

PART ONE - DEFINITIONS

For the purpose of this By-law, the definitions and interpretations given in this section shall govern.

1.1 ACCESSORY BUILDING OR STRUCTURE

Shall mean a detached building or structure that is not used for human habitation and the use of which is customarily incidental and subordinate to a principal use, building or structure and located on the same lot therewith.

1.1.A ACCESSORY BUILDING OR STRUCTURE IN CONJUNCTION WITH 'DWELLING UNIT, ADDITIONAL RESIDENTIAL'

shall mean a use, building or structure that may be 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.

1.2 ACCESSORY USE

Shall mean a use customarily incidental and subordinate to, and exclusively devoted to the main use of the lot, building or structure and located on the same lot as such main use.

1.3 AGRICULTURAL PRODUCE WAREHOUSE

shall mean a building or part of a building used for the storage of agricultural produce and may include facilities for wholesale distribution or an accessory retail commercial outlet for the sale of such agricultural produce, not including cannabis, to the general public.

1.3.A AIR FILTRATION CONTROL

shall mean the functional use of industrial grade multi-stage carbon filtration systems or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and size accordingly in comparison to the facility it serves as designed by a qualified person.

1.4 ALTER

Shall mean, when used in reference to a building or part thereof, to change any one or more of the internal or external dimensions of such building, or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word "alter" means to decrease the width, depth or area thereof or to decrease the width, depth or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance of any portion of said lot, or other- wise. The words "altered" and "alteration" shall have a corresponding meaning.

1.4.A ANAEROBIC DIGESTION

shall mean a process used to decompose organic matter by bacteria in an oxygen-limited environment.

1.5 ANTIQUE SALES ESTABLISHMENT

Shall mean a building or part of a building or structure where antiques and arts and crafts are offered or kept for sale at retail but does not include any use or establishment otherwise defined or classified in this By-law.

1.6 ARENA

Shall mean a building, or part of a building, in which the principal facilities provided are for such recreational activities as curling, skating, hockey, lacrosse, broomball, or similar athletic activity, which facilities may include dressing rooms, concession booths for the provision of food and refreshments to the general public, bleachers, plant equipment for the making of artificial ice and such other facilities as are normally considered incidental and subordinate thereto.

1.7 ASSEMBLY HALL

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

1.8 ATTACHED

Shall mean 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.

1.9 ATTIC

Shall mean the portion of a building situated wholly, or in part, within the roof and which is not a one-half storey.

1.10 AUCTION SALES BARN

Shall mean a building or part of a building or structure in which goods, wares, merchandise, substances, articles or things are offered for sale to the general public by an auctioneer but shall not include a livestock auction sales barn or any use otherwise defined or classified in this By-law.

1.11 AUDITORIUM

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

1.12 BAIT SHOP

Shall mean a building or part of a building or structure where live and dead bait and fishing tackle are sold at retail to the public as a principal or incidental operation.

1.13 BASEMENT

Shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height, from finished floor to the undersides of the floor joists of the next above storey, above the adjacent average finished grade level adjacent to the exterior walls of the building and in which the height from finished grade to the underside of the floor joists of the next above storey is less than 1.8 metres.

1.14 BASEMENT, WALKOUT

Shall mean that portion of a building which is partly underground, but which has more than fifty per cent of the finished floor area not greater than 0.6

metres below the adjacent finished grade level adjacent to the exterior walls of the building and which has a door, at or above the adjacent finished grade, for entrance and exit directly to the outside.

1.15 BED AND BREAKFAST ESTABLISHMENT

Shall mean a single-family detached dwelling house or portion thereof containing not more than four guest rooms used or maintained incidentally for the overnight accommodation of the travelling public and in which the proprietor supplies lodging and breakfast only in return for monetary compensation but shall not include a boarding or lodging house, a motel, hotel, group home or other similar facility, an eating establishment or any other use otherwise defined or classified herein.

1.16 BLOCK

Shall mean the smallest unit of land, the boundaries of which consist entirely of public streets, rivers, railway lines, public parks or any combination thereof.

1.17 BOAT HOUSE, PRIVATE

Shall mean a detached accessory building or structure, which is designed or used for the sheltering of a boat or other form of water transportation.

1.18 BUILDING

Shall mean a main building having a roof, supported by columns or walls or supported directly on the foundation and used for the shelter or accommodation of persons, animals or goods.

1.19 BUILDING BY-LAW

Shall mean The Ontario Building Code Act, R.S.O. 1980, c. 51, and Regulations passed thereunder as may be amended, replaced or re-enacted from time to time.

1.20 BUILDING PERMIT

Shall mean a building permit issued by the Chief Building Official of the Corporation of the Village of Fenelon Falls under the Building By-law and the Building Code Act, R.S.O., 1980, c.51, as amended.

1.21 BUILDING SUPPLY OUTLET

Shall mean a building or structure in which building or construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements but does not include any use or activity otherwise defined or classified herein.

1.22 BULK STORAGE TANK

Shall mean a tank for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane or flammable liquid or fluid but does not include a container for flammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.

1.23 BUSINESS, PROFESSIONAL OR ADMINISTRATIVE OFFICE

Shall mean a building or part of a building in which one or more persons are

employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and for the purposes of this By-law may include the administrative offices of a non-profit or charitable organization.

1.24 BY-LAW

Shall mean this Zoning By-law passed by the Corporation of The Village of Fenelon Falls pursuant to the provisions of Section 34 of The Planning Act S.O., 1983, c.1, as amended, or predecessor thereof.

1.25 BY-LAW ENFORCEMENT OFFICER

Shall mean an officer or employee of the Corporation of the Village of Fenelon Falls for the time being charged with the duty of enforcing the provisions of this By-law of the Corporation.

1.26 CABIN

Shall mean a cabin for sleeping which is not a cottage, which does not contain facilities for the cooking or preparation of food, and, which forms part of a tourist establishment as hereinafter defined in this By-law.

1.27 CABIN ESTABLISHMENT

Shall mean a tourist establishment, comprised of two or more cabins, arranged singly or in pairs.

1.27.A CANNABIS

shall mean a genus of flowering plants in the family Cannabaceae. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of foodstuffs [hemp milk, hemp seed, hemp oil], fiber and biofuels).

1.27.B CANNABIS PRODUCTION AND PROCESSING FACILITY

means lands, buildings or structures used for producing, processing, testing, destroying, packaging and/or shipping of cannabis authorized by an issued license or registration by the federal Minster of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

1.28 CARPORT

Shall mean a portion of a dwelling house which is a roofed enclosure designed for the storage or parking of a motor vehicle with at least 40 per cent of the total perimeter, which shall include the main wall of the dwelling house to which such carport is attached, open and unobstructed.

1.29 CARTAGE OR TRANSPORT DEPOT

Shall mean a building, structure or place where trucks or tractor trailers are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or transports, stored or parked on the property, are dispatched for hire as common carriers, and which may include a bonded or sufferance warehouse.

1.30 CELLAR

Shall mean that portion of a building between two floor levels which is partly or wholly underground and which has more than one-half of its height, from finished floor to the underside of the floor joists of the storey next above, below the average finished grade level adjacent the exterior walls of the building.

1.31 CEMETERY

Shall mean land that is set apart or used as a place for the internment of the dead or in which human bodies have been buried, within the meaning of The Cemeteries Act, R.S.O. 1980, c. 59, as amended from time to time.

1.32 CERTIFICATE OF OCCUPANCY

Shall mean a certificate issued by the Chief Building Official for the occupancy of any land building, excavation or structure to the effect that the proposed use or activity complies with this By-law.

1.33 CHIEF BUILDING OFFICIAL

Shall mean the officer employed by the Corporation of the Village of Fenelon Falls as is appointed under the Building By-law and shall include any inspector likewise appointed.

1.34 COMMUNITY CENTRE

Shall mean any tract of land, or building or buildings or any part of any building used for community activities whether used for commercial purposes or not, the control of which is vested in the Village, a local board or agent thereof.

1.35 CONDOMINIUM

Shall mean an apartment dwelling house or townhouses developed on a block of land in such a manner as to provide for the individual ownership of each dwelling unit within the multi-unit structure in accordance with the Condominium Act, R.S.O., 1980, c.84, as amended.

1.36 CONSERVATION

Conservation shall mean the preservation of the natural environment and may include the protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by the local Conservation Authority, or other public authority, for individual or public use and may include bird sanctuaries and wildlife reserves.

1.37 CONTRACTOR'S YARD

Shall mean a yard of any 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.

1.38 CONVENIENCE STORE

Shall mean a retail commercial establishment supplying groceries and other daily household conveniences to the immediate surrounding area.

1.39 COTTAGE

Shall mean a building forming part of a cottage establishment to accommodate one (1) or more guests which contains at least two (2) rooms; which is at least partially furnished; and, which provides facilities to permit the guest to prepare and cook food.

1.40 COTTAGE ESTABLISHMENT

Shall mean a tourist establishment comprising two (2) or more cottages owned or leased by the same person.

1.41 COUNCIL

Shall mean the Municipal Council of the Corporation of the Village of Fenelon Falls.

1.42 COUNTY

Shall mean the Corporation of the County of Victoria.

1.43 COUNTY ROAD

Shall mean a street or road under the jurisdiction of the Corporation of the County of Victoria.

1.44 COURT

Shall mean an open and unoccupied space from ground to sky appurtenant to a building and bounded on two or more sides by the walls of the building.

1.45 CRAFT SHOP

Shall mean 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 or classified herein.

1.46 CUSTOM WORKSHOP

Shall mean a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made to measure clothing or articles including the sale of such products at retail, and, for the purpose of this By-law shall include upholstering but does not include metal spinning, woodworking or furniture manufacture or any use or activity otherwise defined or classified herein.

1.47 DAY NURSERY

Shall mean a day nursery operated for pre-school age children within the meaning of The Day Nurseries Act, R.S.O., 1980, c. 111, as amended.

1.47.A DENSE NON AQUEOUS PHASE LIQUID

shall mean chemicals that are both denser than water and do not dissolve readily in water. Because of these traits, DNAPLs tend to sink below the water table and only stop when they reach impenetrable bedrock. This makes them difficult to locate and cleanup. Commonly used DNAPLs include, but are not limited to paint strippers, varnishes, aerosols, and pharmaceuticals.

1.48 DEVELOPMENT

Shall mean the construction, erection or placing of one or more buildings or structures, on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability of such buildings or structures.

1.48.A DRINKING WATER THREAT

shall mean an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the regulations as a drinking water threat. Refer to the Clean Water Act for the prescribed 22 drinking water threats.

1.49 DRY CLEANERS, COIN-OPERATED

Shall mean a building or part of a building where the service of coin-operated dry cleaning machines, using only non-combustible and non-flammable solvents, is made available to the public for the purpose of dry cleaning.

1.50 DRY CLEANERS DISTRIBUTION STATION

Shall mean a building or part of a building used only for the purpose of collection and distribution of articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing, cleaning, and spotting and stain removing, for the pressing of any such articles or goods which have been subjected to any such process elsewhere at a dry cleaner's plant.

1.51 DRY CLEANERS' ESTABLISHMENT

Shall mean a building or part of a building in which the business of dry cleaning, dry dyeing, cleaning, spotting, stain removal or pressing of articles and/or goods of fabric is carried on, through the use of only non-combustible and non-flammable solvents which emit no odours or fumes.

1.52 DWELLING, STREETFRONT TOWNHOUSE

Shall mean one of a group of three or more attached single-family dwelling houses separated vertically which have independent entrances at ground level directly from the outside, a yard abutting at least the front and rear walls of each dwelling unit and separate and distinct frontage on a public street or road.

1.53 DWELLING, TOWNHOUSE

Shall mean a group of three or more attached single-family dwelling houses separated vertically which have independent entrances at ground level directly from the outside and a yard abutting at least the front and rear walls of each dwelling unit developed on a block of land in a manner which provides for condominium ownership or rental housing.

1.54 DWELLING HOUSE

Shall mean a permanently affixed building occupied as the home, residence, or living quarters for one or more families, but does not include a mobile home or trailer.

1.55 DWELLING HOUSE, APARTMENT

Shall mean the whole of a dwelling house that contains more than four dwelling units which have a common entrance from street level and which are served by a common corridor but shall not include any other dwelling house otherwise defined or classified herein.

