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**THE CORPORATION OF THE TOWN OF LINDSAY
ZONING BY-LAW NUMBER 2000-75**

**BEING A ZONING BY-LAW TO REGULATE THE
CHARACTER, LOCATION AND USE OF
LAND, BUILDINGS AND STRUCTURES
IN THE CORPORATION OF THE
TOWN OF LINDSAY**

WHEREAS authority is found in Section 34 of the *Planning Act, R.S.O. 1990, c.P.13, as amended*, to enact zoning by-laws;

AND WHEREAS there is an Official Plan in effect in the Town of Lindsay;

AND WHEREAS the Council of the Town of Lindsay has conclusively deemed that this By-Law is in conformance therewith;

AND WHEREAS the Council of the Corporation of the Town of Lindsay deems it necessary and desirable, and in the public interest to pass such a by-law with respect to lands in the Town of Lindsay;

NOW THEREFORE the Council of the Corporation of the Town of Lindsay enacts the following:

SECTION 1: INTRODUCTION

1.1 TITLE OF BY-LAW

This By-Law shall be known as the "Town of Lindsay Zoning By-Law".

1.2 LANDS SUBJECT TO BY-LAW

The provisions of this By-Law shall apply to all lands lying within the corporate limits of the Corporation of the Town of Lindsay, herein after known as the 'Town'.

SECTION 2: INTERPRETATION

2.1 CONFORMITY WITH BY-LAW

No person shall use any building, structure, lot or land, and no building, structure, lot or land hereafter shall be erected, altered or used, in whole or in part, except in strict conformity with the provisions of this By-Law.

2.2 COMPLIANCE WITH OTHER BY-LAWS

In the event of any conflict between this By-Law, or any amendment to this By-Law and the requirements of any other By-Law, the more restrictive or the By-Law imposing the higher standards shall govern and apply unless the context clearly requires otherwise.

2.3 COMPLIANCE WITH OTHER RESTRICTIONS

Nothing in this By-Law shall be construed to exempt any person from complying with any restrictions or regulations lawfully imposed by the Municipality or any other governmental authority or agency having jurisdiction to make such restrictions or regulations.

2.4 SCHEDULES TO BY-LAW

Schedules "A" and "B" attached hereto, with the notations, zone boundaries, symbols and references shown thereon, are part of this By-Law.

- a) Schedule "A" illustrates Zone boundaries. Such Zones may be referred to by the appropriate symbols as listed in Section 3.1 of this By-Law.
- b) Schedule "B" illustrates Environmental Features.

2.5 INTERPRETATION OF ZONE BOUNDARIES

When determining the boundaries of any Zone, as shown on Schedule "A" to this By-Law, the following provisions shall apply.

- a) Where a Zone boundary is indicated as following the road allowance of a street or road, a public lane or a public right-of-way, the boundary shall be the property line, unless otherwise indicated in this section.

- b) Where a Zone boundary is indicated as approximately following lot lines shown on a registered plan of subdivision or lots registered in the Registry Office or Land Titles Office, the boundary shall follow such lot lines.
- c) Where a Zone boundary is indicated as following the limits of the Corporation, the Zone boundary shall be the limits of the Corporation save and except in the event that the limit of the Corporation is a road allowance in which case the zone boundary shall be the property line.
- d) Where a boundary is indicated as following a shore line, the boundary shall follow such shore line, and in the event of change in the shore line, the boundary shall be construed as moving together with the actual shore line.
- e) Where none of the above provisions apply, the said Zone boundary shall be measured from Schedule “A” of this By-Law at the scale indicated.

2.6 CLOSINGS

In the event a dedicated street shown on Schedule “A” of this By-Law is closed, the property formerly in such street shall be included within the zone of the adjoining property on either side of the closed street. If a closed street is the boundary between two or more different zones, the new zone boundaries shall be the former centre line of the closed street.

2.7 INTERPRETATION OF CERTAIN WORDS

In this By-Law, unless the context clearly requires otherwise, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular number; the word “use” or “to use” includes “arrange for use”, “design for use”, “intend for use”, “permit to be used”, and “erect for use”; and the word “shall” is mandatory and not directory.

Where a regulation involves two or more items, conditions, provisions or events connected by the conjunction “and”, “or”, or “either-or”, the conjunction shall be interpreted as follows:

- a) “and” indicates that all connected items, conditions, provisions or events shall apply in any combination;
- b) “or” indicates that the connected items, conditions, provisions or events may apply single or in combination;
- c) “either-or” indicates that the connected items, conditions, provisions or events shall apply single but not in combination.

2.8 MULTIPLE USES AND ZONES ON ONE LOT

Notwithstanding any other provisions of this By-Law, where any land, building or structure is used for more than one permitted use, or where one lot is divided into two or more zones, all provisions of this By-Law shall be complied with for each use and zone, except in the case of lot area, lot frontage, coverage and minimum yard requirements, in which case the most restrictive or stringent requirement shall apply.

2.9 PROPERTIES WITH MORE THAN ONE ZONE

Where a lot is divided into more than one zone, each such portion of said lot shall be considered separately for the purposes of determining zone provisions such as lot area, lot frontage, required front yard, required side and rear yards and each such portion shall conform to the provisions of the appropriate zone, but no lot shall have more than one dwelling unit on the whole except as specifically provided in this By-Law.

SECTION 3: ZONES AND ZONING MAPS

3.1 ZONES

For the purpose of this By-Law, the following Zones and symbols are used and the same are established within defined areas on Schedule “A” attached hereto.

<u>ZONE</u>	<u>SYMBOL</u>
Residential One (R1) Zone	R1
Residential Two (R2) Zone	R2
Residential Three (R3) Zone	R3
Residential Multiple One (RM1) Zone	RM1
Residential Multiple Two (RM2) Zone	RM2
Residential High-rise One (RH1) Zone	RH1
Mixed Residential Commercial (MRC) Zone	MRC
Neighbourhood Commercial (NC) Zone	NC
Central Commercial (CC) Zone	CC
Local Commercial (LC) Zone	LC
General Commercial (GC) Zone	GC
Shopping Centre Commercial (SCC) Zone	SCC
Special Purpose Commercial (SPC) Zone	SPC
Prestige Employment (PE) Zone	PE
General Employment (GE) Zone	GE
Community Facility (CF) Zone	CF
Parks and Open Space (OS) Zone	OS
Future Residential (FR) Zone	FR
Future Community Development (FCD) Zone	FCD

In addition to the above noted zones and zone categories, Schedule “B” to this By-Law also defines Hazard Lands, Environmentally Sensitive Features, and Waste Disposal Assessment Areas, being those lands that are susceptible to flooding or erosion, have steep slopes or soil instability; lands which display sensitive features including spawning sites, water supply intakes or high sensitivity water use; and former waste sites and contaminated sites.

3.2 SPECIAL ZONES

Where the Zone symbol designating certain land is shown on Schedule "A" and is followed by a dash and a letter and number (e.g. GE-S1), then special provisions or limitations apply to such land. The special provisions will be found by reference to that section of the By-Law which deals with the particular Zone (e.g. GE Zone). Land shown in this manner shall be subject to all of the provisions of the Zone, in addition to or except as otherwise provided for by the special provisions.

3.3 HOLDING ZONES

Where a Zone symbol shown on Schedule "A" is followed by a Holding symbol, identified as (H) and a number in brackets (e.g. R3(H1)), the land shall only be used for existing uses at the time the Holding symbol was placed on the zoning category for the subject land. Land may be used for the uses permitted in the zoning category (e.g. R3) only after the Holding symbol has been removed by by-law passed by Council of the Town of Lindsay. In each instance, removal of the Holding symbol will be in accordance with specific provisions as set out in this By-Law. The specific provisions will be found by reference to that section of the By-Law which deals with the particular Zone (e.g. R3(H1) Zone).

3.4 SPECIAL REQUIREMENTS FOR ENVIRONMENTAL FEATURES

Development on lands located within the area identified as Hazard Lands, Environmentally Sensitive Features or Waste Disposal Assessment Areas on Schedule 'B' to this By-Law shall be subject to the studies as required by the Town of Lindsay Official Plan. The required study(ies) shall be submitted and approved by the Town of Lindsay prior to issuance of a Building Permit for the development.

SECTION 4: DEFINITIONS

In this By-Law, unless the context otherwise requires, the following terms when used shall have the meanings assigned to them as follows:

4.1 **ACCESSORY** means a use, building or structure that is not used for human habitation and is customarily incidental, subordinate and exclusively devoted to the principal use or main building, and located on the same lot therein.

4.2 **AGRICULTURAL USE** means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture. Agricultural use shall also include the use of land, buildings or structures on an accessory basis for the sale of agricultural products produced on the farm, but shall not include an abattoir.

4.3 **ALTER**

When used in reference to a building, structure or part thereof, means to change, whether as a result of repair or not, the structural component of a building, structure or part thereof which would result in a change of use, or any increase in the volume of a building or structure.

When used in reference to a lot, means:

- a) to change the boundary of such lot;
- b) to change any dimension, area, required yard or parking area relating to such lot;
- c) to change the use of such lot; or
- d) to change the number of or combination of uses located thereon.
- e) The words alter or alteration shall have corresponding meanings.

4.4 **AMUSEMENT MACHINE** means any manual, mechanical, electronic or computerized machine or device, or any combination thereof, which upon insertion of a coin, slug, token, plate or disk or the payment of a consideration may be used as a game, entertainment or amusement and shall include a pinball machine, television game, shooting gallery, video game, or other similar device, but shall not include billiard or pool tables, games of chance as defined by *The Criminal Code* or any machine used only for the purpose of vending merchandise or services or playing recorded music.

4.5 **AND** means that all connected items, conditions, provisions or events shall apply in any combination;

4.6 **ANIMAL HOSPITAL** means a building or structure in which facilities are provided for the prevention, care and alleviation of disease and injury to animals and in conjunction with which there may be temporary boarding and shelter provided, including an outdoor exercise area.

4.7 **ANTIQUE SHOP** means any building used for the sale of any old and authentic objects of personal property which was made, fabricated or manufactured sixty or more years earlier and which has a unique appeal and enhanced value mainly because of its age, and, in addition, may include the sale of any article of personal property which was made, fabricated or manufactured more recently and because of public demand has attained value in a recognized commercial market which is in excess of its original value.

4.8 **APARTMENT BUILDING** means a separate building containing five or more dwelling units which have a common entrance from the street level, and the occupants of which have the right to use all common halls, stairs, elevators and yards.

4.9 **ARTIST'S SUPPLY SHOP** means a building or part thereof used for providing goods and services to artists, and may include the display and sale of artwork.

4.10 **ASSEMBLY FLOOR AREA** means any floor area designed or intended to be used or actually used for the assembly of seventy-five (75) or more persons at one time with the occupant capacity arrived at on the basis of one person for each one square m of floor area used or capable of being used for assembly purposes.

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

4.12 **AUCTION ESTABLISHMENT** means a building or part of a building used for the sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings.

4.13 **AVERAGE FINISHED GRADE** means with reference to a building or structure the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment.

4.14 **BAKERY** means a factory for producing, mixing or baking bread, biscuits, ice cream cones, cakes, pies, buns or bagels or any other bakery product of which flour is the principal ingredient but does not include a restaurant or other premises where any such products is made for consumption on the premises except as accessory to the baking and not exceeding 20 square metres of gross floor area.

4.15 **BASEMENT** means any storey below the first storey of a building but having at least one-half of its height above the finished grade.

4.16 **BED AND BREAKFAST ESTABLISHMENT** means a dwelling or portion thereof consisting of not more than 3 guest rooms, in which the proprietor resides and caters to the needs of the traveling public by furnishing temporary sleeping

accommodations in not more than 3 rooms, but shall not include a boarding, lodging or rooming house, a licensed premise, or an activity otherwise defined herein.

4.17 **BEER STORE** means a building or part thereof, that primarily sells beer directly to the public, and which may include a warehousing component. A Beer Store shall also be considered a form of Retail Establishment.

4.18 **BOAT HOUSE** means a detached building or structure which is designed or used for the private storage of one or more boats or other forms of water transportation and equipment accessory to their use, but shall not include habitable rooms, exceed 1 storey in height or be used for commercial purposes.

4.19 **BREW-YOUR-OWN ESTABLISHMENT** means an establishment where the public can rent facilities and equipment, and purchase materials necessary for the making of beer and wine for their personal consumption. Such an establishment shall not exceed a maximum gross floor area of 464.5 square m.

4.20 **BUILDING** means an enclosed structure, whether temporary or permanent, consisting of walls and roof, used or built for the shelter, accommodation or enclosure of persons, animals, materials, motor vehicles, trailers or equipment.

4.21 **BUILDING HEIGHT** means the vertical distance, measured between the average finished grade at the front of the building, and:

- a) in the case of a flat roof, the highest point of the roof surface;
- b) in the case of a mansard roof, the deck roof line; and
- c) in the case of a gable, hip or gambrel roof, the average height between the eaves and ridge.

4.22 **BUILDING, MAIN** means the building in which is carried on the principal purpose for which the lot is used.

4.23 **BUILDING SUPPLY ESTABLISHMENT** means a building or structure in which building, construction and home improvement materials are offered or kept for sale to the public, and may include the fabrication of certain materials and products related to home improvements but does not include any use or activity otherwise defined or classified herein.

4.24 **BY-LAW ENFORCEMENT OFFICER** means an officer or employee of the Corporation of the Town of Lindsay charged with the duty of enforcing the provisions of this By-Law.

4.25 **CARPORT** means a roofed enclosure attached to a dwelling house which is used for the storage or parking of a motor vehicle and which has at least 40 percent of its total perimeter (including the main wall of the dwelling house to which such carport is attached) open and unobstructed.

4.26 **CELLAR** means that portion of a building below the first storey of a building which is partly or entirely underground but has more than one-half of its average height, from finished floor to finished ceiling, below average finished grade level adjacent to the exterior walls of the building.

4.27 **CERTIFICATE OF OCCUPANCY** means a certificate issued by the Chief Building Official for the occupancy of any land, building or structure to the effect that the proposed use or activity complies with this By-Law.

4.28 **CHIEF BUILDING OFFICIAL** means an officer or employee of the Corporation of the Town of Lindsay charged with the duty of enforcing *The Building Code Act, S.O., 1992.c.23 as amended*.

4.29 **COMMERCIAL TRAINING CENTRE** means a service commercial establishment which provides instruction in any subject for profit or gain and without limiting the generality of the foregoing includes a secretarial school, a dance studio or school, a school of music, a modelling school, a ceramics school or studio but does not include a public school, separate school or private school.

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

4.31 **CONVENIENCE RETAIL ESTABLISHMENT** a retail establishment which deals primarily with food and other goods required by residents of the area to meet their day to day household needs.

4.32 **CONTRACTOR'S YARD** means a yard of any general contractor where equipment and materials are stored or where a contractor performs shop or assembly work, but does not include any other use or activity otherwise defined or classified herein.

4.33 **COUNCIL** means the Municipal Council of the Corporation of the Town of Lindsay.

4.34 **COUNTY** means the Municipal Corporation of the County of Victoria.

4.35 **CRISIS CARE RESIDENCE** means an establishment that provides a means of immediate, temporary accommodation and assistance for a short-term period, which is generally less than one week for the majority of the residents and includes a hostel.

4.36 **DATA PROCESSING CENTRE** means a building or part of a building used for the input, processing and printing of computerized data.

4.37 DAY NURSERY OR DAY CARE CENTRE means a place that receives for temporary custody for a continuous period not exceeding twenty-four hours, more than four children under ten years of age and is not:

- a) part of a public, separate or private school as described in the *Education Act R.S.O. 1990, c.E.2. as amended.*
- c) part of a private school registered under the *Education Act R.S.O. 1990, c.E.2. as amended.*

4.38 DEPARTMENT STORE shall mean a retail store having a size of 929 square m of gross leasable area or greater, primarily engaged in general merchandising of a wide range of commodities. At least the three main lines, namely apparel, hardware and home furnishings shall be carried, and other commodities normally carried by such establishments, including dry goods, food products, home appliances may also be carried.

4.39 DRIVEWAY means that portion of a lot used to provide access to a building, structure, parking space or area or loading area from a street.

4.40 DRUG STORE shall mean a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies and nonprescription medicine but where non-medical products are also sold.

4.41 DRY CLEANING DEPOT means a building, or portion thereof used for the purpose of receiving and distributing articles or goods of fabric to be subjected to the process of dry cleaning or cleaning elsewhere.

4.42 DRY CLEANING ESTABLISHMENT means a building, or portion thereof where dry cleaning, dying, cleaning or pressing of articles or goods of fabric is carried on. Only nonflammable solvents are or can be used in such an establishment, with no odour or fumes emitted and no noise or vibration created which causes nuisance or inconvenience within or outside the building.

4.43 DWELLING shall mean a building or part of a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons, containing one or more dwelling units.

4.44 DWELLING, ACCESSORY means a self-contained dwelling unit which is created by converting part of, or adding to, an existing residential detached dwelling. The main dwelling or the accessory dwelling unit is to be occupied by the owner of the subject property.

4.45 DWELLING, CONVERTED means a single detached dwelling unit, which because of size or design has been converted into more than one dwelling unit.

4.46 DWELLING, DETACHED means a completely detached dwelling unit.

4.47 **DWELLING, DUPLEX** means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.

4.48 **DWELLING, FOURPLEX** means a separate building divided vertically and/or horizontally into four dwelling units.

4.49 **DWELLING, MAISONETTE** means a building that is divided into four or more dwelling units, each of which has independent entrances, one to a common corridor and the other directly to the outside yard area adjacent to the said dwelling unit. A maisonette shall not be considered an apartment building for the purpose of this By-Law.

4.50 **DWELLING, MULTIPLE ATTACHED** means a separate building that is divided vertically into four or more dwelling units each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

4.51 **DWELLING, SEMI-DETACHED** means a building that is divided vertically by a common wall extending at least one storey above average finished grade into two dwelling units. Such dwelling units shall be attached together horizontally above grade and may be held in separate ownership.

4.52 **DWELLING, SINGLE DETACHED** means a completely detached dwelling unit, but shall not include a mobile home.

4.53 **DWELLING, TOWNHOUSE** means a building that is divided vertically into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit, and each unit has frontage and direct access to a public street.

4.54 **DWELLING, TRIPLEX** means a building that is divided horizontally into three separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

4.55 **DWELLING UNIT** means one or more habitable rooms designed or intended for use as an independent and separate household in which separate kitchen and sanitary facilities are provided for the exclusive use of the household, with a private entrance from outside the building or from a common hallway or stairway inside the building. A dwelling unit shall not include a motel; hotel, rooming or boarding house, tent, truck camper, tourist trailer, or mobile camper trailer, group home or crisis care facility.

4.56 **EATING ESTABLISHMENT** means a building or part of a building where food intended for immediate consumption is offered for sale or sold to the public and includes such uses as a restaurant, café, cafeteria, ice cream parlour, coffee shop or snack bar but does not include a boarding or lodging house.

4.57 **EITHER-OR** means that the connected items, conditions, provisions or events shall apply single but not in combination.

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

4.59 **ESTABLISHED BUILDING LINE** means the average setback from the street line of existing buildings on one side of a street (not exceeding 200 metres in length), where more than half the frontage has been built upon at the date of the final passing of this By-Law. Block shall be defined as a unit of land, the boundaries of which consist entirely of streets, rivers, parks or any combination thereof. The established building line may also apply to the average setback from a river and/or park.

4.60 **EXISTING** means “existing” as of the date of the coming into effect of this By-Law.

4.61 **FAIRGROUND** means land, buildings and structures used solely for the purposes of holding agricultural exhibitions, exhibiting displays of farm products, holding public meetings for the purpose of discussing agricultural problems, and for holding competitions for agricultural and domestic practices. It shall also include a grandstand, a race track for the purpose of holding races or trials of speed for horses and associated commercial facilities.

4.62 **FARM EQUIPMENT OR IMPLEMENT DEALER** means a building, structure or area where farm implements, equipment and farm supplies are kept for retail sale and may include facilities for the servicing of such implements or equipment, but shall not include any other establishment otherwise defined or classified herein.

4.63 **FAST FOOD OUTLET** means a building in which food or beverages are offered for sale to the public solely for off site consumption.

4.64 **FINANCIAL INSTITUTION** means any bank, trust company and/or credit union but does not include a mortgage company or investment company.

4.65 **FIRST FLOOR** means the floor of a building immediately above the cellar or basement.

4.66 **FLEA MARKET** means a retail establishment that operates not more than 2 days per week and consists of a group of individual retailers renting space for the purpose of selling a variety of new and used goods, wares and merchandise to the public.

4.67 FLOOR AREA, DWELLING means the total floor area of a dwelling unit contained within the outside walls of a building, including a finished half storey but excluding any private garage, carport, porch, verandah, deck, unfinished attic, or cellar.

4.68 FLOOR AREA, GROSS means the aggregate of the areas of each floor, whether any such floor is above or below grade, measured to the centre of common walls and to the outside of other walls, exclusive of an unfinished attic, an unfinished cellar, elevator shaft, corridor areas, mechanical and electrical rooms and storage areas.

In the case of an apartment building, the gross floor area does not include any part of the basement which is used for the storage or parking of motor vehicles, locker storage facilities, laundry facilities and children's play areas, but does include any part of the building or structure above grade used for the storage or parking of motor vehicles. In addition, any part of an apartment building below or above grade which is used for heating equipment, air conditioning equipment and/or other mechanical equipment shall not be included in gross floor area calculations.

4.69 FLOOR AREA, GROSS LEASABLE means the aggregate of the areas of each floor, whether any such floor is above or below grade, measured to the centre of party walls and to the outside of other walls, exclusive of common loading areas, public washrooms, garbage rooms up to 9.29 m², mechanical, electrical, janitorial rooms, and passageways that are not internal to a unit and from which there is no access to a unit.

4.70 FLOOR AREA, LEASABLE means the floor area designated for tenant occupancy and the tenants' exclusive use, including the floor area in basements, cellars, mezzanines, upper floor areas and integral storage areas, measured from the centre line of joint partitions and from the interior faces of exterior walls.

4.71 FLOOR AREA, TOTAL means the aggregate of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor.

4.72 FOOD PREPARATION PLANT means a building or part of a building in which food products are cooked, baked, mixed, packaged, or otherwise prepared, for distribution to wholesale or retail outlets and may include a food catering business.

4.73 FUEL STORAGE YARD means an establishment primarily engaged in the bulk storage and distribution of petroleum, gasoline, fuel oil, gas or other similar flammable products in fuel storage tanks.

4.74 **FUNERAL HOME** means a building designed for the purpose of providing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.

4.75 **GARAGE, PRIVATE** means a building or portion of a building including a carport which is designed or used for the sheltering of private motor vehicles, the storage of household equipment incidental to residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration. Garages and carports shall have a clear inside width of at least 3 m for single vehicle parking and at least 2.5 m additional clear width shall be provided for each additional vehicle. The depth shall be a minimum of 6 m. For the purposes of this By-Law, a garage shall not include a public garage.

4.76 **GARAGE, ATTACHED** means a garage accessory to a dwelling unit on the same lot, and separated therefrom by a common wall and/or common roof structure. An attached garage shall be considered part of the main building.

4.77 **GARAGE, PUBLIC** means a building which is used for the servicing and equipping of motor vehicles or where such vehicles are parked or stored for remuneration, but does not include a motor vehicle washing establishment, a motor vehicle sales establishment or an establishment where fuels are sold.

4.78 **GARDEN AND NURSERY SALES AND SUPPLY ESTABLISHMENT** means a building or part of a building, and land adjacent thereto for growing or displaying of flowers, fruits, vegetables, plants, shrubs, trees, or similar vegetation which is sold to the public at retail, and shall also include the sale of such goods, products and equipment as are normally associated with gardening or landscaping.

4.79 **GAS BAR** means one or more pump islands, each consisting of one or more gasoline or diesel pumps, and shelter having a floor area of not more than 10 square metres, excluding wash rooms, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles and shall not be used for repairs, oil changes or greasing, but this definition shall not include a kiosk on a pump island.

4.80 **GOVERNMENT OFFICES** means a building or part of a building used for a municipal office, court house, registry office, health and welfare centre, employment office, post office, or other office used for the purpose of local or other government administration, but shall not include a postal distribution centre.

4.81 **GREENHOUSE, COMMERCIAL** means a building or structure for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation which are sold at wholesale or retail.

4.82 **GROUP HOME** means a single housekeeping unit in a residential dwelling, which is registered with the Town under the Group Home By-Law for the Town of Lindsay, in which 3 to 10 persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the

requirements of its residents for a group living arrangement and which is licensed and funded or approved under Provincial Statute(s) and in compliance with municipal By-Laws.

4.83 **GUEST** means a person, other than a boarder, who contracts for accommodation and includes all the members of the person's party.

4.84 **GUEST ROOM** means a room or suite of rooms which contain no cooking facilities used or maintained for the accommodation of a guest to whom hospitality is extended for compensation.

4.85 **HABITABLE ROOM** means a room used or designed to be used for human occupancy and shall include a room designed for living, sleeping, eating or food preparation, including a den, library, sewing room or enclosed sunrooms.

4.86 **HANDICRAFT SHOP** means a building or part of a building where crafts, souvenirs and other similar items are offered or kept for sale at retail to the general public, but shall not include any other establishment otherwise defined herein.

4.87 **HARDWARE STORE** means a retail store engaged primarily in the indoor sale of home maintenance and improvement supplies.

4.88 **HEREAFTER** shall mean after the date of the passing of any applicable provision of this By-Law.

4.89 **HEREIN** shall mean in this By-Law, and shall not be limited to any particular section of this By-Law.

4.90 **HIGH WATER MARK** means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common, usual and so long continued that it has caused a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

4.91 **HOBBY SHOP** means a building or part thereof used for supplying goods and services to hobbyists, but shall not include an establishment involving the display or sale of guns, cameras, millwork, alcoholic beverages and automotive vehicles or parts, and its related equipment.

4.92 **HOME AND AUTO SUPPLY STORE** means a building or structure or part thereof, where commodities are stored and offered for sale including a mixture of sporting and recreational goods, automotive parts and accessories, household goods and home improvement products, garden and leisure products and an automotive centre.

4.93 **HOME IMPROVEMENT STORE** means offering for sale in a retail commercial establishment merchandise such as wall paneling, wood products,

sheet glass products, windows and mirrors, flooring, wall and ceiling tiles, paint and wallpaper, bathroom and kitchen cupboards and fixtures, landscaping materials and similar goods when offered for sale in a retail commercial establishment.

4.94 **HOME OCCUPATION** means an accessory use of a dwelling unit to conduct a business activity.

4.95 **HOME FOR THE AGED** means a ‘home for the aged’ within the meaning of the *Homes for the Aged Act*.

4.96 **HOSPITAL** means a hospital as defined by the *Private Hospitals Act R.S.O. 1990, c.P.24, as amended* or the *Public Hospitals Act, R.S.O. 1990, c.P.40, as amended* and a sanitarium.

4.97 **HOTEL** means an establishment providing primarily sleeping accommodation to the traveling public, and containing therein not less than six guest rooms served by a common entrance generally from the street level. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting room or similar use. A boarding or rooming house shall not be considered a hotel for the purpose of this By-Law.

4.98 **INDUSTRIAL USE** means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses.

4.99 **INSTITUTION** means land, building, structure or part thereof used by any organization, group or association for the promotion of charitable, educational or benevolent objectives which are not for profit or gain.

4.100 **LANDSCAPING** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land. Landscaping shall not include driveways, lanes or parking areas or any space beneath, within or on top of a building.

4.101 **LANE** means a public thoroughfare which affords only a secondary means of access to abutting lots, and which is not intended for general traffic circulation.

4.102 **LARGE FORMAT RETAIL** means single or multiple businesses or enterprises engaged in the retailing and/or wholesaling of goods or products which by the nature of their size (and associated parking), market area and sales format, require a relatively large site. These uses offer a wide range of products and services and include warehouse membership clubs, category specific warehouse stores with a regional draw, department stores and supermarkets in excess of 3,000 square m of gross leasable floor space.

4.103 **LAUNDRY ESTABLISHMENT** means a building or part thereof in which the business of a laundry is conducted by means of washers and dryers, and in which only water and detergents or soaps are or can be used.

4.104 **LIQUOR STORE** means a building or part thereof operated by or on behalf of the Liquor Control board of Ontario from which primarily spirits and wine are sold directly to the public. A Liquor Store shall also be considered to be a form of Retail Establishment.

4.105 **LOADING SPACE** means an off-street, unencumbered area of land which is provided and maintained on the same lot as the principal use, and used for the temporary parking of a motor vehicle loading or unloading merchandise or materials pertinent to such use.

4.106 **LODGING, BOARDING or ROOMING HOUSE** means a dwelling in which the proprietor resides and supplies either room or lodging and board via common culinary facilities, for monetary gain to more than 3 persons to a maximum of 10 persons, which residents do not require care or treatment because of age, mental or physical limitations, and shall not include a group home or crisis care residence.

4.107 **LOT** means a parcel of land legally capable of conveying title, or shown as a lot or block on a Registered Plan of Subdivision or part thereof.

4.108 **LOT AREA** shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of a body of water partially covering the lot.

