to Section 3.0 – Permitted Uses to determine what uses are permitted in that Zone. The majority of the uses in the Permitted Uses table are also defined in Section 6.0 of the by-law.
4. Once the permitted use is known, reference should then be made to Section 4.0 – Use Standards to determine what standards apply to any buildings or structures associated with the permitted use on the lot. The Use Standards are also contained on tables and the majority of these standards are also defined in Section 6.0 of this by-law.
5. After determining what standards may apply to a permitted use on the property, reference should then be made to the General Provisions section of the by-law to determine what provisions in that section may apply to the property.

6. The drawings provided in an appendix to the by-law should then be referenced to assist the reader in interpreting the by-law. The appendices are solely for illustration purposes only and do not form part of the by-law.

An explanation of each of the sections of the by-law is found in the next section.

Description Of Components Of By-Law

SECTION 1.0 – ADMINISTRATION

This section of the by-law specifies:

- What lands are covered by the by-law; and,
- That every parcel of land in the area covered by the by-law is to conform and comply with the by-law.

SECTION 2.0 – ESTABLISHMENT OF ZONES

This section establishes the Zones that are to apply to the lands covered by the by-law. The section also describes how to determine the location of the Zone boundaries on the schedules.

SECTION 3.0 – PERMITTED USES

This section lists the uses that are permitted in each *Zone*. The effect of these *Zones* is to only permit certain uses in various parts of the municipality. Because of the nature of the Planning Act, zoning by-laws are prohibitive. That is, the only uses that are permitted are those that are specified in the by-law. If a use is not specifically mentioned as a permitted use in a *Zone*, or if it is defined in Section 6.0 of the by-law and not listed as a permitted use, then it is not permitted.

SECTION 4.0 – USE STANDARDS

This Section contains a number of regulations that control the placement, bulk and height of a building on a lot. Many of these regulations are described in the appendices that are attached to this by-law. Some of the regulations dealt with by the by-law are described below:

Minimum lot frontage - This regulation specifies what the minimum width of a *lot* must be on the street.

Minimum required front yard - This regulation specifies how far the main building on the lot must be set back from the front lot line. The front lot line is usually the *lot* line that separates the lot from the street. For example, if the minimum required front yard is 4.5 metres, the building must be set back a minimum of 4.5 metres from the front lot line.

Minimum required rear yard - This regulation specifies how far the main building on the lot must be set back from the rear lot line. The rear lot line is the lot line that is usually opposite and farthest from the front line.

Minimum required interior side yard - This regulation specifies how far the main building on the lot must be set back from the interior side lot line. The interior side lot line is usually the lot line that separates the lot from an abutting lot.

Minimum required exterior side lot yard - This regulation specifies how far the main building on the lot must be set back from the exterior side lot line. The exterior side lot line is the lot line that separates the lot from a street on a corner lot.

Section 5.0 – General Provisions

This section contains a number of regulations that apply to certain types of uses, buildings or structures in the area covered by the By-Law. For example, this section contains provisions dealing with the construction of decks in any Zone, provisions dealing with the minimum number of parking spaces required for a use and a section regulating where detached accessory buildings are permitted. The General Provisions also include regulations dealing with:

- The size of attached private garages;
- Permitted encroachments of balconies, porches and eaves into required yards;
- Home occupations; and,
- Width of driveways.

Section 6.0 – Definitions

It is necessary to define words in a zoning by-law because it is a legal document. A by-law must be drafted so that it can be enforced in a court of law. All words in this by-law that are italicized are defined in Section 6.0 in order for a law to be effective, it must be capable of being easily interpreted. Often the most common usage of a word is not exactly what is intended by a zoning by-law. Therefore, many common words are defined so that their meaning is perfectly clear.

Section 7.0 – Exceptions

This section contains regulations which are specific to one property or a group of properties in the Township. For example, the minimum front yard in a Zone may be 4.5 metres. This required front yard may be reduced to a lesser number if deemed appropriate and the mechanism to accomplish this reduction is by amending the By-law and excepting the property from the general standard. Exceptions are denoted on the schedules by a number following the (*) symbol.

Section 8.0 – Enactment

This section contains the signatures of the Reeve and the Clerk who signed the by-law when it was passed by Council in accordance with Section 34 of the Planning Act, R.S.O. 1990, c. P.13.

Contravention Of The By-Law

Section 67 of the Planning Act describes what could happen if a person or corporation is convicted of a violation of this by-law.

Any person convicted of a violation of this by-law is liable, at the discretion of the convicting justice, on first conviction to a fine of not more than \$25,000.00 and on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

Any corporation convicted of a violation of this by-law is liable, at the discretion of the convicting justice, on first conviction to a fine of not more than \$50,000.00 and on a subsequent conviction to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

Effective Date Of By-Law

Sections 34(2.1) and 34(3.0) of the Planning Act states that a by-law comes into effect on the date it is passed if no appeals are received or, if they are received, they are disposed of by the Ontario Municipal Board. However, if the Ontario Municipal Board repeals a portion of the By-law or amends a portion of the By-law, the amended portion comes into effect on the date of the Board's order. Other portions of the by-law that were not subject to an appeal would then be in effect on the date the by-law was passed.

Explanation Of Where The Zones Apply

Introduction

Below is a description of where the zones contained in this By-law apply. This description does not form part of the zoning by-law passed by Council and is intended only to make the zoning by-law more understandable and easier to reference.

The Residential Zones

There are four residential zones in this by-law, as described below:

1. The Low Density Residential (LDR) Zone applies to lands that are to be developed primarily with low density residential uses, such as single detached, semi-detached, duplex dwellings and four-unit townhouse buildings. The majority of the lands subject to this by-law are in the LDR Zone.
2. The Low Density Residential/Institutional (LDR/I) Zone permits all of the uses in the LDR Zone and institutional uses such as schools, places of worship and community centres. The LDR/I Zone applies to lands located to the northwest of the traffic circle that serves as the community focus for the Cataraqui North Community.
3. The Low Density Residential/Neighbourhood Commercial (LDR/NC) Zone permits all of the uses in the LDR Zone and small-scale retail and personal service uses in selected locations.
4. The Medium Density Residential (MDR) Zone applies to lands that are to be developed primarily with medium density uses such as townhouses, apartments and multiples. The MDR Zone generally applies to some of the lands fronting on the major north-south and east-west roads in Cataraqui North.

The Retail And Mixed-Use Zones

1. The Neighbourhood Commercial (NC) Zone applies to lands at the northeast corner of the traffic circle that service as the community focus for the Cataraqui North Community.
2. The Mixed-Use One (MU1) Zone applies to lands fronting on Princess Street and permits a wide range of commercial and residential uses.
3. The Mixed-Use Two (MU2) Zone applies to a small area of land located on Sydenham Road and also permits a wide range of commercial and residential uses at a lower density than in the MU1 Zone.

Other Zones

1. The Open Space (OS) Zone applies to lands that are to be the site of a public park.

EXPLANATORY NOTE TO BY-LAW 97-102

LANDS AFFECTED

By-Law No. 97-102 is a Comprehensive Zoning By-law that applies to a portion of the lands located within the area covered by Official Plan Amendment Number 97 as shown on the key map below.

EXISTING ZONING

The lands subject to this By-Law were zoned in accordance with By-law 76-26 of the Township of Kingston.

PURPOSE

The purpose of By-law No. 97-102 is to prohibit the use of land and the erection of buildings and structures except for such purposes as set out in this By-Law and to regulate the type of construction, height, bulk, location, size, floor area, spacing, character and use of buildings or structures on the lands covered by this By-law. It is intended that this By-law implement the policies contained within Official Plan Amendment Number 97.

EFFECT OF BY-LAW

The effect of By-law 97-102 is to place all lands within Zones that will lead to the development of a residential community with complementary commercial, institutional and open space uses consistent with the policies of Official Plan Amendment Number 97.

**The Corporation Of The Township
Of Kingston
By-law 97-102**

WHEREAS it is considered desirable for the control of development within a portion of the area covered by Official Plan Amendment Number 97, to prohibit the use of land and the erection and use of buildings or structures except for certain purposes, and to regulate the type of construction and the height, bulk, location, size, floor area, character and use of buildings in accordance with the provisions of Section 34 of the Planning Act, R.S.O. 1990, as amended;

NOW THEREFORE the Council of the Corporation of Township of Kingston enacts as follows:

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Section 1 Administration

1.1 Title

This By-Law shall be known as the “Cataraqui North Zoning By-Law”.

1.2 Zoning Schedules

A schedule showing the application of Zones to all lands covered by this By-Law is attached as Schedule ‘A’ to this By-Law. While, Schedule ‘B’ attached to this By-Law shows the areas subject to natural hazards within the lands covered by this By-Law.

(By-Law No. 97-102; 2013-223; 2019-90)

1.3 Compliance With Zoning By-Law

No land, *building* or *structure* shall be used and no *building* or *structure* shall be erected, altered or enlarged after the passage of this By-Law except in conformity with the provisions of this By-Law. Any person or corporation contravening this by-law may be subject to the provisions of Section 67 of The Planning Act, R.S.O. 1990 c.p. 13, as amended.

1.4 Building Permits, Certificates Of Occupancy And Municipal Licences

No permit for the use of land or for the erection or use of any *building* or *structure* and no Certificate of occupancy or approval of application for municipal licence within the jurisdiction of Council shall be issued or given, where the proposed *building, structure* or use is in violation of any provision contained in this By-Law.

1.5 Severability

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

1.6 Repeal Of Former By-Laws

The provisions of By-law 76-26 of the Township of Kingston, and amendments thereto, are hereby repealed insofar as they affect the lands covered by this By-law.

1.7 ADMINISTRATION

Unless otherwise stated, this By-Law shall be administered and enforced by 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.

(By-Law No. 2006-31)

1.8 DEFINITIONS

For all terms defined in Section 6.0, the definition found in Section 6.0 shall apply. For all other terms the normal meaning of the word shall apply.

For the convenience of the reader only, all terms that are italicized in this By-law are defined in Section 6.0 of this By-law.

(By-Law No. 97-102; 2013-223)

Section 2 Establishment Of Zones

2.1 Zones

For the purposes of this By-law, the following *Zones* are established and they may be referred to by the name or by the symbol set opposite the name of the *zone* below:

(By-Law No. 97-102)

Residential Zones

LDR Low Density Residential ZoneLDR1
Low Density Residential One Zone
LDR/I Low Density Residential/Institutional Zone
LDR-NC Low Density Residential/Neighbourhood Commercial Zone
MDR Medium Density Residential Zone

(By-Law No. 97-102; 2013-223)

Retail And Mixed-Use Zones

NC Neighbourhood Commercial Zone
MU1 Mixed Use One Zone
MU2 Mixed Use Two Zone

Open Space Zone

OS1 Open Space One Zone

2.2 Location Of Zones

The *Zones* and *Zone* boundaries are shown on the schedules which are attached and form part of this By-law.

2.3 Determining Zone Boundaries

Where the boundary of any *Zone* is shown on the schedules forming part of this By-law, the following provisions shall apply:

- a) Where a *Zone* boundary is indicated as following a *street* or *lane*, the boundary shall be the centre line of such *street* or *lane*.

- b) Where a *Zone* boundary is indicated as approximately following *lot lines* shown on a registered Plan of Subdivision or *lots* registered in a registry office or land titles office, the boundary shall follow such *lot lines*.
- c) Where a *street, lane* or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the schedules to this By-law and serves as a boundary between two or more difference *Zones*, a line midway on such street, lane, right-of-way or watercourse shall be considered the boundary between *Zones* unless specifically indicated otherwise.

(By-Law No. 97-102)
- d) Where none of the above provisions apply, the *Zone* boundary shall be scaled from the attached schedule(s).

(By-Law No. 97-102; 2013-223)

2.4 Exception Zones

Where a *Zone* symbol on the attached schedule(s) is followed by one or more numbers following the asterisk (*) symbol, such as LDR*1 or NC*7, the number following the asterisk (*) symbol refer to subsections in Section 7 (Exceptions) of this By-law that apply to the lands noted.

2.5 Holding Provisions

Notwithstanding any other provision in this By-law, where a *Zone* symbol is followed by the letter (H), no person shall use the land to which the letter (H) applies for any use other than the use which existed on the date this By-law was passed, until the (H) is removed in accordance with the policies of the Official Plan and the Planning Act, as amended.

Notwithstanding the above provision, temporary and permanent *buildings* and *structures* used for the sale of *dwelling units* are permitted on lands subject to a Holding Provision provided that the permanent *buildings* comply with the *yard* and setback requirements of this By-law.

Section 3 Permitted Uses

3.1 Zones

Uses which are permitted in the following *Zones* are identified on the following tables:

Zone	Table
Residential <i>Zones</i>	Table A1
Retail and Mixed-Use <i>Zones</i>	Table A2
Open Space One <i>Zone</i>	Table A3

Permitted uses in a *Zone* are noted by the letter 'X' in the column for that *Zone* corresponding with the row for a specific permitted use. A number or numbers following the symbol 'X', or following the *Zone* heading, or following the name of a permitted use, indicates that one or more special provisions apply to the noted use or *Zone*. Special provisions are listed at the end of the table.

(By-Law No. 97-102)

**Table A1 - Residential Zones
Permitted Uses**

ZONE		LDR	LDR1	LDR/I	LDR/NC	MDR
USE						
A	<i>Single detached dwellings</i>	X	X	X	X	
B	<i>Semi-detached dwellings</i>	X	X	X	X	X
C	<i>Duplex dwellings</i>	X	X	X	X	
D	<i>Townhouse dwellings</i>	X	X	X	X	X
E	<i>Multiple dwellings</i>					X
F	<i>Apartment dwellings</i>					X
G	<i>Business offices</i>				X(1)(2)	
H	<i>Clinics</i>				X(1)(2)	
I	<i>Community centres</i>			X	X	
J	<i>Convenience retail store</i>				X(1)(2)	
K	<i>Day nursery</i>			X	X	
L	<i>Dry cleaning or laundry outlet</i>				X(1)(2)	
M	<i>Home occupations</i>	X	X	X	X	X
N	<i>Personal service shop</i>				X(1)	
O	<i>Places of worship</i>			X		
P	<i>Private home daycare</i>	X	X	X	X	X
Q	<i>Public parks</i>	X	X	X	X	X
R	<i>Public school</i>			X		
S	<i>Retirement homes</i>					X

(By-Law No. 97-102; 2007-160; 2013-223)

Special Provisions ()	
1	Only two uses subject to this Special Provision are permitted on a <i>lot</i> , provided the maximum <i>gross floor area per premises</i> is 185 metres.
2	The uses subject to this Special Provision are only permitted in a <i>building</i> containing no less than two <i>dwelling units</i> .

**Table A2 - Retail And Mixed - Use Zones
Permitted Uses**

ZONE		NC	MU1	MU2
USE				
A	<i>Apartment dwellings</i>	X	X(3)(4)	X(5)
B	<i>Multiple dwellings</i>		X(3)(4)	X(5)
C	<i>Home occupations</i>	X	X	X
D	<i>Business offices</i>	X(2)	X	X
E	<i>Clinics</i>	X(2)	X	X
F	<i>Commercial fitness centres</i>	X(2)	X	X
G	<i>Commercial schools</i>	X(2)	X	X
H	<i>Community halls</i>	X(2)	X	X
I	<i>Convenience retail stores</i>	X(1)(2)	X	X
J	<i>Day Nurseries</i>	X(2)	X	X
K	<i>Dry cleaning or laundry outlet</i>	X(1)(2)	X	X
L	<i>Financial institutions</i>	X(1)(2)	X	X
M	<i>Gas bars</i>		X	X
N	<i>Hotels</i>		X	X
O	<i>Personal service shops</i>	X(1)(2)	X	X
P	<i>Places of worship</i>	X(2)	X	X
Q	<i>Private clubs</i>		X	X
R	<i>Recreational uses</i>		X	X
S	<i>Private schools</i>		X	X
T	<i>Repair shops</i>	X(1)(2)	X	X
U	<i>Restaurants, take-out</i>	X(1)(2)	X	X
V	<i>Restaurants</i>	X(1)(2)	X	X
W	<i>Retail stores</i>	X(1)(2)	X	X
X	<i>Supermarkets</i>	X(1)(2)	X	X

Special Provisions (.)	
1	The maximum permitted <i>gross floor area</i> per <i>premises</i> is 185 square metres. (By-Law No. 97-102; 2013-223)
2	The maximum permitted <i>gross floor area</i> of all uses subject to this Special Provision in the <i>NC Zone</i> is 1,110 square metres.
3	Permitted only on any floor above the <i>first story of buildings</i> that are located on <i>lots</i> that front on Princess Street. If the <i>lot</i> does not front on Princess Street, residential uses are permitted on any floor.
4	The maximum number of <i>dwelling units</i> per hectare on a lot is 125.
5	Permitted only on any floor above the <i>first storey</i> . The maximum number of <i>dwelling units</i> per hectare on a lot is 75.

**Table A3 - Open Space Zones
Permitted Uses**

ZONE		OS1
USE		
A	<i>Community centres</i>	X
B	<i>Parks, public</i>	X
C	<i>Schools, public</i>	X
D	Stormwater management facilities	X

Section 4 Use Standards

4.1 Zones

Standards for the following *Zones* are shown on the following *Zone* Standards tables:

Zone	Table
Low Density Residential <i>Zones</i>	Table B1
Low Density Residential/Institutional <i>Zone</i>	Table B2
Low Density Residential/ Neighbourhood Commercial <i>Zone</i>	Table B3
Medium Density Residential <i>Zone</i>	Table B4
Retail and Mixed-Use <i>Zones</i>	Table B5
Open Space One <i>Zone</i>	Table B6

A number or numbers following the *Zone* standard, the *Zone* heading or the description of the standard indicate that a special provision applies to the noted *Zone* or requirement. Special provisions are listed at the end of the table.