1.55a Deleted as per B/L 2020-160

1.56 DWELLING HOUSE, DUPLEX

Shall mean the whole of a dwelling house that is divided horizontally into two separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

1.57 DWELLING HOUSE, FOURPLEX

Shall mean the whole of a dwelling house that is divided vertically and horizontally by common masonry walls above finished grade into four separate dwelling units each of which has two common masonry walls, and each dwelling unit has an independent entrance either from the outside or through a common vestibule.

1.58 DWELLING HOUSE, SEMI-DETACHED

Shall mean one of a pair of two attached single-family dwelling houses with a common masonry wall dividing the pair of single-family dwelling houses vertically, each of which has an independent entrance either directly from the outside or through a common vestibule.

1.59 DWELLING HOUSE, SINGLE-FAMILY

Shall mean a dwelling house containing one dwelling unit and occupied by not more than one family.

1.60 DWELLING HOUSE, SPLIT LEVEL

Shall mean a dwelling house containing two or more sections at different levels where the difference in elevation is not less than one metre nor more than two metres between any one section and the next horizontally adjoining section, containing one or more habitable rooms.

1.61 DWELLING HOUSE, TRIPLEX

Shall mean the whole of a dwelling house that is divided horizontally into three separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.

1.62 DWELLING UNIT

Shall mean a suite of two or more rooms, designed or intended for use by one family only, in which sanitary conveniences are provided, in which facilities are provided for cooking or for the installation of cooking equipment, in which a heating system is provided, and, which has a private entrance from outside the building or from a common hallway or stairway inside. For the purposes of this By-law, a dwelling unit does not include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, a hotel, motel, motor hotel or tourist home.

1.62.A DWELLING UNIT, ADDITIONAL RESIDENTIAL

Shall mean a residential dwelling unit that is self-contained, subordinate to and located within the same building or on the same lot as the primary residential dwelling unit. The additional residential unit includes a separate entrance, kitchen facilities, washroom facilities, and living space from the primary residential dwelling unit.

1.63 DWELLING UNIT AREA

Shall mean the habitable area contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, veranda, unfinished attic, cellar or sunroom (unless such sunroom is habitable in all seasons of the year); and, excluding public or common halls or areas, stairways and the thickness of outside walls.

1.63.A. DWELLING UNIT, PRIMARY RESIDENTIAL

Shall mean a single detached dwelling house, semi-detached dwelling house, or townhouse dwelling for the purpose of the definition of additional residential dwelling unit.

1.64 EATING ESTABLISHMENT

Shall mean a building or part of a building or structure, inclusive of an outdoor café, where food is offered for sale or sold to the public for immediate consumption and includes a restaurant, dining room, café, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand; but does not include a boarding or lodging home.

1.65 EATING ESTABLISHMENT, DRIVE-IN

Shall mean an eating establishment where facilities are available to serve meals to the customer for consumption in the customer's motor vehicle, parked in an area designed for that purpose.

1.66 EATING ESTABLISHMENT, TAKE-OUT

Shall mean a building or part of a building designed, intended or used for the sale of food and refreshments to the general public but which does not include any provision for consumption of the food by the customer while in his

vehicle, within the building or elsewhere on the site.

1.67 EAVE

Shall mean a roof overhang, free of enclosing walls, without supporting columns.

1.68 EQUIPMENT SALES AND RENTAL, HEAVY

Shall mean a building or part of a building or structure in which heavy machinery and equipment are offered or kept for rent, lease or hire under agreement for compensation and the purposes of this By-law may include a light equipment sales and rental but shall not include any other establishment defined or classified in this By-law.

1.69 EQUIPMENT SALES AND RENTAL, LIGHT

Shall mean a building or part of a building or structure in which light machinery and equipment such as air compressors and related tools and accessories; augers; automotive tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

1.70 ERECT

Shall mean setting up, building, constructing, reconstructing and relocating and, without limiting the generality of the work, also includes:

- a. any preliminary physical operation, such as excavating, filling or drainage;
- b. altering any existing building or structure by an addition, enlargement, extension, relocation or other structural change;
- c. any work for the doing of which a building permit is required under The Building Code Act and Regulations passed thereunder as may be amended, replaced or re-enacted from time to time; and
- d. erect, erected and erection shall have a corresponding meaning.

1.71 ESTABLISHED BUILDING LINE

Shall mean the average setback from the street line of existing buildings on one side of one block where more than one-half of the front- age of the said side of the block has been built upon.

1.72 EXISTING

Shall mean in existence on the date of passing of this By-law.

1.73 FAMILY

Shall mean one human being or two or more human beings related by blood, marriage or legal adoption, or a group of not more than three human beings who need not be related by blood or marriage, living together as a single housekeeping unit and shall include domestic servants and not more than two

boarders or lodgers.

1.74 FARM IMPLEMENT AND EQUIPMENT SALES AND SERVICE ESTABLISHMENT

Shall mean a building, structure or area where farm implements, equipment and farm supplies are kept for sale at retail and may include facilities for the servicing of such implements or equipment but shall not include any other establishment otherwise defined or classified herein.

1.75 FLOOD PLAIN

Shall mean, those lands subject to flooding as defined from time to time by the Conservation Authority or the Ministry of Natural Resources. For the purposes of this By-law the flood plain adjacent the Fenelon River shall be those lands subject to flooding during a Regional Storm.

1.76 FLOOR AREA, GROSS

Shall mean the total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles or quarters used by the caretaker, watchperson or other supervisor of the building or structures; and, in the case of a dwelling house, exclusive of any private garage, carport, basement, cellar, porch or deck, verandah or sunroom unless such sunroom is habitable during all seasons of the year.

1.77 FLOOR AREA, GROSS LEASABLE

Shall mean the total floor area designated for tenant occupancy and exclusive use, including individual basement, mezzanines and upper floors if any from the centre lines of partitions and exterior of outside walls.

1.78 FLOOR AREA, GROUND

Shall mean the total ground floor area of a building measured to the outside walls, exclusive of any parking areas within the building and in the case of a dwelling house, any basement or cellar or any private garage, carport, porch, verandah or sunroom, unless such sunroom is habitable at all seasons of the year.

1.79 FLOOR AREA, MANUFACTURING

Shall mean that portion of the gross floor area of an establishment which is used for manufacturing purposes but does not include areas used for storage of finished products or offices.

1.80 FLOOR AREA, TOTAL

Shall mean 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.

1.81 FOOD SUPERMARKET

Shall mean a building or part of a building wherein food and other household items are kept for sale at retail to the general public and which operates on a self-service, cash and carry basis and may include facilities for parcel pick-up.

1.82 FRATERNAL LODGE

Shall mean a building or part of a building used for the purposes of a club, society or association organized and operated on a non-profit basis exclusively for social welfare, civic improvement, pleasure or recreation or for any other similar purposes.

1.83 GARAGE, PRIVATE

Shall mean a detached accessory building or portion of a dwelling house which is designed or used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed. For the purposes of this By-law a private garage excludes a carport or other open shelter.

1.84 GARDEN AND NURSERY SALES AND SUPPLY ESTABLISHMENT

Shall mean 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.

1.85 GRADE, FINISHED

Shall mean the average elevation of the finished surface of the ground adjacent the ground level of the building or structure.

1.86 GREENHOUSE, COMMERCIAL

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

1.87 GROUP HOME

Shall mean a single housekeeping unit in a single-family residential dwelling in which three to six unrelated residents live as a family under responsible supervision consistent with the requirements of its residents, which home is licensed or approved under Provincial Statute. For the purpose of this By-law "residents" shall exclude the staff or receiving family.

1.88 GUEST

Shall mean a person, other than a boarder, who contracts for accommodation and includes all the members of the person's party.

1.89 GUEST ROOM

Shall mean a room or suite of rooms used or maintained for the accommodation of an individual to whom hospitality is extended for compensation.

1.90 HABITABLE ROOM

Shall mean a room designed for living, sleeping, eating or food preparation, including a den, library, sewing-room or enclosed sunrooms.

1.91 HEIGHT AND HEIGHT OF BUILDING

Shall mean the vertical distance, measured between the finished grade at the front of the main 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.

Accessory roof fixtures and facilities, such as chimneys, towers, steeples or television antennas, shall be disregarded in calculating the height of a building.

1.92 HIGHWAY

Shall mean a highway within the meaning of The Municipal Act, R.S.O. 1980, c. 305, as amended, and The Highway Traffic Act, R.S.O., 1980, c.198, as amended.

1.93 HOME FOR THE AGED

Shall mean a home for the aged within the meaning of The Homes For The Aged Act, R.S.O., 1980, c.203, as amended.

1.94 HOME OCCUPATION

Shall mean any occupation which is carried on, in accordance with the provisions of this By-law relative thereto, as an accessory use and only by members of the one family residing upon the premises.

1.95 HOSPITAL

Shall mean any institution, building or other premises established for the treatment of persons afflicted with or suffering from sickness, disease or injury, for the treatment of convalescent or chronically ill persons that is approved under The Public Hospitals Act, R.S.O., 1980, c.410, as amended, as a public hospital.

1.96 HOTEL

Shall mean an establishment that consists of one building or two or more connected or adjacent buildings consisting of at least three individual rental units which cater to the needs of the travelling public by furnishing sleeping accommodation which may or may not supply food but does not include a rooming or boarding house, an apartment dwelling house, a group home or similar facility.

1.96.A INCIDENTAL VOLUME

means standard size containers that are used for personal or domestic activities. This excludes larger volumes used in activities, such as hobbies and home businesses.

1.96.B INTAKE PROTECTION ZONE

shall mean the vulnerable area delineated around surface water intakes for municipal drinking water systems and is comprised of subzones:

- IPZ-1: The area immediately adjacent to the intake and is considered the most vulnerable area due to its proximity to the intake. IPZ-1 is the area within a 1,000m radius when centered on the intake, and where IPZ-1 extends onto or touches land, land within a 120m setback of the high water mark.
- IPZ-2: A secondary protection area that is located upstream of the IPZ-1 and represents the extent to which a contaminant could travel to the municipal intake within 2 hours of its release into the environment (due to a spill or leak).

1.97 KENNEL, COMMERCIAL

Shall mean a building or structure where more than three dogs are kept bred or boarded on a commercial basis for profit or gain.

1.98 LANDSCAPED OPEN SPACE

Shall mean the open unobstructed space from ground to sky at finished grade on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and includes any surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

1.99 LANE

Shall mean a secondary means of public access to abutting lots which is not intended for general traffic circulation and which is not a public street or road as herein defined.

1.100 LAUNDRY, COIN-OPERATED

Shall mean a building or structure where the services of coin-operated laundry

machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.

1.101 LIBRARY

Shall mean a public library within the meaning of The Public Libraries Act, R.S.O., 1980, c. 414, as amended.

1.101.A LIQUIDATION SALE - B/L 2020-125

Shall mean a special sales event where predominantly over production, end of line or other goods are sold at a discounted rate.

1.102 LIQUOR LICENCED PREMISES

Shall mean any building, structure, premises or outdoor café associated therewith licenced under The Liquor Licence Board of Ontario.

1.103 LOADING SPACE

Shall mean an off-street space on the same lot as the building or contiguous to a group of buildings for the temporary parking of a commercial vehicle, while loading or unloading merchandise or materials, which space abuts a street, lane, road, highway or other appropriate means of access.

1.104 LOT

Shall mean a parcel or tract of land described in a deed or other legal document which is legally capable of conveying title and:

- a. which is a whole lot within a Registered Plan of Subdivision, other than a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 49 of The Planning Act, S.O. 1983, c.1, as amended; or
- b. which is a legally separated parcel of land in existence on the date of passing of this By-law without the owner holding the fee or the equity of redemption in, or power or right to grant, assign or exercise a power of appointment with respect to any abutting land; or
- c. the description of which is the same as in a deed which has received final and binding consent to a conveyance pursuant to Section 49 of The Planning Act, S.O. 1983, c. 1, as amended; or
- d. is the whole remnant remaining to an owner or owners after a consent to sever has been granted pursuant to Section 49 of The Planning Act, S.O. 1983, as amended, with respect to all other adjoining lands of the owner or owners, provided that the consent or consents mentioned above have not lapsed under Subsection 55(22) of The Planning Act, S.O., 1983, but for the purpose of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Village of Fenelon Falls, the County of Victoria, Her Majesty in the Right of Ontario, or Her Majesty in the Right of Canada; or,
- e. which is the subject of an order of The Minister of Housing pursuant to the provisions of Section 49 of The Planning Act, S.O. 1983, c.1, as amended.