4.109 **LOT, CORNER** means a lot situated at the intersection of, and abutting two or more streets provided that the angle of intersection of such streets is not more than 135 degrees.

4.110 **LOT COVERAGE** means that percentage of the lot area covered by all buildings above ground level, and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level or a private inground swimming pool. For the purposes of this definition, the lot coverage in each zone shall be deemed to apply only to the portion of such lot that is located within the said zone.

4.111 **LOT DEPTH** means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, lot depth means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. When there is no rear lot line, lot depth means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

4.112 **LOT FRONTAGE** means the horizontal distance between the side lot lines measured along the front lot line. Where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage shall be measured by a line 9m back from and parallel to the chord of the lot frontage. The chord of the

lot frontage shall be a straight line joining the two points, where the side lot lines intersect the front lot line.

4.113 **LOT LINE** means any boundary of a lot.

4.114 **LOT LINE, EXTERIOR SIDE** means a side lot line which abuts a street on a corner lot.

4.115 **LOT LINE, FRONT** means:

- a. in the case of an interior lot, the line dividing the lot from the street;
- b. in the case of a corner lot, the shorter lot line abutting the street, unless each lot line is of equal length, in which case the front lot line shall be the lot line where principal access to the lot is provided; and
- c. in the case of a through lot, the front lot line shall be the lot line where principal access to the lot is provided.

4.116 **LOT LINE, REAR** means the lot line farthest from and opposite to the front lot line.

4.117 **LOT LINE, INTERIOR SIDE** means a side lot line which does not abut a street.

4.118 **LOT, THROUGH** means a lot bounded on two opposite sides by streets, provided however that if any lot qualifies as being both a corner lot and a through lot as defined, such lot shall be deemed to be a corner lot.

4.119 **MARINE AND RECREATIONAL VEHICLE SALES AND SERVICE ESTABLISHMENT** means a retail business which sells and services boats, motors, marine equipment, motorized snow vehicles, all terrain vehicles, travel trailers and recreational vehicles.

4.120 **MARINA** means a building, structure or place containing docking facilities where boats are berthed, stored, rented, serviced, repaired or kept for sale, and where facilities for the sale of marine fuels and lubricants, a water taxi or barge facility and waste water pumping facilities may be provided.

4.121 **MEDICAL CLINIC** means a building or structure where members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists, either singularly or in a union provide diagnosis and treatment to the general public without overnight accommodation, and shall include such uses as reception areas, offices, coffee shop, consultation, x-ray and minor operating rooms, and a dispensary, providing that all such uses have access only from the interior of the building.

4.122 **MINI-STORAGE WAREHOUSE** means a building containing separate, individual self-storage units divided from the floor to the ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or

leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

4.123 **MOBILE HOME** means a “mobile home” as defined within the Planning Act.

4.124 **MOBILE HOME LOT** means a parcel of land within a mobile home park which is leased to individuals, whereupon a mobile home may be placed.

4.125 **MOBILE HOME PARK** means a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

4.126 **MOTEL** means an establishment providing primarily sleeping accommodation for the traveling public and containing guest rooms, each of which has a separate entrance from outside the building. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting room or similar use.

4.127 **MOTOR VEHICLE** means a motor vehicle within the meaning of the *Highway Traffic Act*.

4.128 **MOTOR VEHICLE REPAIR ESTABLISHMENT** means a building or lot used for complete motor vehicle repairs to automobile bodies, frames or motors, including painting, upholstering, washing and cleaning of said vehicles, but does not include the storage or sale of gasoline, a service station or a motor vehicle sales establishment.

4.129 **MOTOR VEHICLE SALES ESTABLISHMENT** means a building or place where new and/or used vehicles and/or motor vehicles, as defined by the *Highway Traffic Act* are kept for display or sale, and where maintenance of these vehicles is provided along with the distribution and sale of new parts for the vehicles.

4.130 **MOTOR VEHICLE WASHING ESTABLISHMENT** means a building or structure containing facilities for washing motor vehicles for profit or gain either using production line methods and mechanical devices or by a self-service operation, and for the purpose of this By-Law may include a motor vehicle gasoline bar but shall not include any other use or activity otherwise defined or classified herein.

4.131 **MUNICIPALITY** means the Municipal Corporation of the Town of Lindsay.

4.132 **NON-COMPLYING** means that the building, structure or lot does not fulfill the requirements of the zone within which the building, structure or lot is located.

4.133 **NON-CONFORMING USE** means the use of land, buildings, or structures for a purpose which is not included with the permitted uses for the zone in which such land, building, or structure is located.

4.134 **NURSING HOME** means a dwelling or other building licenced under the *Nursing Homes Act* in which rooms or lodging are provided for hire or pay, and where meals, personal care, nursing services, medical care and treatment are provided or made available.

4.135 **OBNOXIOUS** means a use, which from its nature or operation creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration; the emission of gas, fumes, dust or objectionable odor; or the unsightly storage of goods, wares, salvage, refuse matter, waste or other material.

4.136 **OFFICE** means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacture, assembly or servicing of any product, retail uses, or a financial institution.

4.137 **OR** means that the connected items, conditions, provisions or events may apply single or in combination.

4.138 **OUTDOOR STORAGE** means the storage of equipment, goods, raw or processed materials outside of any building or structure.

4.139 **PARK** means an area of land designed for the purposes of passive or active leisure activities and may include thereon one or more athletic fields, field houses, community centre, bleachers, swimming pools, wading pools, greenhouses, bandstands, playgrounds, park maintenance buildings, skating rinks, tennis courts, bowling greens, curling rinks, refreshment rooms, camping area, arena or golf courses or similar facilities, but does not include a “trailer park”, “mobile home park” or “campground”.

4.140 **PARK, COMMUNITY** means an area of land ranging in size from 6 to 10 hectares, designed to accommodate the social, cultural, educational and physical activities of particular interest to several neighbourhoods, with emphasis on facilities for organized sports. Community parks shall be accessed from arterial or collector roads, as classified in the Town of Lindsay Official Plan and shall provide off-street parking.

4.141 **PARKING AREA** means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area comprises all parking spaces and all driveways, aisles, manoeuvring area, and similar areas used for the purpose of parking spaces;

4.142 **PARKING LOT** means a parking area forming the principal use of a lot.

4.143 **PARKING SPACE** means an area exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles, which has adequate access to permit ingress or egress of a motor vehicle to and from a street.

4.144 **PERMITTED** means “permitted” by this By-Law.

4.145 **PERSON** means an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, tenants and assigns, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

4.146 **PERSONAL SERVICE ESTABLISHMENT** means a building or part thereof in which persons are employed in providing services and otherwise administering to the individual and personal needs of persons, and includes such establishments as a barber shop, beauty salon, dressmaking shop, shoe repair shop, a tailor shop, tattoo parlour, tanning salon or a photographic studio.

4.147 **PET STORE** means a store or place where animals or birds for use as pets are sold or kept for sale but does not include a shop or place for breeding or overnight boarding of pets.

4.148 **PHARMACY** means a retail outlet, which dispenses drugs by prescription.

4.149 **PLACE OF AMUSEMENT** means any establishment or part thereof containing 5 or more amusement machines which are operated for gain and made available for the entertainment or amusement of persons. This definition shall not include: premises which are licensed under *The Liquor Licence Act*; establishments which sell amusement machines, provided that such machines are not made available on the premises for use by the general public; establishments where the amusement machines are made available as an accessory use, provided that the floor area occupied by the amusement machines does not exceed 5% of the total leasable floor area of the establishment. Notwithstanding the above, in no case shall the number of amusement machines which are accessory to another use exceed 4; nor shall a Place of Amusement include amusement(s) that is contrary to *The Criminal Code of Canada, R.S.C. 1985, c.C. 46, as amended*.

4.150 **PLACE OF ASSEMBLY** means a building, or part thereof, in which facilities are provided for such purposes as meeting for civic, educational, political, religious, social, cultural, recreational or athletic purposes, and shall include a banquet hall, private club, service club or fraternal organization.

4.151 **PLACE OF ENTERTAINMENT** means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, bingo hall, ice or roller skating rink, or curling rink.

4.152 **PLACE OF WORSHIP** means a building dedicated to religious worship and may include a Synagogue, Church Hall, Church Auditorium, Sunday School, Convent, Monastery or Parish Hall and may include such accessory uses as a nursery school or day care facility, convent monastery or parish hall.

4.153 **PRINTING OR PUBLISHING ESTABLISHMENT** shall mean a retail establishment that provides duplicating services, using photocopy, blueprinting,

offset printing and other similar electronic processes including collating and binding of booklets and reports.

4.154 **PUBLIC AUTHORITY** means the Government of Canada, the Government of Ontario, the County of Victoria and the Town of Lindsay, as well as any department or board established thereby, including any Public Utility Corporation as defined in the *Public Utilities Act, R.S.O., 1990, c.P. 52, as amended*, but not including School Boards, Community Colleges, Universities, or any type of group home or crisis care residence.

4.155 **PUBLIC GARAGE** means a building or part of a building used for the commercial repair, service or storage of motor vehicles but does not include a service station.

4.156 **RECREATIONAL** means the use of land for public, quasi-public or private recreational facilities, together with necessary and accessory buildings and structures, but does not imply any specific use or facility not provided for in a zone.

4.157 **RECREATION FACILITY** means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

4.158 **RENTAL ESTABLISHMENT** means an establishment that rents a variety of equipment and products not limited to household or domestic articles.

4.159 **RESEARCH AND DEVELOPMENT ESTABLISHMENT** means a building or part of a building in which are located facilities for scientific research, investigation, testing, experimentation and product development but not facilities for the manufacturing or sale of products, except as incidental to the main purpose of the establishment.

4.160 **RETAIL ESTABLISHMENT** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public.

4.161 **RETAIL ESTABLISHMENT, CONVENIENCE** means a small scale retail establishment which deals primarily in a variety of perishable and non-perishable goods of a convenience nature required to meet the day-to-day needs of the local inhabitants of surrounding residential area.

4.162 **SALES OUTLET** means a use accessory to an assembly, manufacturing or processing industry, a food preparation plant, a service or repair shop, a wholesale distribution centre or a warehouse, wherein products assembled, manufactured, processed, prepared, serviced or stored or kept or displayed for rent or for wholesale or retail sale, and wherein orders may be taken for future delivery of such products.

4.163 **SALVAGE YARD** means a premise for the storage, handling, wrecking, dismantling or processing of scrap material, which, without limiting the generality of the foregoing, shall include waste paper, rags, bottles, used bicycles, unlicensed motor vehicles, tires, metal and other scrap material and salvage.

4.164 **SCHOOL** means a school under the jurisdiction of a Private, Public or Separate Elementary or Secondary School Board, a college or university or any other school established and maintained either wholly or partially at private or public expense whether or not the same is also a boarding school, and includes any dormitory building accessory to such school.

4.165 **SATELLITE DISH/RECEIVER** means a structure designed and used for the reception of television signals relayed back to earth from a communications satellite.

4.166 **SENIOR CITIZENS' HOME** means a dwelling or building in which ten or more rooms for lodging are provided for hire on a monthly or yearly basis, and where meals are provided in a common area for seniors who reside therein. For density calculation purposes rooms for lodging shall be considered the equivalent of 0.5 of a dwelling unit. **B/L 2008-224**

4.167 **SENSITIVE LAND USE** means buildings, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be part of the built or natural environment. Examples include: residences, day care centres, and educational and health centres.

4.168 **SERVICE OR REPAIR SHOP** shall mean a building or part thereof for the servicing, repairing or renting of household or domestic articles, and without limiting the generality of the foregoing, shall include but not be limited to the following: the repair, servicing and rental of radio and television receivers, video and video games and machines, vacuum cleaners, appliances, shoes, cameras, toys, watches, clocks, bicycles or other similar goods and appliances but shall not include industrial or manufacturing uses or motor vehicle repair shops or rental establishments as may otherwise be defined or classified.

4.169 **SERVICE STATION** means a building or place where motor fuels, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs, batteries or similar items for the maintenance of motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or have the ignition adjusted, tires inflated or batteries charged, or where only minor mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed, but does not include a motor vehicle washing establishment.

4.170 **SETBACK** means the horizontal distance between a lot line and the nearest main wall of any building, structure, excavation or open storage use on

the lot. For the purposes of this definition, ‘main wall’ shall include the main wall of a deck, porch, carport, verandah or other similar structure covered by a roof.

4.171 **SHOPPING CENTRE** shall mean one or more buildings containing at least four individual business establishments, planned, developed, owned and managed as a unit with contiguous common parking and pedestrian uses and common off street parking. Single commercial/retail uses in stand-alone buildings on the same lot shall be permitted as ancillary to the predominant use as a Shopping Centre.

4.172 **SPECIALTY FOOD STORE** shall mean a store, with a gross floor area not exceeding 558 square m, carrying a specific type or class of foods (to the exclusion of other types or classes) such as a bakery, butcher shop, delicatessen, fish shop, gourmet or cheese shop, frozen food store, or bulk food store, but shall not include a “supermarket” as defined herein.

4.173 **STOREY** means that portion of a building between any floor and the next floor above, or if there is no floor above, that portion between such floors and the ceiling above it, except that any portion of a building below grade level shall not be deemed a storey unless one-half of its height is above the established grade.

4.174 **STOREY, HALF** means the portion of a building located wholly or partly within a sloping roof having a floor area of not less than one-third or more than two-thirds of the floor area of the storey next below, side-walls not less than four feet in height and a ceiling with a minimum height of seven and one-half feet over an area equal to at least fifty percent of its floor area.

4.175 **STREET, ROAD, or HIGHWAY** means a “highway” within the meaning of *The Highway Traffic Act, R.S.O. c.H.8, as amended*, and the *Municipal Act, R.S.O. 1990, c.M. 45, as amended*, and shall also include roads in registered Plans of Subdivision that are to be assumed under the terms of a subdivision agreement.

4.176 **STREET LINE** means the limit of the street or road allowance and the dividing line between a lot and a road, street or highway.

4.177 **STRUCTURE** means anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and that includes buildings, walls or signs but does not include fences which do not exceed 3.0 metres in height.

4.178 **STRUCTURAL ALTERATIONS** means any change in the supporting members of a building, such as foundations, bearing walls, columns, beams, girders and partitions.

4.179 **SUPERMARKET** means a food store which carries a general range of grocery products, including fresh produce, fresh meat and fresh dairy products in

addition to packaged and bulk goods and other household items, and which is greater than 465 square m in size.

4.180 **SWIMMING POOL** means a structure which creates an artificial body of water of more than 9 square m in area and more than 0.5 metres in depth used for bathing, swimming or diving.

4.181 **TENT AND TRAILER PARK** means an establishment consisting of camping lots and comprising land used or maintained as grounds for the overnight camping or parking of tourist trailers, truck campers, motor homes or tents but not mobile homes for recreational or vacation use designed for seasonal occupancy only including facilities normally incidental to such uses including common washrooms, lavatory and bathing facilities and indoor and/or outdoor recreation facilities. A trailer park does not include parks or camping grounds maintained by:

- a. any department of the Government of Ontario or of Canada; or
- b. any Crown Corporation or Town Commission or Board.

4.182 **THEATRE** means a building or part of a building which is used for the commercial showing of films or presentation of live entertainment.

4.183 **TRAILER** means a vehicle that is at any time drawn upon or capable of being drawn by a motor vehicle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.

4.184 **TRUCK TERMINAL** means a building or property used as an origin or destination point for the loading, unloading, assembling or transferring of goods transported by truck or which provides containerized freight handling facilities and/or when local pick-up, delivery and transitory storage of goods incidental to the primary function of the motor freight shipment is provided.

4.185 **USE** means, when used as a noun, the purpose for which a lot or building or structure, or any combination thereof is designed, arranged, intended, occupied or maintained. "USE" when used as a verb, 'to use' or 'used', shall have the corresponding meaning.

4.186 **WAREHOUSING** means land, a building or a structure used for the storage and/or distribution of goods, wares, merchandise, substances, articles or things, and may include facilities for an accessory, wholesale or retail commercial outlet, but shall not include a cartage or transport depot.

4.187 **WHOLESALE DISTRIBUTION CENTRE** means a building or a part of a building where finished products are stored or kept in bulk for sale to retail establishments, but shall not include a retail store other than a sales outlet.

4.188 **WHOLESALE** means land, a building or structure used for the purpose of selling or offering for sale goods to persons other than the consumer, or the sale of goods in larger than retail quantities.

4.189 **WINE STORE** means a building or part thereof that primarily sells by retail directly to the public, wine or wine based products, but not including the sale of beer or spirits. A wine store shall also be considered a form of Retail Establishment.

4.190 **YARD** means an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-Law. In determining 'yard' measurements, the minimum horizontal distance from the respective lot lines shall be used.

4.191 **YARD, EXTERIOR SIDE** means a side yard immediately adjacent to a street.

4.192 **YARD, FRONT** means that part of a lot extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot. For the purposes of this definition 'main wall' shall include the main wall of a deck, porch, carport, verandah, or other similar structure covered by a roof.

4.193 **YARD, INTERIOR SIDE** means a side yard other than an exterior side yard.

4.194 **YARD, REAR** means that part of a lot extending across the full width of a lot between the rear lot line and the nearest main wall of any building or structure on the lot. For the purposes of this definition 'main wall' shall include the main wall of a deck, porch, carport, verandah, or other similar structure covered by a roof.

4.195 **YARD, REQUIRED** means the minimum yard required by the provisions of this By-Law.

4.196 **YARD, SIDE** means that portion of a lot extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of any building, structure, excavation or open storage use on the lot. For the purposes of this definition, "main wall" shall include the main wall of a deck, porch, carport, verandah, or other similar structure covered by a roof.

4.197 **ZONE** means the designated area of land shown on Schedule "A" of this By-Law within which certain uses of land and/or buildings are permitted and certain others are prohibited, where yards are required, where lot area, building height limits and other requirements are established.

SECTION 5: GENERAL PROVISIONS FOR ALL ZONES

5.1 ZONES

For the purposes of this By-Law, the following Zones are established and are shown on Schedule A to this By-Law:

ZONE	SYMBOL
Residential One (R1) Zone	R1
Residential Two (R2) Zone	R2
Residential Three (R3) Zone	R3
Residential Multiple One (RM1) Zone	RM1
Residential Multiple Two (RM2) Zone	RM2
Residential High Rise One (RH1) Zone	RH1
Mixed Residential Commercial (MRC) Zone	MRC
Neighbourhood Commercial (NC) Zone	NC
Central Commercial (CC) Zone	CC
Local Commercial (LC) Zone	LC
General Commercial (GC) Zone	GC
Shopping Centre Commercial (SCC) Zone	SCC
Special Purpose Commercial (SPC) Zone	SPC
Prestige Employment (PE) Zone	PE
General Employment (GE) Zone	GE
Community Facility (CF) Zone	CF
Parks and Open Space (OS) Zone	OS
Future Residential (FR) Zone	FR
Future Community Development (FCD) Zone	FCD

5.2 ACCESSORY BUILDINGS, USES & STRUCTURES

a) Provision For Accessory Buildings and Accessory Uses

Where this By-Law provides that land may be used or a building may be erected, altered or used for a purpose, that purpose shall include accessory buildings or accessory uses, but shall not include the following:

- i. any occupation for gain or profit conducted within or accessory to a dwelling unit or on the lot, except as specifically permitted in this By-Law; or
- ii. any building or part thereof used for human habitation, except as specifically permitted in this By-Law.

b) Location Requirements for Accessory Buildings

- i. In a Residential Zone, accessory buildings shall be erected only in a side or rear yard provided that such buildings are erected not closer than:
- 1.5 m from any wall of the main building;
 - 1.25 m from the rear lot line;
 - 1.25 m from the interior side lot line; and
 - 4 m from the exterior side lot line.

The regulations governing the location of any accessory building in relation to a lot line shall not apply in a Residential Zone to prevent the erection or use of a jointly-owned double garage which services two dwellings whose common lot line is the dividing line of such double garage.

- ii. In all Zones other than Residential, an accessory building shall only be erected in a side or rear yard and the setback requirements for the main building shall also apply in the location of an accessory building.
- iii. Notwithstanding sub-paragraph i. above, a boathouse, dock or wharf may be located anywhere in the side or rear yard where such yard abuts a navigable waterway, provided that the approval of any government authority having jurisdiction has been obtained and provided that the boathouse, dock or wharf is located not closer than three (3) metres from a side lot line.

c) Lot Coverage and Height Requirements for Accessory Buildings and Structures

The total allowable lot coverage of all accessory buildings on a lot shall not exceed 10 percent of the lot area. The lot coverage of all accessory buildings on a lot shall be added to the lot coverage of all main buildings to determine the total lot coverage, as regulated by the zone requirements of each particular Zone defined within this By-Law. Porches and/or decks covered by a roof supported by posts extending one or more storeys shall be added to the lot coverage of all main buildings.

The height of any accessory building, as measured from the average finished grade to the top of the roof peak, shall not exceed:

- 6.0 m in a Commercial or Community Facility Zone; and
- 10.5 m in an Employment Zone; and
- 10.5 m in all Other Zones

Residential Zone

The height of an accessory building or structure, in a residential zone or to a residential use, shall not exceed 5 metres (16.4 ft.). Further, the height of such accessory building or structure shall be measured as the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof. (B/L 2002-139)

d) Provision For Accessory Structures

Notwithstanding the minimum setback provisions of this By-Law, flag poles, garden trellises, retaining walls and fences may be permitted in the front, rear and side yard and exterior side yard setback areas of all Zones provided they comply with all other provisions of this By-Law, including the Daylighting Triangle provisions.

Notwithstanding the minimum setback provisions of this By-Law, steps, decks and/or porches, which are not covered or enclosed and less than 0.6m from average finished grade, may be permitted in the front, rear, side yard and exterior side yard setback areas of all Zones, provided they comply with all other provisions of this By-Law.

e) Swimming Pool Permitted as an Accessory Use

A private swimming pool is permitted as an accessory use to a permitted residential use in a Residential Zone, or Mixed Residential Commercial Zone provided that:

- i. the swimming pool is located in the rear or side yard of a lot;
- ii. if located in the side yard of any lot, no part of such pool shall be located closer to any lot line than the minimum setback distance required for an accessory building located on such lot;
- iii. if located in the rear yard of any lot, no part of such pool shall be located closer to any lot line than the minimum setback distance required for an accessory building located on such lot;
- iv. a minimum width area of 1.25 m, shall be provided around the entire swimming pool - such area to be clear of all structures, buildings and fences except diving boards, aprons and decking normally associated with a swimming pool;
- v. any building, including a building required for changing clothing or for housing pumping or filtering devices or other similar accessory uses, shall comply with the provisions of this By-Law respecting accessory buildings on such lot, and shall be included in lot coverage calculations;
- vi. any swimming pool with a roofed enclosure, whether temporary or permanent, shall be considered an accessory building and included in accessory building, total lot coverage, and total gross floor area calculations, unless such roofed enclosure is designed and built as an integral part of the permitted main building on such lot - in this instance the swimming pool shall be considered part of the main building and shall be included in lot coverage and total gross floor area calculations for the main building; and

- vii. a swimming pool without a roofed enclosure, whether above ground, inground or otherwise, shall not be considered an accessory building or structure for the purposes of calculating lot coverage or gross floor area in this By-Law.
 - viii. an approved fence with a minimum height of 1.2 m, shall be erected and maintained entirely around a swimming pool. The fence shall be constructed of a board fence with a maximum distance of 5 cm between boards; chain link with a maximum of 5 cm mesh or other design approved by the Chief Building Official for the Town of Lindsay. Gates in the aforesaid fence shall provide protection equivalent to the fence and shall be equipped with a self-latching device and lock located at least 1.2m from grade and inside of the gate.
 - ix. A wall of a building may be considered to provide adequate protection for its length when substituted for any portion of a fence when all doors located in this wall are equipped with locks and/or latching devices located at least 1.2m above the bottom of the door.
 - x. The walls of an above ground pool shall be considered the fence where the height of the wall is at least 1.2 m and the ladder is removable or secured in such a manner as to prevent access to the pool.
 - xi. The maximum height of an above ground pool shall be one and one half (1.5) metres above the average finished grade.
- f) **Satellite Dishes**
- i. A satellite dish shall only be permitted in the rear or side yard and shall comply with the accessory building regulations of Section 5.2.b)i. and Section 5.5 of this By-Law.
 - ii. Notwithstanding Section 5.2.f)i., a satellite dish may be mounted on a building.

5.3 TEMPORARY USES ASSOCIATED WITH CONSTRUCTION AND SALES

- a) A tool shed, construction trailer, scaffold or other building or structure incidental to construction is permitted in all Zones within the Town of Lindsay on the land where the construction is situated, once an application for a building permit for such construction has been received by the Town to the satisfaction of the Town's Chief Building Official. The building or structure may be temporarily situated on such land until a Certificate of Occupancy for such building(s) or unit(s) under construction has been issued by the Chief Building Official or until construction has been discontinued for sixty (60) consecutive days.

The temporary location of such building or structure incidental to construction shall be set back a minimum of 3m from all lot line boundaries where the construction is occurring.

5.4 DAYLIGHTING TRIANGLE

- a) Notwithstanding any other provisions of this By-Law, all corner lots in all Zones shall be free of any building, structure, hedge, fence, shrub, bush, tree or any other type of vegetation or grade having a height greater than 0.75 m (measured from the finished grade of the streets that abut the corner lot) within the triangular space measured along each corner lot line for a distance of:
 - 9 m from the point of intersection, where each lot line is adjacent to a local road; and
 - 12 m from the point of intersection, where each lot line is adjacent to a collector road, arterial road, County road or Provincial highway.
- b) No sign shall be permitted within or be allowed to overhang the Daylighting Triangle, as required in Section 5.4.a) of this By-Law. An authorized traffic sign or signal, or any sign or notice erected by any governmental authority shall not be subject to this requirement.
- c) Notwithstanding Section 5.4 a), the Daylighting Triangle for the north-east intersection of Victoria Avenue South and Durham Street West shall be measured a distance of 7.6 metres from the intersection of the two roads. **(B/L 2007-271)**

5.5 SPECIAL SETBACK REQUIREMENTS

For all lots which abut Provincial Highways, County Roads, and Arterial Roads as identified in the Transportation Schedule of the Town of Lindsay Official Plan, the setback requirement abutting such road, shall be increased by 3 m if the said road right-of-way is 20.12 m or less, or 1.5 m if the said road right-of-way is 23.2 m. This special setback distance shall be in addition to the setback provisions required in all Zones, including the setback requirements for accessory buildings in Section 5.2.b) of this By-Law. In all other roads, the minimum setback will be as identified in the zone requirements.

5.6 ESTABLISHED BUILDING LINE IN BUILT-UP AREA

Notwithstanding the yard setback and landscaping provisions of this By-Law, where there is an established building line extending on both sides of a lot, a building or structure may be erected closer to the street line than required by this By-Law, provided such permitted building or structure is not erected closer to the street line than the established building line that existed on the date of passing of this By-Law. Where the established building line varies on either side of a lot, the permitted building or structure may be erected at a distance equal to the average setback distance of the two established building lines on either side. In the case of a corner lot, the Daylighting Triangle provisions of this By-Law shall prevail.

5.7 EXEMPTION FOR LOT FRONTAGE AND AREA REQUIREMENTS

Where a single lot (transferable in its entirety) has less than the minimum lot area, lot depth and/or lot frontage than required herein at the date of passing of this By-Law, or where such deficiency is created as a result of expropriation, or where a lot is reduced in size due to land being acquired by the Town, County or Province, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot provided that all other requirements of this By-Law are complied with.

5.8 PITS AND QUARRIES

No pit, quarry or wayside pit shall be established or made in any area within the Town of Lindsay.

5.9 HEIGHT EXCEPTIONS

The height requirements herein set forth in this By-Law shall not apply to a church spire, church belfry, flag pole, clock tower, chimney, water tank, receiving radio, television or cellular tower or antenna, satellite dish, or air conditioner duct occupying less than five percent of the roof area of the building on which it is located.

5.10 NON-COMPLYING BUILDINGS OR STRUCTURES

a) Non-Complying Provisions

Buildings or structures existing prior to the date of passing of this By-Law, which when erected were in conformity with the by-law in force at the date of erection, may continue as an existing, legal, non-complying building or structure.

A legal non-complying building or structure may be enlarged or extended provided the extension or enlargement complies with the requirements of this By-Law.

b) Restoration to a Safe Condition

Nothing in this By-Law shall prevent the strengthening, restoration or minor changes to the safe condition of any building or structure or part thereof, lawfully used on the date of passing of this By-Law provided that the strengthening or restoration does not increase the building height, size or volume or change the use of such building or structure.

c) Damaged Buildings

Nothing in this By-Law shall prevent the rebuilding or repair of any building or structure that is damaged or destroyed by causes beyond the control of the owner subsequent to

the date of passing of this By-Law, provided that the dimensions of the original building or structure are not increased and the use of the building or structure is not altered, except to a permitted use, and provided such rebuilding or repair is conducted within two years of the damage having occurred.

5.11 DWELLING UNIT RESTRICTION

Except as specifically provided for in other Sections of this By-Law, a maximum of one single detached dwelling unit per lot shall be permitted.