(By-Law No. 97-102; 2013-223)

**Table B1
Standards For The Ldr And Ldr1 Zones**

	Zone Provisions	Single Detached Dwellings	Semi-Detached Dwellings	Duplexes	Triplexes	Townhouse buildings (7)
A	Minimum <i>lot frontage</i> : ▪ on a <i>lot</i> accessed by a <i>lane</i>	7.0 m	6.5 m per unit	9.0 m	16.5m	5.5 m per unit (1)
	▪ on a <i>lot</i> not accessed by a <i>lane</i>	9.0m	7.5 m per unit	11.0m	16.5 m	▪ for the LDR Zone 6.5 m per unit (2) ▪ for the LDR1 Zone 6 m per unit (2)
B	Minimum required <i>front yard</i> : ▪on a <i>lot</i> accessed by a <i>lane</i>	3.0 m (3)	3.0 m (3)	3.0 m (3)	3.0 m (3)	3.0 m (3)
	▪on a <i>lot</i> not accessed by a <i>lane</i>	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)
C	Maximum <i>driveway</i> width on a <i>lot</i> that is not accessed by a <i>lane</i>	6.0 metres or 50% of the <i>lot frontage</i> , whichever is the lesser	6.0 metres or 50% of the <i>lot frontage</i> , whichever is the lesser	35% of <i>lot frontage</i>	35% of <i>lot frontage</i>	3.5 m
D	Maximum <i>garage</i> width on a <i>lot</i> that is not accessed by a <i>lane</i>	6.0 metres or 50% of the <i>lot frontage</i> , whichever is the lesser	6.0 metres or 50% of the <i>lot frontage</i> , whichever is the lesser	35% of <i>lot frontage</i>	35% of <i>lot frontage</i>	3.5 m
E	<i>Minimum required exterior side yard</i>	2.4 m(4)	2.4 m(4)	2.4 m(4)	2.4 m(4)	2.4 m(4)
F	<i>Minimum required interior side yard</i>	1.2 m and 0.3 m (6)	1.2 m and 0.0 m(6)	1.2 m(6)	1.2m(6)	0.0 m for int. unit 1.2 m for end unit
G	<i>Minimum required rear yard</i> : ▪on a <i>lot</i> accessed by a <i>lane</i>	14.5 m	14.5 m	14.5 m	14.5 m	14.5 m
	▪on a <i>lot</i> not accessed by a <i>lane</i>	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m
H	Maximum <i>height</i>	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m
I	Minimum landscaped open space	30% of the total lot area	30% of the total lot area	30% of the total lot area	30% of the total lot area	30% of the total lot area

(By-Law No. 97-102; 99-28; 99-58; 2005-209; 2013-223; 2017-171)

Special Provisions For The Ldr And Ldr1 Zones

1	The minimum <i>lot frontage</i> required for an end unit on an <i>interior lot</i> is 6.7 metres. The minimum <i>lot frontage</i> required for an end unit on a <i>corner lot</i> is 7.9 metres.
2	The minimum <i>lot frontage</i> required for an end unit on an <i>interior lot</i> is 7.7 metres. The minimum <i>lot frontage</i> required for an end unit on a <i>corner lot</i> is 8.9 metres.
3	At least 70 percent of the front wall of the <i>first storey</i> of the <i>main building</i> shall be located within 1.5 metres of, or on, the <i>building line</i> . In no case shall the front wall be located in the <i>minimum required front yard</i> .
4	The wall of an attached <i>private garage</i> that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the <i>lot line</i> that the <i>driveway</i> crosses to access the <i>private attached garage</i> . <p style="text-align: right;">(By-Law No. 97-102)</p>
5	The wall of the attached <i>private garage</i> facing the <i>public street</i> shall not be located more than 3.0 metres closer to the <i>front lot line</i> than either the <i>main entry feature</i> or <i>main front entrance</i> of the <i>dwelling unit</i> , except that a <i>corner lot</i> may have the garage located further than 3.0 metres from the <i>main entry feature</i> or <i>main front entrance</i> of the <i>dwelling unit</i> , provided it is not located closer to the <i>front lot line</i> than any other part of the <i>dwelling unit</i> . <p style="text-align: right;">(By-Law No . 97-102; 2005-209; 2013-223)</p>
6	The <i>required interior side yard</i> on one side is 2.5 metres if a detached <i>private garage</i> is located in the <i>rear yard</i> and is accessed by a <i>driveway</i> crossing the <i>front lot line</i> . <p style="text-align: right;">(By-Law No. 97-102; 2013-223)</p>
7	<i>Townhouse buildings</i> shall contain no more than four <i>dwelling units</i> .

(By-Law No. 97-102; 99-28; 99-58; 2013-223)

**Table B2
Standards For The Ldr/I Zone**

	Zone Provisions	Single detached dwellings	Semi-detached dwellings	Duplexes	Triplexes	Townhouse buildings (7)	Places of worship and public schools
A	Minimum <i>lot frontage</i> : ▪ on a <i>lot</i> accessed by a <i>lane</i>	7.0 m	6.5 m per unit	9.0 m	16.5 m	5.5 m per unit (1)	20.0 m
	▪ on a <i>lot</i> not accessed by a <i>lane</i>	9.0 m	7.5 m per unit	11.0 m	16.5 m	6.5 m per unit (2)	20.0 m
B	Minimum required <i>front yard</i> : ▪ on a <i>lot</i> accessed by a <i>lane</i>	3.0 m (3)	3.0 m (3)	3.0 m (3)	3.0 m (3)	3.0 m (3)	4.5 m (8)
	▪ on a <i>lot</i> not accessed by a <i>lane</i>	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (8)
C	Maximum <i>driveway</i> width on a <i>lot</i> that is not accessed by a <i>lane</i>	6.0 metres or 50% of the <i>lot frontage</i> , whichever is the lesser	6.0 metres or 50% of the <i>lot frontage</i> , whichever is the lesser	35% of <i>lot frontage</i>	35% of <i>lot frontage</i>	3.5 m	not applicable
D	Maximum <i>garage</i> width on a <i>lot</i> that is not accessed by a <i>lane</i>	6.0 metres or 50% of the <i>lot frontage</i> , whichever is the lesser	6.0 metres or 50% of the <i>lot frontage</i> , whichever is the lesser	35% of <i>lot frontage</i>	35% of <i>lot frontage</i>	3.5 m	not applicable
E	Minimum required <i>exterior side yard</i>	2.4 m (4)	2.4 m (4)	2.4 m (4)	2.4 m (4)	2.4 m (4)	4.5 m
F	Minimum required <i>interior side yard</i>	1.2 m and 0.3 m (6.)	1.2 m and 0.0 m(6)	1.2 m(6)	1.2m(6)	0.0 m for int. unit 1.2 m for end unit	7.5 m
G	Minimum required <i>rear yard</i> : ▪ on a <i>lot</i> accessed by a <i>lane</i>	14.5 m	14.5 m	14.5 m	14.5 m	14.5 m	7.5 m
	▪ on a <i>lot</i> not accessed by a <i>lane</i>	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m	7.5 m
H	Maximum <i>height</i>	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m	15.0 m
I	Minimum landscaped open space	30% of the total lot area	30% of the total lot area	30% of the total lot area	30% of the total lot area	30% of the total lot area	not applicable

(By-Law No. 97.102; 2005-209; 2007-160; 2013-223; 2017-171)

Special Provisions For The Ldr/I Zone

1	The minimum <i>lot frontage</i> required for an end unit on an <i>interior lot</i> is 6.7 metres. The minimum <i>lot frontage</i> required for an end unit on a <i>corner lot</i> is 7.9 metres.
2	The minimum <i>lot frontage</i> required for an end unit on an <i>interior lot</i> is 7.7 metres. The minimum <i>lot frontage</i> required for an end unit on a <i>corner lot</i> is 8.9 metres.
3	At least 70 percent of the front wall of the <i>first storey</i> of the <i>main building</i> shall be located within 1.5 metres of, or on, the <i>building line</i> . In no case shall the front wall be located in the <i>minimum required front yard</i> .
4	The wall of an attached <i>private garage</i> that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the <i>lot line</i> that the <i>driveway</i> crosses to access the private <i>attached garage</i> . <p style="text-align: right;">(By-Law No. 97-102)</p>
5	The wall of the attached <i>private garage</i> facing the <i>public street</i> shall not be located more than 3.0 metres closer to the <i>front lot line</i> than either the <i>main entry feature</i> or <i>main front entrance</i> of the <i>dwelling unit</i> , except that a <i>corner lot</i> may have the garage located further than 3.0 metres from the <i>main entry feature</i> or <i>main front entrance</i> of the <i>dwelling unit</i> , provided it is not located closer to the <i>front lot line</i> than any other part of the <i>dwelling unit</i> . <p style="text-align: right;">(By-Law No . 97-102; 2005-209; 2013-223)</p>
6	The <i>required interior side yard</i> on one side is 2.5 metres if a detached <i>private garage</i> is located in the <i>rear yard</i> and is accessed by a <i>driveway</i> crossing the <i>front lot line</i> . <p style="text-align: right;">(By-Law No . 97-102; 2013-223)</p>
7	<i>Townhouse buildings</i> shall contain no more than four <i>dwelling units</i> .
8	At least 50 percent of the front wall of the <i>main building</i> shall be located within 6.0 metres of, or on, the <i>building line</i> . In no case shall the front wall be located in the <i>minimum required front yard</i> .

**Table B3
Standards For The Ldr/Nc Zone**

	ZONE PROVISIONS	Single detached dwellings	Semi-detached dwellings	Duplexes	Triplexes	Townhouse buildings (7)	Buildings containing commercial and residential uses
A	Minimum <i>lot frontage</i> : ▪ on a <i>lot</i> accessed by a <i>lane</i>	7.0 m	6.5 m per unit	9.0 m	16.5 m	5.5 m per unit (1)	15.0 m
	▪ on a <i>lot</i> not accessed by a <i>lane</i>	9.0 m	7.5 m per unit	11.0 m	16.5 m	6.5 m per unit (2)	15.0 m
B	Minimum required <i>front yard</i> : ▪ on a <i>lot</i> accessed by a <i>lane</i>	3.0 m (3)	3.0 m (3)	3.0 m(3)	3.0 m(3)	3.0 m (3)	3.0 m (3)
	▪ on a <i>lot</i> not accessed by a <i>lane</i>	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)	4.5 m (4)(5)
C	Maximum <i>driveway</i> width on a <i>lot</i> that is not accessed by a <i>lane</i>	6.0 metres or 50% of the lot frontage, whichever is the lesser	6.0 metres or 50% of the lot frontage, whichever is the lesser	35% of lot frontage	35% of lot frontage	3.5 m	3.5 m
D	Maximum <i>garage</i> width on a <i>lot</i> that is not accessed by a <i>lane</i>	6.0 metres or 50% of the lot frontage, whichever is the lesser	6.0 metres or 50% of the lot frontage, whichever is the lesser	35% of lot frontage	35% of lot frontage	3.5 m	3.5 m
E	Minimum required <i>exterior side yard</i>	2.4 m (4)	2.4 m (4)	2.4 m (4)	2.4 m (4)	2.4 m (4)	2.4m (4)
F	Minimum required <i>interior side yard</i>	1.2 m and 0.3 m (6)	1.2 m and 0.0 m (6)	1.2 m (6)	1.2 m (6)	0.0 m for int. unit 1.2 m for end unit	1.2 m (6)
G	Minimum required <i>rear yard</i> : ▪ on a <i>lot</i> accessed by a <i>lane</i>	14.5 m	14.5 m	14.5 m	14.5 m	14.5 m	7.5 m
	▪ on a <i>lot</i> not accessed by a <i>lane</i>	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m
H	Maximum <i>height</i>	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m
I	Minimum landscaped open space	30% of the total lot area	30% of the total lot area	30% of the total lot area	30% of the total lot area	30% of the total lot area	not applicable

(By-Law No. 97.102; 2005-209; 2013-223; 2017-171)

Special Provisions For The Ldr/Nc Zone

1	The minimum <i>lot frontage</i> required for an end unit on an <i>interior lot</i> is 6.7 metres. The minimum <i>lot frontage</i> required for an end unit on a <i>corner lot</i> is 7.9 metres.
2	The minimum <i>lot frontage</i> required for an end unit on an <i>interior lot</i> is 7.7 metres. The minimum <i>lot frontage</i> required for an end unit on a <i>corner lot</i> is 8.9 metres.
3	At least 70 percent of the front wall of the <i>first storey</i> of the <i>main building</i> shall be located within 1.5 metres of, or on, the <i>building line</i> . In no case shall the front wall be located in the <i>minimum required front yard</i> .
4	The wall of an attached <i>private garage</i> that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the <i>lot line</i> that the <i>driveway</i> crosses to access the private <i>attached garage</i> . <p style="text-align: right;">(By-Law No. 97-102)</p>
5	The wall of the attached <i>private garage</i> facing the <i>public street</i> shall not be located more than 3.0 metres closer to the <i>front lot line</i> than either the <i>main entry feature</i> or <i>main front entrance</i> of the <i>dwelling unit</i> , except that a <i>corner lot</i> may have the garage located further than 3.0 metres from the <i>main entry feature</i> or <i>main front entrance</i> of the <i>dwelling unit</i> , provided it is not located closer to the <i>front lot line</i> than any other part of the <i>dwelling unit</i> . <p style="text-align: right;">(By-Law No . 97-102; 2005-209; 2013-223)</p>
6	The <i>required interior side yard</i> on one side is 2.5 metres if a detached <i>private garage</i> is located in the <i>rear yard</i> and is accessed by a <i>driveway</i> crossing the <i>front lot line</i> . <p style="text-align: right;">(By-Law No. 97-102; 2013-223)</p>
7	<i>Townhouse buildings</i> shall contain no more than four <i>dwelling units</i> .

Table B4
Standards For The Mdr Zone

	ZONE PROVISIONS	Semi-detached dwellings	Townhouse buildings	Multiple-unit buildings	Apartment buildings
A	Minimum <i>lot frontage</i> : ▪ on a <i>lot</i> accessed by a <i>lane</i>	6.5 m per unit	5.5 m per unit (1)	18.0 m	18.0 m
	▪ on a <i>lot</i> not accessed by a <i>lane</i>	7.5 m per unit	6.5 m per unit (2)	18.0 m	18.0 m
B	Minimum required <i>front yard</i> : ▪ on a <i>lot</i> accessed by a <i>lane</i>	0.0 m (2)	0.0 m (2)	3.0 m (2)	3.0 m (3)
	▪ on a <i>lot</i> not accessed by a <i>lane</i>	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m(3)	4.5 m(3)
C	Maximum <i>driveway</i> width on a <i>lot</i> that is not accessed by a <i>lane</i>	6.0 metres or 50% of the <i>lot frontage</i> , whichever is the lesser	3.5 m	Not applicable	Not applicable
D	Maximum <i>garage</i> width on a <i>lot</i> that is not accessed by a <i>lane</i>	6.0 metres or 50% of the <i>lot frontage</i> , whichever is the lesser	3.5 m	Not applicable	Not applicable
E	Minimum required <i>exterior side yard</i>	2.4 m(4)	2.4 m(4)	2.4 m	2.4 m
F	Minimum required <i>interior side yard</i>	1.2 m and 0.0 m(6)	0.0 m for int. unit 1.2 m for end unit	1.2 m	1.2 m
G	Minimum required <i>rear yard</i> : ▪ on a <i>lot</i> accessed by a <i>lane</i>	14.5 m	14.5 m	14.5 m	14.5 m
	▪ on a <i>lot</i> not accessed by a <i>lane</i>	6.0 m	6.0 m	7.5 m	7.5 m
H	Maximum number of <i>dwelling units</i> per hectare on a <i>lot</i>	Not applicable	Not applicable	75	75
I	Maximum <i>height</i>	12.0 m	12.0 m	13.0 m	13.0 m
J	Minimum landscaped open space	30% of the total lot area	30% of the total lot area	30% of the total lot area	30% of the total lot area

(By-Law No. 97-102; 99-58; 2013-223; 2017-171)

Special Provisions For The Mdr Zone

1	The minimum <i>lot frontage</i> required for an end unit on an <i>interior lot</i> is 6.7 metres. The minimum <i>lot frontage</i> required for an end unit on a <i>corner lot</i> is 7.9 metres.
2	At least 70 percent of the front wall of the <i>first storey</i> of the <i>main building</i> shall be located within 3.0 metres of the <i>front lot line</i> . <p style="text-align: right;">(By-Law No. 97-102)</p>
3	At least 70 percent of the front wall of the <i>first storey</i> of the <i>main building</i> shall be located within 1.5 metres of the <i>building line</i> . <p style="text-align: right;">(By-Law No . 97-102; 2013-223)</p>
4	The wall of an attached <i>private garage</i> that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the <i>lot line</i> that the <i>driveway</i> crosses to access the <i>private attached garage</i> . <p style="text-align: right;">(By-Law No. 97-102)</p>
5	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. <p style="text-align: right;">(By-Law No . 97-102; 2005-209; 2013-223)</p>
6	The <i>required interior side yard</i> on one side is 2.5 metres if a detached <i>private garage</i> is located in the <i>rear yard</i> and is accessed by a <i>driveway</i> crossing the <i>front lot line</i> . <p style="text-align: right;">(By-Law No. 97-102; 2013-223)</p>

(By-Law No. 97-102; 99-58; 2013-223)

Table B5
Standards For Retail And Mixed-Use Zones

	ZONE PROVISION	NC	MU1		MU2
		All Building Forms	Apartment and Multiple-Unit Buildings with no non-residential uses	Apartment and Multiple-Unit Buildings with non-residential uses in the <i>first storey</i> and non-residential buildings	Apartment and Multiple-Unit Buildings with non-residential uses in the <i>first storey</i> and non-residential buildings
A	Minimum <i>lot area</i>	Not applicable	Not applicable	0.4 ha.	0.4 ha.
B	Minimum <i>lot frontage</i>	20.0 m	18.0 m	60.0 m	60.0 m
C	Minimum required <i>front yard</i>	1.8 m	4.5 m	3.0 m	3.0 m
D	Minimum required <i>exterior side yard</i>	1.8 m	2.4 m	3.0 m	3.0m
E	Minimum required <i>interior side yard</i>	0.0 m	1.2 m	0.0 m	0.0 m
F	Minimum required <i>rear yard</i>	7.5 m	7.5 m	13.0 m	13.0 m
G	Maximum <i>height</i>	12.0 m	13.0 m	26.0 m	11.0 m

(By-Law No. 97-102; 2013-223)

**Table B6
Standards For Open Space Zone**

		ZONE
	ZONE PROVISION	OS1
A	<i>Minimum required front yard</i>	4.5 m
B	<i>Minimum required exterior side yard</i>	4.5 m
C	<i>Minimum required interior side yard</i>	7.5 m
D	<i>Minimum required rear yard</i>	7.5 m
E	<i>Maximum height</i>	15.0 m

Section 5 General Provisions

5.1 Accessory Buildings, Structures And Uses

Where this By-law provides that land may be used or a *building* or *structure* may be erected or used for a purpose, that purpose may include any *accessory buildings*, *accessory structures* or *accessory uses* located on the same *lot* as the primary use to which they are related.