1.105 LOT AREA

Shall mean the total horizontal area bounded by the lot lines of a lot, excluding the horizontal area of such lot covered by water or marsh.

1.106 LOT, CORNER

Shall mean a lot situated at the intersection of two streets, of which two adjacent sides, that abut the intersecting streets, contain an angle of not more than one hundred and thirty-five (135) degrees; where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, provided that in the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.

1.107 LOT COVERAGE

Shall mean that percentage of the lot area covered by the perpendicular vertical projection of the area of all buildings onto a horizontal plane exclusive of eaves, gutters, sills and cornices.

1.108 LOT DEPTH

Shall mean the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" shall mean 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"

shall mean 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.

1.109 LOT FRONTAGE

Shall mean the horizontal distance between the side lot lines measured along the front lot lines, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line parallel to the chord of the lot frontage drawn through a point therein distant from the front lot line equal to the required depth of the front yard. For the purposes of this By-law the chord of the lot frontage is a straight line joining the two points where the side lot line intersects the front lot line.

1.110 LOT, INTERIOR

Shall mean a lot other than a corner lot.

1.111 LOT LINE

Shall mean any boundary of a lot or the vertical projection thereof.

1.112 LOT LINE, FRONT

Shall mean, in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street or private right-of-way shall be deemed the front lot line and the longer lot line abutting a street shall be deemed an exterior side lot line. In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line. In the case of a waterfront lot, the lot line dividing the lot from the street.

1.113 LOT LINE, REAR

Shall mean the lot line farthest from and opposite to the front lot line.

1.114 LOT LINE, SIDE

Shall mean a lot line other than a front or rear lot line.

1.115 LOT, THROUGH

Shall mean a lot bounded on two opposite sides by streets.

1.116 MANUFACTURING, PROCESSING, ASSEMBLING OR FABRICATING PLANT

shall mean a plant in which the process of producing any product, by hand or mechanical power and machinery, is carried on systematically with division of labour and shall not include cannabis production and processing facilities.

1.117 MARINA

Shall mean a building, structure or place, including docking facilities located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided and for the purposes of this By-law may include facilities for the operation of boat charters.

1.118 MARINE SALES AND SERVICE ESTABLISHMENT

Shall mean a building or part of a building and associated lands where a franchised dealer displays new and used boats and boat accessories for sale at retail or for rental, and where marine equipment is serviced or repaired and may include boat storage facilities.

1.119 MEDICAL OR DENTAL CLINIC

Shall mean a building or part of a building where members of the medical profession, dentists, chiropractors, osteopaths, optometrists, physicians or occupational therapists, either singularly or in union, provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices for consultation, X-ray and minor operating rooms, and a pharmaceutical dispensary, provided that all such uses have access only from the interior of the building, and shall not include any other use or activity otherwise defined or classified in this By-law.

1.120 MINIATURE GOLF COURSE

Shall mean an area designed for the purposes of a novelty golf game played with a putter on a miniature golf course having tunnels, bridges, sharp corners, or other similar obstacles.

1.121 MOBILE HOME

Shall mean a factory constructed dwelling manufactured in accordance with the applicable standards of the Canadian Standards Association that is designed to be mobile and transported on its own steel chassis and/or frame, which is manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer, motorized home, tent trailer, trailer or other dwelling unit otherwise defined in this By-law.

1.122 MOBILE HOME PARK

Shall mean a parcel of land which is not the subject of a Registered Plan of Subdivision defining individual lots legally capable of conveying title and which is developed and managed as a unit where individual lots are made available on a rental basis for the placing of a mobile home, where the ownership and responsibility for the maintenance of private internal roads,

services, communal areas and buildings, including snow ploughing and removal, garbage collection, together with general park management, etc., rests with management.

1.123 MODULAR MANUFACTURED DWELLING

Shall mean a factory constructed, sectional, single-family dwelling house, manufactured without a steel chassis and/or frame and in accordance with the applicable standards of the Ontario Building Code, which is transported and permanently affixed to a permanent foundation with the necessary service connections, and, from which the steel carriage used only for transportation is removed upon erection.

1.124 MOTEL, MOTOR HOTEL

Shall mean a tourist establishment which consists of one or more than one building containing three or more attached accommodation units, accessible from either the interior or exterior, which cater to the needs of the travelling public by furnishing sleeping accommodation with or without

facilities for the serving of meals and shall not include any other use or activity otherwise defined herein.

1.125 MOTOR VEHICLE

Shall mean a motor vehicle within the meaning of The Highway Traffic Act, R.S.O. 1980, c. 198, as amended.

1.126 MOTOR VEHICLE, COMMERCIAL

Shall mean a commercial motor vehicle within the meaning of The Highway Traffic Act, R.S.O. 1980, c. 198, as amended.

1.127 MOTOR VEHICLE, DERELICT

Shall mean a motor vehicle within the meaning of The Highway Traffic Act, R.S.O., 1980, c.109, as amended, whether or not same is intended for use as a private passenger motor vehicle or not, which is inoperable and has no market value as a means of transportation or has a market value that is less than the cost of repairs required to render the said motor vehicle operable.

1.128 MOTOR VEHICLE BODY SHOP

Shall mean a building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be a towing service and motor vehicle rentals for customers while the motor vehicle is under repair, but shall not include any other use or activity otherwise defined or classified in this By-law.

1.129 MOTOR VEHICLE DEALERSHIP

Shall mean a building or structure where a franchised dealer displays new motor vehicles for sale or rent or where used motor vehicles are kept for sale in conjunction with which there may be a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar or a motor vehicle body shop, but shall not include any other use or activity otherwise defined or classified in the By-law.

1.130 MOTOR VEHICLE GASOLINE BAR

Shall mean one or more pump islands, each consisting of one or more gasoline pumps, and a shelter having a floor area of not more than 9 square metres, and may include facilities for the refilling of propane tanks and the changing of oil, greasing and lubricating of motor vehicles, including the sale of automotive accessories, antifreeze and additives, but shall not include any other use or activity otherwise defined or classified in this By-law.

1.131 MOTOR VEHICLE REPAIR GARAGE

Shall mean a building or structure where the services performed or executed on motor vehicles for compensation shall include the installation of exhaust systems, repair of the electrical systems, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use and in conjunction with which there may be a towing service, a motor vehicle service station and motor vehicle rentals for the convenience of the customer while the motor vehicle is being repaired, but shall not include any other use or activity otherwise defined or classified in this By-law.

1.132 MOTOR VEHICLE SERVICE STATION

Shall mean a building or structure where gasoline, propane, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, sparkplugs, batteries and automotive accessories for motor vehicles, or similar automotive products are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their 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.

1.133 MOTOR VEHICLE WASH, AUTOMATIC

Shall mean 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 in this By-law.

1.134 MOTORIZED MOBILE HOME

Shall mean any motor vehicle so constructed as to be self-contained, self-propelled unit, capable of being utilized for the living, sleeping or eating accommodation of persons.

1.135 MOTORIZED SNOW VEHICLE

Shall mean a motorized snow vehicle, within the meaning of The Motorized Snow Vehicle Act, S.O., 1974, c.113, as amended, replaced or re-enacted from time to time.

1.136 MUNICIPAL, COUNTY, PROVINCIAL MAINTENANCE DEPOT

Shall mean any land, building or structure owned by the Corporation of the Village of Fenelon Falls, the County of Victoria or the Province of Ontario used for the storage, maintenance or repair of equipment, machinery or motor vehicles used in connection with civic works and shall include a public works yard.

1.136.A MUNICIPAL DRINKING WATER SYSTEM

shall mean a drinking water system or part of a drinking water system,

- a) That is owned by a municipality or by a municipal service board established under the Municipal Act, 2001;
- b) That is owned by a corporation established under Sections 9, 10, and 11 of the Municipal Act, 2001 in accordance with Section 203 of the Act;
- c) From which a municipality obtains or will obtain water under the terms of a contract between the municipality and the owner of the system; or,
- d) That is in a prescribed class.

1.137 NON-CONFORMING

Shall mean the use or activity in respect of any land, building or structure which does not comply with the permitted uses or activities, provisions or requirements of this By-law for the zone in which such land, building or structure is located.

1.138 NON-RESIDENTIAL

Shall mean, when used to describe a use, building or structure, a commercial, industrial, business or public institutional use, building or structure

permitted by this By-law.

1.139 NOXIOUS

Shall mean, when used with reference to any use or activity in respect of any land, building or structure or a use or activity which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use or activity in respect of any land, building or structure.

1.140 NURSING HOME

Shall mean any premises maintained and operated for persons requiring nursing care, which is licensed under The Nursing Homes Act, R.S.O., 1980, c.320, as amended, replaced or re-enacted from time to time.

1.141 OUTDOOR CAFÉ

Shall mean an outdoor area adjoining an eating establishment or liquor licensed premises consisting of outdoor tables, chairs, plantings, related decorations and fixtures, where meals or refreshments are served to the public for consumption on the premises.

1.142 OUTSIDE STORAGE

Shall mean an accessory storage area outside of the principal or main building on the lot.

1.143 PARK, PRIVATE

Shall mean any open space or recreational area other than a public park which is owned operated and maintained on a commercial or private member basis and which may include therein one or more of the following facilities and activities, swimming, wading, boating facilities, picnic areas, cross country ski areas, facilities for the serving of meals and the retail sale of sports equipment or provision of accessory health and fitness facilities, but for the purpose of this By-law shall not include a camping establishment or a recreational trailer park.

1.144 PARK, PUBLIC

Shall mean any open space or recreational area, owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighbourhood, community, regional and special parks or areas and may include one or more athletic fields, field houses, community centres, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas, golf courses, or similar uses, but for the purpose of this By-law shall not include a camping establishment.

1.145 PARKING ANGLE

Shall mean the angle which is equal to or less than a right angle, formed by

the intersection of the side of the parking space and a line parallel to the aisle.

1.146 PARKING AREA

Shall mean an area provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but shall not include any part of a public street.

1.147 PARKING LOT

Shall mean any parking area other than a parking area accessory to a permitted use.

1.148 PARKING SPACE

Shall mean an area, exclusive of any aisles, ingress or egress lanes, for the parking or storage of motor vehicles and may include a private garage.

1.149 PERSON

Shall mean any human being, association, firm, partnership, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

1.150 PLACE OF AMUSEMENT

Shall mean any establishment or part thereof containing three or more amusement machines which are operated for gain and made available for the entertainment or amusement of the general public but shall not include the following, namely:

- i. premises which are licensed under the Liquor Licencing Act;
- ii. establishments which sell amusement machines, provided that such machines are not made available on the premises for use by the general public;
- iii. 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 but in no case shall the number of amusement machines which are accessory to another use exceed one (1); and
- iv. a premises with amusement that is contrary to the Criminal Code of Canada.

For the purposes of this definition, an amusement machine shall mean any mechanical, electronic machine or device or any combination thereof intended for use as a game, entertainment or amusement which is offered for use to the public by any person for profit or gain 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.

1.151 PLACE OF ENTERTAINMENT

Shall mean a motion picture or other theatre, auditorium, public hall, billiard hall, bowling alley, ice or roller skating rink, dance hall or music hall, but for the purposes of this By-law does not include any other use or activity otherwise defined or classified in this By-law.

1.152 PLACE OF WORSHIP

Shall mean a building dedicated to religious worship and includes a church, synagogue, assembly hall or parish and may include such accessory uses as a nursery school or a school of religious education.

1.153 PRINCIPAL OR MAIN BUILDING

Shall mean the building in which is carried on the principal purpose for which the building lot is used.

1.154 PRINTING OR PUBLISHING ESTABLISHMENT

Shall mean a building or part of a building in which the business of producing books, newspapers or periodicals, by mechanical means, and reproducing techniques, such as xeroxing, is carried on, and may include the sale of newspapers, books, magazines, periodicals, or like, to the general public.

1.155 PRIVATE CLUB

Shall mean a building or part of a building used for the purposes of a non-profit, non-commercial organization which includes social, cultural, athletic or recreational activities.