5.12 PARKING AND LOADING REQUIREMENTS

- a) For every building or structure to be erected the required parking shall be located on the same lot, shall have unobstructed access to a public street and shall be provided and maintained in conformity with the standards of this Section. Unless otherwise specified, the standards are expressed in one space per specified square metres of gross floor area. If when determining the parking space requirements, the result is a fraction of a parking space, then the number of parking spaces shall be rounded to the next highest whole number.
- b) In instances where the payment of money may be required in lieu of providing off-street parking, the standards of this Section shall be used to determine the off-street parking requirements in which money in lieu is to be accepted.
- c) No less than 3% of the total number of parking spaces required in this By-Law shall be designated for disabled persons parking with minimum dimensions as set out in 5.12 h) of this By-Law.
- d) Where a use is changed within an existing building or structure, and where the new use requires more parking or loading spaces than the former use, the number of additional parking spaces or loading spaces required shall be the difference between the parking spaces or loading spaces required by the new use and parking spaces or loading spaces required by the former use.
- e) Where an addition to an existing building or structure is to be constructed, parking and loading spaces shall be provided for the new construction in accordance with the standards of this Section, in addition to the minimum number of parking and loading spaces already required and/or provided for the existing building or structure.
- f) The parking requirements for more than one use on a single lot or a building containing a number of uses shall be the sum total of the parking requirement for each of the component uses, except in the case of a shopping centre for which the standards are cited specifically, plus the parking requirement for any other use on the same site, shall apply.

g) Minimum Parking and Driveway/Aisle Dimensions

Parking Angle (degrees)	Parking Space Width (m)	Parking Space Length (m)	Driveway/Aisle Width (m)
0 to 20	2.75	6.7	4*
21 to 45	2.75	5.8	4*
46 to 60	2.75	5.8	4*
61 to 75	2.75	5.8	5.5*
76 to 90	2.75	5.8	7

*Access to each aisle shall be from one direction only
 -Where there is a combination of two or more types of parking, a minimum 7m aisle width is required to be provided.
 -Notwithstanding the above table, where the side of any parking space is located directly adjacent to a solid wall, fence or like structure that is supplied in conjunction with any use other than a single detached, semi-detached, or street townhouse dwelling, the minimum width shall be 3 m.

h) Minimum Disabled Persons Parking and Driveway/Aisle Dimensions

Parking Angle (degrees)	Parking Space Width (m)	Parking Space Length (m)	Driveway/Aisle Width (m)
0 to 20	3.6 plus 1.25 access aisle	6.7	4*
21 to 45	3.6 plus 1.25 access aisle	5.8	4*
46 to 60	3.6 plus 1.25 access aisle	5.8	4*
61 to 75	3.6 plus 1.25 access aisle	5.8	5.5*
76 to 90	3.6 plus 1.25 access aisle	5.8	7

*Access to each aisle shall be from one direction only
 Where there is a combination of two or more types of parking, a minimum 7m aisle width is required to be provided.

i) Disabled Persons Parking Requirements

- i. Where disabled persons parking spaces are situated side by side, an access aisle width of 1.25 m may be shared between two disabled persons parking spaces.
- ii. Disabled persons parking spaces shall be located adjacent to the accessible entrance of a building so that disabled persons do not need to pass behind parked vehicles.
- iii. Disabled persons parking spaces shall be properly designated by the International Accessibility symbol mounted both vertically on a sign, as well as on the surface of the parking space in fluorescent blue according to the following dimensions:
 - a painted ground sign shall be a minimum of 1.25 m by 1.25 m in size; and
 - a parking control sign shall be located 1.5 m above ground and shall be a minimum of 0.3 m by 0.3 m in size.

j) Standards for Parking Lots and Driveways

The following development standards shall apply to all parking lots and driveways required under this By-Law:

- i. where a use or purpose in Section 5.12 k) above, requires that parking be provided for visitors, such parking shall be designated, signed and maintained exclusively for visitor parking;
- ii. the parking lot shall have visible boundaries and be suitably drained to the satisfaction of the Town Engineer;
- iii. except as provided elsewhere in this By-Law, the parking lot shall be located on the same lot as the use for which it is intended to serve;
- iv. the minimum distance between two separate driveways on one lot, measured along the street line shall be 9 m;
- v. no driveway shall be located closer than 15 m to the limits of the right-of-way at a street intersection;
- vi. no driveway shall be closer than 0.6 m to a side lot line - this shall not apply to prevent the establishment of two abutting driveways in a Residential Zone which service a jointly-owned double garage between two dwellings whose common lot line shall be the dividing line of such double garage and this shall not apply to prevent the establishment of a joint or mutual driveway serving two lots in a Commercial or Employment Zone as a means of reducing the number of access points onto collector, arterial, County roads or Provincial Highways;
- vii. all parking spaces within a parking lot shall be delineated by painted lines on paved surfaces or cement parking curbs placed along the width of each parking space for non-paved surfaces;
- viii. no part of the required front yard of any lot shall be used for the parking or storage of any trailer or the body of any truck, bus or coach;
- ix. all parking lots shall comply with the landscaping requirements detailed in Section 5.14.e) and f) of this By-Law; and
- x. in Residential Zones:
 - in an R1, R2, R3, RM1 and RM2 Zone where the use of the property is for a single detached, semi-detached, duplex, or townhouse dwelling, parking in the front yard of a lot is restricted to parking on a driveway, such driveway to have a minimum width of 3 m and a maximum width of 7.5 m - in all other Residential Zones, parking shall be in the side or rear yard only,
 - not more than 30% of the lot area shall be occupied by open parking spaces; open storage spaces for motor vehicles, trailers, boats and motorized snow and water vehicles; driveways; and vehicle movement areas,
 - no part of any residential lot shall be used for the parking or storage of any commercial motor vehicle in excess of one ton capacity - for the purposes of this Section, commercial motor vehicles shall mean any motor vehicle having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing includes ambulances, hearses, motor buses and tractors,
 - no part of the front yard of any lot shall be used for the parking or storage of a trailer, boat or motorized snow or water vehicle, and
 - no part of any trailer on a lot shall be used for the purposes of providing temporary or permanent living, sleeping or eating

accommodations, regardless of whether such vehicle is jacked up or has its running gear removed.

xi. Mixed Residential Commercial Zones

- Parking is to be provided in the rear and side yards only
- Not more than 50% of the lot shall be used for parking

k) Except as otherwise stated, the number of parking spaces required shall be as set out in the following tables.

5.12 k) i. RESIDENTIAL PARKING REQUIREMENTS

PURPOSE OR USE	MINIMUM PARKING SPACES REQUIRED
Accessory Apartment – Bachelor, 1 or 2 Bedroom	1 Parking Space
Accessory Apartment - 3 Bedrooms or Larger	.5 Spaces Per Bedroom
Apartments - Condominium	1.3 Per Dwelling Unit Plus .25 Per Dwelling Unit For Exclusive Use Of Visitors
Apartments - Rental, Maisonette, Group Dwelling And All Other Multiple Attached Dwelling Units Not Otherwise Specified	1.1 Per Dwelling Unit Plus .25 Per Dwelling Unit For Exclusive Use Of Visitors
Bed and Breakfast Establishment	1 Per Guest Room (in addition to the required number for the principle dwelling)
Boarding House, Rooming House	1 Parking Space Plus .5 Per Rental Bedroom
Group Home	0.4 Per Occupant (Exclusive Of Attendant Or Supervisory Staff)
Seniors Home, Home for the Aged, Jail, Crisis Care Residence	0.5 per bed or dwelling unit based on the maximum capacity
Nursing Home	0.33 Per Bed based on the maximum capacity
Single Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling, Triplex Dwelling, Fourplex Dwelling, Converted Dwelling And Townhouse Dwelling	2 Per Dwelling Unit Plus parking required for Accessory Apartment and/or Bed and Breakfast Establishment Requirements Where Applicable

(B/L 2001-148 re General Amendment Nursing Homes)

5.12 k) ii. NON-RESIDENTIAL PARKING REQUIREMENTS

PURPOSE OR USE	MINIMUM PARKING SPACES REQUIRED
Active Recreation Uses Including Playing Field Facility (i.e. Baseball Diamond, Lawn Bowling Green and Outdoor Athletic Fields)	30 Per Playing Field
Bowling Alleys, Curling Rinks, Tennis Courts Or Similar Use	4 Spaces Per Lane, Sheet or Court or Similar Recreational Feature provided that where facilities for a lounge, tavern or assembly hall are provided, the greater parking requirement shall apply.
Commercial Use, Retail Or Rental Establishment Other Than Those Separately Listed	Ground Floor - 1 Per 25m ² of Gross Floor Area Upper Floor - 1 Per 35m ² of Gross Floor Area
Community College, University or Adult	6 Per Classroom or Teaching Area Plus 0.25

Education Facility	For Each On Campus Resident, based on maximum capacity
Community Facility Use not Otherwise Listed	1 Space Per 25m ² of Gross Floor Area
Day Care or Day Nursery	1 Per 5 Children Capacity Plus queue storage of 1 space per 5 children capacity for care
Dry Cleaning Depot or Dry Cleaning Establishment	1 Per 25m ² of Gross Floor Area
Eating Establishment, Entertainment Lounge, Tavern, Lounge Area And Other Premises Licenced In Accordance With The Liquor Licence Act	1 Per 11m ² of Gross Floor Area
Elementary - Public, Separate or Private School	1.5 Per Classroom or Teaching Area Plus Day Care or Day Nursery Requirements if Applicable
Flea Market	1 Per 17m ² of Gross Floor Area and/or Outdoor Sales Area
Furniture, Major Appliances, Agricultural Supplies and Equipment Sales Establishment	1 Per 70m ² of Gross Floor Area and/or Outdoor Sales Area
Golf Course	5.5 Per Hole Plus Such Parking Required for any Other Purposes
Golf Driving Range	1 Per Every Tee-Off Facility
Golf, Miniature	2.3 Per Hole
Hospital	2.5 Per Bed based on maximum capacity
Hotel, Motel	1.2 Per Guest Room Plus such parking required for any other purposes
Industrial Use, Other than those separately listed	1 Per 45m ² up to and including 2,800m ² Plus 1 for each additional 190m ² over 2,800m ²
Laundry Establishment,	1 Per 15m ² of Gross Floor Area
Manufacturing, Assembly, or Processing Use	1 Per 95m ² up to 2000m ² of Gross Floor Area, Plus 1 Per 450m ² of Gross Floor Area over 2000m ²
Machine Shop, Contractor or Tradesman Shop, Refinishing or Welding Shop	1 Per 95m ² of Gross Floor Area
Medical Office, Post Office, Clinic	1 Per 10m ² of Gross Floor Area except in a Shopping Centre where Shopping Centre standards apply
Motor Vehicle Sales and Service Establishment, Marine and Recreational Vehicle Sales and Service Establishment	1 Per 20m ² of Indoor Display Floor Area Plus 1 per 9m ² of Service Area
Motor Vehicle Washing Establishment	1 Per 24m ² of Gross Floor Area Plus the following in advance of Each Washing Stall: self service 3, automatic 8, conveyor 13
Office, Other Than Those Separately Listed,	1 per 25m ² of Gross Floor Area
Personal Service Establishment	1 per 25m ² of Gross Floor Area
Place of Amusement	1 per 20m ² of Gross Floor Area
Place of Worship, Place of Assembly, Place of Entertainment, Library, Museum, Art Gallery, Music or Dance School, Fine Arts School, Recreation Centre, Gymnasium, Club, Lodge, Funeral Home	1 Per 6 fixed seats or 4m of bench space, OR 1 Per 9m ² of assembly floor area, whichever is greater (Where Assembly Hall is located on same lot as Place of Worship, the greater of the requirements (seating or hall area) are only required)
Police Station, Fire Hall	1 Per 35m ² of Gross Floor Area including Bay

	Areas for Parking Vehicles.
Public Transportation Terminal	1 Per 20m ² of Gross Floor Area
Salvage Yard	1 Per 500m ² of Indoor and/or Outdoor Storage Area
Secondary - Public, Separate or Private School	4 Per Classroom or Teaching Area Plus Day Care or Day Nursery Requirements if Applicable
Service Station, Motor Vehicle Repair Establishment	1 Per 24m ² of Gross Floor Area
Shopping Centre, Supermarket, Large Format Retail Use	1 Per 17m ² of Leasable Floor Area Provided That, For Any Basement, Cellar Or Mezzanine Used For Storage, Equipment Rooms, Washrooms, Staff Lunch Rooms, or Locker Rooms, 1 Per 90m ² Of Leasable Floor Area Devoted to Such Uses Is Required, In Lieu Of The Foregoing
Warehouse	1 Per 140m ² up to 2000m ² of Gross Floor Area Plus 1 Per 450m ² of Gross Floor Area over 2000m ²

5.13 OFF-STREET LOADING SPACE REQUIREMENTS

- a) In a Commercial, Employment, Community Facility and/or Residential Zone, for every building or structure hereafter erected, or for every addition to an existing building or structure, there shall be provided and maintained on the same lot, occupied by the building or structure, loading facilities on land that is not part of a highway, parking lot or driveway. The following tables detail the minimum dimensions and total number of loading spaces required by this By-Law according to the gross floor area of a building or structure:

MINIMUM DIMENSIONS OF LOADING SPACES

Loading Space Width	Loading Space Length	Clear Height
4m	15m	4.5m

MINIMUM NUMBER OF LOADING SPACES REQUIRED FOR EMPLOYMENT ZONES

Gross Floor Area of Building (m ²)	Minimum Number and Type of Spaces
1,000 to 4,999	1
5,000 to 7,499	2
7,500 to 13,999	3
Over 14,000	4 plus 1 for each 9,000 m ² of g.f.a in excess of 9,000m ² of g.f.a.

MINIMUM NUMBER OF LOADING SPACES REQUIRED FOR COMMERCIAL ZONES

Gross Floor Area of Building (m ²)	Minimum Number and Type of Spaces
1,000 to 1,999	1
2,000 to 7,999	2
Over 8,000	4

**MINIMUM NUMBER OF LOADING SPACES REQUIRED FOR COMMUNITY FACILITY
 AND/OR RESIDENTIAL ZONES**

Gross Floor Area of Building (m ²)	Minimum Number and Type of Spaces
Over 4,500	1

- b) In a Commercial, Community Facility, Prestige Employment and/or Residential Zone, no loading space shall be located within the front or exterior side yard.

5.14 LANDSCAPING AND BUFFER REQUIREMENTS

- a) In all Zones, landscaping shall be neat and orderly in appearance and maintained in a healthy condition.
- b) Notwithstanding anything else in this By-Law, where a Commercial or Employment Zone abuts a Residential or Community Facility Zone, either of the following provisions shall be required:
- a landscaped strip of land not less than 3.0 m in width, situated inside the Commercial or Employment Zone boundary; or
 - a landscaped strip of land not less than 1.8 m in width with an opaque wood fence not less than 1.8 m in height, situated adjacent to the landscaped strip inside the Commercial or Employment Zone boundary.

The landscaped strip shall provide for high and low level visual screening and allow for the provision of driveways to the Commercial or Employment Zoned lot. As a minimum, the landscaped buffer shall consist of a continuous, unpierced hedgerow of evergreens and shrubs, not less than 1.2 m high at the time of planting and shall be situated immediately adjacent to the lot line or portion thereof, along which such landscaped buffer is required.

- c) In an Employment and Commercial Zone, a landscaped strip of a minimum width of 1.8 m shall be required along the interior side and rear yards of a lot, where such interior side and rear yards do not abut a Residential or Community Facility Zone. The landscaped strip shall provide for high and low level visual screening and allow for the provision of driveways to the Employment or Commercial Zoned lot. As a minimum, the landscaped buffer shall consist of a continuous hedgerow of evergreens and shrubs, not less than 1.2 m high at the time of planting and shall be situated immediately adjacent to the interior side and rear lot lines.
- d) In a Community Facility Zone, a landscaped strip of a minimum width of 1.8 m shall be required in the interior side and rear yards of a lot. The landscaped strip shall provide for high and low level visual screening and allow for the provision of driveways to the Community Facility Zoned lot adjacent to a Residential Zone. As a minimum, the landscaped buffer shall consist of a continuous hedgerow of evergreens and shrubs, not less than 1.2 m high at the time of planting and shall be situated immediately adjacent to the interior side and rear lot lines.

Where an apartment building exists in a Community Facility Zone, the landscaping requirements of Section 5.14.g) shall prevail.

- e) All parking lots situated in a rear and/or side yard shall provide a landscaped strip of a minimum width of 1.8 m around the parking lot. This landscaped strip shall not be in addition to any landscaped strips required in Sections 5.14.b),c), d), f) and g). As a minimum, the landscaped buffer shall consist of berming or densely planted evergreens and shrubs, not less than 1.2 m high at the time of installation or planting and shall be situated around the perimeter of the parking lot, exclusive of driveways.
- f) In all Zones, other than a Residential R1, R2, R3, RM1 and RM2 Zone where a single-detached, semi-detached, duplex or townhouse is proposed, a landscaped strip shall be provided along a front and exterior side yard adjacent to a public road frontage. The landscaped strip shall provide for high and low level visual screening and allow for the provision of driveways to the Zoned lot. As a minimum, the landscaped buffer shall consist of a continuous hedgerow of evergreens and shrubs, not less than 1.2 m high at the time of planting and shall be situated immediately adjacent to the front and exterior side lot lines.

Where a front or exterior side lot line abut an arterial road, County road or Provincial highway, the landscaped strip shall be a minimum width of 6 m. Where a front or exterior side lot line abut a collector or local road, the landscaped strip shall be a minimum width of 3 m.

- g) Landscaping provisions for an apartment building shall be as follows:
 - a strip of land not less than 1.8 m wide for landscaping shall be required in the interior side and rear yards - such landscaped strip shall provide for high and low level visual screening, allow for the provision of driveways, and shall consist of a continuous hedgerow of evergreens and shrubs not less than 1.2 m high at the time of planting, situated immediately adjacent to interior side and rear lot lines; and
 - a strip of land not less than 1.8 m wide for landscaping abutting the walls of an apartment building shall be required where dwelling units on the ground floor have windows to habitable rooms, which face onto a driveway or parking lot - such landscaped strip shall provide for high and low level visual screening and shall consist of a continuous hedgerow of evergreens and shrubs, not less than 1.2 m high at the time of planting.

5.15 SPECIAL SETBACKS FOR COMMERCIAL AND EMPLOYMENT ZONES

Where an Employment or Commercial Zone abuts a Residential Zone, no Employment or Commercial building shall be located closer than one half the height of the building or 7.5 m, whichever is the greater, to the interior side or rear lot line of the Commercial or Employment Zoned lot which abuts the said Residential Zone.

5.16 MORE THAN ONE LOT

Notwithstanding any provisions or definitions in this By-Law to the contrary, no person shall use two or more abutting lots as a single lot in order to comply with the provisions of this By-Law, unless the lots are merged in title.

5.17 USES IN PUBLIC RIGHTS-OF-WAY

In this By-Law, the property line abutting a public right-of-way forms the boundary of a zone. As a result, zoning does not apply to public rights-of-way and on this basis no uses are permitted in rights-of-way except those normally associated with the right-of-way such as public street furniture, mail boxes and newspaper boxes. Certain uses permitted on the property abutting the right-of-way may also be permitted within the adjacent right-of-way, subject to the approval of the authority having jurisdiction over the right-of-way, subject to any easements and subject to the issuance of a license by the municipality. Such license shall establish the use or uses permitted, the hours of operation of the use or uses and the limits of the use or uses, ensuring that the sidewalk remains unobstructed. Uses that may be permitted include sidewalk cafes and fruit stands and similar uses but shall not include permanent structures.

5.18 PUBLIC USES PERMITTED

- a) None of the provisions of this By-Law shall apply to prevent the use of any land or the erection or use of any building or structure, or part thereof, for the purpose of public service by a public authority as defined herein, nor for the purpose of essential services or utilities or work by any telephone, telecommunications, cable television, electrical energy distribution company or natural gas company or any railway or pipeline company, provided that where such land, building or structure is located:
 - i. no goods, material, or equipment shall be stored in the open;
 - ii. the lot coverage and setback requirements prescribed for the Zone in which the use, building or structure is to be located are complied with;
 - iii. parking requirements prescribed for the use or Zone within which it is to be located are complied with as provided for in Section 5.12 of this By-Law;
 - iv. any building or structure erected under the authority of this paragraph shall be designed and maintained in general harmony with buildings of the type permitted in such Zone; and
 - v. landscaping and buffering requirements of Section 5.14 of this By-law are complied with.

b) Streets and Installations on Streets

Nothing in this By-Law shall prevent land being used as a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line, or overhead or underground electrical, telephone or other supply and/or communication line, provided that the location of such installation has been approved by the Town and/or the appropriate governmental authority.

5.19 THROUGH LOTS

Where a lot other than a corner lot has frontage on more than one street, the front yard setback and other requirements contained herein shall apply on each street in accordance with the provisions of the Zone or Zones in which such lot is located.

5.20 GROUP HOMES

- a) A group home shall be permitted in a residential dwelling unit within any Residential Zone provided that it complies with the regulations of the Zone in which it is situated and Sections 5.20.b) and c) of this By-Law, and provided that it is registered with the Town's Registrar of Group Homes.
- b) A group home in which not more than 6 persons (exclusive of supervisory or attendant staff) reside shall be permitted in a residential dwelling unit subject to the following:
 - i. the group home shall not be located within 300 m of any other group home; and
 - ii. the group home shall comprise the sole use of the dwelling unit.
- c) A group home to accommodate more than 6 persons, to a maximum of 10 occupants (exclusive of supervisory or attendant staff), may be permitted in a residential dwelling unit subject to the following:
 - i. no such group home may locate in a neighbourhood depicted in Schedule "A" of this By-Law unless such neighbourhood is not occupied by another municipally registered group home;
 - ii. the group home shall not be located within 300 m of any other group home; and
 - iii. the group home shall comprise the sole use of the dwelling.
- d) Any existing group home which satisfies Provincial standards of operation but which fails to comply with the requirements of this By-Law on the date that this By-Law comes into effect, will be allowed to continue in operation, but will not be permitted to expand or increase its number of occupants (exclusive or supervisory or attendant staff) unless such expansion complies with the provisions of this By-Law.

5.21 CRISIS CARE RESIDENCE

- a) A crisis care residence shall be permitted in a residential dwelling unit within the MRC Zone provided that it complies with the regulations of the Zone and the following:
 - i) the crisis care residence shall not be located within 300 m of any other crisis care residence or group home
 - ii) the crisis care residence shall comprise the sole use of the dwelling unit.

5.22 LODGING, BOARDING OR ROOMING HOUSE

- a) A lodging, boarding or rooming house shall be permitted in a residential dwelling unit within any Residential R1, R2, R3 or MRC Zone provided that it complies with the regulations of the Zone in which it is situated and Sections 5.22 b) and c) of this By-Law, and provided that it complies with Town of Lindsay By-Law(s) regulating Lodging Houses and the Keepers of Lodging Houses, and is licensed by the Town of Lindsay.
- b) A lodging, boarding or rooming house in which either lodging or lodging and meals is supplied by the proprietor for monetary gain to 6 persons or fewer, shall not be located within 300 m of any other boarding or rooming house.
- c) A lodging, boarding or rooming house in which either lodging or lodging and meals is supplied by the proprietor for monetary gain to more than 6 persons, to a maximum of 10 persons, shall be permitted in a residential dwelling unit subject to the following:
 - i. no such lodging, boarding or rooming house may locate in a neighbourhood depicted in Schedule “B” of this By-Law unless such neighbourhood is not occupied by another municipally registered boarding or rooming house; and
 - ii. the lodging, boarding or rooming house shall not be located within 300 m of any other boarding or rooming house.

5.23 HOME OCCUPATIONS

Notwithstanding the Permitted Uses listed elsewhere in this By-Law, a Home Occupation is a permitted use in all zones that permit dwelling units, subject to the following provisions:

- a) There shall be no more than one home occupation in a dwelling unit;
- b) The home occupation use shall be clearly secondary to the use of the dwelling as a private residence;
- c) Only one person who resides at the said dwelling unit, plus one assistant, who may or may not reside in the dwelling may conduct the said home occupation;

- d) The gross floor area taken up by the home occupation shall be no more than 30% of the gross floor area of the dwelling unit, or a maximum of 30 square m whichever is the lesser;
- e) The home occupation shall not change the external character of the premises as a private residence;
- f) There shall be no display or advertising other than a plate or sign, which is not flashing and is not larger than .09 m² indicating only the name, occupation and practicing hours of the home occupation and shall be attached and parallel to a main wall of the building;
- g) The home occupation shall not generate adverse effects such as that from electrical interference, excessive noise, odour, traffic or parking;
- h) There shall be at least one off-street parking space for every 15 square m of floor area occupied by the home occupation in addition to any residential requirements. All the parking for the home occupation must be accommodated on the same lot as the dwelling wherein the home occupation occurs;
- i) All goods and materials are stored within a wholly enclosed building;
- j) No machinery, instrument or hazardous or noxious chemicals shall be used in conducting the said home occupation that is not normally used in a residence or compatible with a residential area;
- k) No retail sales shall be permitted as part of a home occupation use other than the sale of what is produced or repaired on site and/or catalogue sales where goods, wares, merchandise are not kept for sale on the premises;
- l) A Day Nursery or Day Care Centre shall not be permitted as a Home Occupation;
- m) A bed and breakfast establishment shall be permitted in a Residential R1, R2 or R3 Zone and in a Mixed Residential Commercial MRC Zone, as a home occupation provided that:
 - i. the parking provisions of Section 5.14 of this By-Law are complied with,
 - ii. the provisions of Section 5.23 exclusive of 5.23.h) of this By-Law are complied with, and
 - iv. not more than three guest rooms are being offered or supplied through the bed and breakfast establishment.

5.24 YARD AND SETBACK ENCROACHMENTS PERMITTED

Notwithstanding the provisions of this By-Law, the only structures permitted to project or overhang into a yard setback area, unless otherwise stipulated by this By-Law, shall be the following:

- i. eaves, cornices, canopies, awnings, roofs or other overhanging projections of a building may extend a distance of not more than 0.6 m into a front, rear or side yard setback area;
- ii. an open platform or stairway (excluding a fire escape) may extend a distance of not more than 0.9 m into a front, rear or side yard setback area;
- iii. a fire escape may extend a distance of not more than 0.9 m into a side or rear yard setback area;
- iv. an open terrace, deck or porch with a maximum height of 1.8m, may extend a distance of not more than 2.4 m into a rear yard setback area; and
- v. a canopy or portico over the major entrance to an apartment building may project into the required yard a distance equal to one-half the setback of the building from the street line; and
- vi. in a Residential Zone,
 - a chimney of a maximum width of 2.4 m may project a distance of 0.6 m into a side or rear yard setback area, and
 - an open balcony or porch may extend a distance of not more than 1.8 m into a front, side or rear yard setback area.

5.25 REGULATIONS FOR A SERVICE STATION

Notwithstanding anything else in this By-Law, where a lot is used for a service station the following provisions shall apply:

- i. no portion of any pump island or pump island canopy shall be located closer than 6 m from any lot line;
- ii. the maximum width of a driveway at the street line shall be not more than 9 m and the minimum width not less than 7.5 m. The width of the ramp shall be measured perpendicular to the centreline of the driveway;
- iii. the minimum distance from a driveway to the limits of a right-of-way at a street intersection shall be 15 m;
- iv. the minimum distance between driveways on the same lot shall be 9 m;
- v. the minimum distance from the intersection of any property line of the lot and the street line to the nearest driveway shall be 3 m;
- vi. the area between driveways or between a driveway and a street line or property line shall not be used for any purpose other than landscaping;

- vii. the minimum lot frontage for interior and corner lots shall be 60.0 m. The minimum lot depth for interior lots shall be 45.0m and for corner lots shall be 60.0m;
- viii. the following minimum provisions shall apply to all buildings:
 - a) Front yard 18.0m
 - b) Interior Side Yard 4.5m
 - c) Exterior Side Yard 10.0m
 - d) Rear Yard 7.5m

5.26 FENCES

Except as otherwise provided, a fence may be erected in any Zone provided the provisions of Section 5.4 of this By-Law are complied; and

- a) In a Residential Zone:
 - i. No fence in a minimum front yard; or in a legal non-complying front yard; or in the front yard established by Section 5.6 of this By-Law, shall be greater than 1 m in height. (B/L 2007-240)
 - ii. Any fence greater than 1.5 m in height shall be of open construction allowing at least 15% light and air passage.
- b) In an Employment Zone:
 - i. Where a lot is used for a salvage yard, the following fencing regulations shall apply:
 - the area used for the storage of materials must be enclosed by a fence, constructed of wooden boards (not less than 10 cm in width and spaced no more than 2.5 cm apart) to provide a visual barrier;
 - gate(s) will be permitted as part of the fencing enclosure to allow for driveway(s) to and from the salvage yard;
 - the height of fencing and gate(s) enclosing a salvage yard shall be a minimum of 2 m and a maximum of 3 m, such height shall be maintained uniformly around the perimeter of the salvage yard, except that the length of a wall of a building (at least 2m in height) at the perimeter, is permitted to substitute for that portion of the fence;
 - any materials stored in a salvage yard shall not be placed or piled to a height in excess of the fence height enclosing such yard; and
 - the fence enclosing a salvage yard shall be kept in good repair and painted, stained or treated on the outside with one colour.