5.1.1 Uses permitted in accessory buildings and structures

No accessory *building* or accessory *structure* shall be used for human habitation or an occupation for gain or profit, except if specifically permitted by this By-law. (By-Law No. 97-102)

5.1A Air Conditioner

Notwithstanding any provision of this By-Law to the contrary, no *Air Conditioner*, may be located within 1.2m of a *side lot line*, *rear lot line*, or *required front yard*. (By-Law No. 2006-43; 2013-223)

5.1.2 Timing of construction

No detached *accessory building* or *structure* shall be erected on a *lot* prior to the erection of the *main building* on the *lot*.

5.2 Building Lines

Where this By-Law regulates the location of the walls of a *building* that face the *front lot line* in relation to a *building line*, the *building line* shall be located as follows:

- a) Where both the *interior side lot lines* intersect with the *front lot line* at a 90 degree angle and the *front lot line* is straight, the *building line* shall be located parallel to the *front lot line* a distance equal to the *required front yard*.
- b) Where one or both of the *interior side lot lines* intersect(s) with the *front lot line* at an angle greater than or less than 90 degrees, or if the *front lot line* is not straight, the *building line* shall be set back from the mid-point of the *front lot line* a distance equal to the *required front yard* and shall be parallel to a line joining the points where the *front lot line* intersects with the *interior side lot lines*.

- c) Where the *lot* is a *corner lot*, the *building line* shall be located on the *lot* by extending the *building line* on the nearest lot that fronts on the same side of the street to the *exterior side lot line*. For the purpose of this provision, a *lot* that is located at the intersection of a *public street* and a *lane* is considered to be a *corner lot*.

5.3 Detached Accessory Buildings And Enclosed Walkways On Lots Accessed By Lanes

Detached *accessory buildings* and *enclosed walkways* associated with a *residential use* that are accessed only by a *lane* are subject to the following requirements.

5.30 Amenity Area

For an apartment building or a multiple-unit building, 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.
- 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 residential building is located at grade level, it may be included in the calculation of landscaped open space requirements.

(By-Law 97-102; 2017-171)

5.3.1 Detached accessory buildings

5.3.1.1 Setbacks from lot lines

Detached accessory buildings shall be located:

- a) a minimum distance of 0.6 metres from the *rear lot line*;
- b) a minimum distance equal to *exterior side yard* requirement for the *main building* from the *exterior side lot line*;

- c) a minimum of 0.6 metres from the *interior side lot line*. A detached *accessory building* may share a common wall with another detached *accessory building* on an abutting *lot* and no setback from the *interior side lot line* is required on that side of the *lot*. In no case shall an *accessory building* share a common wall with more than one other *accessory building* on an abutting *lot*.

In no case shall an *accessory building or structure* be located in the *front* or *exterior side yard*. Notwithstanding this provision, *enclosed walkways* are permitted in the *exterior side yard* subject to the provisions of Section 5.3.2.

5.3.1.2 Setback from main building

Any detached *accessory building* shall be set back a minimum of 6.0 metres from the *main building* on the *lot*. The staircase used to access the *building* and any *accessory building or structure* with a *floor area* of less than 10.0 square metres shall be excluded from this provision, provided the *accessory building or structure* is not attached to another *accessory building or structure*.

5.3.1.3 Parking of motor vehicles in setback area

The parking of *motor vehicles* is not permitted in the setback area required by Section 5.3.1.2 between a detached *accessory building* and the *main building* on a *lot* that is accessed by a *lane*.

5.3.1.4 Encroachment of eaves, gutters and roof overhangs

Eaves, gutters and roof overhangs may encroach into any setback area required by Sections 5.3.1.1 and 5.3.1.2 a distance of no more than 0.45 metres.

(By-Law No. 97-102)

5.3.1.5 Maximum permitted floor area

The *floor area* of all detached *accessory buildings* on the *lot* shall not exceed 18 percent of the *lot area*. The *floor area* of the staircase used to access the *building* and any *accessory building* or *structure* with a *floor area* of less than 10.0 square metres shall be excluded from the calculation of *floor area*, provided the *accessory building* or *structure* is not attached to another *accessory building* or *structure*.

(By-Law No. 97-102; 2013-223)

5.3.1.6 Maximum height

The maximum permitted *height* of any detached *accessory building* is 4.5 metres.

5.3.1.7 Regulations for stairs and landings

Unenclosed stairs and landings that access the detached *accessory building* may encroach a distance of 0.6 metres into the setback area required by Section 5.3.1.2.

(By-Law No. 97-102)

5.3.1.8 Detached Accessory Building Use

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 No. 2008-168; 2013-223)

5.3.2 Enclosed walkways

Enclosed walkways are permitted subject to the provisions of this Section.

5.3.2.1 Size of enclosed walkway

Enclosed walkways shall be no wider than 2.75 metres with the width being measured from the exterior faces of the exterior walls.

5.3.2.2 Permitted locations for enclosed walkways

a) *Enclosed walkways* are permitted in:

- (i) the *required rear yard*;
- (ii) in the area between a detached *accessory building* and the *main building* on a *lot*; and,
- (iii) in the *exterior side yard*.

(By-Law No. 97-102)

b) If the *enclosed walkway* is located on a *corner lot*, no portion of the wall facing the *exterior side lot line* shall be located closer than 4.5 metres to the *exterior side lot line*.

(By-Law No. 97-102; 2010-80; 2013-223)

c) If the *enclosed walkway* is located on an *interior lot*, it shall be set back a minimum of 0.6 metres from the *interior side lot line*. Notwithstanding this provision, an enclosed walkway may share a common wall with another *enclosed walkway* on an abutting *lot* and no setback from the *interior side lot line* is required on that side of the *lot*.

5.3.2.3 Exemption from other requirements

Notwithstanding any other provision in this By-Law, no part of an *enclosed walkway* is:

- a) deemed to be part of the *main building* on the *lot*; or,
- b) included in the calculation of the maximum *floor area* of the *first storey* permitted for detached *accessory buildings* in Section 5.3.1.5.

5.4 Detached Accessory Buildings On Lots Not Accessed By Lanes

Detached *accessory buildings* associated with a *residential use* that are accessed only by a *driveway* from a *public street* are subject to the following requirements.

5.4.1 Setbacks from lot lines

Detached *accessory buildings* shall be located:

- d) A minimum of 0.6 metres from the *rear lot line*. A detached *accessory building* may share a common wall with another detached *accessory building* on an abutting *lot* and no setback from the *rear lot line* is required.
- e) A minimum distance equal to *exterior side yard* requirement for the *main building* from the *exterior side lot line*.
- f) A minimum distance of the *front yard* requirement for the *main building* from the *front lot line*.

(By-Law No. 97-102)

- g) A minimum of 0.6 metres from the *interior side lot line*. A detached *accessory building* may share a common wall with another detached *accessory building* on an abutting *lot* and no setback from the *interior side lot line* is required on that side of the *lot*. In no case shall an *accessory building* share a common wall with more than one other *accessory building* on an abutting *lot*.

(By-Law No. 97-102; 2013-223)

Notwithstanding subsections (b) and (c), in no case shall the wall of a *private garage* containing the opening for vehicular access be located closer than 6.0 metres to the *lot line* abutting the *public street* that the *driveway* crosses to access the *private garage*. In no case shall a detached *accessory building* or *structure* be located in the *front* or *exterior side yard*.

5.4.2 Encroachment of eaves, gutters and roof overhangs

Eaves, gutters and roof overhangs may encroach into any setback area required by Section 5.4.1 a distance of no more than 0.45 metres.

5.4.3 Maximum permitted floor area

The *floor area* of all detached *accessory buildings* on the *lot*, excluding the *floor area* of a stairway used to access the *building*, shall not exceed 18 percent of the *lot area*. The *floor area* of the staircase used to access the *building* and any *accessory building* or *structure* with a *floor area* of less than 10.0 square metres shall be excluded from the calculation of *floor area*.

5.4.4 Maximum height

The maximum permitted *height* of any detached *accessory building* on a *lot* is 4.5 metres.

(By-Law No. 97-102)

5.5 Dwelling Units In Cellars

Deleted in its entirety by By-Law 2013-44

(By-Law No. 97-102; 2013-44)

5.6 Encroachments In Required Yards

5.6.1 Architectural features and balconies

Architectural features such as sills, belt courses, cornices, eaves or gutters, chimney breasts, pilasters, roof overhangs, cantilevered window bays and *balconies* may encroach:

- a) into the *required front yard* a distance of no more than 3.0 metres, but in no case shall the architectural feature or *balcony* be located closer than 1.5 metres to the *front lot line*;
- b) into the *required rear yard* a distance of no more than 2.0 metres;
- c) into the *required exterior side yard* a distance of no more than 50 percent of the *required exterior side yard* for the *main building* on the *lot*, and,
- d) into the *required interior side yard* a distance of no more than 50 percent of the *required interior side yard* for the *main building* on the *lot*.

5.6.2 Encroachment of porches, decks and underground cellars

5.6.2.1 Porches and decks

Porches and decks and the stairs that are used to provide access to the *porch* or *deck* from the ground may encroach:

- a) into the *required exterior side yard* a distance of 0.9 metres;
- b) into the *required rear yard* a distance of 3.0 metres provided that the *porch* or *deck* does not have a roof; and,
- c) into the *required front yard* a distance of 3.0 metres, provided that no part of the *porch, deck* or stairs is located closer than 1.5 metres from the *front lot line*.

5.6.2.2 Underground cellars

In addition to a *porch* or *deck*, an underground cold cellar may also encroach into any *required yard* as permitted by Section 5.6.2.1 provided the underground cold cellar is located entirely underneath the *porch* or *deck*.

5.6.3 Encroachment of stairs and landings used to access a main building

Stairs and landings that access any part of the *main building* on the *lot*, and which are not associated with a *deck* or *porch*, may encroach:

- h) into the *required rear yard* a distance of no more than 2.0 metres;
- i) into the *required exterior side yard* a distance of 0.9 metres; and,
- j) into the *required front yard* a distance of no more than 3.0 metres, but in no case shall the stairs or landing be located closer than 1.5 metres to the *front lot line*.

(By-Law No. 97-102)

5.6.4 Barrier-Free Structures:

Notwithstanding any provisions of 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

from any *side lot line*. For clarification, the areas of such *structures* shall not be used in the calculation of *lot* coverage.

(By-Law No. 2005-209; 2007-160)

5.7 Frontage On A Public Street

No person shall erect any *building or structure* and no person shall use any *building or structure, lot* or parcel unless the *lot* or parcel to be so used, or upon which the *building* is situated or erected or proposed to be erected, abuts or fronts on a *public street* which is assumed by the *Corporation* for maintenance purposes or is being constructed pursuant to a Subdivision Agreement with the *Corporation*. Notwithstanding this provision, model homes used for the sale of *dwelling units* are not required to front on a *public street*. For the purposes of this By-Law a *lot* separated from a *street* by a *reserve* shall be deemed to abut such a *street*.

5.8 Home Occupations

Where a *home occupation* is permitted in a *Zone*, the *home occupation*:

- k) shall be conducted entirely within the principal *dwelling unit* on the *lot*;
- l) shall not detract from the residential character of the *dwelling unit* or the *lot* on which the *home occupation* is located;
- m) shall not involve the *outdoor storage* or outdoor display of materials or finished products, other than arts and crafts produced on the *premises*, associated with the *home occupation* use;
- n) shall not occupy more than 30 percent of the *gross floor area* of the *dwelling unit*;
- o) shall not result in the discharge or emission of odorous, noxious or toxic matter or vapours, heat, glare, noise or radiation, or recurrently generated ground vibrations;
- f) shall not consist of an occupation that involves the salvage, repair, maintenance or sales of *motor vehicles* or *motor vehicle* engines or parts;
and, (By-Law No. 97-102)
- g) an occupation that involves the sale of a commodity not produced on the *premises* is prohibited, except that telephone or mail order sales of goods may be permitted provided that customers do not enter the premises to inspect, purchase or take possession of the goods.

(By-Law No. 97-102; 2013-223)

- h) Notwithstanding Clause I above 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 No. 2002-186)

5.9 Loading Space Requirements

5.9.1 Number of Loading Spaces Required

No person shall use any land, *building* or *structure* in any *Zone* for any commercial purpose permitted by this By-law, unless *loading spaces* are provided on the same *lot* in accordance with the provisions of this section. The number of *loading spaces* required shall be calculated in accordance with the standards set out below in the Loading Space Requirement Table.

Loading Space Requirement Table

Commercial Uses	Loading Space Standard
p) <i>Buildings</i> having a <i>gross floor area</i> of less than 278 square metres	q) <i>loading spaces</i>
ii) <i>Buildings</i> having a <i>gross floor area</i> of between 278 square metres and 2,322 square metres	1 <i>loading space</i>
iii) <i>Buildings</i> having a <i>gross floor area</i> of between 2,322 square metres and 7,432 square metres	r) <i>loading spaces</i>
iv) <i>Buildings</i> having a <i>gross floor area</i> greater than 7,432 square metres	2 <i>loading spaces</i> plus one space for each additional 9,290 square metres

5.9.2 Regulations for Loading Spaces

- s) A *loading space* shall be paved and have a width of not less than 3.6 metres and a length of not less than 9.1 metres with a minimum of 4.25 metres overhead clearance.
- t) *Loading spaces* shall be located only in an *interior side yard* or *rear yard* and be set back from the *street line* by a minimum of 18 metres.

- u) Aisles and *driveways* leading to a *loading space(s)* shall be at least 3.6 metres for one-way traffic and 6.0 metres for two-way traffic.
(By-Law No. 97-102)

5.9A 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, and potable water.

(By-Law No. 2005-209)

5.10 Multiple Uses On One Lot

Where any *building*, *structure* or land is used for more than one purpose as provided in Section 3.0 of this By-law, the said *building*, *structure* or land shall comply with the provisions of this By-law relating to each use. In the case of a conflict, the more stringent provision shall apply.

5.11 Multiple Zones On One Lot

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

5.12 Non-Complying Buildings And Structures

5.12.1 Enlargement, Repair or Renovation

A *non-complying building* or *structure* may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- v) does not further increase a situation of *non-compliance*;
- w) does not increase the amount of *floor area* or volume in a *required yard* or setback area; and,
- x) complies with all other applicable provisions of this By-law.

5.12.2 Non-Compliance as a Result of Expropriation

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

5.13 Non-Complying Lots

5.13.1 Non-complying lots

A *lot* in existence prior to the effective date of this By-law that does not meet the *lot area* and/or *lot frontage* requirements of the applicable *Zone*, may be used and *buildings* thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the *buildings* or *structures* comply with all of the other provisions of this By-law.

5.13.2 Non-compliance as a result of expropriation

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

(By-Law No. 97-102)

5.13.3 Reduction Of Lot Area – Road Widening, Daylighting Triangles, Etc.

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 *Corporation* 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 No. 2003-382; 2013-223)

5.14 Non-Conforming Uses

No lands shall be used and no *building* or *structure* shall be used except in conformity with the provisions of this By-law unless such use existed before the date of passing this By-law and provided that it has continued and continues to be used for such purpose, and that such use, when established, was not contrary to any Zoning By-law in force at that time.

5.15 Number Of Dwelling Units On A Lot

Unless specified by this By-law, no more than one *dwelling unit* shall be permitted on a *lot*.

(By-Law No. 97-102)

5.16 Noxious Uses

Noxious uses are not permitted in any Zone.

(By-Law No. 97-102; 2013-223)

5.17 Parking Standards

“No person shall use any land, building or structure in any Zone for any purpose permitted by this By-law, unless parking spaces are provided on the same lot in accordance with the provisions of this Section. The number of parking spaces required shall be calculated in accordance with the standards set out in the Parking Standards Table. 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 in value. A fraction of one-half or more in value shall be counted as one parking space.

(By-Law Number 97-102; 2015-57)

In a residential zone up to 40 square metres of the rear yard and interior side yard may be used for parking spaces; except that this provision shall not apply to prevent the use of a garage or hard surfaced driveway, provided the width of such driveway does not exceed the width of the garage walls.

(By-Law Number 2008-168; 2013-223; 2015-57)

Parking Standards Table

RESIDENTIAL USES	REQUIRED
Residential Uses	Required
Single detached dwellings	1 parking space per dwelling unit
Semi-detached dwellings	1 parking space per dwelling unit
Duplex dwellings	1 parking space per dwelling unit
Townhouse dwellings	1 parking space per dwelling unit
Multiple dwellings	1.25 parking spaces per dwelling unit
Apartment dwellings	1.25 parking spaces per dwelling unit (By-Law Number 97-102)
Second Residential Unit	1 parking space per dwelling unit (By-Law Number 2013-44)
Retirement home	0.5 parking spaces per unit plus 1 space for every four units for visitors

(By-law 97-102; 2015-57)

Non Residential Uses	Required
Assembly hall, community centre, theatre, cinema, auditorium	The greater of: (a) 1 parking space per 6 fixed seats or fraction thereof, or (b) 1 parking space per 100 square metres of gross floor area
Bowling alley or curling rink	2 parking spaces for each bowling lane or curling sheet (By-Law Number 97-102)
Business office	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 the site is situated on a public transit route
Commercial fitness centre	3.1 parking spaces per 100 square metres of gross floor area (By-Law Number 97-102; 2013-223)
Financial institution	1 parking space per 30 square metres of gross floor area (By-Law Number 97-102)
Medical or dental clinic, veterinarian clinic	5 parking spaces per 30 square metres of gross floor area (By-Law Number 97-102; 2013-223)
Places of worship	1 parking space per 4 seats; in the case of bench seating, 1 seat equals 0.5 metres of bench space.
Recreational use	The greater of: (a) 1 parking space per 14 square metres of gross floor area, or (b) 1 parking space per 4 persons design capacity of the establishment (By-Law Number 97-102)
Restaurant	10 parking spaces per 100 square metres of gross floor area with a minimum of 20 parking spaces for a drive-in restaurant
Retail store, personal service shop	5.25 parking spaces per 100 square metres of gross floor area
Schools, elementary	2.1 parking spaces per classroom (By-Law Number 97-102; 2013-223)
Schools, secondary	5.67 parking spaces per classroom (By-Law Number 97-102)
All other non-residential uses not listed in this table	2.5 parking spaces per 100 square metres of gross floor area (By-Law Number 97-102; 2013-223)

(By-law 97-102; 2015-57)

5.18 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: 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.
 - 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;
- 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) wheelstops 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 No. 2007-160; 2017-75)

5.19 Parking Area Requirements

- y) *Parking spaces* required by this By-Law shall be provided on the same *lot* and in the same *Zone* as the *building, structure* or use requiring the parking, in accordance with the Parking Standards Table, with the exception of the following:
- z) Parking for the non-residential uses permitted in the Neighbourhood Commercial (NC) *Zone* is not required.
- aa) The required parking for non-residential uses in the Mixed Use One (MU1) and the Mixed Use Two (MU2) *Zones* may be located on a different *lot* than the use for which the parking is required provided such parking is located within 300 metres of the use. Notwithstanding the above, parking spaces for the physically disabled and required in accordance with Section 5.19 shall be provided on the same *lot* as the use for which the parking is required.
- bb) When a *building, structure* or *lot* accommodates more than one type of use, the *parking space* requirement for the whole *building* shall be the sum of the requirements for the separate parts of the *building* occupied by the separate types of use.