1.156 PROVINCIAL HIGHWAY

Shall mean a street under the jurisdiction of the Ministry of Transportation of Ontario.

1.157 PUBLIC AUTHORITY

Shall mean Federal, Provincial, County or Municipal agencies, and includes any commission, board, authority or department established by such agency.

1.158 PUBLIC LIBRARY

Shall mean a library within the meaning of The Public Libraries Act, R.S.O., 1980, c.414, as amended.

1.159 RECREATIONAL TRAILER

Shall mean a vehicle designed to be towed by a motor vehicle for which either a permit or a license is issued under The Highway Traffic Act, which is capable of being used on an occasional or temporary basis only for the living, sleeping or eating accommodation of persons but for the purposes of this By-law shall not include a mobile home or any other use otherwise defined herein.

1.160 RECREATIONAL VEHICLE

Shall mean a self-propelled vehicle designed and intended and used for travel recreation or vacation and in addition, used for living and sleeping and eating on a temporary and occasional basis.

1.161 REDEVELOPMENT

Shall mean the removal of buildings or structures from or the excavation of land and the construction or erection of other buildings or structures thereon.

1.162 RESORT ESTABLISHMENT

Shall mean a tourist establishment that operates throughout all or part of the year, that has facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational activity.

1.163 RETAIL COMMERCIAL ESTABLISHMENT

Shall mean a building, or part of a building, in which goods, wares, merchandise, substances, articles or services are offered or kept for sale at retail or on a rental basis.

1.164 RETAIL GASOLINE ESTABLISHMENT

Shall mean a lot, building or structure where gasoline is sold at retail to the public as a principal or incidental operation and, for the purposes of this By-law, may include the sale of propane fuel.

1.165 RIGHT-OF-WAY, PRIVATE

Shall mean a private road which affords access to abutting lots and does not include a lane, street, road or highway as herein defined.

1.165.A RISK MANAGEMENT OFFICIAL

shall refer to the person appointed under Part IV of the Clean Water Act, 2006 and who is responsible for making decisions about risk management plans and risk assessments and must meet the prescribed criteria in the regulations under the Clean Water Act, 2006.

1.166 SANITARY SEWER, MUNICIPAL

Shall mean a system of underground conduits, operated by either the Village of Fenelon Falls or by the Ministry of the Environment, which carries sewage to an adequate place of treatment which is operated and maintained in accordance with the standards of the Ministry of the Environment.

1.167 SAW AND/OR PLANING MILL

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

1.168 SCHOOL OR STUDIO, COMMERCIAL

Shall mean a school conducted for hire or gain, other than a private, public, religious or philanthropic school, and shall include the studio of a dancing teacher or a music teacher, an art school, a golf school, a school of calisthenics, a business or trade school and any other specialized school conducted for profit or gain.

1.169 SCHOOL, PRIVATE

Shall mean a school other than a public school or a commercial school as otherwise defined or classified in this By-law.

1.170 SCHOOL, PUBLIC

Shall mean a school under the jurisdiction of a Board as defined by the Ministry of Education.

1.171 SENIOR CITIZENS' HOUSING COMPLEX

Shall mean any home for senior citizens sponsored and administered by any public agency or service club, church or other non-profit organization, which obtains its financing from Federal, Provincial, County, or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and such homes shall include auxiliary uses such as club and lounge facilities, usually associated with senior citizens development.

1.171a SENSITIVE LAND USE

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. B/L 2021-057

1.172 SERVICE SHOP

Shall mean a building or part of a building, whether conducted in conjunction with a retail store or not for the servicing or repairing of household or domestic articles and without limiting the generality of the foregoing shall include but shall not be limited to the following, the repair and servicing of radio and television receivers, 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 as may otherwise be defined or classified in this By-law.

1.173 SERVICE SHOP, PERSONAL

Shall mean a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, such as a barber's shop, a ladies hairdressing establishment or other similar services.

1.174 SETBACK

Shall mean the horizontal distance from the centre line of the street allowance, measured at right angles to such centre line, to the nearest part of any building or structure or excavation on the adjacent lot.

1.175 SIGHT TRIANGLES

Shall mean the triangular space formed on a corner lot by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 15 metres measured along the street line from the point of intersection of the street lines. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

1.176 SIGN

Shall mean a structure or advertising device having illustrations affixed thereto or displayed thereon in any manner, which is used to identify, advertise or attract attention to any object, product, place, activity, person, institution, organization, firm, group, profession, enterprise, industry or business, or which display or include any letter, work, model number, banner, flag, pennant, insignia, device or representation used as an announcement, direction or advertisement.

1.176.A SIGNIFICANT DRINKING WATER THREAT

shall mean an activity which poses or has the potential to pose a significant risk to the source of a municipal drinking water system.

1.176.B SIGNIFICANT DRINKING WATER THREAT, EXISTING

shall mean a significant drinking water threat where an activity that has been engaged in prior to the date that the Source Protection Plan took effect and

continues to occur; an agricultural activity that has been engaged in at sometime within the 10-year period prior to the date that the Source Protection Plan takes effect; an activity that is related to a development proposal where an application was made under the Planning Act, Condominium Act, or Building Code Act on a day before the source protection plan takes effect; or an activity that is related to an application made for the issuance or amendment of a prescribed instrument on a day before the source protection plan takes effect.

1.176.C SIGNIFICANT DRINKING WATER THREAT, EXPANSION

shall mean an increase in the scale of an activity that is considered a significant drinking water threat already taking place on a property. The increase in scale may include, but is not limited to:

- a) Increasing the area of land where an activity is taking place;
- b) Increasing the amount of effluent or discharge from an activity;
- c) Increasing the quantity of chemical or pathogen-containing material handled or stored; or,
- d) Increasing the quantity of chemical or pathogen containing material applied.

1.176.D SIGNIFICANT DRINKING WATER THREAT, FUTURE

shall mean an activity that is considered a significant drinking water threat that is proposed to commence after the date the applicable Source Protection Plan takes effect and is not an existing activity.

1.177 SNOWMOBILE SALES AND SERVICE ESTABLISHMENT

Shall mean a building or part of a building and land adjacent thereto, where snowmobile equipment is displayed, for sale at retail, or rental and where mechanical repairs are completed.

1.177.A SOURCE MATERIAL, AGRICULTURAL

shall mean a variety of materials that may be sources of nutrients or pathogens, such as:

- Manure produced by farm animals, including bedding materials
- Runoff from farm-animal yards and manure storages;
- Wash water that has not been mixed with human body waste;
- Organic materials produced by intermediate operations that process the above materials (e.g., mushroom compost);
- Anaerobic digestion output that does not include sewage biosolids or human body waste; and
- Regulated compost that is derived from compost containing dead farm animals.

1.177.B SOURCE MATERIAL, NON-AGRICULTURAL

shall mean a variety of materials that may be sources of nutrients or pathogens and are intended to be applied to land as nutrients, but are not necessarily produced on a farm, such as:

- Pulp and paper biosolids;
- Sewage biosolids;
- Anaerobic digestion output where less than 50% of the total material is on-farm anaerobic digestion materials; and
- Any other material that is not from an agricultural source (i.e. materials

from dairy product or animal food manufacturing).

1.177.C STORAGE FACILITY, SELF-SERVICE

By-law No. 99-20

Shall mean a building or part of a building or structure in which individual self storage units, having a maximum gross floor area of 30 square metres, are provided on a rental basis for the storage of business and/or personal goods and household effects, and, may include administrative offices and other similar ancillary uses.

1.178 STOREY

Shall mean the portion of a building, other than an attic, basement or cellar, included between any floor level and the floor, ceiling or roof next above it.

1.179 STOREY, FIRST

Shall mean the lowest storey of a building closest to finished grade having its ceiling 1.8 metres or more above average finished grade.

1.180 STOREY, ONE-HALF

Shall mean that portion of a building situated wholly or in part within the roof and having its floor level not lower than 1.2 metres below the line where roof and outer wall meet and in which there is sufficient space to provide a distance between finished floor and finished ceiling of at least 2.1 metres over a floor area equal to at least 50 per cent of the area of the floor next below.

1.181 STORM SEWER

Shall mean a sewer which carries storm or surface run-off but excludes any sanitary sewer or any combination of sanitary and storm sewers.

1.182 STREET OR ROAD

Shall mean a highway as defined by The Municipal Act, R.S.O., 1980, c. 302, as amended, and The Highway Traffic Act, R.S.O., 1980, c.198, as amended, which affords the principal means of access to abutting lots but does not include a lane or private right-of-way otherwise defined in this By-law.

1.183 STREET, IMPROVED PUBLIC

Shall mean a street or road under the jurisdiction of the Province of Ontario, the County of Victoria or the Corporation of the Village of Fenelon Falls which is maintained so as to allow normal vehicular access to adjacent properties throughout all seasons of the year.

1.184 STREET LINE

Shall mean the limit of the street or road allowance which is the dividing line between a lot or block and street or road.

1.185 STRUCTURE

Shall mean anything constructed or erected, the use of which requires location on the ground, or attached to something having location on the ground, and, without limiting the generality of the foregoing, includes a motor vehicle.

1.186 SUMMER CAMP

Shall mean a camp operated by a charitable corporation approved under The Charitable Institution Act, R.S.O., 1980, c.64, as amended, replaced or re-enacted from time to time or a camp within the meaning of the regulations made under The Health Protection and Promotion Act, 1983, c.409, as amended, replaced or re-enacted from time to time.

1.187 TAVERN

Shall mean an establishment within the meaning of and licensed under The Liquor Licence Act, R.S.O. 1980, c. 244, as amended.

1.188 TENT

Shall mean every kind of temporary shelter to which the term is normally considered to apply for sleeping that is not permanently affixed to the site and that is capable of being easily moved and is not considered a structure.

1.189 TOURIST ESTABLISHMENT

Shall mean any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in

connection with which sleeping accommodation is provided, but does not include:

a.a camp operated by a charitable corporation approved under The Charitable Institutions Act, R.S.O., 1980, c. 64, as amended;

b.a summer camp within the meaning of the regulations made under The Health Promotion and Protection Act, 1983, as amended; or

c.a private club owned by its own members and operated without profit or gain.

1.190 TOURIST HOME

Shall mean a dwelling house that is not part of or used in conjunction with any other tourist establishment in which there are at least five (5) rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally.

1.191 TRAILER

Shall mean a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle; which shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn, and, for the purposes of this By-law does not include a mobile home dwelling as defined herein.

1.192 TRAILER, MOBILE CAMPER

Shall mean a trailer designed or used for living, shelter and sleeping accommodation, or any vehicle in which the assembly can be erected, while stationary, using the trailer body and related components for support and utilized for living, shelter and sleeping accommodation, with or without cooking facilities, which is collapsible and compact while being drawn by a motor vehicle, but shall not include a mobile home dwelling house as herein defined.

1.193 TRUCK CAMPER

Shall mean any unit so constructed that it may be attached upon a motor vehicle, as a separate unit, and capable of being utilized for the living, sleeping or eating accommodation of persons.

1.194 USE

Shall mean, when used as a noun, the purpose for which a lot or building or structure, or any combination thereof, is designed, arranged, occupied or maintained and when used as a verb, "USED" shall have a corresponding meaning.

1.195 VEHICLE

Shall mean an automobile, motorcycle, motor assisted bicycle, traction engine, farm tractor, road-building machine, self-propelled implement of husbandry, and any other vehicle propelled or driven other than by muscular power, but not including motorized snow vehicle or railroad car or other motor vehicle running only upon rails.

1.196 VETERINARIAN

Shall mean a person registered under the provisions of The Veterinarians Act, R.S.O., 1980, c. 522, as amended, replaced or re-enacted from time to time.

1.197 VETERINARY CLINIC

Shall mean a building or part of a building in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be facilities provided for the sheltering of animals during the treatment period.

1.197.A VULNERABLE AREA

shall mean Wellhead Protection Areas and Intake Protection Zones around municipal drinking water sources where activities may be a significant drinking water threat now or in the future.

1.198 WAREHOUSE

Shall mean a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, articles or things, and may include facilities for a wholesale or retail commercial outlet, but shall not include a cartage or transport depot.

1.198.A WASTE DISPOSAL SITE

within the meaning of Part V of the Environmental Protection Act shall mean:

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

1.199 WATERCOURSE

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

1.200 WATER FRONTAGE

Shall mean the boundary between the water and land fronting on and providing access to a watercourse, bay or lake.