5.27 FRONTAGE ON PUBLIC STREETS

No building or structure shall be erected in any Zone after the date of passing of this By-Law, unless the lot upon which such building or structure is to be erected fronts upon and gains direct access onto an improved public street, maintained year round. This requirement, however, shall not apply to prevent the erection of a permitted building or structure on a lot in a serviced, Registered Plan of Subdivision, where a subdivision agreement has been entered into with the Municipality but where the street has not yet been assumed by the Municipality.

5.28 OUTSIDE STORAGE

Unless otherwise specified in this By-Law, outside storage shall not be permitted in any Zone within the Town.

5.29 PUBLIC ACQUISITION

Any land acquired by the Municipality, County, Province or other Public Authority which results in a legally conveyable lot becoming non-complying or further reducing an existing non-complying legally conveyable lot, then the lot shall be deemed an existing legal non-complying lot.

5.30 PLACE OF AMUSEMENT

Where a place of amusement is a permitted use in a Zone, it shall not be located closer to any school property than 300 m.

5.31 SERVICING

All lots shall be serviced by municipal water and sanitary sewers.

5.32 SCUGOG RIVER CORRIDOR

Schedule “B” to this By-Law delineates a corridor area along the Scugog River and identifies Environmentally Sensitive Areas and Waste Disposal Assessment Areas. Lands situated wholly or partly within the “Scugog River Corridor” are subject to the provisions of Section 3.1 of the Town of Lindsay Official Plan and the regulations of this By-Law. Where a Full or Partial Environmental Impact Study is required as per the Town of Lindsay Official Plan, the actions necessary to change, mitigate or remedy the effects on the proposed use by the physical hazard or sensitive feature shall be incorporated as a special provision incorporated in the associated zoning for the subject lands.

5.33 WASTE DISPOSAL ASSESSMENT AREAS

No development other than a parking lot or park (no buildings) may proceed on these lands until the provisions of Section 3.1 of the Official Plan are met and the lands are rezoned to permit other uses.

5.34 QUONSET BUILDINGS

A quonset-type building shall not be permitted in any Zone.

SECTION 6: RESIDENTIAL ONE (R1) ZONE

6.1 R1 USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Residential One (R1) Zone, except for the following use:

- a. Single detached dwelling
- b. Home occupation in a dwelling
- c. Accessory uses

6.2 R1 ZONE REQUIREMENTS

In a Residential One (R1) Zone, no persons shall hereafter erect or use a building except in conformity with the following requirements:

- | | | |
|----|----------------------------------------|------------|
| a. | Minimum lot area | 450.0 sq.m |
| b. | Minimum lot frontage | 15.0 m |
| c. | Minimum front yard setback | 7.5 m |
| d. | Minimum exterior side yard setback | 3.0 m |
| e. | Minimum interior side yard setback | 1.25 m |
| f. | Minimum rear yard setback | 7.5 m |
| g. | Maximum building height | 10.5 m |
| h. | Maximum lot coverage for all buildings | 35% |

6.3 SPECIAL R1 ZONE REQUIREMENTS

6.3.1 R1-S1 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R1, on land zoned R1-S1 the following requirements shall also apply:

- i. on lands abutting the C.N.R. (Uxbridge Subdivision Branch) Rail Line, a 2 m high safety berm above grade from the property line is required; and
- ii. on lands abutting the C.N.R. (Uxbridge Subdivision Branch) Rail Line, a 1.83 m high chain link security fence is required.

6.3.2 R1-S2 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R1, on land zoned R1-S2 the following requirements shall also apply:

- i. the minimum lot frontage shall be 14 m and the minimum interior side yard setback shall be 1.3 m;
- ii. an accessory apartment is also permitted; and
- iii. the minimum gross floor area of the accessory apartment is to be 41.0 square m.

6.3.3 R1-S3 Zone

Notwithstanding the zone requirements on land zoned R1, on land zoned R1-S3 the following requirements shall also apply:

- i. the side yard adjacent to the southern lot line shall be 2 m; and
- ii. a screen in the form of landscaping, to a height of not less than 1.5 m shall be established and maintained along the northerly lot line - the screen is to have reached the required height within three years of the issuance of the building permit for a single detached dwelling.

6.3.4 R1-S4 Zone

Notwithstanding the zone requirements on land zoned R1, on land zoned R1-S4, the following requirements shall also apply:

- i. the front yard setback shall be 7.5 m; and
- ii. a screen in the form of landscaping to a height of 1.5 m shall be established and maintained along the easterly lot line, except in the front yard - the screen is to have reached the required height within three years of the issuance of the building permit for a single detached dwelling.

6.3.5 R1-S5(H1) Zone

Notwithstanding the permitted uses and zone requirements for the R1 zone, on land zoned R1-S5 the following requirements shall also apply:

- i. building entrances must be set above elevation 251.8 m;
- ii. the westerly side wall of the proposed dwelling must not extend more than 26.0 m from the property boundary adjacent to Logie Street;
- iii. any infilling of the marshy area must not extend more than 38 m from the property boundary adjacent to Logie Street.

On land zoned R1-S5(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- the owner shall enter into an agreement with the Town or it's designate to provide for sewer connections to the severed and retained lots, as created in 1992.

6.3.6 R1(H1) Zone

On land zoned R1(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- an adequate supply of municipal water and sewer servicing must be available to service the subject land.

6.3.7 R1(H2) Zone

On land zoned R1(H2), the removal of the (H2) Holding Symbol shall be in accordance with the following:

- Satisfactory completion of an Environmental Impact Study for any development or major redevelopment.

6.3.8 R1(H3) Zone

On land zoned R1(H3), the removal of the (H3) Holding Symbol shall be in accordance with the following:

- an adequate supply of municipal water and sewer servicing must be available to service the subject land; and
- Satisfactory completion of an Environmental Impact Study for any development or major redevelopment.

6.3.9 R1(H4) Zone

On land zoned R1(H4), the removal of the (H4) Holding Symbol shall be in accordance with the following:

- The lot(s) conform(s) with the minimum performance standards of the Residential One (R1) Zone. **(B/L 94-58 as amended by OMB Order No. 1051 July 03, 2001)**

6.3.10 R1-S6 Zone

Notwithstanding the zone requirements on land zoned R1, on land zoned R1-S6, the following requirement shall also apply:

- i. All buildings shall be setback a minimum of 8 metres from the top of the slope of the Jennings' Creek valleylands. **(B/L 94-58 as amended by OMB Order No. 1051 July 03 2001)**
- ii. A park or recreation trail is a permitted use. **(B/L 2002-126)**

6.3.11 R1-S6(H4) Zone

On land zoned R1-S6(H4), the removal of the (H4) Holding Symbol shall be in accordance with the following:

- The lot(s) conform(s) with the minimum performance standards of the R1-S6 (R1-S6) Zone. **(B/L 94-58 as amended by OMB Order 1051 July 03, 2001)**

6.3.12 R1-S7 Zone

Notwithstanding the permitted uses and zone requirements for the R1 zone, on land zoned R1-S7 the following requirements shall also apply:

- i. The minimum front yard setback shall be 6.0 m to the portion of the dwelling containing the garage entrance, and 4.5 m to the balance of the dwelling;
- ii. The maximum lot coverage for all buildings shall be 45%. **(B/L 2005-123)**

6.3.13 R1-S8 Zone

Notwithstanding the zone requirements for the R1 zone and Section 5.2 b) i., on land zoned R1-S8 the following requirements shall also apply:

- i. The minimum front yard setback shall be 6.0 m to the portion of the dwelling containing the garage entrance and 4.5m to the balance of the dwelling;
- ii. The maximum lot coverage for all buildings shall be 45%;
- iii. The minimum interior side yard setback on the non-garage side of the dwelling shall be 1.2m and 1.2m on the garage side of the dwelling;

- iv. An open terrace, deck or porch with a maximum height of 2.5m, may extend not more than 2.4 m into a rear yard setback.
(B/L 2008-126)

6.3.14 R1-S9 Zone

Notwithstanding the permitted uses and zone requirements for the R1 zone, on land zoned R1-S9, the following requirements shall also apply:

- i. The minimum front yard setback shall be 6.0 m.
- ii. The maximum lot coverage for all buildings shall be 42%.
(B/L 2008-102)

6.3.15 R1-S10 Zone

Notwithstanding the permitted uses and zone requirements for the R1 zone, on land zoned R1-S10, the following requirement shall also apply:

- i. The maximum lot coverage for all buildings shall be 42%.
(B/L 2008-102)

6.3.16 R1-S11 Zone

Notwithstanding the zone requirements for the R1 zone, on land zoned R1-S11 the minimum lot area shall be 429 sq.m.
(B/L 2008-120)

6.3.17 R1-S12 Zone

Notwithstanding the zone requirements for the R1 Zone, on land zoned R1-S12 the following shall apply,

- i. Maximum lot coverage for a single detached dwelling shall be 45%.
- ii. Minimum front yard setback to the main wall of a single detached dwelling shall be 6 m.
- iii. Minimum front yard setback to an unenclosed porch shall be 4 m.

(B/L 2012-264)

6.3.18 R1-S13 Zone

In addition to the zone provisions of the R1-S12 Zone, on land zoned R1-S13 the following provisions shall also apply:

- i. Minimum front yard setback from the main wall of a dwelling to a daylight triangle shall be 1.5 m.
- ii. Minimum front yard setback from a porch to a daylight triangle shall be 0.2 m.

(B/L 2013-108)

6.3.19 R1-S14(H) Zone

Notwithstanding Subsections 4, 5.4, and 6.2, land zoned R1-S14 shall also be subject to the following provisions:

Minimum lot area	400 sq.m.
Minimum lot frontage	14.5 m
Minimum front yard setback	6.0 m to the portion of the dwelling unit containing the garage and 4.5 m to the remaining portion of the dwelling
Minimum interior side yard setback	1.2 m
Maximum lot coverage for all buildings and structures	45%

In the case of a corner lot, the minimum setback from the main wall of the dwelling unit to a daylight triangle shall be a minimum of 1.5 m and the minimum setback from a porch to a daylight triangle shall be a minimum of 0.2 m.

In the case of a corner lot with a straight lot frontage, the lot frontage shall be measured at a point 9 m back from the front lot line.

On land zoned R1-S14(H), the removal of the (H) Holding Symbol shall be considered by Council once the applicant has entered into a subdivision agreement to the City's satisfaction, servicing is available to the property, and all financial aspects have been addressed.

(B/L 2014-315)

6.3.20 R1-S15(H) Zone

Notwithstanding Subsection 6.2, land zoned R1-S15 shall also be subject to the following provisions:

Minimum front yard setback	6.0 m to the portion of the dwelling unit containing the garage and 4.5 m to the remaining portion of the dwelling
Minimum interior side yard setback	1.2 m
Maximum lot coverage for all buildings and structures	45%

Notwithstanding Subsection 5.3 and Subsection 6.1, land zoned R1-S15 may also permit a model home to be used as a temporary home sales office subject to the provisions of Subsection 5.12 and Subsection 6.2. The placement of the temporary home sales office and related parking lot shall be subject to site plan approval and shall not require a connection to full municipal services.

On land zoned R1-S15(H), the removal of the (H) Holding Symbol shall be considered by Council once the applicant has entered into a subdivision agreement to the City's satisfaction, servicing is available to the property, and all financial aspects have been addressed. The removal of the (H) Holding Symbol shall not be required for the use of the lands as a temporary home sales office.

(B/L 2014-315)

6.3.21 R1-S16(H) Zone

Notwithstanding Subsection 6.2, land zoned R1-S16 shall also be subject to the following provisions:

Minimum front yard setback	6.0 m to the portion of the dwelling unit containing the garage and 4.5 m to the remaining portion of the dwelling
Minimum interior side yard setback	1.2 m
Maximum lot coverage for all buildings and structures	45%

On land zoned R1-S16(H), the removal of the (H) Holding Symbol shall be considered by Council once the applicant has entered into a subdivision agreement to the City's satisfaction, servicing is available to the property, and all financial aspects have been addressed.

(B/L 2014-315)

6.3.22 R1-S17(H) Zone (Reserved D06-18-108)

SECTION 7: RESIDENTIAL TWO (R2) ZONE

7.1 R2 USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Residential Two (R2) Zone, except for the following use:

- a. Single detached dwelling
- b. Home occupation in a dwelling
- c. Accessory uses

7.2 R2 ZONE REQUIREMENTS

In a Residential Two (R2) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | |
|----|----------------------------------------|------------|
| a. | Minimum lot area | 360.0 sq.m |
| b. | Minimum lot frontage | 12.0 m |
| c. | Minimum front yard setback | 7.5 m |
| d. | Minimum exterior side yard setback | 3.0 m |
| e. | Minimum interior side yard setback | 1.25 m |
| f. | Minimum rear yard setback | 7.5 m |
| g. | Maximum building height | 10.5 m |
| h. | Maximum lot coverage for all buildings | 35% |

7.3 SPECIAL R2 ZONE REQUIREMENTS

7.3.1 R2-S1 Zone

Notwithstanding the permitted uses and zone requirements for the R2 Zone, on land zoned R2-S1 the following requirements shall also apply:

- i. entrances must be set above elevation 250.8 m; and
- ii. the entire dwelling is to be located not more than 20 m from the front lot line adjacent to Water Street.

7.3.2 R2-S2 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R2, on land zoned R2-S2 the following requirements shall also apply:

- i. an accessory apartment is also permitted; and
- ii. the minimum gross floor area of the accessory apartment is to be 87 square m.

7.3.3 R2-S3 Zone

In addition to the permitted uses and zone requirements on land zoned R2, on land zoned R2-S3 the following requirements shall also apply:

- i. a crisis care residence is permitted;
- ii. the crisis care residence shall not house more than 18 people, exclusive of staff at any one time; and
- iii. 5 parking spaces shall be provided - such parking shall comply with Section 5.12 of this By-Law.

7.3.4 R2-S4 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R2, on land zoned R2-S4 the following requirements shall also apply:

- i. the exterior side yard setback is to be a minimum of 2 m;
- ii. entrances must be set above elevation 250.8 m;
- iii. the entire dwelling is to be located not more than 30 m from the front lot line at Water Street; and
- iv. all buildings and structures to be located above elevation 250.8 m.

7.3.5 R2-S5 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R2, on land zoned R2-S5 the following requirement shall also apply:

- i. an opaque fence having a minimum height of 1.75 m shall be installed and maintained along the entire length of the east lot line.

7.3.6 R2-S6 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R2, on land zoned R2-S6 the following requirement shall also apply:

- i. the front yard setback shall be 7.5 m.

7.3.7 R2-S7 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R2, on land zoned R2-S7 the following requirements shall also apply:

- i. the front yard setback, abutting Madill Crescent shall be 7.5 m;
- ii. given that the interior side yard setback area is in the shape of a trapezoid, at a distance of 7.5 m from the front lot line abutting Madill Crescent the interior side yard setback shall be 4.0 m, and at a distance of 4.0 m from the rear lot line abutting Mary Street West the interior side yard setback shall be 4.0 m; and
- iii. the rear yard setback, abutting Mary Street West shall be 4.0 m.

7.3.8 R2-S8 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R2, on land zoned R2-S8 the following requirements shall also apply:

- i. the front yard setback shall be 7.5 m;
- ii. the interior side yard setback, abutting the easterly lot line shall be 7.5 m; and
- iii. the rear yard setback shall be 4 m.

7.3.9 R2-S9 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R2, on land zoned R2-S9 the following requirements shall also apply:

- i. given that the front yard setback area is in the shape of a trapezoid, the front yard setback along the easterly lot line shall be 4 m and the front yard setback along the westerly lot line shall be 7.5 m;
- ii. the interior side yard setback along the easterly lot line shall be 7.5 m; and
- iii. the rear yard setback shall be 4 m.

7.3.10 R2-S10 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R2, on land zoned R2-S10 the following requirements shall also apply:

- i. the front yard setback shall be 7.5 m;
- ii. the interior side yard setback along the easterly lot line shall be 5 m; and
- iii. given that the rear yard setback area is in the shape of a trapezoid, the rear yard setback along the easterly lot line shall be 4 m and the rear yard setback along the westerly lot line shall be 7.5 m.

7.3.11 R2-S11 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R2, on land zoned R2-S11 the following requirements shall also apply:

- i. the front yard setback shall be 7.5 m;
- ii. the interior side yard setback along the easterly lot line shall be 7.5 m; and
- iii. given that the rear yard setback area is in the shape of a trapezoid, the rear yard setback along the easterly lot line shall be 4 m and the rear yard setback along the westerly lot line shall be 7.5 m.

7.3.12 R2-S12 Zone

Notwithstanding any other provision of this By-Law to the contrary, on land zoned R2-S12, the following requirements shall also apply:

- i. A minimum rear yard setback of 20m
- ii. A continuous vegetative buffer of densely planted evergreen trees or shrubs of a minimum of 1.8m in height at the time of planting, to be situated along the rear and easterly interior side property lot lines.
- iii. A minimum interior side yard setback from the easterly property lot line of 3m.

7.3.13 R2(H1) Zone

On land zoned R2(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- an adequate supply of municipal water and sewer servicing must be available to service the subject land; and
- the owner shall enter into an agreement with the Town or its designate to provide for sewer connections for the future severed and retained lots to ensure that any development of the subject land does not compromise the potential of the property to be developed for six lots.

7.3.14 R2(H2) Zone

On land zoned R2(H2), the removal of the (H2) Holding Symbol shall be in accordance with the following:

- An adequate supply of municipal water and sewer servicing must be available to service the subject land.

7.3.15 R2(H3) Zone

On land zoned R2(H3), the removal of the (H3) Holding Symbol shall be in accordance with the following:

- Satisfactory completion of an Environmental Impact Study for any development or major redevelopment.

7.3.16 R2(H4) Zone

On land zoned R2(H4), the removal of the (H4) Holding Symbol shall be in accordance with the following:

- An adequate supply of municipal water and sewer servicing must be available to service the subject land; and
- Satisfactory completion of an Environmental Impact Study for any development or major redevelopment.

7.3.17 R2-S13(H1) Zone

Notwithstanding the provisions of this By-Law to the contrary, on land zoned R2-S13, the permitted uses shall also include a Place of Worship, and a Day Care Centre, subject to the following:

Maximum Number of Children in a Day Care Centre	15
-------------------------------------------------	----

On land zoned R2-S13(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- i. an adequate supply of municipal water and sewer servicing must be available to service the subject land;
- ii. an archeological assessment is prepared, and any significant resources present removed and documented through excavation prior to construction, or preserved intact while development proceeds around the property;

- iii. the owners enter into an agreement to connect to full municipal services when they become available along the frontage of the lot on Logie Street; and
- iv. that the owners enter into a site plan control agreement for any further development of the lands.

Notwithstanding any other provision of this By-Law to the contrary, on land zoned R2-S13(H1), the permitted uses shall also include a Place of Worship, and a Day Care Centre (maximum 15 children), in the buildings as they existed on April 19, 2002 and illustrated on the survey attached as Schedule “B” hereto, and forming Schedule “C” of Town of Lindsay Comprehensive Zoning By-Law No. 2000-75.
(By-Law 2003-211)

7.3.18 R2-S14 Zone

Notwithstanding the zone requirements on land zoned R2, on land zoned R2-S14 the maximum building height shall be 5.5 m. and the minimum front yard setback shall be 9 m. (B/L 2004-41)

7.3.19 R2(H5) Zone – Deleted by By-Law 2005-316

7.3.20 R2-S15 Zone

Notwithstanding the permitted uses and zone requirements for the R2 zone, on land zoned R2-S15 the following requirements shall also apply:

- i. The minimum lot area shall be 353 sq. m.;
- ii. The minimum front yard setback shall be 6.0 m to the portion of the dwelling containing the garage entrance, and 4.5 m to the balance of the dwelling;
- iii. The maximum lot coverage for all buildings shall be 45%.
(B/L 2005-123)

7.3.21 R2-S16 Zone

Notwithstanding any other provision of this By-Law to the contrary, on land zoned R2-S16 the following requirements shall apply:

- i. The front yard setback shall be 6.0 metres;
- ii. The maximum lot coverage for all buildings shall be 45%.
(B/L 2005-243)

7.3.22 R2-S17 Zone

Notwithstanding the zone requirements for the R2 zone and Section 5.2 b) i., on land zoned R2-S17 the following requirements shall also apply:

- i. The minimum lot area shall be 337 sq. m.;
- ii. The minimum front yard setback shall be 6.0m to the portion of the dwelling containing the garage entrance and 4.5m to the balance of the dwelling;

- iii. the maximum lot coverage for all buildings shall be 45%;
- iv. The minimum interior side yard set back on the non-garage side of the dwelling shall be 1.2m and 1.2m on the garage side of the dwelling;
- v. An open terrace, deck or porch with a maximum height of 2.5m, may extend not more than 2.4 m into a rear yard setback.

(B/L 2008-126)

7.3.23 R2-S18 Zone

Notwithstanding the permitted uses and zone requirements for the R2 zone, on land zoned R2-S18, the following requirements shall also apply:

- i. The minimum front yard setback shall be 6.0 m.
- ii. The maximum lot coverage for all buildings shall be 42%.

(B/L 2008-102)

7.3.24 R2-S19 Zone

Notwithstanding the permitted uses and zone requirements for the R2 zone, on land zoned R2-S19, the following requirement shall also apply:

- i. The maximum lot coverage for all buildings shall be 42%.

(B/L 2008-102)

7.3.25 R2-S20 Zone

Notwithstanding the permitted uses and zone requirements for the R2 Zone, on land zoned R2-S20, the permitted uses shall also include office use together with a dwelling unit above the permitted office use.

(B/L 2009-113)

7.3.26 R2-S21 Zone

Notwithstanding the provisions for a home occupation in subsection 5.23, land zoned R2-S21 shall be subject to the following provisions:

- i. The gross floor area taken up by a home occupation shall be no more than 10 sq. metres of the gross floor area of the dwelling;
- ii. No additional parking is required for a home occupation.

(B/L 2011-090)

7.3.27 R2-S22 Zone

- a) Notwithstanding the permitted uses and zone requirements for the R2 Zone, on land zoned R2-S22, the permitted uses shall also include a second dwelling unit in the basement.

(B/L 2011-225)

7.3.28 R2-S23 Zone

Notwithstanding the permitted uses and zone requirements for the R2 Zone, On land zoned R2-S23 the permitted uses shall also include a duplex dwelling. The following requirements shall also apply:

- i. The minimum front yard setback for a covered porch and steps shall be 5 m.
- ii. The minimum side yard setback shall be 1 m.
(B/L 2012-044)

7.3.29 R2-S24 Zone (Reserved D06-18-127)

7.3.30 R2-S25 Zone

Notwithstanding the zone requirements for the R2 Zone, on land zoned R2-S25, the maximum lot coverage for all buildings shall be 40%.
(B/L 2012-234)

7.3.31 R2-S26 Zone

Notwithstanding the zone requirements for the R2 Zone, on land zoned R2-S26 the following shall apply,

- i) Maximum lot coverage for a single detached dwelling shall be 45%.
- ii) Minimum front yard setback to the main wall of a single detached dwelling shall be 6 m.
- iii) Minimum front yard setback to an unenclosed porch shall be 4 m.
(B/L 2012-264)

7.3.32 R2-S27 Zone

Notwithstanding the provisions in section 7.2, on land zoned R2-S27 the follow shall apply:

- i. The required maximum lot coverage shall be 42%; and,
- ii. The required minimum rear yard setback shall be 7.3 m.
(B/L 2013-068)

7.3.33 R2-S28 Zone

Notwithstanding the permitted uses for the R2 Zone, the permitted uses shall also include a semi-detached dwelling. The following requirements shall also apply:

- i. The minimum lot frontage shall be 5.83 m.
- ii. The minimum side yard setback (west lot line) shall be 0.2 m.*
- iii. The minimum side yard setback (east lot line) shall be 1.11 m.
- iv. The minimum setback from a driveway to an interior lot line shall be 0.15 m.
- v. The minimum parking space length shall be 5.3 m.
- vi. An open porch (with steps) may encroach into the front yard setback a distance of not more than 2.1 m.

** This requirement shall not apply to the common wall between semi-detached units.*

On land zoned R2-S28(H), the (H) Holding Symbol shall be removed once a severance of the property is approved and finalized. (B/L 2013-050)

Removal of Holding (B/L 2013-136)

7.3.34 R2-S29 Zone

Notwithstanding the permitted uses for the R2 Zone, the permitted uses shall also include a semi-detached dwelling. The following requirements shall also apply:

- i. The minimum lot frontage shall be 7.7 m.
- ii. The minimum side yard setback (east lot line) shall be 0.4 m.*
- iii. An open porch (with steps) may encroach into the front yard setback a distance of not more than 2.1 m.

** This requirement shall not apply to the common wall between semi-detached units.*

On land zoned R2-S29(H), the (H) Holding Symbol shall be removed once a severance of the property is approved and finalized. (B/L 2013-050)

Removal of Holding (B/L 2013-136)

7.3.35 R2-S30 Zone

In addition to the zone provisions of the R2-S26 Zone, on land zone R2-S30 the following provisions shall also apply:

- i. Minimum front yard setback from the main wall of a dwelling to a daylight triangle shall be 1.5 m.
- ii. Minimum front yard setback from a porch to a daylight triangle shall be 0.2m.

(B/L 2013-108)

7.3.36 R2-S31 Zone

Notwithstanding the permitted uses and zone requirements for the R2 Zone, on land zoned R2-S31 the permitted uses shall include a second dwelling unit in the existing detached dwelling.

(B/L 2013-168)

7.3.37 R2-S32(H) Zone

Notwithstanding Subsections 4, 5.4, and 7.2, land zoned R2-S32 shall also be subject to the following provisions:

Minimum lot area	320 sq.m.
Minimum lot frontage	11.5 m
Minimum front yard setback	6.0 m to the portion of the dwelling unit containing the garage and 4.5 m to the remaining portion of the dwelling
Minimum interior side yard setback	1.2 m
Maximum lot coverage for all buildings and structures	45%

In the case of a corner lot, the minimum setback from the main wall of the dwelling unit to a daylight triangle shall be a minimum of 1.5 m and the minimum setback from a porch to a daylight triangle shall be a minimum of 0.2 m.

In the case of a corner lot with a straight lot frontage, the lot frontage shall be measured at a point 9 m back from the front lot line.

On land zoned R2-S32(H), the removal of the (H) Holding Symbol shall be considered by Council once the applicant has entered into a subdivision agreement to the City's satisfaction, servicing is available to the property, and all financial aspects have been addressed.

(B/L 2014-315)

SECTION 8: RESIDENTIAL THREE (R3) ZONE

8.1 R3 USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building, or structure in a Residential Three (R3) Zone, except for the following uses:

- a. Single detached dwelling
- b. Semi-detached dwelling
- c. Duplex dwelling
- d. Home occupation in a dwelling
- e. Accessory uses

8.2 R3 ZONE REQUIREMENTS

In a Residential Three (R3) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum lot area
 - single or semi-detached dwelling unit 300.0 m²
 - duplex 480.0 m²
- b. Minimum lot frontage
 - single or semi-detached dwelling unit 10.0 m on interior lot
 - single or semi-detached dwelling unit 12.0 m on corner lot
 - duplex 16.0 m
- c. Minimum front yard setback 7.5 m
- d. Minimum exterior side yard setback 3.0 m
- e. Minimum interior side yard setback 1.25 m*
- f. Minimum rear yard setback 7.5 m
- g. Maximum building height 10.5 m
- h. Maximum gross floor area as a % of lot area
 - single or semi-detached dwelling unit 40%
 - duplex 55%
- i. Maximum lot coverage for all buildings 40%

* This requirement shall not apply to the common wall between semi-detached units.

8.3 SPECIAL R3 ZONE REQUIREMENTS

8.3.1 R3-S1 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R3, on land zoned R3-S1 the following requirements shall also apply:

- i. the only permitted uses shall be a semi-detached dwelling;

- ii. the minimum floor area for a dwelling unit shall be 69 square m; and
- iii. an opaque fence having a minimum height of 1.5 m is required at the eastern boundary of the subject site to screen the parking from the adjacent landowners to the east.

8.3.2 R3-S2 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R3, on land zoned R3-S2 the following requirements shall also apply:

- i. the minimum front yard setback for each semi-detached dwelling unit with a frontage of 10 m shall be 6 m;
- ii. a 1 1/2 to 2 storey residential semi-detached unit shall be permitted on a lot with a frontage of 9 m and shall be subject to the following:
 - the minimum interior side yard setback shall be 1.8 m
 - the minimum front yard setback shall be 6 m
 - the minimum lot area shall be 270 square m
 - the maximum lot coverage shall be 40%
 - the maximum gross floor area as a % of lot area shall be 45%; and
- iii. a 1 storey residential semi-detached unit shall be permitted on a lot with a frontage of 11 m and shall be subject to the following:
 - the minimum front yard setback shall be 6 m
 - the maximum lot coverage shall be 40%.

8.3.3 R3-S3 Zone

Notwithstanding the permitted uses and zone requirements on land zoned R3, on land zoned R3-S3 the following requirement shall also apply:

- i. the minimum interior side yard setback along the easterly lot line shall be 1.31 m.