Notwithstanding the above paragraph, when a mix of residential and non-residential uses are accommodated on a *lot* in accordance with this By-law, the parking requirement shall be 75 percent of the requirement for the residential uses, plus the requirement for the non-residential uses provided there shall be no less than the amount that would have been required for the residential uses if the non-residential uses did not exist.

- cc) Each *parking space* shall have a width of not less than 2.75 metres and a length of not less than 5.5 metres with the exception of a *parking space* for the physically disabled, which shall have a width of not less than 4.0 metres and length of not less than 6.0 metres.
- dd) 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. This provision shall not apply to *driveways* accessing a *private garage*.
- ee) Notwithstanding the *yard* and setback requirements of this By-law, uncovered surface *parking areas* required for non-residential uses shall be set back a minimum of 1.0 metre from any *lot line*.

- ff) No setbacks shall be required for any *private garage, parking area or parking lot* if it is constructed completely below the *established grade*.
- gg) Where parking for a residential use, other than an *apartment dwelling*, is provided in an individual driveway and/or garage, the stacking of spaces one immediately behind another is permitted.
- hh) 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 the parking of 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.

(By-Law No. 97-102)

5.20 Parking Of Commercial Vehicles In A Residential Zone

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

- ii) Not more than one vehicle per *dwelling unit* shall be a *commercial motor vehicle* as defined in this By-Law.
- jj) The rated capacity of any such *commercial motor vehicle* shall not exceed two (2) tonnes.
- kk) 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 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 No. 97-102; 2008-168)

5.21 Public Uses

The provisions of this By-law shall not apply to prevent the use of any land, *building or structure* by any *public authority* provided that:

- ll) such use, *building or structure* complies with the standards of the *Zone* in which it is located; and,
- mm) no *outdoor storage* is permitted, unless such *outdoor storage* is specifically permitted in the *Zone*.

Notwithstanding the above provision, arenas, open storage uses, salvage yards, landfill sites and secondary schools are only permitted in a *Zone* where the use is specifically permitted.

5.22 Storage Of Special Vehicles

5.22.1 Vehicles permitted

In any Residential *Zone*, no person shall use any *lot* for the purpose of parking or storing a boat, motor home, snowmobile, personal watercraft, all terrain vehicles, *travel trailer*, *utility trailer* or similar recreational vehicle except for:

nn) 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;

oo) not more than two (2) snowmobiles, personal watercraft, all terrain vehicles, *utility trailer* or similar recreational vehicle, or any combination thereof;

pp) one (1) *travel trailer* which shall not exceed 8.2 metres in length, exclusive of hitch or tongue.

(By-Law No. 97-102; 2002-186; 2008-168)

5.22.2 Yards Permitted in the LDR, LDR1, LDR/I AND LDR/NC Zones and Time Limit

In any LDR, LDR1, LDR/I AND LDR/NC *ZONES*, the parking or storage of a boat, motor home, snowmobile, personal watercraft, all terrain vehicle, *travel trailer*, *utility trailer* or similar recreational vehicle shall only be permitted in a *garage*, *carport* or other *building* and not in any required *parking space* or sight triangle, except that on lands not used for *apartment dwelling* purposes, such boat, motor home, snowmobile, personal watercraft, all terrain vehicle, *travel trailer*, *utility trailer* or similar recreational vehicle may be parked or stored in an *interior side yard* or *rear yard*, but no closer than 1 metre to any *lot line*.

In a LDR, LDR1, LDR/I AND LDR/NC *ZONES*, the parking or storage of a boat, motor home, snowmobile, personal watercraft, all terrain vehicle, *travel trailer*, *utility trailer* or similar recreational vehicle may be permitted for a period of not more than 72 hours in any one calendar month in a *front yard* or *exterior side yard*, provided that such *lot* is not used for *apartment dwelling* house purposes.

(By-Law No. 97-102; 2002-186 ; 2007-160; 2008-168; 2013-223)

5.22.3 Yards where permitted in the MDR Zone

The parking or storage of a boat, motor home, snowmobile, personal watercraft, all terrain vehicle, *travel trailer*, *utility trailer*, or similar recreational vehicle is not permitted in any *yard* in the MDR *Zone*.

(By-Law No. 97-102; 2002-186; 2013-223)

5.23 Swimming Pools In Residential Zones

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:

- qq) 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 3.0 metres to any *interior side* or *rear lot line* except where such equipment is enclosed in an *accessory building*;
- rr) 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 meters of any *exterior side lot line*.
(By-Law No. 97-102; 2008-168)

5.24 Temporary Construction And Sales Uses

- a) Nothing in this By-law shall prevent uses incidental to construction, such as a construction camp or other such temporary work camp, tool shed, scaffold or other *building* or *structure* incidental to the construction only for so long as the same are necessary for work in progress which has neither been finished nor abandoned in accordance with The Building Code Act.
(By-Law No. 97-102)
- ss) Nothing in this By-law shall prevent the use of land for a sales office for the sale of residential *dwelling units* provided that the *dwelling units* to be sold are within the limits of the Cataraqui North Secondary Plan area.
(By-Law No. 97-102; 2013-223)

5.25 Model Homes 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:

- tt) 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 percent (10%) 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 No. 97-102; 2003-382)

5.26 Drive-Through Service Facility

A new “Drive-Through Service Facility” shall be constructed or established in accordance with the following provisions: (By-Law No. 2008-168)

- uu) No drive-through service facility shall be constructed or established within 50 m of a *residential use* or *zone* that permits a *residential use*.
- (ii) A minimum 3 m 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*.
- (iii) All drive-through service facilities shall be subject to Site Plan Control approval. (By-Law No. 2008-168; 2013-223)

5.27 Dwelling Unit

A *dwelling unit* shall be subject to the following provisions:

- vv) *KITCHEN* – a *dwelling unit* shall contain only one *kitchen*.

- (b) *ENTRANCE* – a *dwelling unit* shall have its own separate *entrance*.
(By-Law No. 2008-168)

5.28 Renewable Energy Systems

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 No. 2008-168; 2013-223)

5.29 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 Detached Dwelling
 - (ii) Semi-Detached Dwelling
 - (iv) Townhouse Dwelling
- (b) A second residential unit shall only be permitted if it is connected to municipal services approved by the authority having jurisdiction.
- (c) 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.
- (d) A second residential unit shall not be permitted on the lands identified as Natural Hazards Area in Schedule “B” of this By-Law, or on any lands otherwise identified as a natural hazards area through a site-specific investigation or analysis.
- (e) The establishment of a second residential unit shall not be limited by any special provisions that establish the maximum number of dwelling units.
- (f) A maximum of one second residential unit shall be permitted per lot.
- (g) 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.
- (h) A second residential unit shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.
- (i) A second residential unit shall comply with the maximum floor space index (FSI), where such requirement has been established for the zone in which it is located.

- (j) A second residential unit shall comply with the required minimum landscaped open space where such requirement has been established for the zone in which it is located.
- (k) 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.
- (l) Where a second residential unit is attached to the principal residential 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 residential unit. A separate entrance may also be provided through a joint front entrance vestibule within the principal residential unit.
- (m) The exterior entrance to a second residential unit that is within a principal dwelling (i.e. not a detached second residential unit) and is located at the side or rear of the principal dwelling, shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the principal residential 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.
- (n) No person may park a motor vehicle on any part of a pathway as defined in Section 5.29(m).
- (o) 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.
- (p) Access to a detached second residential unit shall be in accordance with the Ontario Building Code.
- (q) The gross floor area of the second residential unit shall be equal to or less than the gross floor area of the principal residential 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 motor vehicles.

(r) Detached Second Residential Units:

A second residential unit in a detached building is not subject to the accessory building regulations in Sections 5.3 and 5.4 of this By-Law unless otherwise indicated below, and will be permitted in accordance with the provisions of Section 5.29 (a) to (q) above and the following additional provisions:

- (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 4.5 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 permitted floor area requirements for accessory buildings as identified in Section 5.3.1.5 and 5.4.3 of this By-Law; and
- (iv) A detached second residential unit shall not be located in the front yard or exterior side yard.

(By-Law No. 2013-44; 2019-90)

Section 6 Definitions

Accessory Use

Means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or *building*, and located on the same *lot*.

Accessory Building

Means a *building* or *structure* that is not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or *building* located on the same *lot*.

(By-Law No. 97-102)

Air Conditioner

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 No. 2006-43)

Alteration

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

Amenity Area

Means an area exterior to the residential building, or an interior area common to all dwelling units within a residential building, which is designed and intended primarily for the leisure and recreation of the occupants of the building.

(By-Law 97-102; 2017-171)

Arcade

Means a *premises* whose principle business consists of the keeping and making available on the said *premises*, for the occasional amusement of the general public, of merchandise and/or electronic games. This definition shall 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.

Assembly Hall

Means a *premises* in which facilities are provided for meetings and/ events for civic, educational, political, religious or social purposes and may include a *banquet hall*, private club or fraternal organization.

Automobile Body Repair Shop

Means a *premises* used for the painting or repairing of automobile bodies or fenders, but shall not include an automobile wrecking yard or salvage yard.

Automobile Service Station

Means a *premises* used for the sale of petroleum products and automobile accessories and for the maintenance essential to the actual operation of *motor vehicles* but excluding a *motor vehicle sales establishment*, an *automobile body repair shop* or public garage.

Balcony

Means a partially enclosed platform attached to or extended horizontally from one or more *main walls* of a *building*.

Banquet Hall

Means a *premises* used for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served.

Basement

Means that portion of a *building* below the *first storey*.

Bedroom

Shall mean a room in a dwelling unit that does not include:

- ww) 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
- xx) 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 97-102; 2015-57)

Building

Means a *structure* occupying an area greater than 10 square metres consisting of any combination of a wall, roof and a floor, or a structural system serving the function thereof, including all associated works, fixtures and fixtures and service systems.

Building, Apartment

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

Building, Main

Means a *building* in which is carried on the principal purpose for which the *lot* is used.

Building, Multiple-Unit

Means a *building* containing three or more *dwelling units*, but not including a *townhouse building* or an *apartment building*.
(By-Law No. 97-102)

Building, Townhouse

Means a *building* that is vertically divided into a minimum of three *dwelling units*, each of which has a independent entrances at *grade* to the front and rear of the *building*.
(By-Law No. 97-102; 2013-223)

Building Line

Means a line that regulates the location of the front wall or the exterior side wall of a *building* on a *lot*.

Business Office

Means a *premises* used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing of information rather than the production and distribution of goods.

Carport

Means a *building* or *structure* which is not wholly enclosed, and is used for the parking or storage of one or more *motor vehicles*.

Car Wash Establishment

Means a *premises* containing facilities for washing automobiles, either by production line methods and mechanical devices, or by a self-service operation.

(By-Law Number 97-102)

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 Province of Ontario.

(By-Law Number 97-102; 2016-132)

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 No. 97-102; 2005-209)

Club, Private

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

Commercial Fitness Centre

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

(By-Law No. 97-102)

Commercial Motor Vehicle

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 No. 97-102; 2002-186)

Convenience Retail Store

Means a *premises* where food, tobacco, drugs, periodicals or similar items of household necessity are kept for retail sale to residents of the immediate neighbourhood.

(By-Law No. 97-102)

Corporation

Means the Corporation of the City of Kingston.

(By-Law No. 97-102; 2013-223)

Council

Means the Council of the Corporation.

Day Nursery

Means a *premises* licensed pursuant to the Day Nurseries Act that receives more than 5 children, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours.

Deck

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

(By-Law No. 97-102)

Drive-Through Service Facility

Means 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*.

(By-Law No. 2008-168; 2013-223)

Driveway

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

(By-Law No. 97-102)

Dry Cleaning Or Laundry Outlet

Means a *premises* where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is conducted and in which solvents which emit odours or fumes are not used and which does not cause a nuisance outside of the building resulting from noise or vibration.

(By-Law No. 97-102; 2013-223)

Dwelling, Apartment

Means a *dwelling unit* in an *apartment building*.

Dwelling, Duplex

Means a *dwelling unit* in a *building* that is divided horizontally into two *dwelling units*, each of which has an independent entrance either directly to the outside or through a common vestibule.

Dwelling, Multiple

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

(By-Law No. 97-102)

Dwelling Semi-Detached

Means a *dwelling unit* in a building that is divided vertically into two *dwelling units* that share a common wall above *grade*. The addition of a second-residential unit to a semi-detached dwelling does not change a semi-detached dwelling into another type of residential building.

By-Law No. 97-102; 2013-223; 2019-90)

Dwelling, Single Detached

Means a *building* containing a *principal residential unit*. The addition of a second residential unit to a single detached dwelling does not change a single detached dwelling into another type of residential building.

(By-Law No. 97-102; 2013-44; 2019-90)

Dwelling, Townhouse

Means a *dwelling unit* in a *townhouse building*. The addition of a second-residential unit to a townhouse dwelling does not change a townhouse dwelling into another type of residential building.

(By-Law No. 97-102; 2019-90)

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.

(By-Law No. 97-102; 2008-168; 2013-223)

ENCLOSED WALKWAY

Means a *structure* connecting a detached *accessory building* and the *main building* on the *lot*.

Erect

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

Financial Institution

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

First Storey

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

Floor Area

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

Floor Area, Gross

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

Garage, Private

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

(By-Law No. 97-102)

Garage Width

Means the cumulative width of attached *private garages* measured between the interior faces of the walls of the *private garages*.

(By-Law No. 97-102; 2005-209)

Gas Bar

Means a *premises* used only for the sale of *motor vehicle* fuels and *motor vehicle* accessories, and not for the performance of minor running repairs essential to the actual operation of *motor vehicles*.

(By-Law No. 97-102)

Garden Suite

Means a one-unit detached residential *structure* containing bathroom and *kitchen* facilities that is ancillary to an existing residential *structure* and that is designed to be portable.

(By-Law No. 2013-44; 2013-223)

Grade

Means the level of the ground adjacent to the outside wall of a *building* or *structure*.

Grade, Established

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

Height

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

- yy) The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- zz) the decline of a mansard roof;
- aaa) the mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof;
- bbb) in case of a *structure* with no roof, the highest point of the said *structure*.

Notwithstanding the above, any ornamental roof construction features including towers, clock towers, steeples, chimneys or cupolas, shall not be included in the calculation of *height*. Mechanical features, such as *structures*, containing the equipment necessary to

control an elevator, are permitted to project a maximum of five metres above the highest point of the roof surface, regardless of the *height* of the *building*.

Home Occupation

Means an occupation conducted for gain in a *dwelling unit*.

Hotel

Means a *premises* used mainly for the purpose of catering to the needs of the traveling public by the furnishing of sleeping accommodations which do not include separate *kitchen* or housekeeping facilities but may include a *restaurant*, dining room, lounge, meeting rooms, *retail stores*, and other ancillary uses.

Institutional Use

Means the use of a *premises* by any organization, group, or association for government, religious, charitable, educational, benevolent, health or welfare purposes and not for profit or gain.

Kennel

Means a *premises* used for the boarding, keeping or breeding of domestic household pets for gain.

(By-Law No. 97-102)

Kitchen

Means a room or group of rooms used or designed for the cleaning and preparation of food, and may include accessory storage for food.

(By-Law No. 2008-168; 2013-223)

Landscaped Open Space

Means the area of a lot used or intended to be used for the growth and maintenance of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and other landscaping and includes any buffer strip, surfaced walk, surface patio, swimming pool or similar area, but shall not include any access driveway, ramp, parking area or loading spaces or any open space beneath, above or within any building or structure.

(By-Law 97-102; 2017-171)

Lane

Means a public or private means of access which affords a secondary means of access to an abutting property in addition to a *street*.

Loading Space

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

Lot

Means a parcel of land wherein the fee simple may legally be conveyed or transferred by an owner for a period of twenty-one years or more. For the purposes of this By-law, a *lot* separated from a *public street* by a reserve, as defined in this By-law, shall be deemed to abut such *public street*.

Lot Area

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

Lot, Corner

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

Lot Frontage

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

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

Lot, Interior

Means a *lot* situated between adjacent *lots* and having access to one *public street*.

Lot Line, Interior Side

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

Lot Line

Means a line delineating any boundary of a *lot*.

Lot Line Exterior Side

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

Lot Line, Front

Means the line which divides the *lot* from the *public street*; in the case of a *corner lot*, the shortest of the lines which divide the *lot* from the *public streets* shall be deemed to be the *front lot line*; on a *corner lot* where such *lot lines* are of equal length, the *front lot line* shall be deemed to be that line which abuts a Provincial road or highway. In the case of a *through lot*, the *lot line* that the *driveway* crosses to access the *lot* from the *public street* is deemed to be the *front lot line*.

Lot Line, Rear

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

Lot, Through

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

Main 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*.

Main Wall

Means the exterior front, side and/or rear wall of a building and all structural components essential to the support of a fully enclosed space or roof.

(By-Law No. 97-102)

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 No. 2003-382; 2013-223)

Motor Vehicle

Means an automobile, motorcycle and motor-assisted bicycle unless otherwise indicated in The Highway Traffic Act, R.S.O. 1990, as amended and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motorized vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, or road building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, as amended.