1.201 WATER POLLUTION CONTROL PLANT, MUNICIPAL

Shall mean a facility or lagoon system operated by the Village of Fenelon Falls and for the Ministry of the Environment which is designed to accept and treat waterborne domestic and industrial wastes collected from the community by a system of sanitary sewers which sewage is in accordance with regulations imposed by the Village of Fenelon Falls Sewer Use By-law, as amended, replaced or re-enacted from time to time.

1.202 WATER SUPPLY SYSTEM, MUNICIPAL

Shall mean an adequate distribution system of underground piping and related storage including pumping and purification appurtenances, operated by the Village of Fenelon Falls and for the Ministry of the Environment or any public utilities commission for public use.

1.203 WATER SUPPLY PLANT, MUNICIPAL

Shall mean a building or structure, operated and maintained by the Village of Fenelon Falls and approved by the Ministry of the Environment, where water is

treated for human consumption.

1.204 WELL, PRIVATE

Shall mean an underground source of water which has been rendered accessible by the drilling or digging of a hole from ground level to the water table and may include a private piped system from a surface water source.

1.204.A WELLHEAD PROTECTION AREA

shall mean the vulnerable area delineated around groundwater wells. The delineation helps to identify the length of time it would take most contaminants to travel from the location of a spill or leak to the associated well.

- WHPA-A: The area within a 100m radius from a wellhead, considered the most vulnerable area for groundwater intakes
- WHPA-B: The area within which the time to travel to the well (within the aquifer) is up to and including 2 years
- WHPA-C: The area within which the time to travel to the well (within the aquifer) is up to and including 5 years
- WHPA-D: The area within which the time to travel to the well (within the aquifer) is up to and including 25 years
- WHPA-E: A well that is influenced by surface water and is referred to as groundwater under direct influence of surface water

1.205 WHOLESALE ESTABLISHMENT

Shall mean the use of land or the occupancy of a building or structure, for the purpose of selling or offering for sale goods, wares or merchandise on a wholesale basis and includes the storage or warehousing of those goods, wares or merchandise.

1.206 WORKSHOP

Shall mean a building or part of a building where fabrication or manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a machine shop, a tinsmith's shop, a commercial welder's shop, or similar uses.

1.207 YARD

Shall mean a space, appurtenant to a building or structure, located on the same lot as the building or structure, which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted elsewhere in the By-law.

1.208 YARD, FRONT

Shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any building or structure on the lot, the nearest outside storage use on the lot, or edge or rim of an excavation on the lot.

1.209 YARD, FRONT DEPTH

Shall mean the least horizontal dimension between the front lot line of the lot and the nearest part of any building or structure on the lot, or the nearest outside storage use on the lot, or the edge or rim of an excavation on the lot.

1.210 YARD, REAR

Shall mean a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest outside storage use on the lot, or the edge or rim of an excavation on the lot.

1.211 YARD, REAR DEPTH

Shall mean the least horizontal dimension between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest outside storage use on the lot, or the edge of rim of an excavation on the lot.

1.212 YARD, REQUIRED

Shall mean the minimum yard required by the provision of this By-law.

1.213 YARD, SIDE

Shall mean a yard extending from the required front yard to the required rear yard and from the side lot line of the lot to the nearest part of any building or structure on the lot, or the nearest outside storage use on the lot, or the edge or rim of an excavation on the lot.

1.214 YARD, EXTERIOR SIDE

Shall mean a side yard immediately adjoining a public street.

1.215 YARD, INTERIOR SIDE

Shall mean a side yard other than an exterior side yard.

1.216 YARD, SIDE, WIDTH

Shall mean the least horizontal dimensions between the side lot line of the lot and the nearest part of any building or structure on the lot, or the nearest outside storage use on the lot, or edge or rim of excavation on the lot.

1.217 ZONE PROVISIONS

The permissible uses or activities, the minimum area and dimensions of lots, the minimum dimensions of yards, the maximum lot coverage, the minimum setback, the minimum gross floor area, the minimum landscaped open space, the maximum height of buildings, minimum parking area requirements, and all other standards and regulations of the respective Zones as are set out within the By-law.

PART TWO - INTERPRETATION

2.1 TITLE

This By-law may be cited as the "VILLAGE OF FENELON FALLS ZONING BY-LAW".

2.2 DECLARATION

The Schedule "A" contained herein is declared to form part of this By-law.

2.3 APPLICATION

This By-law shall apply and be enforceable with respect to the whole of the Corporation of the Village of Fenelon Falls. For the purposes of this By-law, the definitions and interpretations given herein shall govern unless the context requires otherwise.

2.4 INTERPRETATION

For the purposes of this By-law, words used in the present tense include the future; words in singular number include the plural and words in the plural include the singular number; the word "shall" is mandatory; the word "may" is permissive; the words "used" and "occupied" shall include the words "arranged" and "designed to be used or occupied".

2.5 ZONE SYMBOLS

The Zone symbols used on Schedule "A" refer to the use of land and activities, buildings and structures permitted by this By-law in the zone categories. Whenever in this By-law the word "Zone" is used, preceded by any of the symbols, such Zone shall mean any area within The Corporation of the Village of Fenelon Falls delineated on Schedule "A" and designated thereon by the symbol.

2.6 SPECIAL ZONE SYMBOLS

Where the Zone Symbol designating certain lands, as shown on Schedule "A", is followed by a dash and a number, for example C2-1, the special zone provisions in addition to the general Zone provisions apply to such lands. Such special provisions are found by reference to the Subsection of the Zone Provisions of each Zone classification entitled "SPECIAL ZONE CATEGORIES". Lands zoned in

this manner shall be subject to all the restrictions of the Zone, except as otherwise provided by the special zone provisions.

2.7 INTERPRETATION OF ZONE BOUNDARIES

Where possible, the extent and boundary of all zones, as delineated on Schedule "A", shall be construed to be lot lines, street lines, centrelines of streets, railway rights-of-way or boundaries of registered plans.

Where the extent and boundary of any zone, as delineated on Schedule "A", is uncertain the following provisions shall apply:

- i. that where a zone boundary is indicated as passing through undeveloped land, then the location of such boundary shall be determined in accordance with the scale of Schedule "A", at the original metric ratio scale of 1:2,000, unless dimensions shown on the aforementioned Schedule provides greater accuracy;
- ii. that where a zone boundary is indicated as following the corporate limits of the Corporation of the Village of Fenelon Falls, then such limits shall be the zone boundary, and;
- iii. that where a zone boundary is indicated as following a shoreline, then such zone boundary shall follow the shoreline, and, in the event of change in the boundary of the shoreline, the zone boundary shall be construed as moving with the actual shoreline.

2.8 RESIDENTIAL AND NON-RESIDENTIAL USES

For the purposes of reference, all buildings and structures, and all uses and activities of, or in relation to, buildings, structures and lots named as uses or activities permitted and classified under the headings of "Residential" and "Non-Residential" may be referred to as Residential and Non-Residential buildings, structures or uses and activities respectively.

2.9 LOCATION OF ZONE PROVISIONS

All the Zone Provisions of this By-law which are applicable to a use or activity, or building or structure shall be provided within the Zone in which such use or activity, or building or structure is located, unless a specific provision of this By-law provides otherwise.

2.10 HEADINGS

The headings of the Parts, Sections, Subsections and Clauses of this By-law or on Schedule "A", hereof, together with the illustrations, examples and explanatory notes appearing at various places throughout this By-law or on Schedule "A" hereof, have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this By-law or any of its provisions.

2.11 ROAD CLOSINGS

In the event that a dedicated street or road, as delineated on Schedule "A" hereof is closed, the property formerly within such street or road shall be included within the Zone of the adjoining property on either side of such closed street or road. Where a closed street or road is the boundary between two or more different zones, the new zone boundary shall be the former centreline of the closed street or road.

PART THREE - COMPLIANCE WITH THE BY-LAW

3.1 COMPLIANCE

No land, building, structure, lot or premises shall be used or occupied, and no building or structure shall be erected, altered or made, in whole or in part, for any purpose EXCEPT in conformity with the provisions of this By-law.

3.2 REQUIREMENTS

The provisions of this By-law shall be held to be the minimum requirement EXCEPT where the word maximum is used, in which case the maximum requirement shall apply.

3.3 CHANGE IN LOT SIZE

No lot shall be changed in area, depth or width, either by the conveyance of land or otherwise, such that the lot coverage exceeds the maximum permitted by this By-law or that the existing or resulting lot area, lot width or yards will be less than the minimum permitted by the provisions of this By-law.

3.4 CHANGE IN USE

A use or occupation of land, building, structure, lot or premises, or any activity in connection therewith which, under the provisions of this By-law, is not permissible within the Zone in which such land, building, structure, lot or premises is located, shall not be changed except to a use or activity connected therewith which is permissible within such zone.

3.5 PUBLIC ACQUISITION

No person shall be deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any lot has or have been conveyed to or acquired by any Public Authority.

PART FOUR - ZONE PROVISIONS

4.1 ENVIRONMENTAL CONSTRAINT (EC) ZONE

4.1.1 PERMITTED USES

No person shall within an Environmental Constraint (EC) Zone use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Residential Uses

- i. prohibited.

b. Non-Residential Uses

- i. conservation or other similar use as provides for the preservation and maintenance of the natural environment;
- ii. structures required for flood, erosion and siltation control works;
- iii. a public park exclusive of any permanent buildings or structures; and,
- iv. a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.

c. Accessory Uses

Uses, buildings, or structures accessory to any of the foregoing permitted uses specified under Subsection (b) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law, provided that no such building or structure is intended or used for human habitation.

4.1.2 REGULATIONS FOR NON-RESIDENTIAL USES

a. Minimum Yard Requirements

- i. Front Yard 10 metres
- ii. Exterior Side Yard 10 metres
- ii. Interior Side Yard 6 metres
- iv. Rear Yard 10 metres

b. Maximum Lot Coverage

- all buildings and structures 20 per cent

c. Minimum Setback Requirement From Street Centreline

20 metres

d. Minimum Landscaped Open Space Requirement

50 per cent

e. Maximum Height Of Buildings

10 metres

4.1.3 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Environmental Constraint (EC) Zone shall apply and be complied with.

4.1.4 SPECIAL ZONE CATEGORIES - ENVIRONMENTAL CONSTRAINT (EC) ZONE

4.1.4.1 ENVIRONMENTAL CONSTRAINT EXCEPTION ONE (EC-1) ZONE

Notwithstanding any other provision of the Environmental Constraint (EC) Zone as set forth in this By-law to the contrary, within the Environmental

Constraint Exception One (EC-1) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, on those lands forming part of Block "N", south of Francis Street and to the east of Colborne Street, the non-residential uses permitted shall be restricted to that of a government dock and stairs and the structural members necessary for their support. In all other respects the provisions of the Environmental Constraint (EC) Zone shall apply and be complied with.

4.2 **RECREATIONAL OPEN SPACE (RE) ZONE**

4.2.1 PERMITTED USES

No person shall within the Recreational Open Space (RE) Zone use any land or erect, alter or use any building or structure except as specified hereunder:

a. Residential Uses

i. Prohibited.

b. Non-Residential Uses

- i. conservation or other similar use as provides for the preservation of the natural environment;
- ii. a public park or play field; and,
- iii. a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.

c. Accessory Uses

Uses, buildings and structures accessory to any of the foregoing permitted uses specified under Subsection (b) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

4.2.2 REGULATIONS FOR NON-RESIDENTIAL USES

a. Minimum Yard Requirements

- i. Front Yard 10 metres
- ii. Exterior Side Yard 10 metres
- iii. Interior Side Yard 6 metres
- iv. Rear Yard 10 metres

b. Maximum Lot Coverage

- all buildings and structures 30 per cent

c. Minimum Setback From Street Centreline

20 metres

d. Minimum Landscaped Open Space Requirement

40 per cent

e. Maximum Height Of Buildings

10 metres

4.2.3 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Recreational Open Space (RE) Zone shall apply and be complied with.