8.3.4 R3(H2) Zone

On land zoned R3(H2), the removal of the (H2) Holding Symbol shall be in accordance with the following:

- an adequate supply of municipal water and sewer servicing must be available to service development of the subject land.

8.3.5 R3(H3) Zone

On land zoned R3(H3), the removal of the (H3) Holding Symbol shall be in accordance with the following:

- Submission and approval of an Environmental Site Assessment Report for Potentially Contaminated Sites as described in the Town of Lindsay Official Plan.

8.3.6 R3(H4) Zone

On land zoned R3(H4), the removal of the (H4) Holding Symbol shall be in accordance with the following:

- Satisfactory completion of an Environmental Impact Study for any development or major redevelopment.

8.3.7 R3-S4 Zone

Notwithstanding any other provisions of this By-Law to the contrary, on land zoned R3-S4 the following requirements shall also apply:

- i. A minimum lot depth of 14.37 metres (47.14 feet);
- ii. The front lot line shall be considered to be the lot line which abuts Victoria Avenue North; and
- ii. A minimum rear yard setback of 2.25 metres (7.38 feet).

8.3.8 R3-S5 Zone

Notwithstanding the permitted uses on land zoned R3, on land zoned R3-S5 the only permitted use shall be a single detached dwelling. (B/L 2004-41)

8.3.9 R3-S6 Zone

Notwithstanding the permitted uses and zone requirements for the R3 zone, on land zoned R3-S6 the following requirements shall also apply:

- i. The minimum front yard setback shall be 6.0 m to the portion of the dwelling containing the garage entrance, and 4.5 m to the balance of the dwelling;
- ii. The maximum gross floor area as a percentage of lot area for a semi-detached dwelling unit shall not apply. (B/L 2005-123)

8.3.10 R3-S7 Zone

Notwithstanding the zone requirements on land zoned R3-S7 the following requirement shall also apply:

- i. the minimum east interior side yard setback shall be 1.23m.
(B/L 2007-030)

8.3.11 R3-S8 Zone

Notwithstanding the permitted uses and zone requirements for the R3 zone, and Section 5.24 vi, on land zoned R3-S8 the following requirements shall also apply:

- i. the only permitted use shall be a semi-detached dwelling
- ii. minimum lot area 270 m²
- iii. minimum lot frontage 15 m
- iv. minimum front yard setback 2 m
- v. the minimum driveway length shall be 6 m
- vi. minimum interior side yard setback 1.2 m
- vii. minimum rear yard setback 4 m
- viii. maximum gross floor area as a % of lot area shall not apply

- ix. maximum lot coverage for all buildings 60%
- x. maximum encroachment into a rear yard setback 3 m”
(B/L 2006-079)

8.3.12 R3-S9 Zone

Notwithstanding the provisions of Section 8.2 the following provisions shall apply for front and rear yard setbacks in the R3-S9 Zone:

- i. Minimum front yard setback 6.0 m
- ii. Minimum rear year set back 6.0 m
(B/L 2008-006)

8.3.13 R3-S10 Zone

Notwithstanding the zone requirements for the R3 zone and Section 5.2 b) i., on land zoned R3-S10 the following requirements shall also apply:

- i. The minimum lot area shall be 298 sq. m.;
- ii. The minimum lot frontage shall be 9.5m for an interior lot;
- iii. Minimum front yard setback shall be 6.0m to the portion of the dwelling containing the garage entrance, and 4.5 m to the balance of the dwelling;
- iv. The maximum lot coverage for all buildings shall be 45%;
- v. The minimum interior side yard set back on the non-garage side of the dwelling shall be 1.2m and 1.2m on the garage side of the dwelling;
- vi. The maximum gross floor area as a percentage of lot area for a semi-detached dwelling unit shall not apply; and
- vii. An open terrace, deck or porch with a maximum height of 2.5m, may extend not more than 2.4 m into a rear yard setback.

(B/L 2008-126)

8.3.14 R3-S11 Zone

Notwithstanding the permitted uses and zone requirements for the R3 zone, on land zoned R3-S11, the following requirement shall also apply:

- i. The minimum front yard setback shall be 6.0 m.
(B/L 2008-102)

8.3.15 R3-S12(H) Zone

(D06-18-112 Reserved)

8.3.16 R3-S13 Zone

Notwithstanding the permitted uses and zone requirements of the R3 zone, on land zoned R3-S13, the only permitted uses shall be a single detached or semi-detached dwelling units subject to the following provisions:

- a. Minimum lot area
single or semi-detached dwelling unit 300.0 m²
 - b. Minimum lot frontage
single or semi-detached dwelling unit 6.7 m on interior lot
single or semi-detached dwelling unit 12.0 m on corner lot
 - c. Minimum front yard setback 6.0 m
 - d. Minimum exterior side yard setback 3.0 m
 - e. Minimum interior side yard setback 1.25 m*
 - f. Minimum rear yard setback 7.5 m
 - g. Maximum building height 10.5 m
 - h. Maximum gross floor area as a % of lot area
single or semi-detached dwelling unit 40%
 - i. Maximum lot coverage for all buildings 40%
 - j. Parking requirements of this By-law shall apply
- * This requirement shall not apply to the common wall between semi-detached units.

(B/L 2014-203)

8.3.17 R3-S14(H) Zone

Notwithstanding Subsections 4, 5.4, and 8.2, land zoned R3-S14 shall also be subject to the following provisions:

- Minimum lot area 270 sq.m.
- Minimum lot frontage 9.5 m
- Minimum front yard setback 6.0 m to the portion of the dwelling unit containing the garage and 4.5 m to the remaining portion of the dwelling
- Minimum interior side yard setback 1.2 m on one side and 0.9 m on the other side, provided that no stairs or appurtenances are contained within a side yard setback less than 1.2 m
- Maximum lot coverage for all buildings and structures 45%

In the case of a corner lot, the minimum setback from the main wall of the dwelling unit to a daylight triangle shall be a minimum of 1.5 m and the minimum setback from a porch to a daylight triangle shall be a minimum of 0.2 m.

In the case of a corner lot with a straight lot frontage, the lot frontage shall be measured at a point 9 m back from the front lot line.

On land zoned R3-S14(H), the removal of the (H) Holding Symbol shall be considered by Council once the applicant has entered into a subdivision agreement to the City's satisfaction, servicing is available to the property, and all financial aspects have been addressed.

(B/L 2014-315)

8.3.18 R3-S15 Zone

Notwithstanding subsection 8.2, on land zoned R3-S15 the following provisions shall apply:

- | | | |
|------|------------------------------------|----------|
| i. | Minimum lot frontage | 15.17 m. |
| ii. | Minimum front yard setback | 6.37 m. |
| iii. | Minimum interior side yard setback | 0.66 m. |

(B/L 2015-016)

SECTION 9: RESIDENTIAL MULTIPLE ONE (RM1) ZONE

9.1 RM1 USES PERMITTED

No person shall hereafter change the use of any buildings, structure or land or erect or use any building, or structure in a Residential Multiple One (RM1) Zone, except for the following uses:

- a. Triplex dwelling
- b. Fourplex dwelling
- c. Townhouse dwelling
- d. Day Nursery or Day Care Centre
- e. Home occupation in a dwelling
- f. Accessory uses

9.2 RM1 ZONE REQUIREMENTS

In a Residential Multiple One (RM1) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | |
|----|---------------------------------------------|----------------------|
| a. | Minimum lot area per dwelling unit | |
| | triplex, fourplex | 230.0 m ² |
| | townhouse | 185.0 m ² |
| b. | Minimum lot frontage per dwelling unit | 6.0 m |
| c. | Minimum front yard setback | 7.5 m |
| d. | Minimum exterior side yard setback | 4.0 m |
| e. | Minimum interior side yard setback | 3.5 m* |
| f. | Minimum rear yard setback | 7.5 m |
| g. | Maximum building height | 10.5 m |
| h. | Maximum lot coverage for all buildings | |
| | triplex, fourplex | 40% |
| | townhouse | 35% |
| i. | Maximum gross floor area as a % of lot area | |
| | triplex, fourplex, townhouses | 55% |

* This requirement shall not apply to the common wall between townhouse dwelling units.

9.3 SPECIAL RM1 ZONE REQUIREMENTS

9.3.1 RM1-S1 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RM1, on land zoned RM1-S1 the following requirements shall also apply:

- i. the minimum lot frontage shall be 5.5 m;
- ii. the minimum lot area shall be 165 square m; and

- iii. the maximum gross floor area as a percentage of lot area shall be 40%.

9.3.2 Deleted by By-Law 2006-149

9.3.3 RM1-S3 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RM1, on land zoned RM1-S3 the only permitted use shall be a fourplex dwelling and the zone requirements for land zoned RM1-S3 shall be as follows:

- i. the minimum lot frontage shall be 9.7 m;
- ii. the minimum lot area shall be 900 square m;
- iii. the minimum front yard setback shall be 10.5 m;
- iv. the minimum exterior side yard setback shall be 4 m;
- v. the minimum interior side yard setback shall be 2 m;
- vi. the minimum rear yard setback shall be 16 m;
- vii. the maximum lot coverage shall be 35%;
- viii. the maximum building height shall be 10.5 m;
- ix. the minimum lot depth shall be 50 m;
- x. the minimum dwelling unit floor area for a one bedroom shall be 70 square m, for a two bedroom shall be 79 square m plus 12 m for each additional bedroom in excess of two; and
- xi. the parking requirements of this By-Law shall apply.

9.3.4 RM1-S4 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RM1, on land zoned RM1-S4 a double duplex shall be permitted and the following requirements shall apply:

- i. the minimum lot frontage shall be 20 m;
- ii. the rear yard shall have a minimum landscape buffer of 6 m in depth between the parking area and access driveway and the rear lot line; and
- iii. an opaque fence having a minimum height of 1.75 m shall be installed along the lot lines to screen the parking area and access driveway from adjacent properties.

9.3.5 RM1-S5 Zone

Notwithstanding the permitted uses and zone requirements in the RM1 zone, on land zoned RM1-S5 the following uses shall only be permitted:

- a) single detached dwelling
- b) semi-detached dwelling
- c) duplex dwelling
- d) triplex dwelling
- e) home occupation in a dwelling
- f) Accessory uses

9.3.6 RM1-S6 Zone (B/L 2000-76)

Notwithstanding the permitted uses and zone requirements on land zoned RM1, on land zoned RM1-S6 a multiple attached dwelling shall be permitted and the following requirements shall also apply:

- a) A minimum rear yard setback of 4.0 metres
- b) A minimum front yard setback of 7.5 metres
- c) A minimum exterior side yard setback 7.5 metres
- d) A minimum interior side yard setback of 0.0 metres along the east property line, where such east property line is situated 77.99 metres east of Lindsay Street North on the south side of Eglington Street.

9.3.7 RM1(H1) Zone

On land zoned RM1(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- An adequate supply of municipal water and sewer servicing must be available to service the subject land.

9.3.8 RM1-S7 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RM1, on land zoned RM1-S7 the only permitted use shall be a townhouse dwelling and the minimum front yard setback shall be 9 m. (B/L 2004-41)

9.3.9 RM1-S8 Zone

Notwithstanding Subsection 9.2, being the zone requirements for land zoned RM1, the following provisions shall also apply to a townhouse dwelling on lands zoned RM1-S:

- a. the maximum number of units per townhouse dwelling shall be seven;
- b. the maximum lot coverage for exterior units shall be 38%;
- c. the maximum lot coverage for interior units shall be 45%;
- d. the maximum gross floor area as a percentage of the lot area shall be 70%; and
- e. the minimum interior side yard setback shall be 1.5 m.

(B/L 2014-237)

9.3.10 RM1-S9 Zone

Notwithstanding the permitted uses and zone requirements for the RM1 zone, on land zoned RM1-S9 the following requirements shall also apply:

- i. The minimum front yard setback shall be 6.0 m to the portion of the dwelling containing the garage entrance, and 4.5 m to the balance of the dwelling;
- ii. The minimum interior side yard setback shall be 2.0 m;
- iii. The maximum lot coverage for all buildings, townhouse, shall be 50%;
- iv. The maximum gross floor area as a percentage of lot area for a townhouse building shall not apply. (B/L 2005-123)

9.3.11 RM1-S10 Zone

Notwithstanding the permitted uses and zone requirements for the RM1 zone, on land zoned RM1-S10, multiple attached dwellings shall be permitted and the following requirements shall apply:

i.	Minimum lot frontage per dwelling unit	3.60 m
ii.	Minimum front yard setback	6.70 m
iii.	Minimum interior side yard setback	2.70 m
iv.	Minimum rear yard setback	6.70 m
v.	Maximum gross floor area as a % of lot area	64%
vi.	Maximum number of units allowed	12

Notwithstanding Section 4.50, Definitions for the purposes of the RM1-S10 Zone, a multiple attached dwelling may mean a building that is divided vertically into two or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
(B/L 2006-047)

9.3.12 RM1-S11 Zone

Notwithstanding the permitted uses and zone requirements for the RM1 zone, on land zoned RM1-S11 the following requirements shall apply:

a.	The only permitted use shall be a townhouse dwelling.	
b.	Minimum lot area per townhouse dwelling unit	180 m ²
c.	Minimum lot frontage per dwelling unit	6.0 m
d.	Minimum front yard setback	6.0 m
e.	Minimum exterior side yard setback	4.0 m
f.	Minimum interior side yard setback	2.0 m*
g.	Minimum rear yard setback	7.5 m
h.	Maximum building height	10.5 m
i.	Maximum lot coverage	50%
j.	Maximum gross floor area as a % of lot area	65%

* This requirement shall not apply to the common wall between townhouse dwelling units.
(B/L 2006-330)

9.3.13 RM1-S12 (H) Zone

Notwithstanding subsection 9.1, a duplex dwelling may be permitted on land zoned RM1-S12(H).

On land zoned RM1-S12(H), the Holding (H) symbol will be removed to allow a second residential unit to be occupied after the following requirements have been fulfilled:

- a) Final occupancy has been approved by the Building Department;
- b) The shed on the
- c) west property line has been removed or relocated in accordance with the accessory structure provision of the Zoning By-law; and,
- d) The applicant has entered into a site plan agreement with the City of Kawartha Lakes.

(B/L 2009-129)

9.3.14 RM1-S13 Zone

Notwithstanding the zone requirements for the RM1 Zone, on land zoned RM1-S13 the following shall apply,

- i. Maximum lot coverage for a townhouse dwelling shall be 60%
- ii. Minimum front yard setback to the main wall of a townhouse dwelling shall be 6 m.
- iii. Minimum front yard setback to an unenclosed porch shall be 4 m.

Notwithstanding subsection 5.12 (j)(vi), a driveway may be located 0 m. from the side lot line.

Notwithstanding subsection 5.12(j)(v), no driveway shall be located closer than 5 metres to the limits of the right-of-way at a street intersection.

(B/L 2012-264)

In addition to the zone requirements for the RM1-S13 Zone, the following shall also apply:

- i. Minimum interior side yard setback shall be 1.5 m.
- ii. Minimum exterior side setback shall be 3 m.
- iii. Maximum gross floor area as a percentage of the lot area shall be no greater than 80%.
- iv. Minimum front yard setback from the main wall of a dwelling to a daylight triangle shall be 1 m.
- v. Minimum front yard setback from a porch to a daylight triangle shall be 0.6m.

Notwithstanding subsection 5.4, a daylight triangle shall be measured along each corner lot line for a distance of 8 m.

(B/L 2013-108)

9.3.15 RM1-S14 Zone

Notwithstanding the zone requirements for the RM1 Zone, on land zoned RM1-S14 the following shall apply,

- i. Minimum lot area per dwelling unit shall be 102 sq. metres
- ii. Minimum lot frontage per dwelling unit shall be 3 m.
- iii. Minimum front yard setback shall be 5.9 m.
- iv. Minimum interior side yard setback on the north side of the subject land for a main building shall be 0.54 m.
- v. Maximum gross floor area as a percentage of the lot area shall be 64%

Notwithstanding the parking requirements established in subsection 5.12 k) i. the minimum number of parking spaces shall be 4 spaces.

Notwithstanding the landscaping requirements established in subsection 5.14 e), the rear lot line on the east side of the subject land is exempt from the required landscaping strip.
(B/L 2013-085)

9.3.16 RM1-S15 Zone

Notwithstanding the permitted uses and zone requirements of the RM1 zone, on land zoned RM1-S15 a maximum of 29 stacked townhouse dwelling units are permitted subject to the following provisions:

- | | | |
|----|---------------------------------------------|--------------------|
| a. | Minimum lot area per dwelling unit | 184 m ² |
| b. | Minimum lot frontage per dwelling unit | 0.35 m |
| c. | Minimum front yard setback | 7.5 m |
| d. | Minimum exterior side yard setback | 4.0 m |
| e. | Minimum interior side yard setback | 1.0 m* |
| f. | Minimum rear yard setback | 4.0 m |
| g. | Maximum building height | 10.5 m |
| h. | Maximum lot coverage | 35% |
| i. | Maximum gross floor area as a % of lot area | 55% |
| j. | Minimum of Parking spaces | 28 |

* This requirement shall not apply to the common wall between townhouse dwelling units, and shall only apply to the southern interior side yard.”
(B/L 2014-203)

9.3.17 RM1-S16 Zone

Notwithstanding the requirements of the RM1 zone, on land zoned RM1-S16 only semi-detached and townhouse dwelling units are permitted subject to the following provisions:

- | | | |
|----|---------------------------------------------|--------------------|
| a. | Minimum lot area | 180 m ² |
| b. | Minimum lot frontage | 6.0 m |
| c. | Minimum front yard setback | 6.0 m |
| d. | Minimum exterior side yard setback | 4.0 m |
| e. | Minimum interior side yard setback | 0.9 m* |
| f. | Minimum rear yard setback | 7.5 m |
| g. | Maximum building height | 10.5 m |
| h. | Maximum lot coverage | 50% |
| i. | Maximum gross floor area as a % of lot area | 65% |

* This requirement shall not apply to the common wall between townhouse dwelling units.
(B/L2014-148)

SECTION 10: RESIDENTIAL MULTIPLE TWO (RM2) ZONE

10.1 RM2 USES PERMITTED

No person shall hereafter change the use of any building structure or land or erect or use any building, or structure in a Residential Multiple Two (RM2) Zone, except for the following uses:

- a. Townhouse dwelling
- b. Maisonette dwelling
- c. Apartment building
- d. Multiple attached dwelling
- e. Day Nursery or Day Care Centre
- f. Senior Citizens' Home
- g. Home occupation in a dwelling
- h. Accessory uses
- i. An accessory convenience retail and/or personal service establishment in an apartment building containing more than 15 dwelling units.

10.2 RM2 ZONE REQUIREMENTS

In a Residential Multiple Two (RM2) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | |
|----|-----------------------------------------------------------------------------------------------------|-------------------|
| a. | Minimum lot frontage | 36.0 m |
| b. | Minimum front yard setback | 7.5 m |
| c. | Minimum exterior side yard setback | 6.0 m |
| d. | Minimum interior side yard setback | 4.0 m |
| e. | Minimum rear yard setback | 9.0 m |
| f. | Minimum landscaped open space | 35% |
| g. | Maximum building height | 14.0 m |
| h. | Maximum lot coverage for all buildings | 30 % |
| i. | Maximum gross floor area as % of lot area | 75% |
| j. | Maximum gross floor area for accessory convenience commercial and/or personal service establishment | 60 m ² |

10.3 SPECIAL RM2 ZONE REQUIREMENTS

10.3.1 RM2-S1(H1) Zone

Notwithstanding the permitted uses on land zoned RM2, on land zoned RM2-S1 the following requirements shall also apply:

- a) the only permitted use shall be a sixplex dwelling.

On land zoned RM2-S1(H1), the removal of the (H1) Holding Symbol shall be in accordance the following:

- inspection of the existing units to ensure compliance with the Ontario Building Code;
- concerns of the Town or its designate with respect to the adequacy of the plumbing and water service in the building are satisfied by way of a report to the Town or its designate, illustrating the capability of the plumbing and water service to service the proposed six units in the dwelling; and
- the owner has entered into a Site Plan Agreement with the Town.

10.3.2 RM2-S3 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RM2, on land zoned RM2-S3 the following requirements shall also apply:

- i. the minimum lot frontage shall be 21 m.

10.3.3 RM2(H1)

On land zoned RM2(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- an available supply of municipal water and sewer servicing must be available to service development of the subject land.

10.3.4 RM2-S4 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RM2, on land zoned RM2-S4 the following requirement shall also apply:

- i. parking shall be permitted in the front yard for only the multiple attached dwelling units.

10.3.5 RM2-S5 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RM2, on land zoned RM2-S5 the following requirements shall also apply:

- i. parking shall be permitted in the front yard for only the apartment dwelling units;
- ii. parking spaces shall be provided on the basis of 1.2 spaces per dwelling unit;
- iii. the minimum interior side yard setback shall be 6.0 m;
- iv. enclosed connecting links to allow pedestrian access between buildings shall be permitted; and
- v. accessory uses to consist of a common room, tuck shop, barber and hairdressing facilities shall be permitted for the exclusive use of the occupants of the apartment dwelling units.

10.3.6 RM2-S6 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RM2, on land zoned RM2-S6 the following requirements shall also apply:

- i. parking shall be permitted in the front yard for only the apartment dwelling units;

- ii. parking spaces shall be provided on the basis of 1.2 spaces per dwelling unit;
- iii. the minimum interior side yard setback shall be 6.0 m;
- iv. enclosed connecting links to allow pedestrian access between buildings shall be permitted;
- v. accessory uses to consist of a common room, tuck shop, barber and hairdressing facilities shall be permitted for the exclusive use of the occupants of the apartment dwelling units; and
- vi. a swimming pool structure shall be permitted within the interior side yard setback area.

10.3.7 RM2-S7 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RM2, on land zoned RM2-S7 the following requirements shall also apply:

- i. parking shall be permitted in the front yard for only the multiple attached dwelling units;
- ii. the maximum gross density per hectare shall be 41 dwelling units;
- iii. the maximum gross floor area as a percentage of lot area shall be 100%;
- iv. the maximum lot coverage shall be 35%;
- v. the minimum setback below grade shall be 0 m; and

10.3.8 RM2-S8 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RM2, on land zoned RM2-S8 the following requirements shall also apply:

- i. parking shall be permitted in the front yard for only the multiple attached dwelling units;
- ii. the maximum gross density per hectare shall be 41 dwelling units;
- iii. the minimum setback below grade shall be 0 m; and

10.3.9 RM2-S9 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RM2, on land zoned RM2-S9 the following requirements shall also apply:

- i. enclosed connecting links to allow pedestrian access between buildings shall be permitted;
- ii. a swimming pool structure shall be permitted within the interior side yard setback area;
- iii. a private school and athletic field uses for purposes of football, rugby, soccer, tennis, lawn bowling, baseball, softball, and other similar sports shall be permitted;
- iv. the maximum gross density per hectare shall be 41 dwelling units;
- v. the minimum setback below grade shall be 0 m; and

10.3.10 RM2-S10 Zone

Notwithstanding the permitted uses, on land zoned RM2-S10, the only permitted uses include:

- a) Multiple attached dwelling
- b) Day nursery or day care centre

10.3.11 RM2-S11 Zone

Notwithstanding the zone requirements on land zoned RM2, on land zoned RM2-S11(H)

Notwithstanding the zone requirements on land zoned RM2, on land zoned RM2-S11(H), the following requirements shall apply:

- i. the minimum front yard setback shall be 5.0 m.
- ii. On land zoned RM2-S11(H), the Holding (H) Symbol shall be removed once;
 - A lot grading drainage plan has been approved; and
 - Consent applications have been approved and stamped.

10.3.12 RM2-S12 Zone

Notwithstanding the permitted uses and zone requirements for the RM2 zone, and Section 5.24 vi, on land zoned RM2-S12 the following requirements shall also apply:

- i. the only permitted use shall be a townhouse dwelling
 - ii. minimum lot area 214 m²
 - iii. minimum lot frontage 9.5 m
 - iv. minimum front yard setback 4 m
 - v. the minimum driveway length shall be 6 m
 - vi. minimum interior side yard setback 1.2 m
 - vii. minimum rear yard setback 4 m
 - viii. maximum building height 10.5 m
 - ix. minimum landscaped open space 30%
 - x. maximum gross floor area as a % of lot area shall not apply
 - xi. maximum lot coverage for all buildings 60%
 - xii. maximum encroachment into a rear yard setback 3 m"
- (B/L 2006-079)

10.3.13 RM2-S13 Zone

Notwithstanding the permitted uses and zone requirements for the RM2 zone, and Section 5.24 vi, on land zoned RM2-S13 the following requirements shall also apply:

- i. the only permitted use shall be a townhouse dwelling;
- ii. minimum lot area 228 m²
- iii. minimum lot frontage 7.8 m
- iv. minimum front yard setback 6 m
- v. the minimum driveway length shall be 6 m

- | | | |
|-------|-------------------------------------------------------------|--------|
| vi. | minimum interior side yard setback | 1.2 m |
| vii. | minimum rear yard setback | 6 m |
| viii. | maximum building height | 10.5 m |
| ix. | minimum landscaped open space | 30% |
| x. | maximum gross floor area as a % of lot area shall not apply | |
| xi. | maximum lot coverage for all buildings | 60% |
| xii. | maximum encroachment into a rear yard setback | 3 m" |
- (B/L 2006-079)

10.3.14 RM2-S14 Zone (deleted by By-law #2015-___)

10.3.15 RM2-S15 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RM2, on land zoned RM2-S15 only townhouse dwellings shall be permitted and the following requirements shall apply:

- | | | |
|----|-------------------------------------------|--------|
| a. | Minimum lot frontage | 32 m |
| b. | Minimum front yard setback | 2 m |
| c. | Minimum exterior side yard setback | 0.66 m |
| d. | Minimum interior side yard setback | 4.0 m |
| e. | Minimum rear yard setback | 1.24 m |
| f. | Minimum landscaped open space | 25 % |
| g. | Maximum building height | 14.0 m |
| h. | Maximum lot coverage for all buildings | 38 % |
| i. | Maximum gross floor area as % of lot area | 75 % |
| j. | Maximum number of townhouse units | 8.0 |
- (B/L 2007-271)

10.3.16 RM2-S16 Zone

Notwithstanding the provisions of Section 10.2 the following provisions shall apply for front and rear yard set backs in the RM2-S16 Zone:

- | | | |
|-----|----------------------------|-------|
| i. | Minimum front yard setback | 2.0 m |
| ii. | Minimum rear yard set back | 7.5 m |
- (B/L 2008-006)

10.3.17 RM2-S17 Zone

Notwithstanding the permitted uses and zone requirements for the RM2 zone, and Section 5.12 k) i, on land zoned RM2-S17 the following requirements shall also apply:

- | | | |
|------|---------------------------------------------------------------------------------------------------------------------|----------------------|
| i. | the only permitted use shall be two multiple attached dwellings not exceeding a combined total of 18 dwelling units | |
| ii. | minimum on-site parking spaces | 24 |
| iii. | minimum lot area | 3,473 m ² |
| iv. | minimum lot frontage | 35.6 m |

- | | | |
|------|----------------------------------------|---------------|
| v. | minimum interior side yard setback | 3.3 m & 2.8 m |
| vi. | minimum rear yard setback | 8.1 m |
| vii. | maximum lot coverage for all buildings | 37.6% |
- (B/L 2008-103)

10.3.18 RM2-S18 Zone

Notwithstanding the requirements of Section 5.12 and Section 10.2, land zoned RM2-S18 shall be subject to the following requirements:

- | | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| a) | Minimum front yard setback | 1.0 m |
| b) | Minimum exterior side yard setback | 5.5 m |
| c) | Minimum rear side yard setback | 6.0 m |
| d) | Maximum gross floor area as % of lot area | 90% |
| e) | Maximum number of apartment dwelling units | 50 |
| f) | Notwithstanding Section 14.2 g), the maximum building height for a building measured within the rear yard shall be 17 m. | |
| g) | Notwithstanding 14.2 g), a rooftop mechanical penthouse, a rooftop garden and related structures accessory to an apartment building shall be exempt from the maximum building height. | |
| h) | Minimum number of parking spaces | 44 |
| i) | Maximum area used for open parking area | 38% |
- (B/L 2009-208)

10.3.19 RM2-S19 Zone

Notwithstanding the permitted uses and zone requirements for the RM2 zone, and Section 5.12 k) i), on land zoned RM2-S19 the following requirements shall also apply:

- i) the only permitted use shall be Cluster Villa dwelling units not exceeding a combined total of 56 dwelling units.
- ii) Cluster Villa is defined as follows:

Dwelling, Cluster Villa means a building that is divided horizontally and/or vertically into 4 or more dwelling units each of which has an independent entrance directly from the outside. Some of the dwelling units may also have an integral garage with direct access from the garage to the unit which would be a second entrance to the unit.