Motor Vehicle Body Shop

Means a *premises* used for the painting and/or repairing of the exterior and/or the undercarriage of *motor vehicle* bodies.

Motor Vehicle Sales Establishment

Means a *premises* used for the sale or rental of *motor vehicles*.

Non Complying

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

Non Conforming Use

Means a use which is not a permitted use in the *Zone* in which the said use is situated.
(By-Law No. 97-102)

Noxious Use

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

(By-Law No. 97-102; 2006-43; 2013-223)

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/garden centre/greenhouse may include the accessory sale of soil, planting materials, fertilizers, garden equipment, ornaments and similar materials.

(By-Law No. 2005-209; 2013-223)

Outdoor Display And Sales Area

Means an area of land used in conjunction with a business located within a *building* or *structure* on the same *lot*, for the display or sales of seasonal produce, new merchandise or the supply of services.

Outdoor Storage

Means any accessory storage outside of a principle or main building or structure on a lot.

Park, Public

Means any area of land under the jurisdiction of a *public authority* that is designed and/or maintained for recreational purposes.

Parking Area

Means an open area of land not located on a *public street, private street* or *lane* which is used for the parking of *motor vehicles* with or without a fee being charged, but shall not include any area where *motor vehicles* for sale or repair are kept or stored.

Parking Lot

Means an area of land used for the parking of *motor vehicles*, with such use forming the principle use of a *lot*.

Parking Space

Means an unobstructed space for the parking of a *motor vehicle*.

Personal Service Shop

Means a *premises* in which services involving the care of persons or their apparel are offered and includes a barber shop, a hair dressing shop, a beauty shop, a shoe repair establishment, a dry cleaning depot, a dry cleaning establishment or similar service establishments.

Place Of Worship

Means a *building* or part thereof used by a charitable religious group(s) for the practice of religious rites and may include a *day nursery* as an *accessory use*.

(By-Law No. 97-102; 2007-160)

Porch

Means a *structure* abutting a *main wall* of a *building* that may have a roof but with walls that are generally open and unenclosed.

Premises

Means an area of a *building* occupied or used by a single business or enterprise.

Principal Residential Unit

Means the main/core structure intended for human habitation on a lot.

(By-Law No. 2013-44; 2015-178)

Private Home Day Care

Means a *premises* used for the temporary care for reward or compensation of five (5) children or less who are under ten years of age where such care is provided in a *dwelling unit* other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.

Private Park

Means an open space or recreational area other than a *public park*, operated on a commercial and/or private member basis, and which may include areas for walking, horse-riding and cross country skiing or recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields and *accessory buildings* which may include change rooms, meeting rooms and washrooms.

Public Authority

Means any Federal, Provincial, Regional or Municipal agency including any commission, board authority, or department established by such agency.

Recreational Use

Means a use of land, *building* or *structure* that has been designed and equipped for the conduct of sports and leisure time activities such as a bowling alley, a curling rink, a billiard hall, an indoor golf driving range and other such uses, but does not include a *commercial fitness centre*, an arcade, any use requiring the outdoor operation of motor vehicles or any other sports or leisure time use otherwise defined by this By-law.

(By-Law No. 2013-223)

Repair Shop

Means a *premises* used primarily for the repair of household articles but shall not include shops for the repair of internal combustion engines, *motor vehicles* or other similar uses.

Reserve

Means a strip of land abutting a *street* and owned by the authority having jurisdiction over such a *street*. For the purposes of this By-law, a *lot* separated from a *street* by a reserve shall be deemed to abut such a *street*.

Residential Use

Means the use of land, *buildings* or *structures* for human habitation.

Restaurant

Means a *premises* in which the principal business is the preparation and serving of food and refreshments to the public for consumption within the *building or structure*, and

which may include the preparation of food in a ready to consume state for consumption off the *premises*, but does not include a *take-out restaurant* or *fast food restaurant*.

Restaurant, Fast Food

Means a *premises* in which the principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within or outside the building.

Restaurant, Take-Out

Means a *premises* designed and used for the sale of food or refreshments to the public for consumption off the *premises* and may include, as an *accessory use*, a seating area for up to twelve patrons.

Retail Store

Means a *premises* in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the general public.

Retirement Home

Means a *premises* used for the accommodation of retired or semi-retired persons where each suite has 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 rooms and medical care facilities may also be provided.

School, Public

Means, a *premises* used as an academic school under the jurisdiction of the Board of Education or a school under the jurisdiction of the Roman Catholic School Board, or other similar Provincially approved educational institution or parochial school operated on a non-profit basis and may include a *day nursery* as an *accessory use*.

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 calisthenics, business or trade school and any other such specialized school. A *commercial school* may include a *day nursery* as an *accessory use*.

School, Private

Means a *premises* used as an academic school which secures the major part of its funding from sources other than government agencies and may include a *day nursery* as an *accessory use*.

(By-Law No. 97-102; 2007-160)

Second Residential Unit

Means a dwelling unit which is ancillary to a principal residential unit, and is located on the same lot therewith.

(By-Law No. 2013-44; 2019-90)

Stacking Lane

Means an onsite queuing lane for *motorized vehicles*.

Static Renewable Energy Device

Means 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, etc.

(By-Law No. 97-102; 2013-223)

Storey

Means that portion of a *building* between the surface of a floor and the floor, ceiling or roof immediately above. Any portion of a *building* partly below *grade* level shall be deemed a *storey* where its ceiling is at least 1.8 metres above *established grade*. Any portion of a *storey* exceeding 4.2 metres in height shall be deemed to be an additional *storey*.

Street, Private

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

Street, Public

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

Street Line

Means the boundary between a *public street* and a *lot*.

Structure

Means anything that is erected, built or constructed of parts joined together and attached or fixed permanently to the ground or any other *structure*. For the purpose of this By-law, the following are deemed not be *structures*:

- fences
- drop awnings
- clothes poles
- flagpoles
- garden trellises
- retaining walls that have a height of 1.0 metre or less
- light standards
- signs

Suite

Means a single room or series of rooms of complementary use, operated under a single tenancy and includes *dwelling units*, individual guest rooms in motels, *hotels*, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

Supermarket

Means a *building*, or part thereof, containing a departmentalized food store.

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 No. 97-102; 2005-209)

Tandem Parking Space

Means a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway.

(By-Law 97-102; 2019-90)

Trailer, Travel

Means any vehicle designed to be towed by a *motor vehicle* and capable of being used for the temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear is removed. This definition shall not include a mobile home.

(By-Law No. 2002-186; 2008-168; 2013-223)

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 No. 2008-168; 2013-223)

Veterinary Clinic

Means a *premises* used for the treatment of animals by a veterinary surgeon in which animals may be kept for veterinary treatment, but does not include a *kenne!.*

Yard

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

Yard, Exterior Side

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

Yard, Front

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

Yard, Interior Side

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

Yard, Minimum Required

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

Yard, Rear

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

Zone

Means a designed area of land use shown on the Zoning maps of this By-law.

Section 7 Exceptions

7.1 Emerald Street Clubhouse Lot 44 Plan 13m-18 – Ldr1*1

Notwithstanding the provisions and permitted uses of the ‘LDR1’ Zone, within the ‘LDR1*1’ Zone the following regulations shall apply:

(By-Law No. 2000-112; 2013-223)

- a) The permitted uses shall include a “*private club*” as defined in the Zoning By-Law, subject to the following special provisions;
- b) Maximum *Gross Floor Area*: 70 sq. metres;
- c) Required *Parking spaces*, not stacked: 2, one (1) of which must be for the disabled;
- d) Permitted *driveway* width: 7 metres
(By-Law No. 2000-112)

7.2 LDR*2 (Dacon Corporation Ltd. – Pinehill II Subdivision)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated ‘LDR*2’ shall be used and developed in accordance with the following additional provisions:

(i) Maximum Driveway Width

Notwithstanding the provisions of Table B1, Section C, “Standards for the LDR and LDR1 Zones”, of this By-Law, the maximum *driveway* width for *townhouse buildings* on a *lot* that is not accessed by a *lane* shall be 6.0 metres or 50% of the *lot frontage*, whichever is the lesser.

(ii) Maximum Garage Width

Notwithstanding the provisions of Table B1, Section D, “Standards for the LDR and LDR1 Zones”, of this By-Law, the maximum *garage width* for *townhouse buildings* on a *lot* that is not accessed by a *lane* shall be 6.0 metres or 50% of the *lot frontage*, whichever is the lesser.

(By-Law No. 2001-93; 2013-223)

7.3 LDR/I*3 (Frontline Worship Centre/ Former Cataraqui Public School)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'LDR/I*3' shall be used and developed in accordance with the following additional provisions:

(i) Minimum Required Front Yard

Notwithstanding the provisions of Table B2, Section B, "Standards for the LDR/I Zone", the Special Provisions of Section (8) shall not apply to the property zoned 'LDR/I*3'.

(ii) Minimum Required Interior Side Yard

Notwithstanding the provisions of Table B2, Section F, "Standards for the LDR/I Zone" which apply to *places of worship* and *public schools*, the *minimum required interior side yard* along the southern *interior lot line* shall be 3.7 metres.

(By-Law No. 2002-52; 2013-223)

7.4 MU1*4 (471 Cataraqui Woods Drive)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MU1*4' shall be used and developed in accordance with the following additional provisions:

i) Maximum Gross Leasable Retail Area:

the maximum gross leasable retail area shall be 2,999 square metres;

ii) Permitted Uses:

That in addition to the uses permitted in the Mixed Use One 'MU1' Zone a *retirement home* use and accessory personal service shop, retail use and *recreational use* to be utilized exclusively by the *retirement home* residents and staff are permitted;

iii) That for the purpose of *zone* interpretation all parcels within the 'MU1*4' Zone shall be treated as a single parcel;

iv) Maximum Building Height:

a maximum building *height* of 26 metres for a *retirement home* use;

v) Parking:

That for the purposes of a *retirement home* use the minimum of 0.60 *parking spaces per dwelling unit* shall be provided;

vi) That notwithstanding any provisions to the contrary the maximum *residential density* shall be 150 *dwelling units* per hectare;

vii) permit a *dwelling unit* equivalency ratio of 2 *retirement home* suites, as defined herein, to one *dwelling unit* (2:1 units) for a *retirement home* use; and

viii) Retirement Home Suite:

Shall be defined as a habitable space designed for living and sleeping consisting of studios, one or two bedrooms, private bathroom and separate entrance from a common hall, and a kitchenette which may include convenience facilities such as a bar fridge and a microwave oven, but without full cooking facilities.

(By-Law No. 2003-206; 2007-107; 2011-94; 2012-50; 2013-223)

7.5 LDR*5 (Taylor Chev Olds Cadillac Limited, Part of Lots 12 and 13, Concession 3)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'LDR1*5' shall be used and developed in accordance with the following additional provisions:

(i) Permitted Uses

Notwithstanding the provisions of Table A1, "Residential Zones, Permitted Uses", a *Public School* shall be a permitted use on the lands zoned 'LDR1*5'.

(By-Law No. 2003-206; 2013-223)

7.6 MDR*6 (667-669, 671-685, 687, 689, 691 Augusta Dr.)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MDR*6' shall be used and developed in accordance with the following provisions:

- (i) In addition to the uses permitted in the 'MDR' Zone, the permitted uses shall include *single detached dwellings* on *lots* accessed by a rear *lane* only.
(By-Law No. 2003-199; 2013-223)
- (ii) The minimum *lot frontage* for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 8.5 metres.
- (iii) The minimum *front yard* depth for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 4 metres. At least 70% of the front wall of the *first storey* of the *main building* shall be located within 1.5 metres of, or on, the *building line*. In no case shall the front wall be located in the *minimum required front yard*.
- (iv) *Single family dwellings* located on a *corner lot* accessed by a rear *lane* shall have at least 25% of the front wall of the *first storey* of the *main building* located within 1.5 metres of, or on, the *building line*. In no case shall the front wall be located in the *minimum required front yard*.
(By-Law No. 2003-199)
- (v) The minimum required *lot* depth for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 30 metres.
(By-Law No. 2003-199; 2013-223)
- (vi) The *minimum required interior side yard* for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 1.2 metres on one side and 0.6 metres on the other.
- (vii) The *minimum required exterior side yard* setback for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 2.4 metres.
- (viii) The *minimum required rear yard* setback shall be 14.5 metres.
- (ix) The maximum *building height* for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 11 metres.
- (x) Detached *garages* shall be set back from the dwellings a minimum of 7.5 metres.
- (xi) The minimum required number of *parking spaces* per *lot* shall be two (2) to be enclosed in a *garage*.
(By-Law No. 2003-199)

7.7 MDR*7 (670 Augusta Dr.)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MDR*7' shall be used and developed in accordance with the following provisions:

- (i) In addition to the uses permitted in the 'MDR' Zone, the permitted uses shall include *single detached dwellings* on *lots* accessed by a rear *lane* only.
- (ii) The minimum *lot frontage* for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 8.5 metres.
- (iii) The minimum *front yard* depth for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 4 metres. At least 70% of the front wall of the *first storey* of the *main building* shall be located within 1.5 metres of, or on, the *building line*. In no case shall the front wall be located in the *minimum required front yard*.
- (iv) *Single family dwellings* located on a *corner lot* accessed by a rear *lane* shall have at least 25% of the front wall of the *first storey* of the *main building* located within 10 metres of, or on, the *building line*. In no case shall the front wall be located in the *minimum required front yard*.
- (v) The minimum required *lot* depth for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 30 metres.
- (vi) The *minimum required interior side yard* for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 1.2 metres on one side and 0.6 metres on the other.
- (vii) The *minimum required exterior side yard* setback for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 2.4 metres.
- (viii) The *minimum required rear yard* setback shall be 14.5 metres.
- (ix) The maximum *building height* for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 11 metres.
- (x) Detached *garages* shall be set back from the dwellings a minimum of 7.5 metres.
- (xi) The minimum required number of *parking spaces* per *lot* shall be two (2) to be enclosed in a *garage*.

(By-Law No. 2003-199; 2013-223)

7.8 MU1*8 (476 Cataraqui Woods Dr. and Blocks 3 and 4, Plan 13M72)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MU1*8' shall be used and developed in accordance with the following additional provisions:

(i) Prohibited Uses:

Notwithstanding the provisions of Table A2, Retail and Mixed-Use Zones, *apartment buildings, multiple dwellings and home occupations* shall be a prohibited use on the lands zoned 'MU1*8'.

(By-Law No. 2004-182; 2013-223)

7.9 LDR*9 (1128-1147 Seale Crt.)

Notwithstanding any provisions of this By-Law to the contrary, the lands zoned LDR*9 may be used and developed in accordance with the following additional provisions:

i) Maximum Driveway Width

Notwithstanding the provisions of Table B1, Section 4 "Standards for the LDR and LDR1 Zones" of this By-law, the maximum *driveway* width for *single detached dwellings* on a *lot* that is not accessed by a *lane* shall be a maximum of 9.44 metres. The *driveway* width at the property line shall be a maximum of 6.0 metres or 50% of the *lot frontage*, whichever is the lesser.

ii) Maximum Garage Width

Notwithstanding the provisions of Table B1, Section 4, "Standards for the LDR and LDR1 Zones" of this By-law, the maximum *garage width* for *single detached dwellings* on a *lot* that is not accessed by a *lane* shall be a maximum of 9.44 metres.

(By-Law No. 2005-243; 2013-223)

7.10 MDR*10 (1170-1183 Crossfield Ave.)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MDR*10' shall be used and developed in accordance with the following provisions:

(By-Law No. 2009-72; 2013-223)

(i) In addition to the uses permitted in the 'MDR' Zone, the permitted uses shall include *single detached dwellings* on *lots* accessed by a rear *lane* only.

(ii) The minimum *lot frontage* for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 8.5 metres.

- (iii) The minimum *front yard* depth for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 3 metres. At least 70% of the front wall of the *first storey* of the *main building* shall be located within 1.5 metres of, or on, the *building line*. In no case shall the front wall be located in the *minimum required front yard*.
- (iv) *Single family dwellings* located on a *corner lot* accessed by a rear *lane* shall have at least 25% of the front wall of the *first storey* of the *main building* located within 1.5 metres of, or on, the *building line*. In no case shall the front wall be located in the *minimum required front yard*.
(By-Law No. 2009-72)
- (v) The minimum required *lot* depth for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 30 metres.
(By-Law No. 2009-72; 2013-223)
- (vi) The minimum required *interior side yard* for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 1.2 metres on one side and 0.6 metres on the other.
- (vii) The *minimum required exterior side yard* setback for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 2.4 metres.
- (viii) The *minimum required rear yard setback* shall be 14.5 metres.
- (ix) The maximum *building height* for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 11 metres.
- (x) Detached *garages* shall be set back from the dwellings a minimum of 7.5 metres.
- (xi) The minimum required number of *parking spaces* per *lot* shall be two (2) to be enclosed in a *garage*.
(By-Law No. 2009-72)

7.11 MDR*11 (1191, 1193, 1195, 1197, 1199, 1201, 1203, 1205, 1207, 1209, 1211, 1213, 1215-1235 Crossfield Ave.; 686, 688, 690, 692, 694, 696, 698, 700 Augusta Dr.)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MDR*11' shall be used and developed in accordance with the following provisions:

(By-Law No. 2010-80; 2013-223)

- (i) In addition to the uses permitted in the 'MDR' Zone, the permitted uses shall include *single detached dwellings* on *lots* accessed by a rear *lane* only.
- (ii) The minimum *lot frontage* for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 8.5 metres.
- (iii) The minimum *front yard* depth for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 3 metres.

(By-Law No. 2010-80)

- (iv) At least 70% of the front wall of the *first storey* of the *main building* shall be located within 1.5 metres of, or on, the *building line*. However for the *lots* at 698 and 700 Augusta Dr. as well as 1221, 1225, 1227 and 1235 Crossfield Ave. only, at least 70% of the front wall of the *first storey* of the *main building* shall be located within 4.0 metres of, or on, the *building line*. In no case shall the front wall be located in the *minimum required front yard*.

(By-Law No. 2010-80; 2013-223)

- (v) *Single family dwellings* located on a *corner lot* accessed by a rear *lane* shall have at least 25% of the front wall of the *first storey* of the *main building* located within 1.5 metres of, or on, the *building line*. In no case shall the front wall be located in the *minimum required front yard*.