4.2.4 SPECIAL ZONE CATEGORIES - RECREATIONAL OPEN SPACE (RE) ZONE

4.2.4.1 RECREATIONAL OPEN SPACE EXCEPTION ONE (RE-1) ZONE
Colborne Street

Notwithstanding the non-residential uses permitted within the Recreational Open Space (RE) Zone as set forth under Section 4.2.1 (b) hereof to the contrary, within the Recreational Open Space Exception One (RE-1) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the non-residential uses permitted shall include buildings and structures incidental and subordinate to the operation and maintenance of the lock facility operated by Parks Canada together with off-street parking facilities. In all other respects the provisions of the Recreational Open Space (RE) Zone shall apply and be complied with.

4.2.4.2 RECREATIONAL OPEN SPACE EXCEPTION TWO (RE-2) ZONE By-law No. 90-28
Lots 39 and 40, Registered Plan No. 100, North Street

Notwithstanding the non-residential uses permitted within the Recreational Open Space (RE) Zone as set forth under Section 4.2.1(b) hereof to the contrary, within the Recreational Open Space Exception Two (RE-2) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the non-residential uses permitted shall include off-street parking facilities to be utilized in association with the adjoining recreational lands and the Fenelon Falls Secondary School provided that no parking area or space is located except in accordance with the provisions of Section 5.16 hereof, and, that a planting strip is provided and maintained in accordance with Section 5.17 hereof where that portion of the Recreational Open Space Exception Two (RE-2) Zone utilized for the purposes of off-street parking abuts a Residential Zone. In all other respects the provisions of the Recreational Open Space (RE) Zone shall apply and be complied with.

4.2.4.3 RECREATIONAL OPEN SPACE EXCEPTION THREE (RE-3) ZONE By-law No. 99-04
Part of May Street, South of Oak Street and North of Water Street

Notwithstanding the provisions of the Recreational Open Space (RE) Zone of this By-law to the contrary, within the Recreational Open Space Exception Three (RE-3) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Uses Permitted

- i. Residential - prohibited
- ii. Non-Residential
 - a public park
 - a public use or utility
 - a tourist information bureau
- iii. Accessory Uses
 - uses, buildings and structures accessory to any of the foregoing permitted uses specified under Subsection (ii) hereof in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

2. Regulations for Non-Residential Uses

- i. minimum yard requirements
 - adjacent the southerly limit of Oak Street 1.4 metres
 - adjacent the northerly limit of Water Street 0 metres
 - adjacent the easterly lot line 8.0 metres
 - adjacent the westerly lot line 1.2 metres
- ii. maximum lot coverage 50 per cent
- iii. minimum setback from street centreline
 - adjacent Oak Street 11.4 metres
 - adjacent Water Street 7.2 metres
- iv. minimum landscaped open space requirement 40 per cent
- v. maximum height of building 10 metres

c. Special Provisions - Porch, Steps and Patio

Notwithstanding the provisions of Section 5.1.12 hereof to the contrary, within the Recreational Open Space Exception Three (RE-3) Zone, a covered or uncovered porch, steps and patio shall be permitted in the yard adjacent the northerly limit of Water Street where such porch, steps or patio are not more than 0.8 metres above grade, exclusive of any hand railings or other similar appurtenances.

d. Special Provisions - Parking Area Regulations

Notwithstanding the provisions of Section 5.16 hereof to the contrary, the requirement for the provision of off-street parking shall not apply to those lands zoned within the Recreational Open Space Exception Three (RE-3) Zone.

e. Other Zone Provisions

In all other respects the provisions of the Recreational Open Space (RE) Zone shall apply and be complied with.

4.2.4.4 RECREATIONAL OPEN SPACE EXCEPTION FOUR (RE-4) ZONE By-law No. 99-19
Part Lot 170, Registered Plan No. 100, East of Lindsay Street

Notwithstanding the non-residential uses permitted within the Recreational Open Space (RE) Zone as set forth under Section 4.2 (b) hereof to the contrary, within the Recreational Open Space Exception Four (RE-4) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and by this reference forming part of this By-law, the non-residential uses permitted shall include a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law, a public walkway, an off-street parking area, and, a private right-of-way having a maximum width of 7.5 metres. In all other respects, the provisions of the Recreational Open Space (RE) Zone shall apply and be complied with.

4.2.4.5 RECREATIONAL OPEN SPACE EXCEPTION FIVE RE-5(H) Zone BY-LAW 2009-172

Notwithstanding the requirements of Section 4.2.1 b) and Section 4.2.2 a), land zoned RE-5 shall be only be used for the purposes of private amenity open space in association with lands zoned R4-7, R4-8, R4-9, R4-10, and R5-11, as amended, and shall be subject to the following requirements:

- a) Minimum front yard 7.5 m
- b) Minimum exterior side yard 7.5 m
- c) Minimum rear side yard 7.5 m
- d) Minimum setback from street centerline 17.5 m
- e) On land zoned RE-5(H), removal of the Holding (H) Symbol shall be subject to the approval of a private amenity open space development plan appended to the executed site plan agreement for the first phase of residential development within draft plan of subdivision 16T-09502.

4.3 RESIDENTIAL TYPE ONE (R1) ZONE

4.3.1 PERMITTED USES

No person shall, within a Residential Type One (R1) Zone, use any land or erect, alter or use any building or structure except as specified hereunder:

a. Residential Uses

- i. a single-family detached dwelling house;
- ii. a group home in accordance with the provisions of Section 5.23 hereinafter set forth in this By-law; and,
- iii. a home occupation use in accordance with the provisions of Section 5.10 hereinafter set forth in this By-law.

b. Non-Residential Uses

- i. a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.

c. Accessory Uses

Uses, buildings or structures accessory to any of the foregoing permitted uses specified under Subsection (a) or (b) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

4.3.2 REGULATIONS FOR RESIDENTIAL USES SERVICED BY MUNICIPAL WATER SUPPLY AND SANITARY SEWERS

a. Minimum Lot Area Requirement 670 square metres

b. Minimum Lot Frontage Requirement 18 metres

c. Minimum Yard Requirements

- i. Front Yard 7.6 metres
- ii. Exterior Side Yard 3.6 metres
- iii. Interior Side Yard
Minimum width shall be 5.2 metres on one side, 1.2 metres on the other side, plus 0.6 metres on the narrow side for each additional or partial storey above the first, provided that where a garage or carport is attached to or is within the main building or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2 metres plus 0.6 metres for each additional or partial storey above the first.
- iv. Rear Yard 12 metres

d. Minimum Dwelling Unit Area Requirement

- i. One Storey Or Split Level Dwelling House 92 square metres
- ii. One and One Half Storey Dwelling House 110 square metres
- iii. Two Storey Dwelling House 130 square metres

e. Maximum Lot Coverage
- all building and structures 30 per cent

f. Minimum Setback From Street Centreline
17.6 metres except where the exterior side yard is adjacent a public street or road in which case the minimum setback from street centreline shall be 13.6 metres.

g. Minimum Landscaped Open Space Requirement 30 per cent

- h. Maximum Number Of Dwelling Houses Per Lot one
- I. Maximum Height Of Buildings 10 metres

4.3.3 REGULATIONS FOR RESIDENTIAL USES MUNICIPAL AND/OR PRIVATE
WATER SUPPLY AND PRIVATE SEWAGE TREATMENT FACILITIES

- a. Minimum Lot Area Requirement 2800 square metres
- b. Minimum Lot Frontage Requirements 30 metres
- c. Minimum Yard Requirements
 - i. Front yard 7.6 metres
 - ii. Exterior Side Yard 7.6 metres
 - iii. Interior Side Yard 4 metres
 - iv. Rear Yard 15 metres
- d. Minimum Dwelling Unit Area Requirement
 - i. One Storey or Split Level Dwelling House 92 square metres
 - ii. One and One Half Storey Dwelling House 110 square metres
 - iii. Two Storey Dwelling House 130 square metres
- e. Maximum Lot Coverage
 - all buildings and structures 30 per cent
- f. Minimum Setback From Street Centreline 17.6 metres
- g. Minimum Landscaped Open Space Requirement 30 per cent
- h. Maximum Number Of Dwelling Houses Per Lot one
- i. Maximum Height Of Buildings 10 metres

4.3.4 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Residential Type One (R1) Zone shall apply and be complied with.

4.3.5 SPECIAL ZONE CATEGORIES - RESIDENTIAL TYPE ONE (R1) ZONE

4.3.5.1 RESIDENTIAL TYPE ONE EXCEPTION ONE (R1-1) ZONE
Louisa Street

Notwithstanding the provisions of Section 5.25 entitled Through Lots, and, notwithstanding the minimum rear yard requirement for a single-family detached dwelling house within the Residential Type One (R1) Zone as set forth under Section 4.3.2(c) hereof to the contrary, within the Residential Type One Exception One (R1-1) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the minimum rear yard requirement shall be 30 metres. For the purposes of this subsection, those lands zoned within the Residential Type One Exception One (R1-1) Zone shall be deemed to front upon Louisa Street and the front lot line shall be the line dividing the lot from Louisa Street. In all other respects the provisions of the Residential Type One (R1) Zone shall apply and be complied with.

4.3.5.2 RESIDENTIAL TYPE ONE EXCEPTION TWO (R1-2) ZONE
Dodd Street

Notwithstanding the provisions of Section 5.25, entitled Through Lots, and, notwithstanding the minimum rear yard requirement for a single-family

detached dwelling house within the Residential Type One (R1) Zone as set forth under Section 4.3.2(c) hereof to the contrary, within the Residential Type One Exception Two (R1-2), as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the minimum rear yard requirement shall be 48 metres. For the purpose of this subsection, those lands zoned within the Residential Type One Exception Two (R1-2) Zone, shall be deemed to front upon Dodd Street and the front lot line shall be the line dividing the lot from Dodd Street. In all other respects the provisions of the Residential Type One (R1) Zone shall apply and be complied with.

4.3.5.3 RESIDENTIAL TYPE ONE EXCEPTION THREE (R1-3) ZONE By-law No. 90-22
Francis Street

Notwithstanding the uses permitted within the Residential Type One (R1) Zone as set forth under Section 4.3.1 (a) hereof to the contrary, within the Residential Type One Exception Three (R1-3) Zone as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the uses permitted shall be restricted to that of a single-family detached dwelling inclusive of four rooms used in association with a bed and breakfast establishment, and, a six unit motel together with such other accessory uses as are normally considered incidental and subordinate thereto. In all other respects the provisions of the Residential Type One (R1) Zone shall apply and be complied with.

4.3.5.4 RESIDENTIAL TYPE ONE EXCEPTION FOUR (R1-4) ZONE
Riverview Drive

Notwithstanding any other provision of this By-law to the contrary, within the Residential Type One Exception Four (R1-4) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, a single-family residential dwelling and accessory uses, buildings and structures shall only be permitted where the lot fronts upon an improved public road maintained year round or where legal ingress and egress is provided by means of a right-of-way, as described in Plan No. 203 of the Village of Fenelon Falls.

4.3.5.5 RESIDENTIAL TYPE ONE EXCEPTION FIVE (R1-5) ZONE
North Street

Notwithstanding any other provision of this By-law to the contrary, within the Residential Type One Exception Five (R1-5) Zone a home occupation use involving the display and sale of monuments shall be permitted within an accessory building provided that the sale and display area does not exceed 25 per cent of the gross floor area of the principal residential structure on the lot, that the use is wholly contained within the accessory structure and that there is no outside display or sale. In all other respects the provisions of this By-law, inclusive of the applicable provisions of Section 5.10 hereof, shall apply and be complied with.

4.3.5.6 RESIDENTIAL TYPE ONE EXCEPTION SIX (R1-6) ZONE
Part of Lot J, Registered Plan No. 100, West Street By-law No. 90-26

Notwithstanding any other provision of the Residential Type One (R1) Zone, as set forth under Section 4.3 hereof to the contrary, within the Residential Type One Exception Six (R1-6) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Permitted Uses

- i. Residential
the uses permitted shall be restricted to that of a single-family

detached dwelling and a dwelling unit in a portion of a non-residential building which is accessory and incidental to the principal use of the property for single-family residential purposes;

- ii. Non-Residential prohibited
- iii. Accessory Uses
uses, buildings and structures accessory to the principal permitted use set forth herein and in accordance with the provisions of Section 5.1 of this By-law.

b. Regulatory Provisions

- i. Minimum Lot Area 2 hectares
- ii. Minimum Lot Frontage 130 metres
- iii. Minimum Yard Requirements
 - Front Yard 15 metres
 - Side Yards 20 metres
 - Rear Yard 20 metres
- iv. Minimum Dwelling Unit Area Requirements
 - single-family detached dwelling 130 square metres
 - dwelling unit in portion of accessory building 70 square metres
- v. Minimum Setback From Street Centreline 25 metres
- vi. Maximum Number of Dwelling Units Per Lot two

c. Other Zone Provisions

In all other respects the provisions of the Residential Type One (R1) Zone shall apply and be complied with.