- | | | |
|------|--------------------------------|--------|
| iii) | Minimum front yard | 6.0 m. |
| iv) | Minimum on-site parking spaces | 67 |
- (By-Law 2014-300)

SECTION 11: RESIDENTIAL HIGH-RISE ONE (RH1) ZONE

11.1 RH1 USES PERMITTED

No person shall hereafter change the use of any building structure or land or erect or use any building, or structure in a Residential High-Rise One (RH1) Zone, except for the following uses:

- a. Apartment building
- b. Day Nursery or Day Care Centre
- c. Senior Citizens' Home
- d. Home occupation in a dwelling
- e. An accessory convenience retail and/or personal service establishment in an apartment building containing more than 15 dwelling units.

11.2 RH1 ZONE REQUIREMENTS

In a Residential High-rise One (RH1) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum lot frontage 45.0 m
- b. Minimum front yard setback 12.0 m
- c. Minimum exterior side yard setback 3.0 m for each storey
- d. Minimum interior side yard setback 2.5 m for each storey
- e. Minimum rear yard setback 12.0 m
- f. Maximum building height 18.0 m
- g. Maximum lot coverage 25%
- h. Maximum gross floor area as % of lot area 150%
- i. Maximum density per gross hectare 125 dwelling units
- j. Minimum landscaped open space 40%
- k. The minimum distance between two apartment buildings or an apartment building and a multiple attached dwelling unit on the same or adjacent lot shall be equal to the average height of the two adjacent buildings.
- l. The minimum distance between an apartment building and a single, semi-detached, duplex or triplex dwelling unit on an adjacent lot shall be equal to the height of the apartment building.

11.3 SPECIAL RH1 ZONE REQUIREMENTS

11.3.1 RH1-S1 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RH1, on land zoned RH1-S1 the following requirements shall also apply:

- a. the minimum lot frontage shall be 33 m; and
- b. the maximum building height shall be 25 m.

11.3.2 RH1-S2 Zone

Notwithstanding the permitted uses and zone requirements on land zoned RH1, on land zoned RH1-S2 a Seniors Home shall be permitted subject to the following requirements:

- i. the minimum lot frontage shall be 45.0 m;
- ii. the maximum building height shall be 18.5 m;
- iii. the minimum lot area shall be 2,300 square m;
- iv. the minimum front yard setback shall be 12.0 m;
- v. the maximum lot coverage shall be 35%;
- vi. the minimum interior side yard setback shall be 6.0 m;
- vii. the minimum exterior side yard setback shall be 6.0 m;
- viii. the minimum rear yard setback shall be 9.0 m;
- ix. the maximum gross floor area as a percentage of lot area shall be 100%;
and
- x. 1 parking space shall be required for every 2.5 beds.

11.3.3 RH1-S3(H1) Zone

On land zoned RH1-S3(H1), the removal of the (H1) Holding Symbol shall be in accordance the following:

- the owner enter into a Site Plan Agreement with the Town; and
- an adequate supply of municipal water and sewer servicing must be available to service development of the subject land.

11.3.4 RH1-S4(H1) Zone

Notwithstanding the permitted uses and zone requirements on land zoned RH1, on land zoned RH1-S4 the following requirement shall also apply:

- i. the minimum rear and side yard setback from the high water mark of the Scugog River shall be 15 m.

On land zoned RH1-S4(H1), the removal of the (H1) Holding Symbol shall be in accordance the following:

- an adequate supply of municipal water and sewer servicing must be available to service development of the subject land.

11.3.5 RH1(H1) Zone

On land zoned RH1(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- An adequate supply of municipal water and sewer servicing must be available to service the subject land.

11.3.6 RH1(H2) Zone

On land zoned RH1(H2), the removal of the (H2) Holding Symbol shall be in accordance with the following:

- That justification of market support for the multiple residential component (residential apartment units), to support up to 199 units of servicing allocation, be prepared by an analyst qualified to undertake such a study, be provided by the owner of the lands and accepted by the Town of Lindsay; and

- That sufficient servicing capacity exists at both the Town of Lindsay Water and Sewage Treatment Plants to connect the proposed units.
- The (H) Holding symbol may be removed from the lands in phases in accordance with the results of the market study and the availability of servicing capacity at the time.

11.3.7 RH1-S5(H1) Zone

Notwithstanding the permitted uses and zone requirements for the RH1 zone, on land zoned RH1-S5(H1) the following requirements shall apply:

- a. The only permitted uses shall be an apartment building, Senior Citizens' Home and an accessory convenience retail and/or personal service establishment in a permitted use containing more than 15 dwelling units.
- b. Minimum lot frontage 45.0 m
- c. Minimum front yard setback 12.0 m
- d. Minimum exterior side yard setback 3.0 m for each storey
- e. Minimum interior side yard setback 1.5 m for each storey
- f. Minimum rear yard setback 12.0 m
- g. Maximum building height 18.0 m
- h. Maximum lot coverage 45%
- i. Maximum gross floor area as % of lot area 150%
- j. Maximum density per gross hectare 125 dwelling units
- k. Minimum landscaped open space 40%
- l. The minimum distance between two apartment buildings or an apartment building and a multiple attached dwelling unit on the same or adjacent lot shall be equal to the average height of the two adjacent buildings.
- m. The minimum distance between an apartment building and a single, semi-detached, duplex or triplex dwelling unit on an adjacent lot shall be equal to the height of the apartment building.

On land zoned RH1-S5(H1), the removal of the (H1) Holding Symbol shall occur after Council allocates an adequate supply of municipal water and sewer servicing to the proposed development.

(B/L 2006-330)

11.3.8 RH1-S6(H) Zone

Notwithstanding the requirements of Section 11.2, land zoned RH1-S6(H) shall be subject to the following requirements:

- a. Minimum front yard setback 0 m
- b. Minimum exterior side yard setback for each storey 0 m
- c. Minimum rear yard setback 0 m
- d. Maximum density per gross hectare 138 units
- e. Minimum underground front yard setback 0 m
- f. Minimum underground exterior side yard setback 0 m
- g. Minimum underground rear yard setback 0 m

On land zoned RH1-S6(H), removal of the Holding (H) Symbol shall be subject to the execution of a site plan agreement.”
(B/L 2009-109)

11.3.9 RH1-S7 Zone

Notwithstanding the provisions of Section 11.2 the following provisions shall apply for exterior side yard setback, interior side yard setback and maximum lot coverage in the RH1-S7 Zone:

- | | |
|----------------------------------------|-----------------------|
| i. Minimum exterior side yard setback | 1.1 m for each storey |
| ii. Minimum interior side yard setback | 1.0 m for each storey |
| iii. Maximum lot coverage | 35% |

(B/L 2008-006)

11.3.10 RH1-S8(H1) Zone

Notwithstanding the provisions of Section 11.2 the following provisions shall apply for front yard setback, minimum lot frontage, interior side yard setback, minimum exterior side yard setback, maximum lot coverage and maximum gross floor area in the RH1-S8(H1) Zone:

- | | |
|-----------------------------------------------|-----------------------|
| i. Minimum lot frontage | 37.0 m |
| ii. Minimum front yard setback | 10.0 m |
| iii. Minimum interior side yard setback | 1.2 m for each storey |
| iv. Minimum rear yard setback | 8.0 m |
| v. Maximum lot coverage | 35% |
| vi. Maximum gross floor area as % of lot area | 160% |

On land zoned RH1-S8(H1), the removal of the (H1) Holding Symbol shall occur after site plan approval and after an adequate supply of municipal water and sanitary services to the proposed development is confirmed by the Director of the CKL Public Works Department.

(B/L 2008-006)

11.3.11 RH1-S9 Zone

Notwithstanding the permitted uses and zone requirements on lands zoned RH1, on lands zoned RH1-S9, only a Senior Citizens' Home and an accessory convenience retail and/or personal service establishment shall be permitted subject to the following requirements:

- | | |
|---------------------------------------|--------------|
| a. Minimum lot frontage | 45.0 m |
| b. Minimum front yard setback | 9.5 m |
| c. Minimum interior side yard setback | 8.0 m |
| d. Minimum exterior side yard setback | 20.0 m |
| e. Minimum lot area | 11,600 sq.m. |
| f. Maximum building height | 4 storeys |

- g. Maximum lot coverage 24%
- h. Minimum rear yard setback 12.0 m
- i. Maximum gross floor area as % of lot area 150%
- j. One (1) parking space shall be required for every two rooms of lodging
- k. The minimum distance between a Senior Citizens' Home and a single, semi-detached, duplex or triplex dwelling unit on an adjacent lot shall be equal to the height of the building.
- l. Maximum density 125 senior citizen home units

(B/L 2008-224)

11.3.12 RH1-S10(H) Zone

Notwithstanding the requirements of Section 11.2, land zoned RH1-S10(H) shall be subject to the following requirements:

- a. Minimum front yard setback 0 m
- b. Minimum exterior side yard setback for each storey 0 m
- c. Minimum rear yard setback 0 m
- d. Maximum density per gross hectare 162 units
- e. Minimum underground front yard setback 0 m
- f. Minimum underground exterior side yard setback 0 m
- g. Minimum underground rear yard setback 0 m
- h. On land zoned RH1-S10(H), removal of the Holding (H) Symbol shall be subject to the execution of a site plan agreement."

(By-Law 2009-110 & By-law 2009-178 (Removes the "H"))

11.3.13 RH1-S10

Notwithstanding the requirements of Section 11.2, land zoned RH1-S10(H) shall be subject to the following requirements:

- a. Minimum front yard setback 0 m
- b. Minimum exterior side yard setback for each storey 0 m
- c. Minimum rear yard setback 0 m
- d. Maximum density per gross hectare 162 units
- e. Minimum underground front yard setback 0 m
- f. Minimum underground exterior side yard setback 0 m
- g. Minimum underground rear yard setback 0 m

(By-Law 2009-178)

**11.3.14 RH1-S11(H)
(Reserved)**

SECTION 12: MIXED RESIDENTIAL COMMERCIAL (MRC)

12.1 MRC USES PERMITTED

No person shall hereafter change the use of any building structure or land or erect or use any building, or structure in a Mixed Residential Commercial (MRC) Zone, except for the following uses:

Commercial

- a. Art Gallery
- b. Artist's Supply Establishment
- c. Automated teller/banking machine
- d. Convenience retail establishment
- e. Dry cleaning or laundry depot
- f. Eating establishment
- g. Florist
- h. Funeral Home
- i. Museum
- j. Office
- k. Optical Establishment
- l. Personal service establishment
- m. Pharmacy
- n. Retail establishment that carries only handicraft works, antiques or clothing
- o. Studio
- p. Video rental establishment

Residential

- a. Any residential use permitted in the R1, R2, and R3 Zone subject to the Zone requirements therein
- b. Dwelling units above a permitted commercial use
- c. Converted dwelling
- d. Lodging, Boarding or Rooming House, subject to the provisions of this By-Law
- e. Crisis Care Residence subject to the provisions of this By-Law
- f. Home Occupation
- g. Day Nursery or Day Care Centre

12.2 MRC ZONE REQUIREMENTS

In a Mixed Residential Commercial (MRC) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

a.	Minimum lot area	600 m ²
b.	Minimum lot frontage	18.0 m
c.	Minimum front yard setback	7.5 m
d.	Minimum exterior side yard setback	4.0 m
e.	Minimum interior side yard setback	3.0 m
f.	Minimum rear yard setback	7.5 m
g.	Maximum building height	10.5 m*
h.	Maximum lot coverage	30%
i.	Maximum gross floor area as % of lot area	75%
j.	Maximum density for commercial use	1.5 times the lot area
k.	Maximum leasable floor area of a single retail commercial use	3000 m ²
l.	Maximum number of commercial uses per lot	1

* or the average height of the adjacent buildings, whichever is lesser

12.2.1 Converted Dwellings

The conversion of an existing single detached residential building to multiple dwelling units shall only be permitted in accordance with the following provisions:

- i. the building, by reason of its location and size has become unsuitable for use as a single detached dwelling;
- ii. the external appearance and general character of the building as a single detached dwelling shall not be changed and must conform with the provisions of 12.2 a. through h. above;
- iii. the building shall have a minimum gross floor area of 140 square m and a minimum ceiling height of 2.1 m;
- iv. the only exterior stairways attached to the building shall be open metal fire escapes located in the rear or side yard of the subject property;
- v. off-street parking shall be provided in accordance with the provisions of Section 5.12 of this By-Law;
- vi. the owner of a building proposed for conversion shall provide to the satisfaction of the Chief Building Official sufficient information indicating that the building is structurally sound for such conversion and meets the requirements of the *Building Code* and *Fire Code*; and
- vii. the building shall not contain more than 4 dwelling units through its conversion.

12.3 SPECIAL MRC ZONE REQUIREMENTS

12.3.1 MRC-S1 Zone

Notwithstanding the permitted uses and zone requirements on land zoned MRC, on land zoned MRC-S1 the following requirements shall also apply:

- i. the permitted commercial uses shall only include:
 - a. antique shop,
 - b. business or professional office,
 - c. clothing shop,
 - d. handicraft shop,
 - e. personal service shop,
 - f. pet store,
 - g. retail plumbing store,
 - h. take-out restaurant;
- ii. the permitted residential uses shall only include those allowed in the R1, R2, R3, RM1 and RM2 Zones;
- iii. the minimum lot area shall be 832.48 m²;
- iv. the minimum lot depth shall be 23.49 m;
- v. the maximum lot coverage shall be 88%;
- vi. the minimum front yard setback shall be 0 m;
- vii. the minimum side yard setback shall be 0.16 m;
- viii. the minimum rear yard setback shall be 0.23 m;
- ix. the maximum gross floor area as a percentage of lot area shall be 129%;
- x. the maximum gross density per hectare for the permitted residential uses shall be 61.0 dwelling units;
- xi. parking will be permitted off-site through a leasing arrangement, on Town-owned lands situated directly opposite and across from the subject property; and
- xii. a minimum of 13.0 parking spaces shall be provided off site.

12.3.2 MRC-S2 Zone

Notwithstanding the permitted uses and zone requirements on land zoned MRC, on land zoned MRC-S2 the following requirements shall also apply:

- i. the permitted commercial uses shall only include:
 - a. antique shop,
 - b. artist's supply shop;
 - c. clothing shop,
 - d. convenience retail establishment,
 - e. eating establishment,
 - f. handicraft shop,
 - g. hobby shop,
 - h. office,
 - i. optical store,
 - j. personal service shop,
 - k. pharmacy,
- ii. not more than 70% of the aggregate area of the side yards and rear yard of the subject land shall be occupied by parking spaces or storage spaces for motor vehicles, trailers, boats and motorized snow vehicles; and

- iii. no person shall use the subject land for the parking or storage of any commercial motor vehicle unless that commercial motor vehicle is ancillary to an existing, permitted commercial use. For the purposes of this Section, commercial motor vehicles shall mean any motor vehicle in excess of one tonne capacity having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing includes ambulances, hearses, motor buses and tractors.

12.3.3 MRC-S3 Zone

Notwithstanding the permitted uses and zone requirements on land zoned MRC, on land zoned MRC-S3 the following requirements shall also apply:

- i. the permitted uses shall only include:
 - a. antique shop,
 - b. clothing shop,
 - c. office,
 - d. residential dwelling units on the second floor.

12.3.4 MRC-S4 Zone

Notwithstanding the permitted uses and zone requirements on land zoned MRC, on land zoned MRC-S4, the permitted uses shall only include:

- a. commercial parking lot.

12.3.5 MRC-S5 Zone

Notwithstanding any other provisions of this By-Law to the contrary, on land zoned MRC-S5 the following requirements shall also apply:

- a) A minimum lot frontage of 19 metres (62.33 feet)
- b) A minimum interior side yard setback from the northerly property lot line of 2.88 metres (9.45 feet)
- c) Parking in the front yard shall be permitted and shall not be restricted to parking on a driveway
- d) Parking spaces may occupy more than 30% of the aggregate area of the side yards and rear yard of the lot.

12.3.6 MRC-S6 Zone

Notwithstanding any other provisions of this By-Law to the contrary, on land zoned MRC-S6 the following requirements shall also apply:

- a) A Parking Area is a permitted use
- b) Parking in the front yard shall be permitted and shall not be restricted to parking on a driveway

- (c) Parking spaces may occupy more than 30% of the aggregate area of the side yards and rear yard of the lot.

12.3.7 MRC-S7 Zone

Notwithstanding the provisions of this By-Law to the contrary, on land zoned MRC-S7 the following requirements shall also apply:

- a) Minimum lot area 567 m²
- b) Minimum lot frontage 14.0 m
- c) Minimum interior side yard setback on the west side of the lot 1.07 m

(By-Law 2002-47)

12.3.8 MRC-S8 Zone

Notwithstanding the provisions of this By-Law to the contrary, on land zoned MRC-S8, the permitted uses shall be limited to any residential use permitted in the R3 Zone subject to the Zone requirements therein.

(B/L 2003-102)

12.3.9 MRC-S9 Zone

Notwithstanding the provisions of the MRC Zone in this By-Law to the contrary, on land zoned MRC-S9 the following requirements shall also apply:

- a) Minimum lot area 500 m²
- b) Minimum interior sideyard setback (east side) 1.2 m
- c) Minimum rear yard setback 2.5 m
- d) Notwithstanding the Standards for Parking Lots and Driveways as detailed in Section 5.12 j) xi. of this By-Law, on lands zoned MRC-S9, parking shall be permitted to occupy more than 50% of the lot area and shall be permitted in the front yard.
- e) Notwithstanding the Landscaping and Buffer Requirements as detailed in Section 5.14 of this By-Law, on lands zoned MRC-S9, a landscaped strip shall not be required around the perimeter of the parking lot.

(B/L 2003-162)

12.3.10 MRC-S10 Zone

Notwithstanding the permitted uses and zone requirements on land zoned MRC, on land zoned MRC-S10, the following shall apply:

The permitted commercial uses shall also include:

a) Brew Your Own Establishment

A 2m high wooden privacy fence, in accordance with the Fences provisions of Section 5.26 of this By-Law, is required around the perimeter of the rear yard.
(B/L 2004-225)

12.3.11 MRC-S11 Zone

Despite Section 12.1, on land zoned MRCS11 only the following uses are permitted: Commercial – Art Gallery; Artist’s Supply Establishment; Automated teller/banking machine; Eating establishment; Florist; Funeral Home; Museum; Office; Optical Establishment; Personal service establishment; Pharmacy; Studio; Residential – any residential use permitted in the R1, R2, and R3 Zone subject to the Zone requirements therein; Dwelling units above a permitted commercial use; Home Occupation; and Day Nursery or Day Care Centre.

(B/L 2005-304)

12.3.12 MRC-S12 Zone

- i) Notwithstanding subsection 12.1, land zoned “MRC-S12” may only be used for the following uses:

Commercial

- a) Art Gallery
- b) Artist’s supply establishment
- c) Florist
- d) Museum
- e) Office
- f) Optical establishment
- g) Personal service establishment
- h) Retail establishment that carries only handicraft works, antiques, or clothing
- i) Studio

Residential

- a) Any residential uses permitted in the R1, R2, and R3 Zone subject to the zone requirements therein
 - b) Dwelling units above a permitted use
 - c) Crisis Care Residence subject to the provisions of this by-law
 - d) Home Occupation
 - e) Day Nursery or Day Care Centre
- ii) Notwithstanding subsection 12.2, land zoned “MRC-S12” shall be subject to the following zone provisions:

- | | |
|----------------------------------------------------|-------|
| a) Minimum lot frontage | 14 m. |
| b) Minimum interior side yard setback | 0 m. |
| c) Minimum rear yard setback | 0 m. |
| d) Maximum lot coverage | 47% |
| e) Parking is permitted in the front yard. | |
| f) The provisions of Section 5.15 shall not apply. | |

All other provisions of the MRC Zone shall apply.

On land zoned MRC-S12(H1), the removal of the (H1) holding symbol shall be in accordance with the following:

- i) the owner shall register a Record of Site Condition (RSC) with the Ministry of the Environment’s Brownfields Environmental Site Registry.
(B/L 2007-156)

12.3.13 MRC-S13 Zone

- i) Notwithstanding subsection 12.1, land zoned “MRC-S13” may only be used for the following use:

Service or Repair Shop

- ii) Notwithstanding subsection 12.2, land zoned “MRC-S13” shall be subject to the following zone provisions:

- | | |
|----------------------------------------------|------------|
| a) Minimum lot area | 365 sq. m. |
| b) Minimum front yard setback | 0 m. |
| c) Minimum interior side yard setback | 0.7 m. |
| d) Minimum rear yard setback | 2.54 m. |
| e) Maximum lot coverage | 70% |
| f) Maximum gross floor area as % of lot area | 100% |
| g) Maximum number of parking spaces | 2 |
| h) Number of loading spaces | 0 |

By-Law 2010-175

SECTION 13: NEIGHBOURHOOD COMMERCIAL (NC) ZONE

13.1 NC USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect and use any building or structure in a Neighbourhood Commercial (NC) Zone, except for the following uses:

Commercial

- a. Automated teller/banking machines
- b. Convenience retail establishment without a gas bar
- c. Day Nursery or Day Care Centre
- d. Personal service establishment
- e. Video rental establishment
- f. Business or professional office

Residential

- a. Dwelling units above a permitted commercial use
- b. Home occupation

13.2 NC ZONE REQUIREMENTS

In a Neighbourhood Commercial (NC) Zone, no persons shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum lot area 750 m²
- b. Minimum front yard setback 7.5 m
- c. Minimum exterior side yard setback 6.0 m
- d. Minimum interior side yard setback 4.0 m
- e. Minimum rear yard setback 6.0 m
- f. Maximum building height
 - Commercial use only 7.0 m*
 - Commercial with residential above 9.0 m*
- g. Maximum lot coverage 40%
- h. Maximum gross leasable floor area for commercial use 150 m²
- i. Maximum gross leasable floor area per lot 300 m²
- j. Maximum number of buildings or structures per lot 1
- k. Landscaping, fencing, berming and other screening shall be provided adjacent to residential land uses in accordance with Section 5.14 c) and e) of this By-Law;
- l. Driveway access shall be approved by the government body with jurisdiction over the road.
- m. The commercial facility shall be located within 30 m of a County, arterial or collector road and shall not be located mid-block within a residential area.

- n. The commercial facility shall be subject to site plan control and a public review of the proposed site plan with notification to all landowners as listed on the latest revised tax roll within a radius of 120 m from the subject lands.

*Or the average height of the adjacent buildings, whichever is greater.

SECTION 14: CENTRAL COMMERCIAL (CC) ZONE

14.1 CC USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect and use any building or structure in a Central Commercial (CC) Zone, except for the following uses:

Commercial

- a. Animal Hospital
- b. Art gallery
- c. Automated teller/banking machines
- d. Bake shop
- e. Brew-your-own establishment
- f. Bus or taxi depot
- g. Department Store
- h. Drug Store
- i. Dry cleaning or laundry establishment
- j. Eating establishment
- k. Financial institution
- l. Flea market
- m. Funeral home
- n. Hobby Shop
- o. Hotel
- p. Liquor Store
- q. Medical clinic
- r. Motel
- s. Motor vehicle sales establishment
- t. Museum
- u. Office
- v. Parking lot or parking garage
- w. Personal service establishment
- x. Place of amusement
- y. Place of assembly
- z. Place of entertainment
- aa. Place of worship
- bb. Post office
- cc. Printing or publishing establishment
- dd. Rental establishment
- ee. Retail establishment
- ff. Service or Repair Shop
- gg. Service station
- hh. Studio
- ii. Tavern or entertainment lounge
- jj. Television or radio broadcasting station or studio
- kk. Video rental and sales establishment

Residential

- a. Apartment building, subject to the requirements of the Residential High-Rise One (RH1) Zone of this By-Law
- b. Dwelling units above a permitted commercial use
- c. Crisis Care Residence above a permitted commercial use or in a free standing building
- d. Day Nursery or Day Care Centre
- e. Lodging, Boarding or Rooming House above a permitted commercial use or in a free standing building
- f. Senior Citizen's Home above a permitted commercial use or in a free standing building
- g. Home Occupation

14.2 CC ZONE REQUIREMENTS

In a Central Commercial (CC) Zone, no persons shall hereafter erect or use a building except in conformity with the following requirements:

- | | | |
|----|----------------------------------------------------------------------------|----------------------|
| a. | Minimum lot area | 360 m ² |
| b. | Minimum front yard setback | 4.0 m |
| c. | Minimum exterior side yard setback | 4.0 m |
| d. | Minimum interior side yard setback | 2.0 m* |
| e. | Minimum rear yard setback | 4.0 m*** |
| f. | Maximum building height | 15.0 m** |
| g. | Maximum lot coverage | 75% |
| h. | Maximum gross floor area as % of lot area | 200% |
| i. | Maximum density for commercial or mixed commercial/residential development | 2 times the lot area |
| j. | Maximum density for residential apartment building (per gross hectare) | 100 units |
| k. | Maximum gross leasable floor area for a single retail commercial use | 3000 m ² |

*Where two CC Zoned commercial uses are situated on abutting lots, the minimum interior side yard setback shall be 0.0 m.

**Or the average height of the adjacent buildings, whichever is greater.

*** Where adjacent to public or private laneway, no setback required.

14.3 SPECIAL CC ZONE REQUIREMENTS

14.3.1 CC-S1 Zone

Notwithstanding the permitted uses and zone requirements on land zoned CC, on land zoned CC-S1 the following requirements shall also apply:

- i. the only permitted uses shall be a martial arts and exercise club, with a refreshment booth and a sporting goods store which are accessory to the martial arts and exercise club; and
- ii. the provisions of Section 5.13 of this By-Law shall not apply.

14.3.2 CC-S2 Zone

Notwithstanding the permitted uses and zone requirements on land zoned CC, on land zoned CC-S2 the following requirement shall also apply:

- i. the maximum lot coverage shall be 100%.

14.3.3 CC-S3 Zone

Notwithstanding the permitted uses and zone requirements on land zoned CC, on land zoned CC-S3 the following requirements shall also apply:

- i. the minimum front yard setback shall be 3.0 m;
- ii. the minimum rear yard setback shall be 0 m;
- iii. the minimum lot area shall be 36,570 square m;
- iv. the minimum lot depth shall be 121.9 m;
- v. the maximum lot coverage shall be 30%;
- vi. the minimum front yard setback shall be 15.0 m;
- vii. the minimum interior side yard setback shall be 4.5 m;
- viii. the minimum exterior side yard setback shall be 15.0 m;
- ix. the minimum rear yard setback shall be 15.0 m;
- x. the maximum gross floor area as a percentage of lot area shall be 30%;
and
- xi. the maximum building height shall be 10.5 m.

14.3.4 CC(H1) Zone

On land zoned CC(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- Satisfactory completion of an Environmental Impact Study for any development or major redevelopment.