(By-Law No. 2010-80)

- (vi) The minimum required *lot* depth for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 30 metres.

(By-Law No. 2010-80; 2013-223)

- (vii) The *minimum required interior side yard* for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 1.2 metres on one side and 0.6 metres on the other.

- (viii) The *minimum required exterior side yard* setback for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 2.4 metres.

- (ix) The *minimum required rear yard* setback shall be 14.5 metres. However, at the transition between the enclosed walkway and the rear of the main dwelling, the dwelling may project a maximum of 1.2 metres from the rear wall of the main dwelling.
- (x) The maximum *building height* for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 11 metres.
- (xi) Detached *garages* shall be set back from the dwellings a minimum of 7.5 metres.
- (xii) The minimum required number of *parking spaces* per *lot* shall be two (2) to be enclosed in a *garage*.
- (xiii) No *air conditioner* may be located within 1.2 metres of a *rear lot line* or required *front yard*. An *air conditioner* is permitted within the 1.2 metres of a *side yard* in a location between the midpoint of the dwelling and the rear of the dwelling only.
- (xiv) *Enclosed walkways* shall be not wider than 2.75 metres with the width being measured from the exterior faces of the exterior walls. However, at the transition between the *enclosed walkway* and the rear of the main dwelling a width of up to 3.95 metres is permitted for a maximum of 1.2 metres from the rear wall of the main dwelling.

(By-Law No. 2010-80)

7.12. LDR*12 (1190, 1194, 1198, 1202, 1206, 1210, 1214 Crossfield Ave.; 804, 808, 812, 816, 820, 824, 828, 832, 836, 840, 844, 848 Augusta Dr.)

(By-Law No. 2010-151; 2013-223)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'LDR*12' shall be used and developed in accordance with the following provisions:

- (i) The minimum *front yard* depth for a *single detached dwelling* on a *lot* not accessed by a rear *lane* shall be 4.5 metres. The wall of an attached *private garage* shall be setback a minimum of 6.5 metres from the *lot* line that the driveway crosses to access the *garage*.
- (ii) The maximum *garage width* on a *lot* that is not accessed by a *lane* shall be no greater than 50% of the *lot frontage*.
- (iii) The *minimum required rear yard* on a *lot* not accessed by a *lane* shall be 14.5 metres.

(By-Law No. 2010-151)

7.13. LDR*13 (1188-1254 Atkinson St.)

(By-Law No. 2010-151; 2013-223)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'LDR*13' shall be used and developed in accordance with the following provisions:

- (i) The maximum *garage width* on a *lot* that is not accessed by a *lane* shall be no greater than 50% of the *lot frontage*.

(By-Law No. 2010-151)

7.14. LDR*14 (800 Augusta Dr.)

(By-Law No. 2010-151; 2013-223)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'LDR*14' shall be used and developed in accordance with the following provisions:

- (i) The minimum *front yard* depth for a *single detached dwelling* on a *lot* not accessed by a rear *lane* shall be 4.5 metres. The wall of an attached *private garage* shall be setback a minimum of 6.5 metres from the *lot line* that the *driveway* crosses to access the *garage*.

- (ii) The maximum *garage width* on a *lot* that is not accessed by a *lane* shall be no greater than 50% of the *lot frontage*.

- (iii) The *minimum required rear yard* on a *lot* not accessed by a *lane* shall be 11 metres.

(By-Law No. 2010-151)

7.15. LDR*15 (1259-1295 Atkinson St.)

(By-Law No. 2010-228; 2013-223)

Notwithstanding any provisions of this By-Law to the contrary, the provisions of Table B1 for the 'LDR' Zone shall apply to the 'LDR*15' zone except that:

- (i) The maximum *driveway width* shall be 3.5 metres for interior and interior end *townhouse units*.

- (ii) The maximum *driveway width* shall be 6.0 metres or 50% of the *lot frontage*, whichever is the lesser, for exterior (corner) units.

- (iii) The maximum *garage width* shall be 6.0 metres or 50% of the *lot frontage*, whichever is the lesser, for all *townhouse units*.

(By-Law No. 2010-228)

7.16 MDR*16 (1261-1277 Crossfield Ave.; 693, 695, 697, 699 Augusta Dr.)
(By-Law No. 2011-98; 2012-102; 2013-223)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MDR*16' shall be used and developed in accordance with the following provisions:

- (i) In addition to the uses permitted in the 'MDR' Zone, the permitted uses shall include *single detached dwellings* on *lots* accessed by a rear *lane* only.
- (ii) The minimum *lot frontage* for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 8.5 metres.
(By-Law No. 2011-98; 2012-102)
- (iii) The minimum *front yard* depth for a *single detached dwelling* or a *semi-detached dwelling* on a *lot* accessed by a rear *lane* shall be 3 metres. At least 70% of the front wall of the *first storey* of the *main building* shall be located within 2 metres of, or on, the *building line*. However for the *lots* at 699 Augusta Dr. as well as 1261, 1263, 1269, 1271, 1273 and 1275 Crossfield Ave. only, at least 70% of the front wall of the *first storey* of the *main building* shall be located within 4.0 metres of, or on, the *building line*. In no case shall the front wall be located in the *minimum required front yard*.
(By-Law No. 2011-98; 2012-102; 2013-223)
- (iv) The minimum required *lot* depth for a *single detached dwelling* on a *lot* accessed by a rear *lane* shall be 30 metres.
- (v) The *minimum required interior side yard* for a single detached dwelling located on a *lot* accessed by a rear *lane* shall be 1.2 metres on one side and 0.6 metres on the other.
- (vi) The *minimum required rear yard* setback shall be 14.5 metres. However, at the transition between the *enclosed walkway* and the rear of the main dwelling, the dwelling may project a maximum of 2 metres from the rear wall of the main dwelling.
- (vii) The maximum *building height* for a *single detached dwelling* located on a *lot* accessed by a rear *lane* shall be 11 metres.
- (viii) Detached *garages* shall be set back from the dwellings a minimum of 7.5 metres.
(By-Law No. 2011-98; 2012-102)

- (ix) The minimum required number of *parking spaces* per *lot* shall be two (2) to be enclosed in a *garage*. However, for the lots at 1269, 1271, 1273, 1275 and 1277 Crossfield Ave. only, the minimum required number of *parking spaces* per *lot* shall be one (1) to be enclosed in a *garage*.
(By-Law No. 2011-98; 2012-102; 2013-223)
- (x) No *air conditioner* may be located within 1.2 metres of a *rear lot line* or required *front yard*. An *air conditioner* is permitted within the 1.2 metres of a *side yard* in a location between the midpoint of the dwelling and the rear of the dwelling only.
- (xi) *Enclosed walkways* shall be not wider than 2.75 metres with the width being measured from the exterior faces of the exterior walls. However, at the transition between the *enclosed walkway* and the rear of the main dwelling a width of up to 3.95 metres is permitted for a maximum of 2 metres from the rear wall of the main dwelling.
(By-Law No. 2011-98; 2012-102)

7.17 LDR*17 (230-283 Ellesmeer Ave.)

Notwithstanding the provisions of TABLE B1 hereof to the contrary, on the lands designated LDR*17 on Schedule “A” hereof the *minimum lot frontage required* for a *townhouse building* on a *lot* not accessed by a *lane* is 6.0 m per unit and Special Provisions (2) and (5) for the LDR and LDR1 Zones shall not apply.

(By-Law No. 97-102; 2013-223)

7.18 MDR*18 (1326-1376 Crossfield Ave. and 393-403 Ellesmeer Ave.)

Notwithstanding any provisions of this By-Law to the contrary, the provisions of Table B4 for the ‘MDR’ Zone shall apply to the ‘MDR*18’ Zone except that the *minimum lot frontage* required for a *townhouse building* on a *lot* not accessed by a *lane* is 6.0 m per unit.

(By-Law No. 97-102- 2013-223)

7.19 LDR*19 (1248,1250, 1254,1258, 1262, 1266, 1270,1274,1278, 1282 Mazzolin Cres.)

Notwithstanding the provisions and permitted uses of the 'LDR' *Zone*, the lands designated 'LDR-19', shall be used and developed in accordance with the following additional provisions.

(i) Holding Symbol (-H) Limited Development

Notwithstanding the provisions of Section 2.5 of this By-Law to the contrary, where the 'LDR-19' *Zone* is subject to a Holding Symbol (-H), the uses of the LDR *Zone* shall be permitted under the following condition:

(a) Maximum Number of Storeys

The maximum number of *storeys* shall be one (1).

(ii) Provisions for the Removal of a Holding Symbol (-H)

In addition to the provisions of Section 2.5 of this By-Law for the removal of a Holding Symbol (-H), the Holding Symbol (-H) shall not be removed until such time as the Owner(s) of the *Lot(s)* have coordinated with Hydro One in order to:

- (a) Enclose the shed/canopy in the Hydro Works Yard with 20-gauge steel panels damped with sprayed-on sound insulation, in accordance with the detail provided in the Noise Impact Study prepared by J.E Coulter Associates Limited dated August 21, 2007. Copies of which are available for review during normal working hours at the office of the Municipal Engineer;
- (b) Correct the sound generated by the braking system of the propane-powered forklift that operates in the yard;
- (c) Replace, relocate or incorporate an acoustic silencer on the exhaust fan on the maintenance garage at the south end of the Hydro One property; and,

The Owner(s) of the *Lot(s)* must provide to the City a certificate from an acoustical engineer certifying that the required mitigation measures on the Hydro One Property have been undertaken in order to meet the applicable noise criteria.

(By-Law No. 2013-223)

7.20 MU1*20 (1163 Centennial Drive)

Notwithstanding the provisions of this By-Law to the contrary, the lands designated 'MU1*20' on Schedule 'A' hereto, the following regulations shall apply:

(i) **Retirement Home Suite:**

Shall be defined as habitable space designed for living and sleeping consisting of studios, one or two bedrooms, private bathroom and separate entrance from a common hall, and a kitchenette which may include convenience facilities such as a bar fridge and microwave oven, but without full cooking facilities.

(ii) For the purposes of zoning interpretation, all parcels within the 'MU1*20' zone shall be treated as one parcel.

(iii) Two-unit townhouse dwellings are a permitted use on lands zoned 'MU1*20', in accordance with the provisions of the 'MDR' zone, with the exception that the minimum lot frontage shall be 7 metres for each parcel and the maximum height shall be 17 metres.

(iv) A gas bar is a prohibited use on lands zoned 'MU1*20'.

(v) The maximum number of residential dwelling units is 563, including a maximum of 22 townhouse dwelling units.

(vi) With the exception of the townhouse building, a commercial use is permitted on the ground floor of any building on the lands zoned MU1*20. For buildings that abut Cataraqui Woods Drive, ground floor commercial is mandatory and shall comprise no less than 70% of the ground floor.

- (vii) A retirement home is a permitted use, subject to the following provisions:
 - a. The maximum permitted height of a retirement home is 17 metres at the required setback.
 - b. For the purpose of calculation of dwelling units, one (1) retirement home suite equals 0.5 dwelling units.

- (viii) Apartment Buildings and Multiple Unit Buildings with no non-residential uses, the following provisions shall apply per parcel.
 - a. The minimum required front yard is 3 metres.
 - b. The minimum required exterior side yard is 3 metres.
 - c. The minimum required interior side yard is 0 metres
 - d. The minimum required rear yard is 0 metres
 - e. The maximum height is 53 metres or 14 storeys, except for buildings abutting Centennial Drive, in which case the maximum height shall be 17 metres at the required setback.

- (ix) Apartment Buildings and Multiple Unit Buildings with non-residential uses in the first storey and non-residential buildings abutting Cataraqui Woods Drive, the following provisions shall apply per parcel.
 - a. The minimum required lot frontage is 50 metres
 - b. The minimum required rear yard is 5 metres
 - c. The maximum height is 26 metres.”

(By-Law 97-102; 2015-59)

7.21 OS1*21 (1163 Centennial Drive)

Notwithstanding the provisions of this By-Law to the contrary, the lands designated ‘OS1*21’ on Schedule ‘A’ hereto, the following regulations shall apply:

- (i) The permitted uses shall be restricted to public parks and storm water management facilities.
- (ii) The storm water management facility shall have be a minimum setback from the top of slope of 6 metres and a minimum setback of 7.62 metres from the regulatory floodplain, as identified in the Draft Plan of Subdivision (Leslie M. Higginson Surveying Ltd., January 13, 2015).

(By-Law 97-102; 2015-59)

7.22

MU2*22 (Cataraqui Woods Drive)

Notwithstanding the provisions of this By-law hereof to the contrary, the lands designated 'MU2*22' on Schedule 'A' hereto, shall be used and developed in accordance with the following provisions:

- (a) In addition to the uses permitted in the 'MU2' Zone, the permitted uses shall also include: Hospice Facility; Retirement Home; and Pharmacy/Drugstore.
- (b) For the purposes of MU2*22 Zone, a Hospice Facility shall be defined as: an establishment, where end of life care is provided consistent with the needs of the residents. Such establishment may include offices, facilities for therapy or medical treatment, and uses incidental, accessory and supportive of the hospice use.
- (c) For the purposes of the MU2*22 Zone, a Pharmacy/Drugstore shall be defined as: an establishment where prescription drugs are dispensed, medical devices and supplies and non-prescription medicines are sold, and where non-medical products may also be sold.

(By-Law 97-102; 2016-49)

Section 8 Enactment

By-law read a first and second time this 4th day of November 1997.

By-law read a third and final time and passed this 4th day of November 1997.

Isabel Turner

REEVE

(Seal)

Lila Kitching

CLERK

Appendices

(These appendices are to be used for illustration purposes only and do not form part of the By-law)

Appendices

The text and drawings that are found on the following pages are intended to assist in understanding a number of the provisions found in By-law 97-102. However, these appendices are to be used for illustration purposes only and do Not form part of the By-law.

Appendices Contained In This Section

Appendix 1	How to determine the location of a building line
Appendix 2	How to calculate the height of buildings and structures
Appendix 3	Illustration of dwelling types
Appendix 4	Lot line descriptions
Appendix 5	Yard definitions on an irregular lot with no parallel lot lines
Appendix 6	Yard definitions on a corner lot with parallel lot lines
Appendix 7	Yard definitions on a corner lot with curved lot lines
Appendix 8	Yard definitions on an irregular lot with no rear lot line
Appendix 9	Yard and lot line definitions on an interior lot abutting a lane.

Appendix 1

How To Determine The Location Of A Building Line

This appendix is intended to provide an explanation of how the location of a building line is determined in cases where this By-law regulates the location of the walls of a building that face the front lot line or the exterior side lot line in relation to a building line.

The location of the front and/or exterior side wall is regulated in some Zones by special provisions contained on tables in Section 4.0 of this By-law that read as follows:

Front Wall
(special provision applies to required front yard standard)

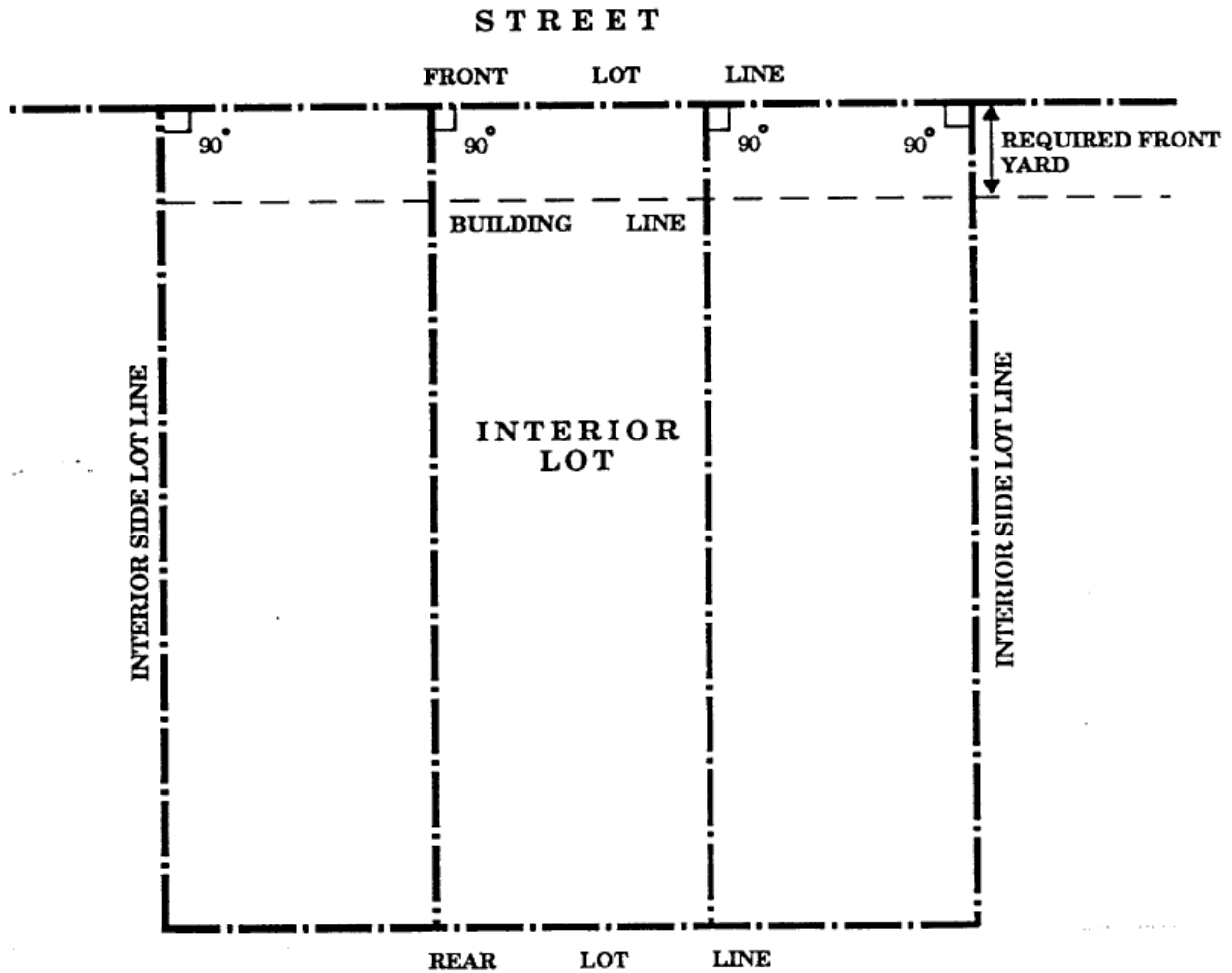
At least ___ percent of the front wall of the main building shall be located within ___ metre(s) of, or on, the building line. In no case shall the front wall be located in the required front yard.