4.3.5.7 RESIDENTIAL TYPE ONE EXCEPTION SEVEN (R1-7) ZONE
Not Used

4.3.5.8 RESIDENTIAL TYPE ONE EXCEPTION EIGHT (R1-8) ZONE
Bed And Breakfast Establishments

By-law No. 92-15

Notwithstanding the residential uses permitted within the Residential Type One (R1) Zone as set forth under Section 4.3.1(a) hereof to the contrary, within the Residential Type One Exception Eight (R1-8) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the home occupation uses permitted shall include a bed and breakfast establishment in accordance with Section 5.10 hereof, provided that the following regulations are complied with, namely:

- i. that a minimum of one parking space per guest room is provided in addition to the parking space requirements applicable to the principal residential use as specified under Section 5.16 hereof;
- ii. that, notwithstanding any other provision of Section 5.16 to the contrary, the off-street parking spaces associated with the bed and breakfast establishment may be stacked provided that the number of spaces so arranged does not exceed two;
- iii. that such home occupation use does not include a liquor licensed premises or other facilities for the serving of alcoholic beverages to the general public;
- iv. that such use complies with the Building Code Act, R.S.O., 1990, c.B.13, as amended, and the Regulations passed thereunder, and such other By-laws and Regulations of the Corporation of the Village of Fenelon Falls as may be applicable;

- v. that no portion of a guest room is located below grade or within a basement, walkout basement or cellar; and,
- vi. that no portion of a guest room contains facilities for the preparation of food or meals.

4.3.5.9 RESIDENTIAL TYPE ONE EXCEPTION NINE (R1-9) ZONE By-law No. 94-8
Part Of Lot H, Registered Plan No. 100, Ellice Street

Notwithstanding the minimum yard requirements of the Residential Type One (R1) Zone as set forth under Section 4.3.3(c), the provisions of Section 5.1.2, Accessory Buildings, Structures and Uses and the provisions of Section 5.10 as apply to regulate Home Occupation Uses, within the Residential Type One Exception Nine (R1-9) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

- a. Minimum Yard Requirements - Residential Structure
 - Front Yard 90 metres
 - Interior Side Yard
The minimum interior side yard requirement shall be 10 metres on the north side and 8 metres on the south side
 - Rear Yard 5 metres

- b. Special Provisions - Accessory Structures

Minimum Yard Requirements
 - Front Yard 80 metres

- c. Special Yard Provisions - Accessory Buildings, Structures and Uses

Notwithstanding any other provision of Section 5.1.2 of this By-law to the contrary, within the Residential Type One Exception Nine (R1-9) Zone, an accessory building or structure, shall not be erected within 80 metres of the street line.

- d. Special Provisions - Home Occupation Use

Notwithstanding any other provisions of Section 5.10, entitled Home Occupation, hereof to the contrary, within the Residential Type One Exception Nine (R1-9) Zone, a home occupation use shall be permitted within an accessory structure provided that the total gross floor area associated with home occupation uses within the Residential Type One Exception Nine (R1-9) Zone does not exceed 55 square metres.

- e. Other Zone Provisions

In all other respects the provisions of the Residential Type One (R1) Zone shall apply and be complied with.

4.3.5.10 RESIDENTIAL TYPE ONE EXCEPTION TEN (R1-10) ZONE By-law No. 97-17
Lot 8, Plan 181 and Part One, Plan No. 57R-4730 Forming Part of Lot 7, Plan No. 181
Wychwood Crescent

Notwithstanding any other provision of this By-law to the contrary, within the Residential Type One Exception Ten (R1-10) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and, by this reference, forming part of this

By-law, no person shall use any lands or erect, alter or use any building or structure except as specified herein, namely:

a. Permitted Uses

- i. a single detached dwelling house;
- ii. a home occupation use in accordance with the provisions of Section 5.10 hereinafter set forth in this By-law; and,
- iii. uses, buildings or structures accessory and incidental to the foregoing permitted use and in accordance with the provisions of Section 5.1 hereof.

b. Regulatory Provisions

- i. minimum lot area 490 square metres
- ii. minimum lot frontage adjacent Wychwood Crescent 10 metres
- iii. minimum yard requirements
 - front yard 7.6 metres
 - interior side yard
 - adjacent the northerly property line 3.4 metres
 - adjacent the southerly property line 0.5 metres
- iv. minimum setback from existing high water mark 5 metres

c. Special Provisions - Unenclosed Decks

Notwithstanding the provisions of Section 5.1.12 hereof to the contrary, unenclosed decks and ancillary steps associated with the principal use permitted within the Residential Type One Exception Ten (R1-10) Zone may project into the rear yard adjacent the Otonabee River a maximum distance of 1.2 metres and may project into the interior side yard adjacent the more northerly property line a maximum distance of 3.4 metres provided that, where such deck or portion thereof is greater than 0.5 metres above the adjacent finished grade, it may project into the interior side yard adjacent the more northerly property line a maximum distance of 3.4 metres but shall not be located closer than 32 metres to Wychwood Crescent or within 7.5 metres of the existing high water mark provided, further, that no portion of such deck is greater than 1.5 metres above the adjacent finished grade.

d. Other Zone Provisions

In all other respects, the provisions of the Residential Type One (R1) Zone shall apply and be complied with.

4.3.5.11 RESIDENTIAL TYPE ONE EXCEPTION ELEVEN (R1-11) ZONE By-law No. 99-13
Knox Crescent

Within the Residential Type One Exception Eleven (R1-11) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and by this reference forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Permitted Uses

- i. Residential
 - a single detached dwelling house; and,
 - home occupation use in accordance with the provisions of Section 5.10 hereinafter set forth in this By-law.
- ii. Non-Residential
 - a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.
- iii. Accessory Uses
 - uses, buildings and structures accessory to any of the foregoing

permitted uses specified under subsections (i) or (ii) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

b. Regulatory Provisions

- i. minimum lot area 600 square metres
- ii. minimum lot frontage on Cameron Lake 14 metres
- iii. minimum yard requirements
 - yard adjacent Cameron Lake 15 metres
 - minimum side yard width shall be 4 metres on one side, 1.8 metres on the other side, plus 0.6 metres on the narrow side for each additional or partial storey above the first storey
 - yard adjacent private right-of-way 6 metres
 - yard adjacent the County of Victoria Recreation Corridor 7.6 metres
- iv. minimum setback requirement from centreline of a private right-of-way 9 metres

c. Special Provisions and Regulations

- i. Notwithstanding the definition of Front Lot Line as set forth under Section 1.112 of this By-law to the contrary, within the Residential Type One Exception Eleven (R1-11) Zone, the shoreline of Cameron Lake shall be deemed to be the front lot line.
- ii. Notwithstanding the provisions of Section 5.1.8, entitled Garages, of this By-law to the contrary, within the Residential Type One Exception Eleven (R1-11) Zone, an attached or detached garage may be erected and used in accordance with the minimum yard requirements set forth under subsection (b) hereof provided that where such attached or detached garage is located in the yard adjacent the County of Victoria Recreation Corridor, the minimum rear yard requirements shall be 2 metres.
- iii. Notwithstanding the provisions of Section 5.1.9, entitled Utility Sheds, within the Residential Type One Exception Eleven (R1-11) Zone, a utility shed may be erected and used in accordance with the minimum yard requirements set forth under subsection (b) hereof provided that where such utility shed is located in the yard adjacent the County of Victoria Recreation Corridor, the minimum yard requirement shall be 2 metres.
- iv. Notwithstanding the provisions of Section 5.7, entitled Frontage Requirements, of this By-law to the contrary, within the Residential Type One Exception Eleven (R1-11) Zone, no person shall erect any building or structure after the date of passing of this By-law unless the lot upon which such building or structure is to be erected is directly accessible by means of a private right-of-way which provides ingress and egress to an improved public street maintained year round.
- v. Notwithstanding any other provision of this By-law to the contrary, where a lot within the Residential Type One Exception Eleven (R1-11) Zone is located adjacent the more easterly limits of the private right-of-way known as Knox Crescent and has a lesser lot area and/or frontage than required herein, no person shall use any portion of such lands except for the purposes of a private garage or a utility shed where such accessory structure is ancillary and incidental to a principal residential use located adjacent the more westerly limits of Knox Crescent on lands held under the same ownership.

d. Other Zone Provisions

Except as otherwise provided herein, the provisions of the Residential Type One (R1) Zone shall apply in all other respects and be complied with.

4.3.5.12 RESIDENTIAL TYPE ONE EXCEPTION TWELVE (R1-12) ZONE
Knox Crescent

By-law No. 99-13

Within the Residential Type One Exception Twelve (R1-12) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and by this reference forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Permitted Uses

- i. Residential
 - a single detached dwelling house; and,
 - a home occupation use in accordance with the provisions of Section 5.10 hereinafter set forth in this By-law.
- ii. Non-Residential
 - a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.
- iii. Accessory Uses
 - uses, buildings and structures accessory to any of the foregoing permitted uses specified under subsections (i) or (ii) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

b. Regulatory Provisions

- i. minimum lot area 1300 square metres
- ii. minimum lot frontage on Cameron Lake 14 metres
- iii. minimum yard requirements
 - yard adjacent Cameron Lake 15 metres
 - minimum side yard width shall be 4 metres on one side, 1.8 metres on the other side, plus 0.6 metres on the narrow side for each additional or partial storey above the first storey
 - yard adjacent private right-of-way 6 metres
 - yard adjacent the County of Victoria Recreation Corridor 7.6 metres
- iv. minimum setback requirement from centreline of private right-of-way 9 metres

c. Special Provisions and Regulations

- i. Notwithstanding the definition of Front Lot Line as set forth under Section 1.112 of this By-law to the contrary, within the Residential Type One Exception Twelve (R1-12) Zone, the shoreline of Cameron Lake shall be deemed to be the front lot line.
- ii. Notwithstanding the provisions of Section 5.1.8, entitled Garages, of this By-law to the contrary, within the Residential Type One Exception Twelve (R1-12) Zone, an attached or detached garage may be erected and used in accordance with the minimum yard requirements set forth under subsection (b) hereof provided that where such attached or detached garage is located in the yard adjacent the County of Victoria Recreation Corridor, the minimum rear yard requirements shall be 2 metres.

- iii. Notwithstanding the provisions of Section 5.1.9, entitled Utility Sheds, within the Residential Type One Exception Twelve (R1-12) Zone, a utility shed may be erected and used in accordance with the minimum yard requirements set forth under subsection (b) hereof provided that where such utility shed is located in the yard adjacent the County of Victoria Recreation Corridor, the minimum yard requirement shall be 2 metres.
- iv. Notwithstanding the provisions of Section 5.7, entitled Frontage Requirements, of this By-law to the contrary, within the Residential Type One Exception Twelve (R1-12) Zone, no person shall erect any building or structure after the date of passing of this By-law unless the lot upon which such building or structure is to be erected is directly accessible by means of a private right-of-way which provides ingress and egress to an improved public street maintained year round.

d. Other Zone Provisions

Except as otherwise provided herein, the provisions of the Residential Type One (R1) Zone shall apply in all other respects and be complied with.