14.3.5 CC-S4 Zone

Notwithstanding any other provisions of this By-Law to the contrary, on land zoned CC-S4 the following requirements shall also apply:

- i. the minimum interior sideyard setback on the north side of the property shall be 1.0 m.
- ii. the minimum rear yard setback shall be 0.0 m.
- iii. the maximum total floor area shall be 1875.0 sq. m.
- iv. the area not occupied by the building set out in paragraph 14.3.5 iii above, shall be used for parking and loading, and the provisions of ss.5.12 and

ss.5.13 of this by-Law are deemed to be complied with. **(Board Order 0516 April 6/01)**

14.3.6 CC-S5 Zone

Notwithstanding any other provisions of this By-Law to the contrary, on land zoned CC-S5 the following requirements shall apply:

- i. the minimum lot area shall be 280 m²
- ii. the minimum front yard setback shall be 0.0 m
- v. the minimum interior side yard setback shall be 0.0 m from the westerly lot line and 0.9 m from the easterly lot line
- vi. the minimum rear yard setback shall be 0.6 m
- vii. the maximum lot coverage shall be 80% of the lot area
- viii. the office use of the subject lands is exempt from all on-site parking and loading requirements as they relate to offices in Section 5.12 and Section 5.13 of this By-Law
- ix. the lands zoned CC-S5 are exempt from Section 5.14 b), c) and f) as they relate to landscaping and buffering. **(Board Order 1139 July 17, 2001)**

14.3.7 CC-S6 Zone

Notwithstanding any other provisions of this By-Law to the contrary, on land zoned CC-S6 the following requirements shall apply:

- i. the minimum interior side yard setback shall be 1.39 m at the southwest corner of the existing building.
- ii. the minimum driveway/aisle width shall be 4.0 m for parking angles between 61 and 90 degrees and shall be 3.78 m at the southwest corner of the existing building.
- x. access to aisles adjacent to the east, north and west sides of the building to be from one direction only
- xi. the lands zoned CC-S6 shall be exempt from Section 5.14 b), c), e) and f) as they relate to landscaping and buffering.
(Board Order 1139 July 17, 2001)

14.3.8 CC-S7(H1) Zone

Notwithstanding any other provisions of this By-law to the contrary, on land zoned CC-S7 the following requirements shall apply:

- i. Minimum lot area 1940 sq.m.
- ii. Minimum front yard setback for residential building 2.4 m.
- iii. Minimum front yard setback for required ingress and egress 1.1 m.
- iv. Minimum front yard setback for parking garage 7.3 m.
- v. Minimum interior side yard setback east side 14 m.

vi.	Minimum interior side yard setback west side	1.1 m.
vii.	Minimum landscaped strip west side	1.1 m.
viii.	Maximum parking garage height	5.0 m.
ix.	Minimum rear yard setback for residential building	2.4 m.
x.	Minimum rear yard setback for parking garage	1.1 m.
xi.	Maximum lot coverage	62%
xii.	Maximum gross floor area as % of lot area	100%
xiii.	Minimum landscaped open space	10%
xiv.	Section 5.24 shall not apply	

On land zoned CC-S7(H1), the removal of the (H1) shall be in accordance with the following:

1. The owner shall enter into a site plan agreement with the City for any development on the land.
2. Sanitary sewer capacity for any development is confirmed.
(B/L 2012-232)

14.3.9 CC-S8(H) Zone

Notwithstanding the requirements of Section 5.4, Section 5.9, Section 5.12, and Section 14.2, land zoned CC-S8(H) shall be subject to the following requirements:

a)	Maximum commercial gross leasable floor area	190 sq.m.
b)	Minimum exterior side yard setback	2.4 m
c)	Minimum exterior side yard setback to an unenclosed entrance	0 m
d)	Minimum rear side yard setback	2.9 m
e)	Maximum gross floor area as % of lot area	233%
f)	Maximum density for mixed commercial / residential development	2.33
g)	Maximum density for residential apartment building (per gross hectare)	202 units
h)	Minimum underground front yard setback	0 m
i)	Minimum underground exterior side yard setback	2.4 m
j)	Minimum underground interior yard setback	0 m
k)	Minimum underground rear yard setback	0 m
l)	Notwithstanding 14.2 f), a rooftop mechanical penthouse, a rooftop garden and related structures accessory to an apartment building shall be exempt from the maximum building height.	
m)	Maximum number of parking spaces	77
n)	A daylighting triangle shall have the following dimensions:	

- i) 6.8 m from the point of intersection, where each lot line is adjacent to a local road; and,
- ii) 9.1 m from the point of intersection, where each lot line is adjacent to a collector road or arterial road.
- o) On land zoned CC-S8(H), removal of the Holding (H) Symbol shall be subject to the execution of a site plan agreement.”
(B/L 2009-108)

14.3.10 CC-S9 Zone Central Commercial Special Nine (CC-S9) Zone

Despite the permitted uses in Section 14.1 and the zoning requirements in Section 14.2, on land zoned CC-S9 the following shall apply:

- a) a masonette containing a maximum of seven (7) units shall be permitted.
- b) the minimum front yard setback requirement shall be 2 m.
- c) the minimum exterior side yard setback shall be 0.01 m.
- d) the required landscaped open space in the interior and rear yards shall be 1 m. wide.
- e) the required length of a parking space shall be a minimum of 5.8 m.
(B/L 2010-021)

SECTION 15: LOCAL COMMERCIAL (LC) ZONE

15.1 LC USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect and use any building or structure in a Local Commercial (LC) zone, except for the following uses:

Commercial

- a. Automated teller/banking machine
- b. Bake Shop
- c. Book store
- d. Convenience retail establishment with or without a gas bar
- e. Day Nursery or Day Care Centre
- f. Dry cleaning establishment
- g. Eating establishment
- h. Florist
- i. Laundry establishment
- j. Office
- k. Personal service establishment
- l. Pharmacy
- m. Service station
- n. Video rental establishment

Residential

- a. Dwelling units above a permitted commercial use, but not above a service station
- b. Home occupation

15.2 LC ZONE REQUIREMENTS

In a Local Commercial (LC) Zone, no persons shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum lot area 750 m²
- b. Minimum lot frontage 30.0 m
- c. Minimum front yard setback 7.5 m
- d. Minimum exterior side yard setback 6.0 m
- e. Minimum interior side yard setback 4.5 m
- f. Minimum rear yard setback 7.5 m
- g. Maximum building height
 - commercial use only 5.0 m
 - commercial with residential above 9.0 m
- h. Maximum lot coverage 40%
- i. Maximum gross floor area as % of lot area 50%
- j. Maximum gross leasable floor area

	for a single retail commercial use	500 m ²
k.	Maximum gross floor area per lot	1500 m ²
l.	Maximum number of buildings or structures per lot	1

15.3 SPECIAL LC ZONE REQUIREMENTS

15.3.1 LC-S1 Zone

Notwithstanding the permitted uses and zone requirements on land zoned LC, on land zoned LC-S1 the following requirements shall also apply:

- i. the only permitted uses shall be a convenience retail establishment and a dry cleaning establishment;
- ii. the minimum lot frontage shall be 21.0 m;
- iii. the minimum front yard setback shall be 14.0 m;
- iv. the maximum building height shall be 10.5 m;
- v. the minimum dwelling unit gross floor area shall be 56 square m, plus an additional 15 square m for each additional bedroom in excess of one;
- vi. where the LC-S1 zone abuts a Residential Zone, an opaque fence no less than 1.8 m high shall be erected along the said lot line;
- vii. the maximum lot coverage shall be 30%.

15.3.2 LC-S2 Zone

Notwithstanding the permitted uses and zone requirements on land zoned LC, on land zoned LC-S2 the following requirements shall also apply:

- i. the only permitted uses shall be:
 - a. office, and
 - b. the storage and maintenance of race cars on a hobby basis.

15.3.3 LC-S3 Zone

Notwithstanding any other provisions of this By-Law to the contrary, on land zoned LC-S3 the following requirements shall also apply:

- i. The minimum front yard setback shall be 8.3m
- ii. The maximum gross leasable floor area for an oxygen and medical equipment supply establishment with accessory warehousing is 750 m².
- iii. The maximum number of buildings or structures per lot shall be 2
- iv. A gas bar is not a permitted use
- v. An oxygen and medical equipment supply establishment with accessory warehousing is a permitted use. **(B/L 2001-42)**

15.3.4 LC-S4-Zone

Notwithstanding the permitted uses and zone requirements on land zoned LC, on land zoned LC-S4 the following shall also apply:

- i. Residential uses shall not be permitted

- ii. The minimum rear yard setback shall be 30.0m
- xii. An earth berm with a minimum height of 4.5m is to be constructed and maintained within the rear yard. **(B/L 2002-121)**

15.3.5 LC-S5 Zone

Notwithstanding the permitted uses and zone requirements on land zoned LC, on land zoned LC-S5, the following shall also apply:

- i. Residential uses shall not be permitted **(B/L 2002-121)**

15.3.6 LOCAL COMMERCIAL EXCEPTION SIX (LC-S6) ZONE

Notwithstanding the permitted uses and zone requirements on land zoned LC, on land zoned LC-S6 the following requirements shall also apply:

- i) the only permitted uses shall be:
 - a) single detached dwelling
 - b) home occupation in a dwelling
 - c) commercial parking lot in the rear yard
- ii) Minimum lot area shall be 686 m²
- iii) Minimum lot frontage shall be 20 m
- iv) Minimum front yard setback shall be 4.6m
- v) Notwithstanding the provisions of Section 5.14 b) and e), where a commercial parking lot is situated on the lot, a landscaped strip with a minimum width of 1.0m, together with an opaque wood fence not less than 1.8m in height shall be provided along the northerly interior side lot line and the rear lot line.
- vi) Notwithstanding the provisions of Section 5.14 c) and e), a commercial parking lot is not required to provide a landscaped strip along the southerly interior side lot line. **(B/L 2003-160)**

15.3.7 LOCAL COMMERCIAL EXCEPTION SEVEN (LC-S7) ZONE

In addition to the uses permitted by subsection 15.1 and despite Articles 5.12 k) ii and 15.2 d), on land zoned LC-S7 the following requirements shall also apply:

- i. the existing 4-bay car wash facility is a permitted use;
 - ii. the minimum number of parking spaces is 36;
 - iii. the exterior side yard setback for the canopy over the fuel pumps may be reduced to 3.0 m.
- (B/L 2007-100)**

SECTION 16: GENERAL COMMERCIAL (GC) ZONE

16.1 GC USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect and use any building or structure in a General Commercial (GC) Zone, except for the following uses:

General Commercial Uses:

- a. Automated teller/banking machines
- b. Beer, liquor or wine store
- c. Brew-your-own establishment
- d. Building supply establishment
- e. Bus or taxi depot
- f. Eating establishment
- g. Fabric shop
- h. Garden and nursery sales and supply establishment
- i. Hardware store
- j. Home and auto supply store
- k. Home improvement store
- l. Hotel
- m. Marine and recreational vehicle sales and service establishment
- n. Motel
- o. Motor vehicle repair establishment
- p. Motor vehicle sales and service establishment
- q. Motor vehicle washing establishment
- r. Pet store
- s. Pet supply store
- t. Rental establishment
- u. Retail establishment that carries only furniture, appliances, home electronics, carpet, flooring and/or window coverings
- v. Service station
- w. Swimming pool or swimming pool supply store
- x. Tourist information centre
- y. Video rental and sales store

Convenience Commercial Uses:

Notwithstanding the General Commercial Uses, the following uses shall also be permitted in conjunction with the General Commercial Uses above, provided that the total gross leasable floor area of the following Convenience Commercial Uses does not exceed 15% of the total gross leasable floor area per lot.

- a. Bake shop
- b. Convenience retail establishment with or without a gas bar
- c. Dry cleaning establishment

- d. Drug store
- e. Personal service establishment
- f. Pharmacy

16.2 GC ZONE REQUIREMENTS

In a General Commercial (GC) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

a.	Minimum lot area	2,250 m ²
b.	Minimum lot frontage	45.0 m
c.	Minimum front yard setback	15.0 m
d.	Minimum exterior side yard setback	15.0 m
e.	Minimum interior side yard setback	4.5 m
f.	Minimum rear yard setback	15.0 m
g.	Maximum lot coverage	50%
h.	Maximum building height	10.5 m
i.	Maximum gross leasable floor area as a % of lot area	50%
j.	Maximum gross leasable floor area of a single retail commercial use	3000 m ²

16.3 SPECIAL GC ZONE REQUIREMENTS

16.3.1 GC-S1 Zone

Notwithstanding the permitted uses and zone requirements on land zoned GC, on land zoned GC-S1 the following requirements shall also apply:

- i. the only uses permitted shall be as follows:
 - medical clinic containing offices for doctors, dentists and medical specialists,
 - medical laboratory,
 - optical dispensary,
 - drug dispensary,
 - hearing aid dispensary, and
 - medical supply dispensary;
- ii. the minimum front yard setback shall be 25 m;
- iii. the minimum interior side yard setback shall be 7.5 m;
- iv. the minimum exterior side yard setback shall be 7.5 m;
- v. all parking shall be in the rear yard and shall be located only on that portion of the property zoned GC-S1 - no parking spaces shall be closer to a Residential Zone than 9.0 m;
- vi. no driveways shall be closer to a Residential Zone than 3.0 m; and
- vii. the maximum lot coverage shall be 30%.

16.3.2 GC-S2 Zone

Notwithstanding the permitted uses and zone requirements on land zoned GC, on land zoned GC-S2 the following requirements shall also apply:

- i. the minimum lot area shall be 1,765.0 square m;
- ii. the minimum lot depth shall be 44.0 m; and
- iii. the minimum rear yard setback shall be 4.6 m.

16.3.3 GC-S3 Zone

Despite Articles 5.14 b) and 16.2 f., on land zoned GC-S3 the following requirements shall also apply:

- i) The required landscaped strip of land along the north, west and south boundary is not required;
- ii) The minimum rear (west) yard setback shall be 8.5 m.;
- iii) A privacy fence having a minimum height of 1.75 m shall be installed and maintained along the west and south boundaries of the subject land where it abuts residential lots and uses - the privacy fence shall be located wholly on the subject land.

(B/L 2007-102)

16.3.4 GC-S4 Zone

Notwithstanding the permitted uses and zone requirements on land zoned GC, on land zoned GC-S4 the following requirements shall also apply:

- i. the only permitted uses shall be:
 - a. public garage,
 - b. marine and recreational vehicle sales and service establishment,
 - c. retail establishment that carries only furniture, major appliances, carpet, flooring and/or window coverings,
 - d. wholesale establishment that carries only furniture, major appliances, carpet, flooring and/or window coverings,
 - e. garden and nursery sales and supply establishment,
 - f. building supply outlet,
 - g. flea market,
 - h. retail auto part sales and warehouse storage of auto parts for sale, and
 - i. no more than 4 of the above permitted uses shall be permissible at one time (B/L 2009-128) replaced h & i)
- ii. no open outdoor storage shall be permitted except for the temporary storage of vehicles as an activity intrinsic to the primary use of the property as a public garage - all other storage shall be wholly enclosed, regardless of use, including retail display and sales;
- iii. adequate parking shall be provided on site and such parking areas are to be graded and paved by March 18, 1998, with the exception of the lands located at 75 Durham St. W. which are required to be graded and paved at such time as the existing use changes from a public garage to another permitted use;
- iv. the existing vegetative buffer shall be maintained to the satisfaction of the Town;

- v. the front and interior side yards at 77 and 79 Durham Street West shall only be used to provide pedestrian and vehicular access to the rear parking lot;
- vi. directional signs noting the parking in the rear yard of the lands at 77 and 79 Durham Street West shall be provided; and
- vii. a flea market shall mean a retail establishment that operates not more than 2 days per week and consists of a group of individual retailers renting space for the purpose of selling a variety of new and used goods, wares and merchandise.

16.3.5 GC-S5 Zone

- a) Notwithstanding the permitted uses for the General Commercial GC Zone, the use of the lands zoned GC-S5 shall be limited to:

motor vehicle repair establishment
- b) Notwithstanding the Landscaping provisions, on lands zoned GC-S5, the following shall also apply:
 - i. a 1.8m high privacy fence be erected along the north property line;
 - ii. a minimum 1.8 m wide landscaped strip with a mix of evergreen/deciduous trees and shrubs in addition to grass along the north property line; and
 - iii. all parking and driveway areas to be paved.

16.3.6 GC(H1) Zone

On land zoned GC(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

Satisfactory completion of an Environmental Impact Study for any development or major redevelopment.

16.3.7 GC-S6 Zone

Notwithstanding any other provisions of this By-Law to the contrary, only the following provisions shall apply to the lands zoned General Commercial (GC-S6):

- a) Only the following uses shall be permitted:
 - i) Gas Bar;
 - ii) Motel/Hotel;
 - iii) Marine and Recreational Vehicle Sales and Service;
 - iv) Smoke Shop;
 - v) Beer Store, Wine Store or Liquor Store;
 - vi) Category Specific Retail Establishments, subject to the conditions of 16.3.7(e) and (h); and

- vii) One (1) Large Format Retail Establishment having a minimum and maximum gross leasable floor area of 5,512 m² and 12,000 m² respectively.

- b) Development and operation of a Large Format Retail Establishment shall only occur within a single building having a maximum gross leasable floor area of 12,000 m² and shall be subject to the following restrictions:
 - i) No more than 6,968 m² of gross leasable floor area of the Large Format Retail Establishment may be devoted to the sale of food store type merchandise (FSTM); and
 - ii) No more than 5,032 m² of gross leasable floor area of the Large Format Retail Establishment may be devoted to accessory in-store goods and services, of which:
 - a) no more that 3,252 m² of gross leasable floor area shall be devoted to the sale of department store type merchandise (DSTM); and
 - b) no more that 1,780 m² of gross leasable floor area shall be devoted to non-DSTM accessory in-store goods and services.
 - iii) Not less than fifty-one percent (51%) of the gross leasable floor area of the Large Format Retail Establishment shall be devoted to food store type merchandise (FSTM).
 - iv) Except for entrances required for emergency and loading purposes, there shall be no more than two (2) public entry areas to the Large Format Retail Establishment.

- c) In computing the applicable gross leasable floor areas set out in (b):
 - i) the areas occupied by common use functions (e.g. foyers, checkout facilities, etc.) shall be allocated and pro-rated in proportion to the respective shares of the merchandising areas devoted to each of the denominated categories; and,
 - ii) enclosed areas to which the public does not normally have access (e.g. storage areas, administrative offices, employee lunch rooms, etc.) shall be allocated and pro-rated in proportion to the respective shares of the merchandising areas devoted to each of the denominated categories, unless such enclosed areas and/or facilities are expressly provided to accommodate specific categories or sub-categories of merchandised products or services; but
 - iii) any rest room facilities provided for use by the public shall not be included in such computations.

- d) Excluding a gas bar as otherwise permitted hereunder, there shall be a maximum of two (2) separate buildings, with no individual building exceeding

12,000 m² in gross leasable floor area. In the event of there being more than one building on such a property the following restrictions shall apply:

- i) the minimum separation distance between the buildings shall be 15 m;
and
 - ii) the gross leasable floor area of all buildings shall not exceed 17,512 m².
- e) Category Specific Retail Establishments may be permitted subject to the following conditions:
- i) All such uses shall be contained in one building whose gross leasable floor area shall not exceed 5,512 m².
 - ii) There shall be a maximum of three Category Specific Retail Establishments, with no individual establishment having a gross leasable floor area of less than 1,700 m² or greater than 3,000 m²;
 - iii) Any Beer or Liquor Store contained within the same building as such Category Specific Retail Establishments shall be subject to the same gross leasable floor area restrictions;
 - iv) No Category Specific Retail Establishment shall be permitted unless there is also a Large Format Retail Establishment on the same site;
 - v) Except for entrances required for emergency and loading purposes, in any building in which such Category Specific Retail Establishment is contained:
 - a) there shall be no common entrance or common interior area to which the public has access; and
 - b) public entrances to such establishments shall be from the exterior of the building only.
- f) No Financial Institution or Office shall be permitted except as specifically provided in 16.3.7(g).iii.c(i) herein.
- g) For purposes of this By-law the following definition shall apply:
- i) “food store type merchandise (FSTM)” means a balanced line of grocery related items such as canned, bottled, packaged and frozen foods, fresh meat, poultry and fish, fresh and preserved fruits and vegetables, prepared food products, baked goods, dairy products, and confections, as well as toiletries, cleaning products, and complementary items typically found in a supermarket;
 - ii) “department store type merchandise (DSTM)” means goods, other than those classified herein as FSTM, which are typically found in a Department Store, including apparel, household goods, appliances and other durable and semi durable goods.

- iii) “accessory in-store goods and services”:
 - a) shall mean the sale and provision of goods and services offered in conjunction with food store type merchandise (FSTM) but which may not otherwise be permitted, other than on an incidental basis, in a Supermarket.
 - b) may include, without limitation, the sale and provision of:
 - i) department store type merchandise (DSTM);
 - ii) wine;
 - iii) flowers, plants and related paraphernalia;
 - iv) pharmaceutical products and dispensary;
 - v) cosmetic products;
 - vi) paper products;
 - vii) tobacco products; and
 - viii) financial services;
 - c) may include, without limitation:
 - i) one Medical Clinic having a gross leasable floor area no greater than 200 m²;
 - ii) a Dry-Cleaning Depot;
 - iii) areas in which food prepared and purchased on the premises may be consumed;
 - iv) demonstration areas and facilities relating to food preparation education;
 - v) short-term day-care facilities; and
 - vi) recreational facility; but
 - d) shall not include a Liquor Store or Beer Store.
 - iv) “Smoke Shop” shall mean a Convenience Retail Establishment primarily, but not exclusively, devoted to the sale of tobacco products and related merchandise.
 - v) “Shopping Centre” shall mean a building containing two (2) major anchor tenants and at least four (4) individual business establishments in a single structure with an enclosed common pedestrian mall.
 - h) Other than in the form of Large Format Retail Establishment, no Supermarket shall be permitted on any property zoned General Commercial (GC-S6).
 - i) A Shopping Centre shall not be permitted.
 - j) The following zone requirements shall apply:
 - i) the maximum height of any building shall be 10.7 m; and
 - ii) the minimum lot area shall be 6 hectares.
- (B/L 2005-276)

16.3.8 GC-S7 Zone

- a) Notwithstanding any other provision of this By-Law to the contrary, only the following uses shall be permitted on lands zoned General Commercial (GC-S7):
- i. Home and auto supply store
 - ii. Service station
 - iii. Convenience retail establishment
- b) Notwithstanding any other provision of this By-Law to the contrary, the maximum gross leasable floor area permitted on lands zoned General Commercial (GC-S7) shall be 10,327 m² and the maximum leasable floor area for one single Home and auto supply store is 10,280 m².

16.3.9 GC-S8 Zone

- a) Notwithstanding the permitted uses and zone requirements on land zoned "General Commercial GC", on land zoned "General Commercial GC-S8" the following uses shall be permitted in addition to uses permitted in the "General Commercial GC" zone:
- Supermarket **(B/L 2000-85)**
 - Retail Establishment with a minimum gross leasable floor area of 325 m² (3,500 sq. ft.) and a maximum gross leasable floor area of 3,000 m² (32,292 sq. ft.), in conjunction with a supermarket having a minimum gross leasable floor area of more than 3,000 m² (32,292 sq. ft.). **(B/L 2004-20)**
- b) Notwithstanding any other provision of this By-Law to the contrary, development of a supermarket shall be in the form of a single building, with a maximum gross leasable floor area not to exceed 3,716 m². **(B/L 2000-85)**

16.3.10 GC-S9(H1) Zone

- a. For the purposes of this By-Law the following definitions shall apply:
- i. "Department Store" means a retail commercial establishment where a wide range of merchandise is sold, including but not limited to general merchandise, drugs and medicines, food, wine, lottery products, and where a wide range of services may be provided, including but not limited to photographic services, restaurant, including take out and drive through facilities, optical services, medical, dental and pharmaceutical services, banking, financial and real estate services, telecommunications services, automotive rental, service and repair, gas bar, car wash, children's amusement facility, travel agency, and personal services.

- ii. “*FSR Merchandise*” (or Food Store Related Merchandise) means a balanced line of grocery-related items such as canned, bottled, packaged and frozen foods, fresh meat, poultry and fish, fresh and preserved fruits and vegetables, prepared food products, baked goods, dairy products, and confections, as well as toiletries, cleaning products, and those complementary items typically found in a traditional supermarket.
 - iii. “*NFSR Merchandise*” (or Non Food Store Related Merchandise) means non-food related merchandise, as classified by Statistics Canada pursuant to the North American Industrial Classification System and includes drugs, personal care and home improvement goods, as well as goods in the category known as “GAFO” (general merchandise, apparel, furnishings, home and auto supply stores and other miscellaneous retail stores).
 - iv. “*Outdoor Garden Centre*” means a year-round facility associated with a Department Store or Home Improvement Centre which is comprised of an enclosed structure and outdoor area for the storage and/or sale of goods associated with gardening or landscaping.
 - v. “*Temporary Garden Outlet*” means a seasonal facility associated with a Department Store or Home Improvement Centre which is comprised of a fenced open area, used for the sale of goods associated with gardening or landscaping and may include a cashier’s tent and shade structure.
- b. Notwithstanding any other provisions of this By-law to the contrary, the following uses are permitted in addition to the uses permitted in Section 16.1:
- i. Animal Hospital
 - ii. Artist’s Supply Establishment
 - iii. Florist
 - iv. a Department Store
 - v. a Home Improvement Store
 - vi. Optical Establishment

For greater clarity, no stores selling apparel shall be permitted except a department store.

- c. Notwithstanding any other provisions of this By-law to the contrary, no financial institution or office shall be permitted, except an office accessory to a permitted use, and nor shall it have a separate entrance.
- d. The maximum gross floor area of a Department Store shall be 12,500 square metres of which;
 - (a) no more than 1,300 square metres may be devoted to the sale of FSR Merchandise; and

- (b) No more than 11,200 square metres may be devoted to the sale of NFSR Merchandise.

- e. In conjunction with the Department Store, there may be an Outdoor Garden Centre having a maximum gross floor area of 800 square metres, and a Temporary Garden Outlet having a maximum gross floor area of 1,150 square metres.

- f. The maximum gross floor area of a Home Improvement Store shall be 9,500 square metres.

- g. In conjunction with the Home Improvement Store there may be an Outdoor Garden Centre having a maximum gross floor area of 1,800 square metres, and a Temporary Garden Outlet having a maximum gross floor area of 950 square metres.

- h. There may be no more than 5,000 square metres gross floor area devoted to the uses permitted in the GC-S9 (H1) Zone pursuant to Section 16.1, and the additional uses permitted in the GC-S9 (H1) Zone other than a Department Store or Home Improvement Store.

- i. The total maximum gross floor area permitted within the (GC-S9) (H1) Zone is 27,000 square metres exclusive of Outdoor Garden Centres and Temporary Garden Outlets.

- j. Notwithstanding the zone requirements for the General Commercial (GC) Zone or any other zoning provision to the contrary, including 4.107, 5.12(c), and 5.9, the following zone requirements shall apply to the General Commercial Special Nine (GC-S9) Zone:
 - i. The lands shown on Schedule A to this By-law shall be recognized as one lot for zoning purposes, notwithstanding any past or future division of the property, and the lot line running adjacent to Highway 35 for the extent of the lands, as shown on Schedule A to this By-law, shall be deemed to be the front lot line.
 - ii. The minimum exterior side yard setback shall be 9.1 metres.
 - iii. The minimum rear yard setback shall be 7.9 metres.
 - iv. The maximum building height shall be 12.5 metres.
 - v. The minimum parking spaces required shall be 1 parking space per 20 square metres of gross floor area.

- k. On land zoned GC-S9(H1), the removal of the (H1) Holding Symbol, from all or a portion of the site, shall be in accordance with the following:
 - i. Upon receipt of confirmation by the Ministry of Transportation (MTO) that suitable access can be provided to the site and that a suitable stormwater management plan has been prepared.
 - ii. The Owner has executed a site plan agreement with the City of

- Kawartha Lakes; and,
- iii. Appropriate arrangements have been made for servicing the lands with the City of Kawartha Lakes.

(B/L 2006-168) (OMB Decision May 9, 2014)

16.3.11 GC-S10(H1) Zone

- a) Notwithstanding with permitted uses for the General Commercial GC Zone, the use of the lands zoned GC-S10 shall be limited to a maximum of 3 of the following:

General Commercial Uses:

- a) Automated teller/banking machine
- b) Brew-your-own establishment
- c) Eating establishment without drive through
- d) Fabric store
- e) Hardware store
- f) Home and auto supply store
- g) Hotel
- h) Motel
- i) Pet supply store
- j) Office
- k) Retail establishment that carries only furniture, appliances, home electronics, carpet, flooring and/or window coverings
- l) Video rental and sale store

Convenience Commercial Uses:

Notwithstanding the General Commercial Uses, the following uses shall also be permitted in conjunction with the General Commercial Uses above, provided that the total gross leasable floor area of the following Convenience Commercial Uses does not exceed 15% of the total gross leasable floor area per lot.

- i) Day care or day nursery
- ii) Convenience retail establishment without gas bar
- iii) Bake shop
- iv) Dry cleaning establishment

- v) Drug store
 - vi) Personal service establishment
 - vii) Pharmacy
- b) Notwithstanding the zone requirements for the General Commercial (GC) Zone, on the lands zoned GC-S10, the maximum building height shall be 15 m.

On land zoned GC-S10(H1), the removal of the (H1) shall be in accordance with the following:

- The owner shall enter into a site plan agreement with the City for any development on the land.
- That sanitary sewer capacity for the proposed development is confirmed.

(B/L 2012-174)

16.3.12 GC-S11 Zone (Reserved D06-18-132)

SECTION 17: SHOPPING CENTRE COMMERCIAL (SCC) ZONE

17.1 SCC USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure within any Shopping Centre Commercial (SCC) zone, except for the following uses within a Shopping Centre as defined in this By-Law:

- a. Automated teller/banking machines
- b. Bakery
- c. Brew-your-own establishment
- d. Dry cleaning or laundry establishment
- e. Eating establishment
- f. Flea market
- g. Motel or hotel
- h. Office - subject to the provisions of Section 17.2.k. of this By-Law
- i. Parking lot or parking garage
- j. Personal service establishment
- k. Place of amusement
- l. Place of entertainment
- m. Post office
- n. Printing or publishing establishment
- o. Rental or service establishment
- p. Retail establishment
- q. Service station
- r. Studio
- s. Tavern or entertainment lounge
- t. Television or radio broadcasting station or studio
- u. Video rental and sales establishment

17.2 SCC ZONE REQUIREMENTS

In a Shopping Centre Commercial (SCC) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | |
|----|------------------------------------|---------|
| a. | Minimum lot area | 1.0 ha. |
| b. | Minimum lot frontage | 90.0 m |
| c. | Minimum front yard setback | 21.0 m |
| d. | Minimum exterior side yard setback | 15.0 m |
| e. | Minimum interior side yard setback | 10.5 m |
| f. | Minimum rear yard setback | 15 m |
| g. | Maximum lot coverage | 25% |
| h. | Maximum building height | 10.5 m |
| i. | Maximum gross leasable floor area | |

	as a percentage of lot area	50%
j	Minimum landscaped area as % of lot area	10%
k.	Maximum gross floor area of all office space as a % of the gross leasable floor area of the Shopping Centre	10%
l.	maximum gross leasable floor area of a single retail commercial use	3000 m ²

17.3 SPECIAL SCC ZONE REQUIREMENTS

17.3.1 SCC-S1 Zone

- a) Notwithstanding the definition of a Lot, as defined in Section 4 of this By-Law, land described as parts 7 and 8 on Plan 57R3088, Lots No. 1, 2 and 3 on Registered Plan 605 and Lots 1, 2, 3, 4, 5 and 6 on Registered Plan 606 and known as the Lindsay Square Mall, shall all be considered to be one lot for the purpose of Zoning provisions within this By-Law.
- b) Notwithstanding the permitted uses listed in Section 17.1 of this By-Law, one financial institution with a maximum gross leasable floor area of 232 m² shall be considered a permitted use.
- c) Notwithstanding any other provisions of this By-Law to the contrary, on lands zoned SCC-S1, any use in excess of 3,000 m² or expansions thereto within the overall maximum gross leasable floor area of 21,085 m² shall not be subject to the provisions of Section 17.2. l) above.
- d) Notwithstanding the Zone Requirements for the Shopping Centre Commercial (SCC) Zone, the following shall be required on lands zoned Shopping Centre Commercial SCC-S1:

Maximum Lot Coverage	34%
Maximum gross leasable floor area shall be	21,085 m ²
- e) Notwithstanding the Parking Requirement of Section 5.12 k) relating to Shopping Centre Uses, the parking requirement for lands zoned SCC-S1 shall be 4.5 spaces per 93 m² of gross leasable floor area excluding storage areas, and for the purpose of this section, storage areas shall not exceed 15% of the total floor area of the shopping centre.
- f) Notwithstanding the permitted uses listed in Section 17.1 of this By-Law and any other provisions of this By-Law to the contrary, on land zoned SCC-S1, a supermarket with a gross leasable floor area in excess of 464 m² shall not be a permitted use. (B/L 2000-86)

17.3.2 SCC-S2 Zone

Notwithstanding any other provisions of this By-Law to the contrary, on lands zoned SCC-S2, the maximum gross leasable floor area shall be 8,510 m².