The underlined areas are filled with percentages and numbers that are specific to the Zone the special provision may apply to.

Section 5.2 of this By-law describes how the location of a building line is determined. The following drawings graphically describe how the building line is determined.

Front Wall Scenario A

Section 5.2.1 (a) of this By-law states that where both the interior side lot lines intersect with the front lot line at a 90 degree angle and the front lot line is straight, the building line shall be located parallel to the front lot line a distance equal to the required front yard. The drawing below shows how the building line is located in this scenario.



Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.

Front Wall Scenario B

Section 5.2.1 (b) of this By-law states that where one or both of the interior side lot lines intersect(s) with the front lot line at an angle greater than or less than 90 degrees, or if the front lot line is not straight, the building line shall be set back from the mid-point of the front lot line a distance equal to the required front yard and shall be parallel to a line joining the points where the interior side lot lines intersect with the front lot line.

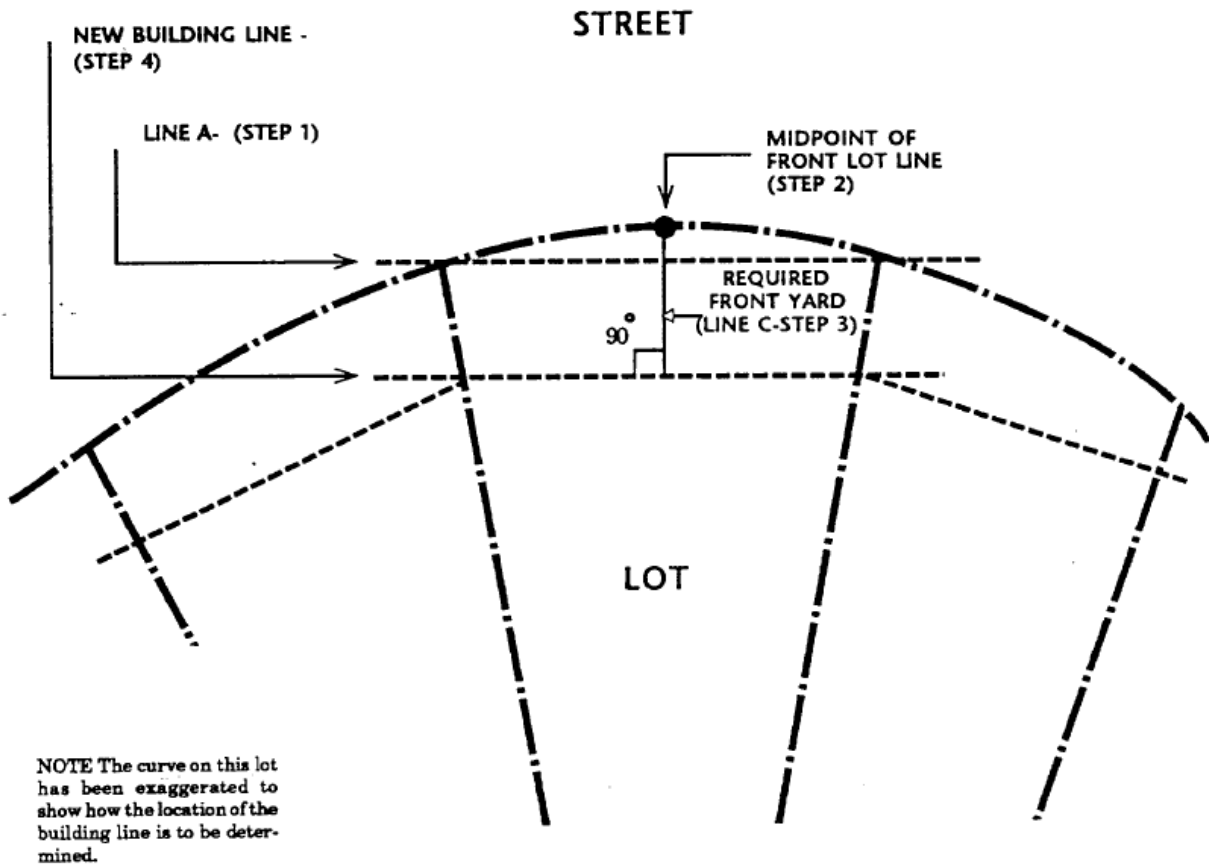
The drawings on the next two pages show how the building line is located on two types of interior lots.

Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.

Type 1 Interior Lot

The location of the building line on this type of lot can be determined by the following the four steps described below:

- Step #1 Draw a line (Line A) extending in a straight line between the points where the interior side lot lines intersect with the front lot line.
- Step #2 Locate the mid-point of the front lot line.
- Step #3 Draw a line (Line C) that extends from the mid-point of the front lot line onto the lot in a straight line a distance equal to the required front yard, with the required front yard measurement being taken from the front lot line onto the lot.
- Step #4 Draw a line (the Building Line) that intersects with the end of Line C at a 90 degree angle with the building line being parallel to line A.

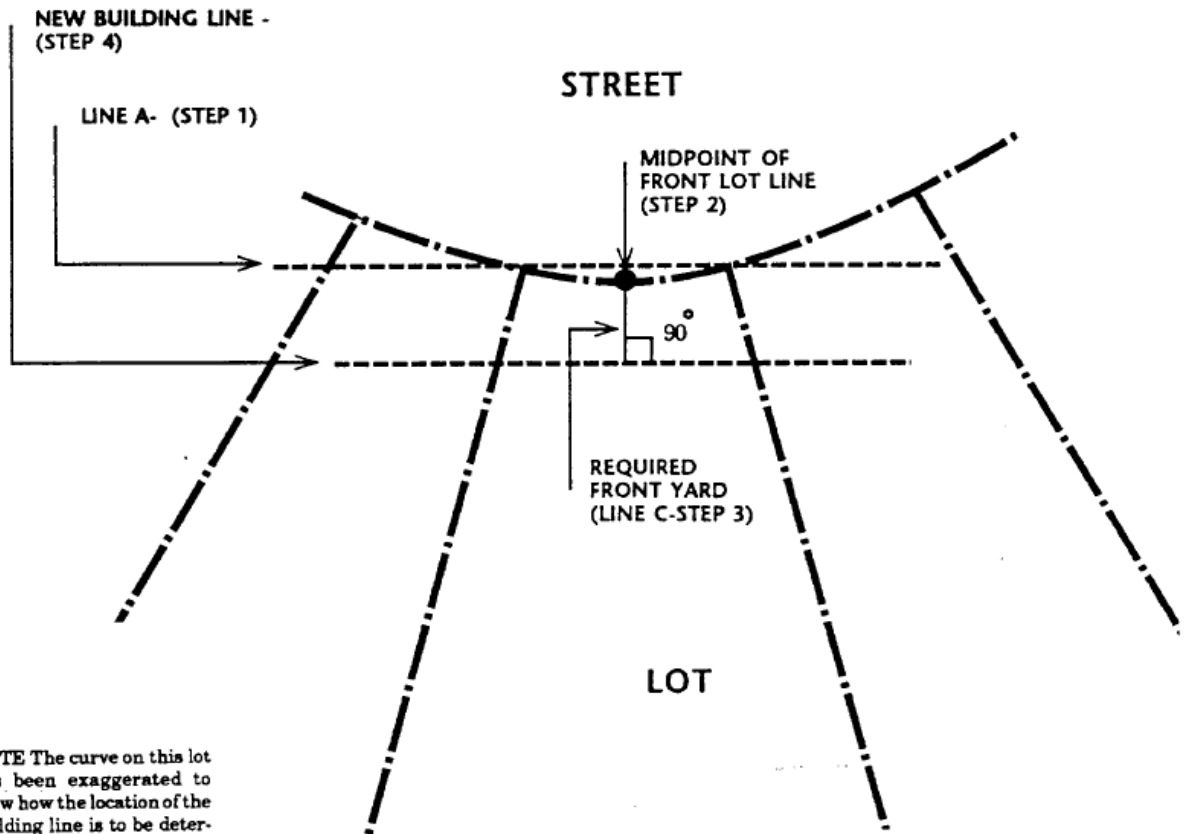


Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.

Type 2 Interior Lot

The location of the building line on this type of lot can be determined by the following the four steps described below:

- Step #1 Draw a line (Line A) extending in a straight line between the points where the interior side lot lines intersect with the front lot line.
- Step #2 Locate the mid-point of the front lot line.
- Step #3 Draw a line (Line C) that extends from the mid-point of the front lot line onto the lot in a straight line a distance equal to the required front yard, with the required front yard measurement being taken from the front lot line onto the lot.
- Step #4 Draw a line (the Building Line) that intersects with the end of Line C at a 90 degree angle with the building line being parallel to line A.

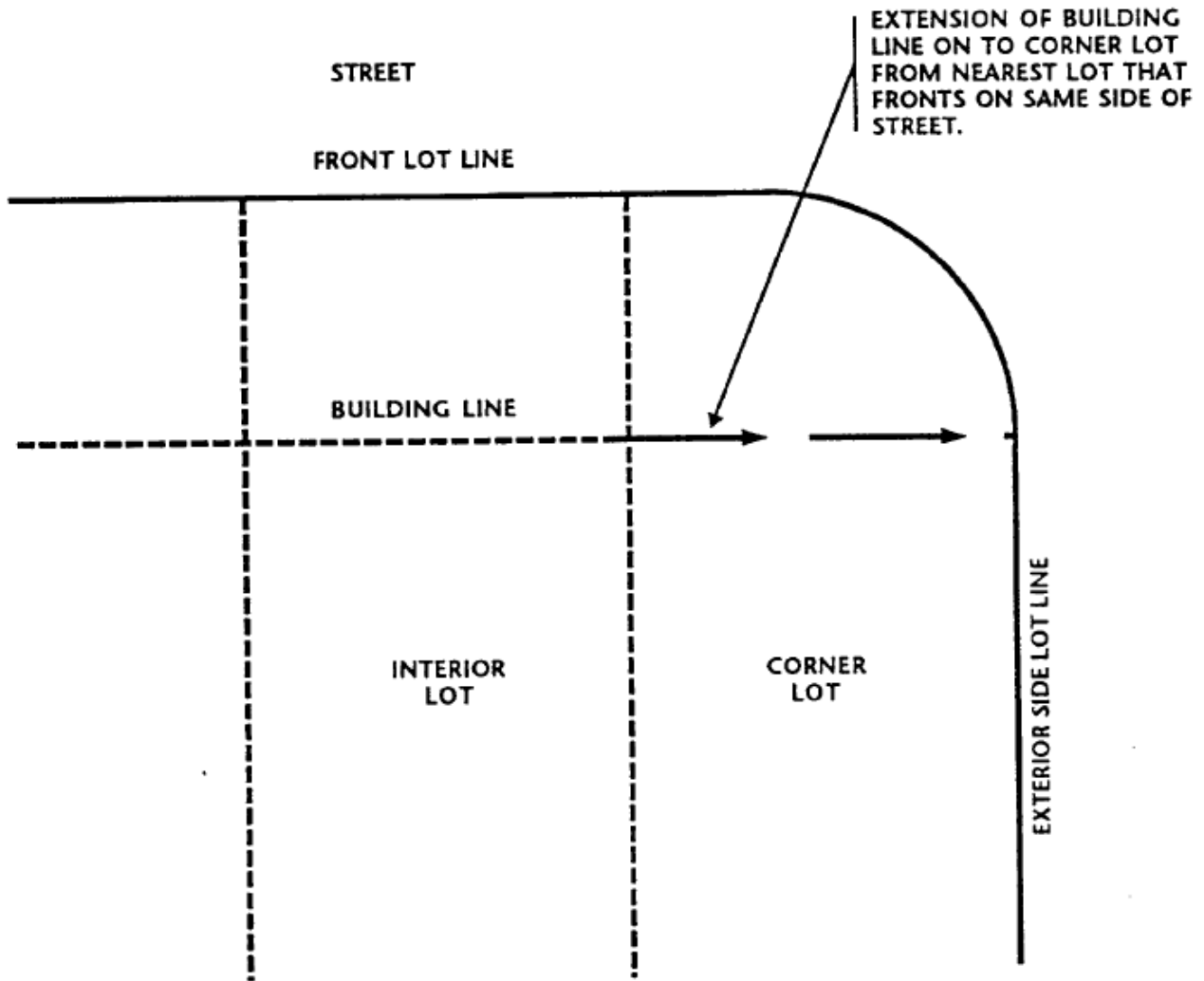


NOTE The curve on this lot has been exaggerated to show how the location of the building line is to be determined.

Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.

Front Wall Scenario C Corner Lot

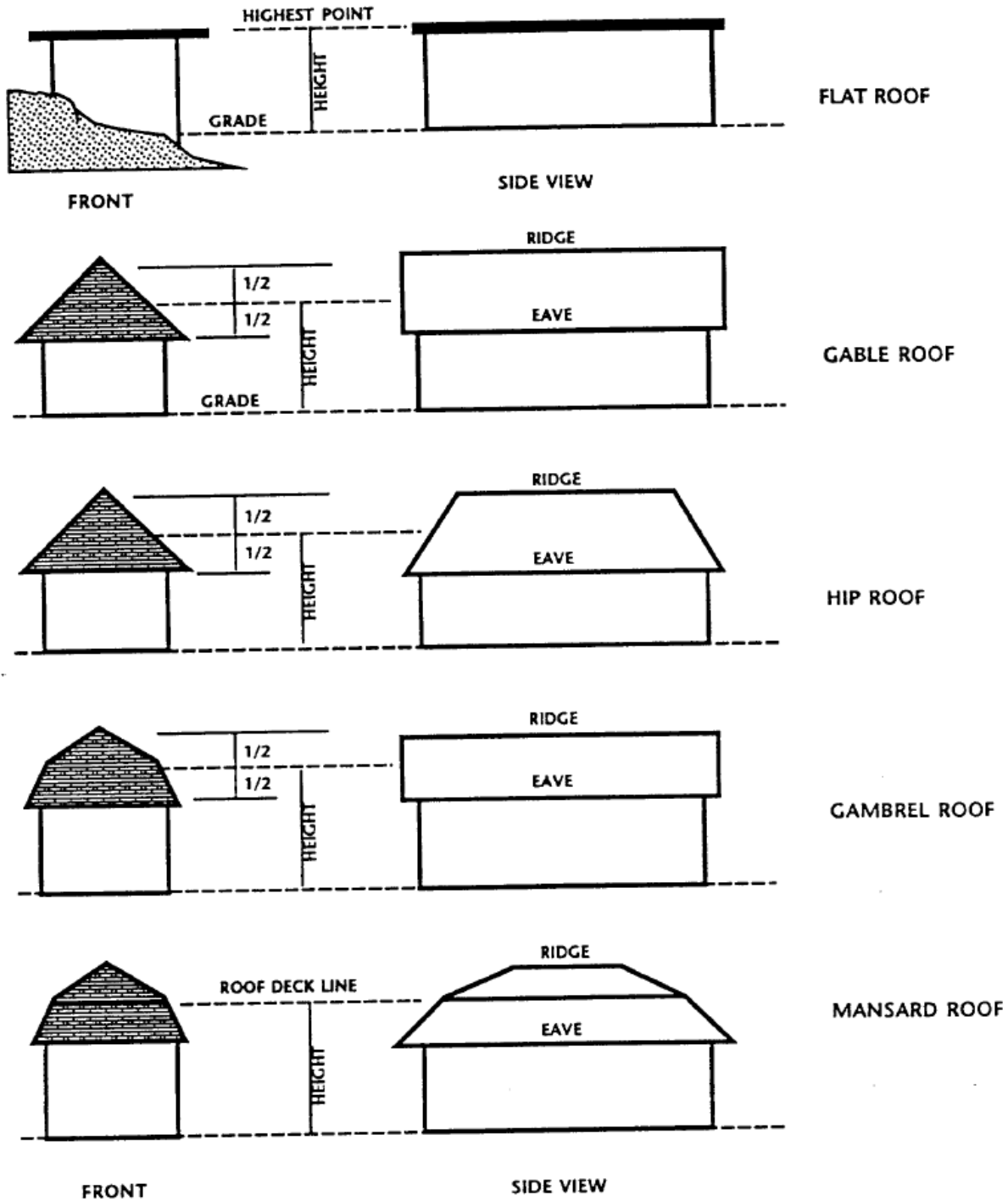
Section 5.2.1 (c) of this By-law states that where the lot is a corner lot, the building line shall be located on the lot by extending the building line on the nearest lot that fronts on the same side of the street to the exterior side lot line. In addition, a lot that is located at the intersection of a public street and a lane is considered to be a corner lot. The drawing below describes how a building line is located on a corner lot.



Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.

Appendix 2

How To Calculate The Height Of Buildings And Structures



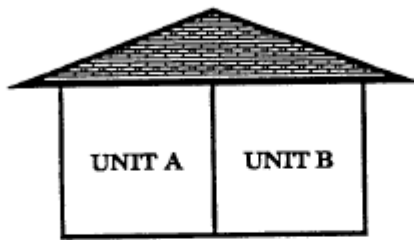
Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.