SECTION 18: SPECIAL PURPOSE COMMERCIAL (SPC) ZONE

18.1 SPC USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure within any Special Purpose Commercial (SPC) zone, except for the following:

- a. Automated teller/banking machines
- b. Beer store
- c. Eating establishment
- d. General merchandise store
- e. Grocery store
- f. Liquor store
- g. Office
- h. Personal service shop
- i. Retail establishment in addition to those listed above but excluding department stores, supermarkets, drug stores and stores primarily carrying clothing and/or shoes
- j. Service or repair shop
- k. Specialty food store
- l. Theatre
- m. Wine store

18.2 RESTRICTIONS

18.2.1 No individual general merchandise store shall be permitted to occupy a gross leasable floor area greater than 929 m².

18.2.2 At no time shall the total gross leasable area devoted to those uses listed under 18.1 a), b), c), d), e), f), i), k), l), and m) above, exceed 8,361 m².

18.2.3 At no time shall the total gross leasable area devoted to uses 18.1 h) and 18.1 i) above, exceed 1,394 m².

18.2.4 At no time shall the gross leasable area of all units, each of which are less than 279 m² in size and which are devoted to DSTM uses listed in Section 18.6 of this By-Law exceed 1,951 m².

18.2.5 No individual “specialty food store” carrying a limited range of grocery products shall be permitted to occupy an area greater than 558 m².

18.2.6 The restrictions set out in 18.2.5 above, shall not apply to a “bulk food store”.

18.3 PARKING AND LOADING

18.3.1 Parking and loading facilities shall be provided in accordance with the approved site plan for the subject lands.

18.4 PERFORMANCE STANDARDS

The following standards apply to lands zoned Special Purpose Commercial (SPC):

Minimum Lot Frontage	300 m
Minimum Lot Area	36,570 m ²
Minimum Lot Depth	121.9 m
Maximum Lot Coverage	30%
Minimum Front Yard	15 m
Minimum Interior Side Yard	4.5 m
Minimum Exterior Side Yard	15.0 m
Minimum Rear Yard	15.0 m
Maximum Gross Leasable area as % of lot area	30%
Maximum Building Height	10.5 m

18.5 DEFINITIONS

For the purpose of Section 18 of this By-Law, the following definitions shall apply:

“bulk food store” shall mean a store carrying food for bulk sale which does not include fresh produce, fresh dairy and/or fresh meat products and does not exceed 1,115 m² of gross leasable area.

“catalogue sales store” shall mean a retail commercial establishment not exceeding 929 m² of gross leasable area, in which orders are accepted for the purchase of goods listed in a catalogue provided by the establishment and in which some or all of the goods so listed may also be available within the establishment for sale at retail.

“general merchandise store” shall mean a retail store having a size of not greater than 929 m² of gross leasable area, primarily engaged in the selling of a wide range of commodities, such as apparel, dry goods, food products, home appliances and hardware and shall include a “catalogue sales store”.

“grocery store” shall mean a store carrying a general range of grocery products, including fresh produce, fresh meat and fresh dairy products in addition to packaged and bulk goods, and shall not be permitted to occupy an area greater than 465 m².

18.6 DSTM USES

Antique Shop Appliance Store Appliance/TV/Stereo Repair Shop Art Gallery and Artists' Supply Shop Bicycle Store Book Store Camera/Photo Supply Store Card Store Catalogue Store China/Glassware/Kitchenware Store Coin/Stamp Store Drapery/Blinds Store Fabric Store Fireplace Accessories Store Floor Coverings Store Florist Furniture Refinishing/Upholstery Store Furniture Store Furniture/Appliance Store General Store Gift/Novelty./Souvenir Store Hardware/Electrical Supply Store Jewelry Store	Key Shop Lamps and Lighting Fixtures Store Lawn and Garden Centre Linen/Bath Store Luggage/Leather Goods Store Musical Instruments Store Optician Other Durables and Semi-Durables Other Household Furnishings Store Paint/Glass/Wallpaper Store Pets and Pet Supply Store Picture Frames Store Record/Tape/CDs Shop Sewing Machines Store Sporting Goods/Apparel Shop Stationery/Office Supplies/Computers Store Tobacco/News/Magazine Store Toy/Hobby Shop TV/Radio/Stereo Store Vacuum Store Variety Store Wool Shop
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18.7 SPECIAL PURPOSE COMMERCIAL TWO (SPC-2) ZONE

18.7.1 SPC-2 USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure within any Special Purpose Commercial Two (SPC-2) zone, except for the following:

- a. Uses permitted in the General Commercial (GC) Zone (Section 16.1)
- b. Drug store – occupying up to 100% of the total gross leasable floor area per lot. **(B/L 2005-203)**

18.7.2 SPC-2 ZONE REQUIREMENTS

Notwithstanding any provision in this By-Law to the contrary, on land zoned SPC-2, the following zone requirements shall apply:

Minimum landscaping strip width – western interior side yard	1.5m
Minimum landscaping strip width – southwestern interior side yard	0.6m
Minimum landscaping strip width – rear yard	0.6m
Minimum landscaping strip width – eastern interior side yard	0.9m
Minimum front yard setback – main wall	13.76m
Minimum front yard setback – sign projection	13.02m
Minimum south western interior side yard setback – garbage enclosure	3.2m

Minimum western interior side yard setback – parapet	4.4m
Minimum driveway aisle width for two way traffic – front yard	6.0m

All other provisions of the General Commercial (GC) and General Provisions of this By-Law apply. **(B/L 2005-203)**

SECTION 19: PRESTIGE EMPLOYMENT ZONE (PE)

19.1 PE USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building, or structure in a Prestige Employment (PE) Zone, except for the following uses:

Industrial:

- a. Dry cleaning and laundry establishment
- b. Food preparation plant
- c. Light industrial uses including light manufacturing, processing of semi-manufactured goods or assembly of manufactured goods
- d. Mini-storage warehouse
- e. Postal distribution establishment
- f. Research and development establishment
- g. Warehouse for semi-manufactured or manufactured goods
- h. Wholesale distribution centre

Commercial

- a. Auction establishment
- b. Auto parts supply establishment
- c. Brew your own establishment
- d. Bus or taxi depot
- e. Commercial training centre (free standing)
- f. Convenience retail establishment
- g. Data processing centre
- h. Eating establishment
- i. Furniture store
- j. Office
- k. Personal service shop
- l. Printing or publishing establishment
- m. Rental establishment (free standing)
- n. Repair shop (free standing)
- o. Service shop (free standing)
- p. Television or radio broadcasting station or studio
- q. Video rental and sales establishment

Institutional and Community Facilities

- a. Uses permitted in Section 22.1 of this By-Law

19.1.1 The types of uses permitted in a Prestige Employment (PE) Zone shall not adversely affect adjoining land uses through the emission of noise, smoke or odour.

19.1.2 On lands zoned Prestige Employment (PE), Industrial uses shall not be located on the same lot as Institutional and/or Community Facility uses.

19.2 PE ZONE REQUIREMENTS

19.2.1 In a Prestige Employment (PE) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

a.	Minimum lot area	4,000 m ²
b.	Minimum lot frontage	45 m
c.	Minimum front yard setback	15 m
d.	Minimum exterior side yard setback	15 m
e.	Minimum interior side yard setback	4.5 m*
f.	Minimum rear yard setback	7.5 m*
g.	Maximum building height	15 m
h.	Maximum gross floor area as % of lot area	
	a. Industrial uses	100%
	b. Commercial uses	50%
	c. Institutional and Community Facilities uses	50%
i.	Maximum lot coverage	50%
j.	Maximum gross floor area per lot for Commercial uses	1500 m ²

*Where a permitted industrial use is situated on a lot abutting an established or approved Sensitive Land Use, the minimum setback from that abutting property line shall be 20 m.

19.3 SPECIAL PE ZONE REQUIREMENTS

19.3.1 PE-S1 Zone

Notwithstanding the permitted uses and zone requirements on land zoned PE, on land zoned PE-S1 the following requirements shall also apply:

- i. the minimum lot frontage shall be 43.0 m;
- ii. the minimum lot area shall be 2,800.0 square m;
- iii. the maximum lot coverage shall be 45%;
- iv. the minimum front yard setback shall be 4.5 m;
- v. the minimum side yard setback on the east side shall be 7.0 m;
- vi. the minimum side yard setback on the west side shall be 2.0 m;
- vii. the minimum rear yard setback shall be 9.0 m;
- viii. the maximum building height shall be 6.5 m;
- ix. where a lot line in the PE-S1 Zone abuts a lot line of a residential lot, an opaque fence not less than 1.6 m in height shall be erected and maintained so as to provide a visual barrier between the residential lots and the industrial use; and
- x. the parking and loading space requirements shall apply to any new building or addition in accordance with the provisions of this By-Law.

19.3.2 PE-S2 Zone

Notwithstanding the zone requirements for land zoned PE, on land zoned PE-S2, the following requirements shall apply:

- i. the minimum lot frontage shall be 30.48 m;
- ii. the minimum lot area shall be 1,858 m²; and
- iii. notwithstanding the (free standing) requirements and the provisions of Section 19.2.1 j. of this By-Law, for specific permitted Commercial uses in the Prestige Employment (PE) zone, those uses shall be permitted in a plaza format and the maximum gross leasable floor area for any single commercial use shall not exceed 3000 m².

19.3.3 PE(H1) Zone

On land zoned PE(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- Satisfactory completion of an Environmental Impact Study for any development or major redevelopment.

19.3.4 PE-S3 Zone

- a) Notwithstanding the permitted uses listed in Section 19.1 of this By-law an animal hospital shall be considered a permitted use; a motor vehicle sales establishment (By-law 2011-153) is removed as a permitted use.
- b) Notwithstanding the zone requirements for land zoned PE, on land zoned PE-S3, the following requirements shall apply:
 - i. the minimum lot frontage shall be 30 m.;
 - ii. the minimum lot area shall be 1,858 m²; and
 - iii. notwithstanding the (free standing) requirements and the provisions of Section 19.2.1 j. of this By-law, for specific permitted Commercial uses in the Prestige Employment (PE) zone, those uses shall be permitted in a plaza format and the maximum gross leasable floor area for any single commercial use shall not exceed 3000 m².

(B/L 2014-190)

SECTION 20: GENERAL EMPLOYMENT (GE) ZONE

20.1 GE USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect and use any building or structure in an General Employment (GE) Zone, except for the following uses:

Industrial:

- a. Animal hospital
- b. Bakery
- c. Building supply establishment or contractor's yard
- d. Farm equipment or implement dealer
- e. Fuel storage yard
- f. Industrial uses including manufacturing, processing and warehousing
- g. Sawmill or wood products plant
- h. Bus storage area
- i. Feed or flour mill
- j. Concrete batching or mixing plant
- k. Salvage yard
- l. Truck terminal, forwarding depot or freight handling establishment
- m. Motor vehicle washing establishment
- n. Grain elevator
- o. Dairy or bottling establishment
- p. Monument works
- q. Open storage area incidental to a permitted use

Commercial:

- a. Auction establishment
- b. Auto parts supply establishment
- c. Brew your own establishment
- d. Bus or taxi depot
- e. Commercial training centre (free standing)
- f. Convenience retail establishment
- g. Data processing centre
- h. Eating establishment
- i. Office
- j. Personal service shop
- k. Printing or publishing establishment
- l. Rental establishment (free standing)
- m. Repair shop
- n. Service shop
- o. Television or radio broadcasting station or studio
- p. Video rental and sales establishment

Institutional and Community Facilities

- a. Uses permitted in Section 22.1 of this By-Law

20.1.1 On lands zoned General Employment (GE), Industrial uses shall not be located on the same lot as Institutional and/or Community Facility uses.

20.2 GE ZONE REQUIREMENTS

In a General Employment (GE) Zone, no persons shall hereafter erect or use a structure or building or establish a use except in conformity with the following requirements.

a.	Minimum lot area	3,000.0 m ²
b.	Minimum lot frontage	45.0 m
c.	Minimum front yard setback	12.0 m
d.	Minimum exterior side yard setback	12.0 m
e.	Minimum interior side yard setback	4.0 m
f.	Minimum rear yard setback	3.0 m
g.	Minimum lot depth	60.0 m
h.	Maximum lot coverage	50%
i.	Maximum building height	10.5 m
j.	Maximum gross floor area percentage of lot area	200%

20.3 SPECIAL GE ZONE REQUIREMENTS

20.3.1 GE-S1 Zone

Notwithstanding the permitted uses and zone requirements on land zoned GE, on land zoned GE-S1 the following requirements shall also apply:

- i. the minimum lot frontage shall be 30.48 m; and
- ii. the minimum lot area shall be 1,858 square m;

20.3.2 GE-S2 Zone

Notwithstanding the permitted uses and zone requirements on land zoned GE, on land zoned GE-S2 the following requirements shall also apply:

- i. the minimum lot frontage shall be 41 m; and
- ii. the minimum lot size shall be 4,046 square m.

20.3.3 GE(H1) Zone

On land zoned GE(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- an adequate supply of municipal water and sewer servicing must be available to service development of the subject land.

20.3.4 GE-S3 Zone

Notwithstanding the permitted uses and zone requirements on land zoned GE, on land zoned GE-S3, the following requirements shall also apply:

- i. the minimum lot area shall be 2,650 square m;
- ii. the minimum lot frontage shall be 40 m; and
- iii. the minimum lot depth shall be 32 m.

The temporary use of the subject land for warehousing and storage without municipal servicing is not permitted.

(B/L 2001-129 Rem. “H1”)

20.3.5 GE(H2) Zone

On land zoned GE(H2), the removal of the (H2) Holding Symbol shall be in accordance with the following:

- Satisfactory completion of an Environmental Impact Study for any development or major redevelopment.

20.3.6 GE-S4 Zone

Notwithstanding the provisions of the is By-Law to the contrary, on land zoned GE-S4, the permitted uses shall include retail sales and service of motor vehicles in addition to those listed in Section 20.1 (*GE Uses Permitted*).

(B/L 2003-33)

20.3.7 GE-S5 Zone

- i. In addition to the uses permitted under subsection 20.1, on land zoned GE-S5 the following additional uses shall be permitted:

One Thrift Shop; and

- ii. The thrift shop located on lands zoned GE-S5 shall be limited to 280 square metres (3,000 square feet) in gross floor area including retail/storage areas; and

- iii. For the purposes of the GE-S5 Zone a “Thrift Shop” shall be defined as:

“Thrift Shop” shall mean a facility operated by a not-for-profit organization in which the primary purpose is to provide service users of the not-for-profit organization with necessary clothing and household items. “Thrift Shop” items that are donated include used clothing, shoes and accessories, housewares, small appliances, collectible items and kitchenware. The majority of items available in the “Thrift Shop” shall be offered at no cost to the current not-for-profit organization service users in need, however, sales of items surplus to the needs of clients can be

offered for sale to the public with the proceeds of such sales directed back into agency services and support for the service users.
(B/L 2005-236)

20.3.8 GE(H3) Zone

On land zoned GE(H3), the removal of the (H3) holding symbol shall be in accordance with the following:

- i. Approval of a Master Drainage Plan for the Ops Drain # 1 and Jennings Creek Watershed.
- ii. Demonstration of adequate sanitary sewage capacity prior to development.

(B/L 2007-138)

20.3.9 GE-S6 Zone

- To permit the use of a Motor Vehicle Sales Establishment in addition to the existing uses permitted in the General Employment (GE) Zone.

(B/L 2007-215)

20.3.10 GE-S7 Zone

- i) In addition to the permitted uses in subsection 20.1, on land zoned GE-S7 a ministorage warehouse is also a permitted use;
- ii) Notwithstanding subsection 5.13 a), loading spaces are not required for a ministorage warehouse; and
- iii) Notwithstanding subsection 5.14 f) second paragraph, the required minimum landscape strip width along the front yard setback shall be 3 metres.

(B/L 2012-230)

20.3.11 GE-S8 Zone

- i. In addition to the uses permitted in subsection 20.1, on land zoned GE-S8 a Motor Vehicle and Equipment Repair Establishment is a permitted use; and,
- ii. Notwithstanding Section 5.12 f), the required minimum number of parking spaces on the subject land shall be 64 spaces to support a maximum floor area of 1,160 m².

(B/L 2013-069)

SECTION 21: FUTURE RESIDENTIAL (FR) ZONE

21.1 FR USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect and use any building or structure in a Future Residential (FR) Zone, except for the following uses:

- a. Agricultural use
- b. Public utilities
- c. Existing legal uses at the date of adoption of this By-Law

21.2 FR ZONE REQUIREMENTS

In a Future Residential (FR) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum front yard setback 9.0 m
- b. Minimum exterior side yard setback 6.0 m
- c. Minimum interior side yard setback 3.0 m
- d. Minimum rear yard setback 9.0 m
- e. Maximum lot coverage 10%
- f. Maximum building height 10.5 m
- g. Minimum dwelling unit floor area 93.0 m²

21.3 SPECIAL FR ZONE REQUIREMENTS

21.3.1 FR-S1 Zone

Notwithstanding the permitted uses on land zoned FR, on land zoned FR-S1 the following uses shall also be permitted:

- a. a concrete batching plant
- b. crushing, screening and storage of sand, gravel, stone, aggregates, and other surface and subsurface resource materials
- c. waste concrete storage and preparation for disposal
- d. accessory and associated operations

SECTION 22: COMMUNITY FACILITY (CF) ZONE

22.1 CF USES PERMITTED

No person shall hereafter change the use of any building, structure or land, or erect or use any building or structure in a Community Facility (CF) Zone, except for following uses:

- a. Arena, curling or skating rink
- b. Art gallery
- c. Cemetery
- d. Community park, park or recreation trail
- e. Day nursery or day care centre
- f. Fairground
- g. Funeral home
- h. Golf course
- i. Government office
- j. Large-scale health care facility
- k. Library
- l. Medical Clinic
- m. Museum
- n. Nursing Home
- o. Place of assembly
- p. Place of worship
- q. Police station, jail or fire hall
- r. Post office
- s. Public transportation terminal
- t. School or other post-secondary educational facility
- u. Accessory use to a permitted use
- v. Institution (B/L 2006-265)

22.2 CF ZONE REQUIREMENTS

In a Community Facility (CF) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum lot area 5,000 m²
- b. Minimum lot frontage 45.0 m
- c. Minimum front yard setback 12.0 m
- d. Minimum exterior side yard setback 9.0 m
- e. Minimum interior side yard setback 6.0 m
- f. Minimum rear yard setback 9.0 m
- g. Maximum lot coverage 50%
- h. Maximum building height 15.0 m
- i. Maximum gross floor area as % of lot area 100%

22.3 SPECIAL CF ZONE REQUIREMENTS

22.3.1 CF-S1 Zone

Notwithstanding the permitted uses on land zoned CF, on land zoned CF-S1 the only permitted use shall be a school and an accessory day care centre.

22.3.2 CF-S2 Zone

Notwithstanding the permitted uses and zone requirements on land zoned CF, on land zoned CF-S2 the only permitted use shall be a nursing home and the following requirements shall also apply:

- i. the minimum front yard setback shall be 12.0 m;
- ii. the minimum exterior and interior side yard setback shall be 6.0 m;
- iii. the maximum building height shall be 10.5 m;
- iv. the minimum rear yard setback is 7.5 m;
- v. the maximum lot coverage shall be 50%;
- vi. the maximum number of beds permitted in the nursing home shall be 120;
and
- vii. the following parking requirements and provisions shall also apply:
 - 3 parking spaces are required for every 4 beds or fraction thereof,
 - each parking space shall not be less than 2.75 m in width and 17m² in area,
 - the parking lot shall have visible boundaries, be suitably drained and shall be located on the same lot as the use for which it is intended to serve,
 - no driveway entrance shall be located closer than 15.0 m from the limits of the right-of-way at a street intersection, and
 - the parking lot shall only be permitted in the side and rear yards provided that no part of any parking area, other than the driveway is located closer than 1 m to any lot line.

22.3.3 CF(H1) Zone

On land zoned CF(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- Satisfactory completion of an Environmental Impact Study for any development or major redevelopment.

22.3.4 CF-S3 and CF-S3(H1) Zone

- a) Notwithstanding the uses permitted in the “Community Facility CF” zone, the following uses shall also be permitted on lands in the “Community Facility CF-S3” zone:
 - i. Office
 - ii. Ancillary Commercial to a permitted Community Facility use

- b) Notwithstanding the Parking Requirements for the permitted uses in the Community Facility Zone, on land zoned “Community Facility CF-S3”, the following provisions shall apply:
 - i. A total reduction of 66 parking spaces is permitted on site
 - ii. All required parking is to be provided on site

- c) Notwithstanding other provisions of this By-Law, on lands zoned “Community Facility CF-S3”, the Total Net Leasable Space shall not exceed 5320 square metres.d) The (H) Holding Symbol will be removed subject to the approval of a Site Plan in accordance with the Town of Lindsay Site Plan Guide for the parking and site works.

22.3.5 CF-S4 Zone

Notwithstanding the permitted uses and zone requirements on land zoned CF, on land zoned CF-S4, the following shall also apply:

- i. Community park, park or recreation trail shall not be a permitted use
- ii. Day nursery or day care center shall not be a permitted use
- iii. Fairground shall not be a permitted use
- iv. Golf course shall not be a permitted use
- v. Nursing Home shall not be a permitted use
- vi. School or other post-secondary educational facility shall not be a permitted use
- vii. The minimum rear yard setback shall be 30.0m
- viii. An earth berm with a minimum height of 4.5m is to be constructed and maintained within the rear yard. (B/L 2002-121)

22.3.6 CF-S5 Zone

Notwithstanding the uses permitted and zone requirements on land zoned CF-S5 the only use permitted shall be a place of worship and the following requirement shall also apply:

- a. the minimum lot area shall be 3,182 sq. m.

(B/L 2006-162)

22.3.7 CF-S6 Zone

- a. In addition to the uses permitted in subsection 22.1, on land zoned CF-S6 an accessory retail use and other accessory service uses, any

of which shall be operated in conjunction with other main uses on a separate lot by a non-profit, charitable or religious group, shall be permitted; and

b. Notwithstanding the zone requirements of subsection 22.2 the following shall also apply to the uses permitted in Subsection 22.3.7 a.:

i.	Minimum lot area	1,040 m ²
ii.	Minimum lot frontage	17.2 m
iii.	Minimum front yard setback	0 m
iv.	Minimum west interior side yard setback	0 m
v.	Minimum east interior side yard setback	4 m
vi.	Minimum rear yard setback	20.0 m
vii.	Maximum lot coverage	50%

c. Notwithstanding the Parking Requirements for the permitted uses in the Community Facility Zone, on land zoned “CF-S6”, the following provisions shall apply:

- i. A total of 10 parking spaces shall be required and provided on-site
- ii. The depth of the loading space shall be 4.5 m

(B/L 2005-156)

SECTION 23 PARKS AND OPEN SPACE (OS) ZONE

23.1 OS USES PERMITTED

No persons shall hereafter change the use of any land in a Parks and Open Space (OS) Zone, except for the following uses:

- a. Agricultural use
- b. Community park, park or recreation trail
- c. Forestry use
- d. Marina
- e. Park
- f. Recreation trail

The erection of any buildings or structures accessory to a permitted use, or the expansion of any buildings or structures accessory to a permitted use that existed prior to the passing of this By-Law shall only be permitted in a Parks and Open Space (OS) Zone where approval has been obtained from the Ministry of Natural Resources and/or the Kawartha Region Conservation Authority, the Town of Lindsay and any other appropriate approval body as identified by the Town of Lindsay.

23.2 OS ZONE REQUIREMENTS

In an Open Space (OS) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | |
|----|------------------------------------|--------|
| a. | Minimum front yard setback | 12.0 m |
| b. | Minimum exterior side yard setback | 9.0 m |
| c. | Minimum interior side yard setback | 4.5 m |
| d. | Minimum rear yard setback | 7.5 m |
| e. | Maximum lot coverage | 10% |
| f. | Maximum building height | 10.5 m |

23.3 SPECIAL OS ZONE REQUIREMENTS

23.3.1 OS(H1) Zone

On land zoned OS(H1), the removal of the (H1) Holding Symbol shall be in accordance with the following:

- Satisfactory completion of an Environmental Impact Study for any development or major redevelopment.

23.3.2 OS-S1 Zone

Notwithstanding the permitted uses and zone requirements on land zoned OS, on land zoned OS-S1, the following shall also apply:

- i. The only permitted uses shall be:
 - Forestry use
 - Public Utilities, including stormwater management facilities
- ii. An earth berm with a minimum height of 4.5m is to be constructed and maintained within the rear yard.

(B/L 2002-121)

23.3.3 OS-S2 Zone

Notwithstanding the permitted uses and zone requirements on land zoned OS, on land zoned OS-S2, the following shall also apply:

- i. A Stormwater Management Facility shall be a permitted use.
- ii. All buildings shall be setback a minimum of 8 metres from the top of the slope of the Jennings' Creek valleylands.

(B/L 2002-126)

23.3.4 OS-S3 Zone (Reserved D06-18-108)

SECTION 24: FUTURE COMMUNITY DEVELOPMENT (FCD) ZONE

24.1 FCD USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building, or structure in a Future Community Development (FCD) Zone, except for the following uses:

- a. Existing legal uses at the date of adoption of this By-Law
- b. Agricultural Use
- c. Public Utilities

24.2 FCD ZONE REQUIREMENTS

In a Future Community Development (FCD) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | |
|----|------------------------------------|-------------------|
| a. | Minimum front yard setback | 9.0 m |
| b. | Minimum exterior side yard setback | 6.0 m |
| c. | Minimum interior side yard setback | 3.0 m |
| d. | Minimum rear yard setback | 9.0 m |
| e. | Maximum lot coverage | 10% |
| f. | Maximum building height | 10.5 m |
| g. | Minimum dwelling unit floor area | 93 m ² |

24.3 Special FCD Zone Requirements

24.3.1 FCD-S1(H)

Notwithstanding Subsection 24.1, land zoned FCD-S1 shall also be used for the purposes of a stormwater management facility.

On land zoned FCD-S1(H), the removal of the (H) Holding Symbol shall be considered by Council once the applicant has entered into a subdivision agreement to the City's satisfaction, servicing is available to the property, and all financial aspects have been addressed.

(B/L 2014-315)

SECTION 25: ADMINISTRATION AND VALIDITY

25.1 MUNICIPAL APPROVALS

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 any municipal license within the jurisdiction of the Council for the Town of Lindsay shall be issued or given where the proposed building, structure or use is in violation of any provisions of this By-Law.

25.2 INSPECTION OF PREMISES

An Officer of the Town of Lindsay may, at all reasonable times and upon producing proper identification, enter and inspect, either by him/her self or accompanied by one assistant, any property or premises in or about which there is reason to believe that the provisions of this By-Law are not complied or conformed with for the purpose of carrying out his/her duties under this By-Law.

25.3 VALIDITY

Should any section, clause or provision of this By-Law be declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of this By-Law as a whole or any part thereof, other than the part so declared to be invalid.

25.4 REPEAL OF PREVIOUS BY-LAWS

By-law 45-78 as amended, By-law 37-79, By-law 21-66 and all other By-laws passed pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13 or its equivalent Section under the former Planning Act are hereby repealed upon the coming into force of this By-Law.

25.5 EFFECTIVE DATE

This By-Law shall take effect on the date of passage thereof, subject to the provisions of Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13 as amended.

READ a first time on: October 23, 2000

READ a second time on: October 23, 2000

READ a third time and finally passed on: October 23, 2000

THE CORPORATION OF THE TOWN OF LINDSAY

Mayor

Clerk