Appendix 3

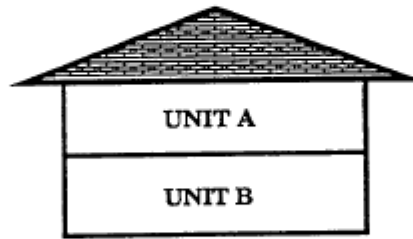
Illustration Of Dwelling Types



SINGLE DETACHED DWELLING



SEMI-DETACHED DWELLINGS



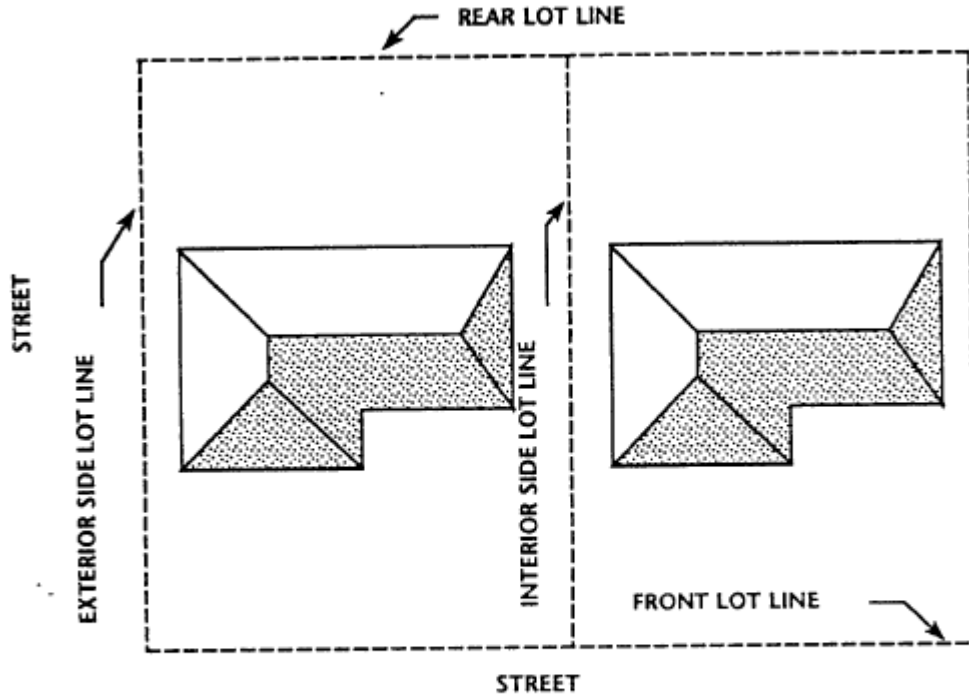
DUPLEX DWELLINGS



TRIPLEX DWELLINGS

Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.

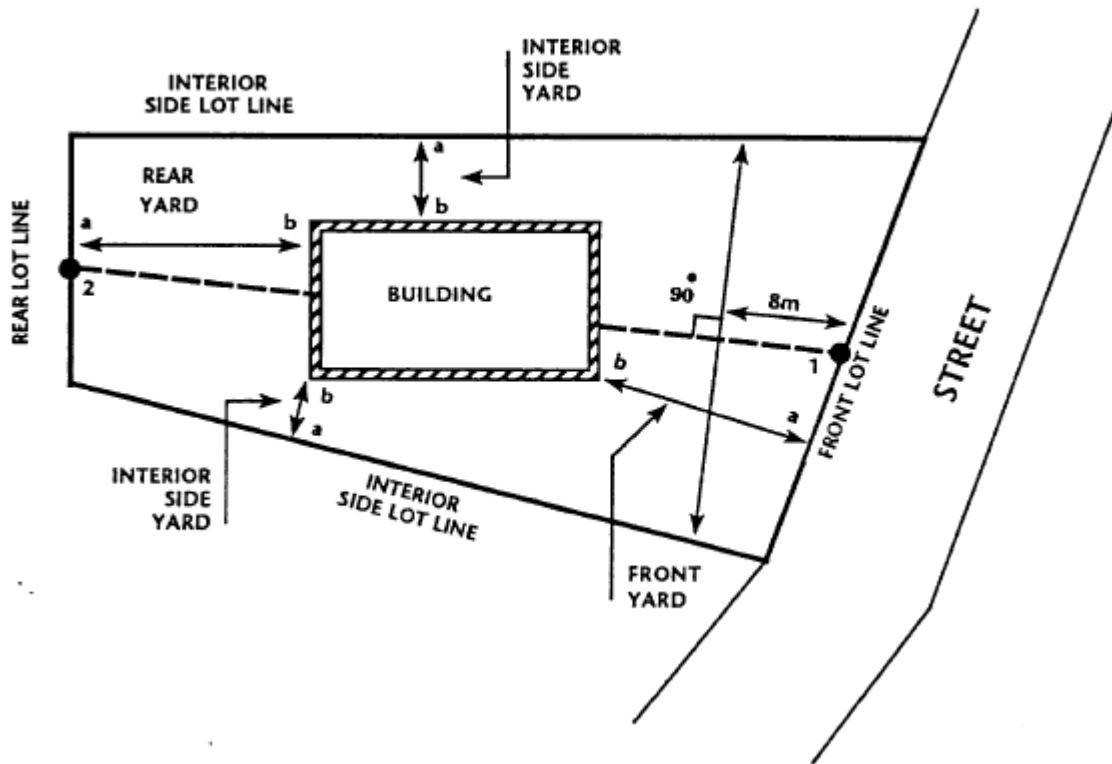
Appendix 4 Lot Line Descriptions



Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.

Appendix 5

Yard Definitions On An Irregular Lot With No Parallel Lines



Lot Frontage

1. Mid-Point Of Front Lot Line.
2. Mid-Point Of Rear Lot Line.

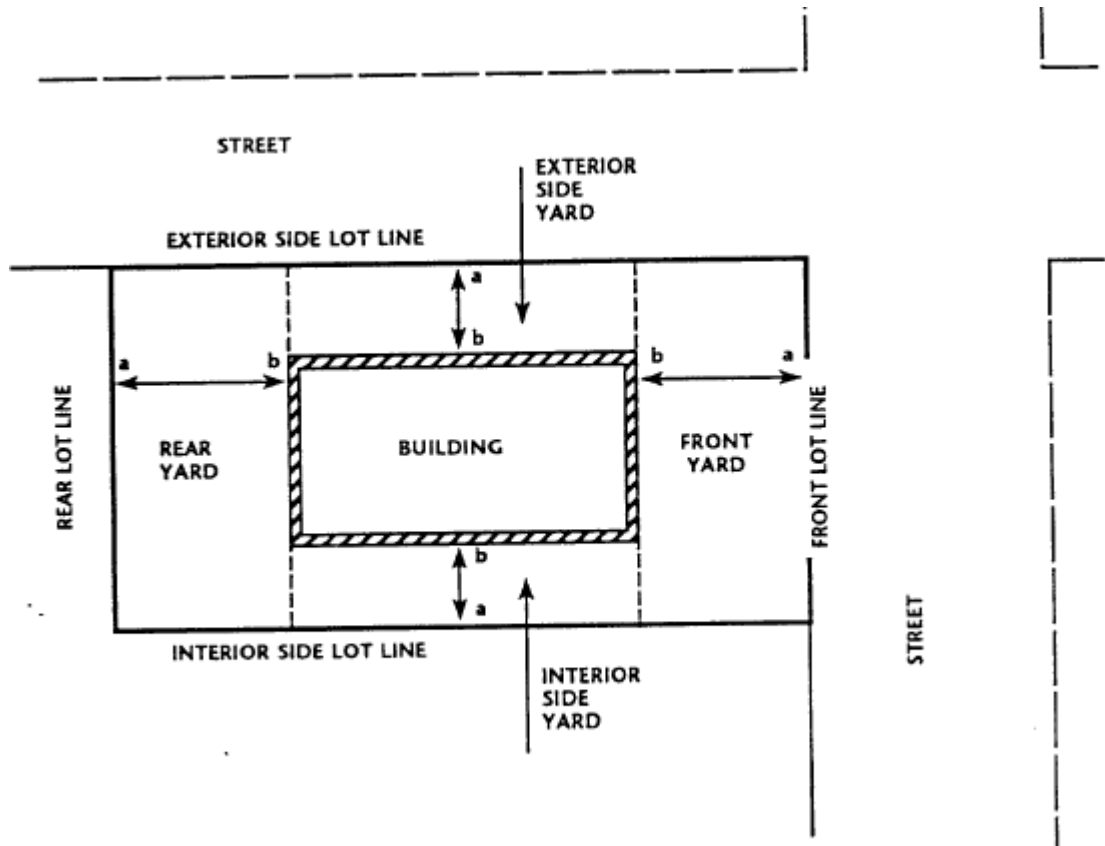
Lot Frontage Measured At Right Angles To The Line Joining Points 1 And 2 At A Distance Of 8 Metres From The Mid-Point Of The Front Lot Line.

Distance ab Represents The Shortest Distance Measured Between The Lot Line And The Nearest Part Of The Main Building. Distance ab Must Be A Minimum Of The Required Yard Specified In The By-Law.

Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.

Appendix 6

Yard Definitions On A Corner Lot With Parallel Lot Lines

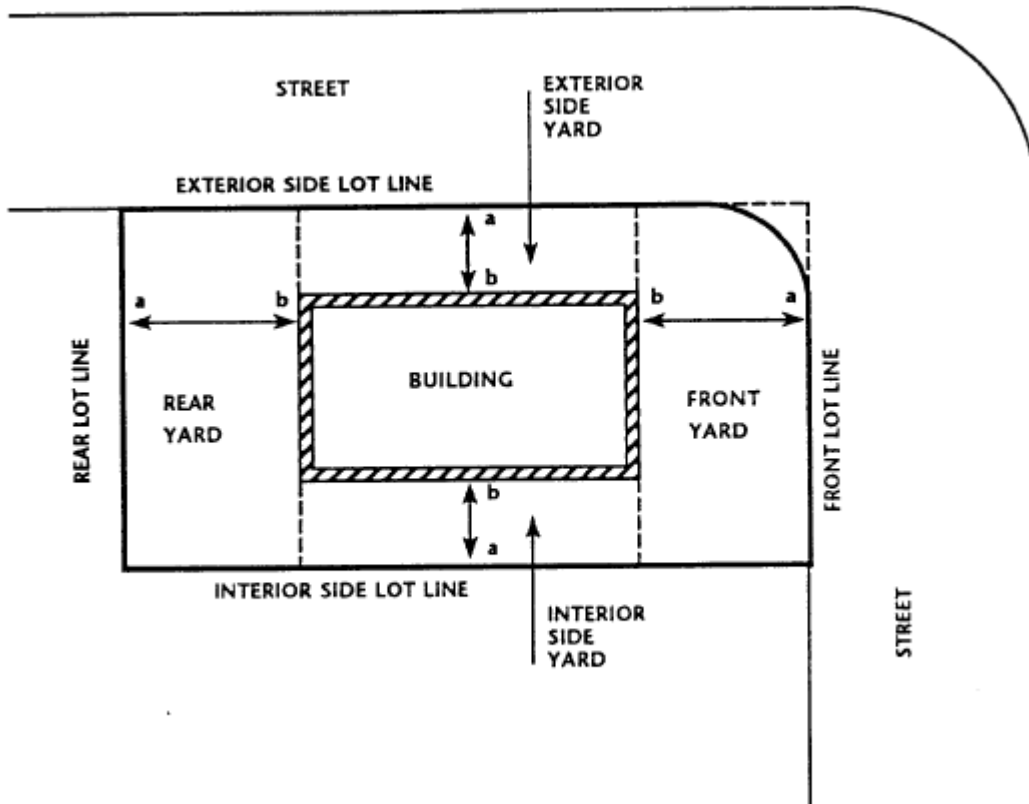


Distance ab Represents The Shortest Distance Measured Between The Lot Line And The Nearest Part Of The Main Building. Distance ab Must Be A Minimum Of The Required Yard Specified In The By-Law

Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.

Appendix 7

Yard Definitions On A Corner Lot With Curved Lot Lines

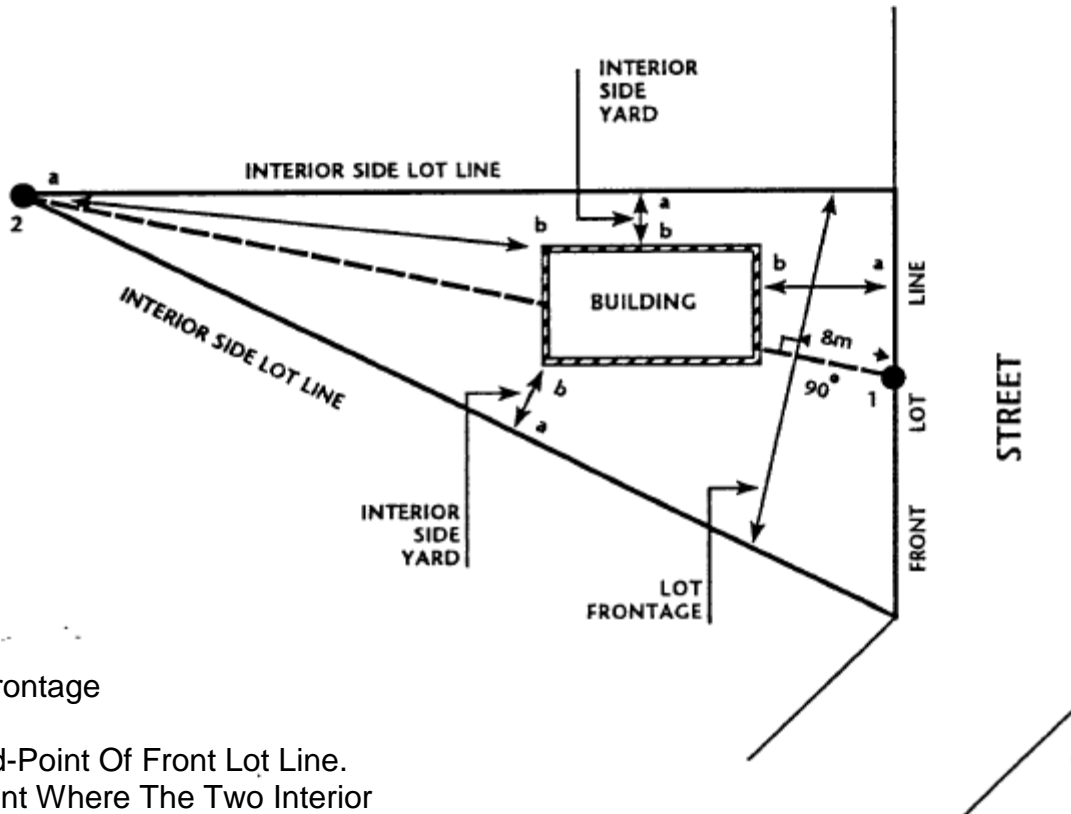


Distance ab Represents The Shortest Distance Measured Between The Lot Line And The Nearest Part Of The Main Building. Distance ab Must Be A Minimum Of The Required Yard Specified In The By-Law

Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.

Appendix 8

Yard Definitions On An Irregular Lot With No Rear Lot Line



Lot Frontage

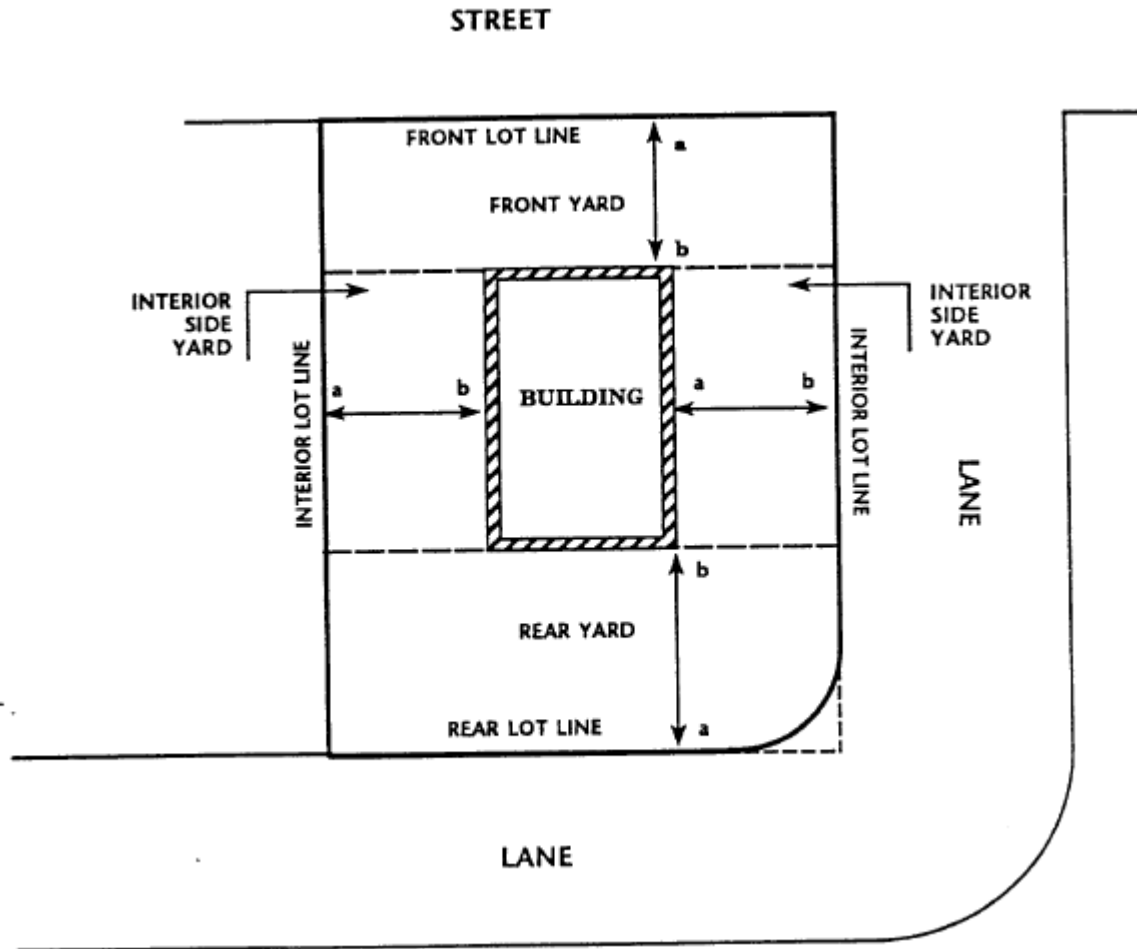
1. Mid-Point Of Front Lot Line.
2. Point Where The Two Interior Side Lot Unes Intersect.

Lot Frontage Measured At Right Angles To The Line Joining Points 1 And 2 At A Distance Of 8 Metres From The Mid-Point Of The Front Lot Line.

Distance Ab Represents The Shortest Distance Measured Between The Lot Line And The Nearest Part Of The Main Building. Distance Ab Must Be A Minimum Of The Required Yard Specified In The By-Law

Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.

Appendix 9
Yard And Lot Line Definitions
On A Lot
Adjacent To A Lane



Distance ab Represents The Shortest Distance Measured Between The Lot Line And The Nearest Part Of The Main Building. Distance ab Must Be A Minimum Of The Required Yard Specified In The By-Law

Note: This appendix is to be used for illustration purposes only and does not form part of this By-law.