4.3.5.13 RESIDENTIAL TYPE ONE EXCEPTION THIRTEEN (R1-13) ZONE
Knox Crescent

By-law No. 99-13

Within the Residential Type One Exception Thirteen (R1-13) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and by this reference forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Permitted Uses

i. Residential

- a single detached dwelling house; and,
- a home occupation use in accordance with the provisions of Section 5.10 hereinafter set forth in this By-law.

ii. Non-Residential

- a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.

iii. Accessory Uses

- uses, buildings and structures accessory to any of the foregoing permitted uses specified under subsections (i) or (ii) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

b. Regulatory Provisions

- i. minimum lot area 780 square metres
- ii. minimum lot frontage on Cameron Lake 10 metres
- iii. minimum yard requirements
 - yard adjacent Cameron Lake 15 metres
 - minimum side yard width shall be 4 metres on one side, 1.8 metres on the other side, plus 0.6 metres on the narrow side for each additional or partial storey above the first storey
 - yard adjacent private right-of-way 6 metres
 - yard adjacent the County of Victoria Recreation Corridor 7.6 metres
- iv. minimum setback requirement from centreline of private right-of-way 9 metres

c. Special Provisions and Regulations

- i. Notwithstanding the definition of Front Lot Line as set forth under Section 1.112 of this By-law to the contrary, within the Residential Type One Exception Thirteen (R1-13) Zone, the shoreline of Cameron Lake shall be deemed to be the front lot line.
- ii. Notwithstanding the provisions of Section 5.1.8, entitled Garages, of this By-law to the contrary, within the Residential Type One Exception Thirteen (R1-13) Zone, an attached or detached garage may be erected and used in accordance with the minimum yard requirements set forth under subsection (b) hereof provided that where such attached or detached garage is located in the yard adjacent the County of Victoria Recreation Corridor, the minimum rear yard requirements shall be 2 metres.
- iii. Notwithstanding the provisions of Section 5.1.9, entitled Utility Sheds, within the Residential Type One Exception Thirteen (R1-13) Zone, a utility shed may be erected and used in accordance with the minimum yard requirements set forth under subsection (b) hereof provided that where such utility shed is located in the yard adjacent the County of Victoria Recreation Corridor, the minimum yard requirement shall be 2 metres.

c. Special Provisions and Regulations (cont'd.)

- iv. Notwithstanding the provisions of Section 5.7, entitled Frontage Requirements, of this By-law to the contrary, within the Residential Type One Exception Thirteen (R1-13) Zone, no person shall erect any building or structure after the date of passing of this By-law unless the lot upon which such building or structure is to be erected is directly accessible by means of a private right-of-way which provides ingress and egress to an improved public street maintained year round.

d. Other Zone Provisions

Except as otherwise provided herein, the provisions of the Residential Type One (R1) Zone shall apply in all other respects and be complied with.

4.3.5.14 RESIDENTIAL TYPE ONE EXCEPTION FOURTEEN (R1-14) ZONE

Notwithstanding any other provision of the Residential Type One (R1) Zone, as set forth under Section 4.3 hereof to the contrary, within the Residential Type One Exception Fourteen (R1-14) Zone, the following shall apply:

- i) Minimum Front Yard setback shall be 6.0 m. to the portion of the dwelling containing the garage entrance and 4 m. to the balance of the dwelling.
- ii) Minimum Exterior Side Yard setback shall be 4 m. for either a 1 or 2 storey dwelling.
- iii) Minimum Interior Side Yard setback shall be 1.3 m. for a 1 storey dwelling and 2.3 m. for a 2 storey dwelling.

- iv) Minimum Water setback shall be 15 m.

Notwithstanding Section 5.7.1, the provisions of the By-law shall not apply to prevent the erection of a permitted building or structure on a lot fronting a private right-of-way.

In all other respects the provisions of the Residential Type One (R1) Zone shall apply and be complied with.

4.3.5.15 RESIDENTIAL TYPE ONE EXCEPTION FIFTEEN (R1-15) ZONE

Notwithstanding any other provision of the Residential Type One (R1) Zone, as set forth under Section 4.3 hereof to the contrary, within the Residential Type One Exception Fifteen (R1-15) Zone, the following shall apply:

- i) Minimum Lot Frontage requirement shall be 5 m.

In all other respects the provisions of the Residential Type One (R1) Zone shall apply and be complied with.

4.3.5.16 RESIDENTIAL TYPE ONE EXCEPTION SIXTEEN (R1-16) ZONE By-Law No. 2012-018

Notwithstanding the provisions contained in Section 4.3.2, lands zoned R1-16 shall be subject to the following provisions:

- | | |
|-----------------------------------|---|
| (i) Lot Frontage (minimum) | 17.5 metres |
| (ii) Interior Side Yard (minimum) | 4.0 metres on one side,
3.5 metres on the other side |

4.4 **RESIDENTIAL TYPE TWO (R2) ZONE**

4.4.1 PERMITTED USES

No person shall, within a Residential Type Two (R2) Zone, use any land or erect, alter or use any building or structure except as specified hereunder:

a. Residential Uses

- i. a single-family detached dwelling house;
- ii. a group home in accordance with the provisions of Section 5.23 hereinafter set forth in this By-law; and,
- iii. a home occupation use in accordance with the provisions of Section 5.10 hereinafter set forth in this By-law.

b. Non-Residential Uses

- i. a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.

c. Accessory Uses

Uses, buildings or structures accessory to any of the foregoing permitted use specified under Subsection (a) or (b) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

4.4.2 REGULATIONS FOR RESIDENTIAL USES SERVICED BY MUNICIPAL WATER SUPPLY AND SANITARY SEWERS

a. Minimum Lot Area Requirement 550 square metres

b. Minimum Lot Frontage Requirement 15 metres

c. Minimum Yard Requirements

- i. Front Yard 7.6 metres
- ii. Exterior Side Yard 3.6 metres
- iii. Interior Side Yard
Minimum width shall be 5.2 metres on one side, 1.2 metres on the other side, plus 0.6 metres on the narrow side for each additional or partial storey above the first, provided that where a garage or carport is attached to or is within the main building or the lot is a corner lot, the minimum width of the interior side yard shall be 1.2 metres plus 0.6 metres for each additional or partial storey above the first.
- iv. Rear Yard 12 metres

d. Minimum Dwelling Unit Area Requirement

- i. One Storey or Split Level Dwelling House 92 square metres
- ii. One and One Half Storey Dwelling House 110 square metres
- iii. Two Storey Dwelling House 130 square metres

e. Maximum Lot Coverage
- all building and structures 30 per cent

f. Minimum Setback From Street Centreline
17.6 metres except where the exterior side yard is adjacent a public street or road in which case the minimum setback from street centreline shall be 13.6 metres

g. Minimum Landscaped Open Space Requirement 30 per cent

- h. Maximum Number Of Dwelling Houses Per Lot one
- i. Maximum Height Of Buildings 10 metres

4.4.3 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Residential Type Two (R2) Zone shall apply and be complied with.

4.4.4 SPECIAL ZONE CATEGORIES - RESIDENTIAL TYPE TWO (R2) ZONE

4.4.4.1 RESIDENTIAL TYPE TWO EXCEPTION ONE (R2-1) ZONE

Notwithstanding any other provision of the Residential Type Two (R2) Zone as set forth under Section 4.4 hereof to the contrary, within the Residential Type Two Exception One (R2-1) Zone, the residential use of a single detached dwelling is permitted in accordance with the following provisions, namely:

- a. Minimum Lot Frontage 9.3 m
- b. Minimum Lot Area Requirement 480 m²
(B/L 2005-162)

4.4.4.2 RESIDENTIAL TYPE TWO EXCEPTION TWO (R2-2) ZONE
By-Law 86-21 repealed - See Section 6.3.2

4.4.4.3 RESIDENTIAL TYPE TWO EXCEPTION THREE (R2-3) ZONE
By-Law 89-4 repealed - See Section 6.3.2

4.5 **RESIDENTIAL TYPE THREE (R3) ZONE**

4.5.1 PERMITTED USES

No person shall, within a Residential Type Three (R3) Zone, use any land or erect, alter or use any building or structure except as specified hereunder:

a. Residential Uses

- i. a semi-detached dwelling house;
- ii. a duplex dwelling house; and,
- iii. a home occupation use in accordance with the provisions of Section 5.10 hereinafter set forth in this By-law.

b. Non-Residential Uses

- i. a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.

c. Accessory Uses

Uses, buildings or structures accessory to any of the foregoing permitted uses specified under Subsection (a) or (b) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

4.5.2 REGULATIONS FOR RESIDENTIAL USES

4.5.2.1 SEMI-DETACHED DWELLING HOUSE

- a. Minimum Lot Area Requirement 325 square metres
- b. Minimum Lot Frontage Requirement 10 metres
- c. Minimum Yard Requirements
 - i. Front Yard 7.6 metres
 - ii. Exterior Side Yard 3.6 metres
 - iii. Interior Side Yard
Minimum width shall be 5.2 metres for the side that is not attached to the other dwelling house provided that where a garage or carport is attached to or is within the main building, the minimum width of the interior side yard shall be 1.2 metres plus 0.6 metres for each additional or partial storey above the first.
 - iv. Rear Yard 12 metres
- d. Minimum Gross Floor Area Per Dwelling Unit 84 square metres
- e. Maximum Lot Coverage 40 per cent
 - all buildings and structures
- f. Minimum Setback From Street Centreline
17.6 metres except where the exterior side yard abuts a public street or road in which case the minimum setback from street centreline shall be 13.6 metres.
- g. Minimum Landscaped Open Space Requirement 30 per cent
- h. Maximum Number Of Dwelling Houses Per Lot one
- i. Maximum Height Of Buildings 10 metres

4.5.2.2 DUPLEX DWELLING HOUSE

- a. Minimum Lot Area Requirement 650 square metres
- b. Minimum Lot Frontage Requirement 20 metres
- c. Minimum Yard Requirements
 - i. Front Yard 7.6 metres
 - ii. Exterior Side Yard 7.6 metres
 - iii. Interior Side Yard
Minimum width shall be 4.5 metres on one side, 1.8 metres on the other side, plus 0.6 metres on the narrow side for each additional or partial storey above the second provided that where the lot is a corner lot, the minimum width of the interior side yard shall be 1.8 metres plus 0.6 metres for each additional or partial storey above the second.
 - iv. Rear Yard 12 metres
- d. Minimum Gross Floor Area Per Dwelling Unit 70 square metres
- e. Maximum Lot Coverage 40 per cent
 - all buildings and structures
- f. Minimum Setback From Street Centreline 17.6 metres
- g. Minimum Landscaped Open Space Requirement 30 per cent
- h. Maximum Number Of Dwelling Houses Per Lot one
- i. Maximum Number Of Dwelling Units Per Lot two
- j. Maximum Height Of Buildings 10 metres

4.5.3 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Residential Type Three (R3) Zone shall apply and be complied with.

4.5.4 SPECIAL ZONE CATEGORIES - RESIDENTIAL TYPE THREE (R3) ZONE

4.5.4.1 RESIDENTIAL TYPE THREE EXCEPTION ONE (R3-1) ZONE

Notwithstanding any other provision of the Residential Type Three (R3) Zone as set forth under Section 4.5 hereof to the contrary, within the Residential Type Three Exception One (R3-1) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the residential uses permitted shall be restricted to that of only a triplex, as herein defined, in accordance with the following provisions, namely;

- a. Minimum Lot Area Requirement 750 square metres
- b. Minimum Lot Frontage 20 metres
- c. Minimum Yard Requirements
 - i. Front Yard 7.6 metres
 - ii. Exterior Side Yard 7.6 metres
 - iii. Interior Side Yard 5 metres
 - iv. Rear Yard 12 metres
- d. Minimum Gross Floor Area Per Dwelling Unit 70 square metres
- e. Maximum Lot Coverage 40 per cent
 - all buildings and structures

f. Minimum Setback From Street Centreline	17.6 metres
g. Minimum Landscaped Open Space Requirement	30 per cent
h. Maximum Number Of Dwelling Houses Per Lot	one
i. Maximum Number Of Dwelling Units Per Lot	three
j. Maximum Height Of Buildings	10 metres

In all other respects the provisions of the Residential Type Three (R3) Zone shall apply and be complied with.

4.5.4.2 RESIDENTIAL TYPE THREE EXCEPTION TWO (R3-2) ZONE
Green Street

Notwithstanding the minimum lot area and frontage requirements and the minimum gross floor area per dwelling unit requirement for a duplex dwelling house, as set forth under Section 4.5.2.2(a) (b) and (d) hereof to the contrary, within the Residential Type Three Exception Two (R3-2) Zone, as delineated on the Zone Map attached hereto as Schedule "A" forming part of this By-law, the uses permitted shall be restricted to that of only a duplex dwelling house together with such other accessory uses, buildings and structures as are normally considered incidental and subordinate thereto in accordance with the following provisions, namely;

i. Minimum Lot Area Requirement	475 square metres
ii. Minimum Lot Frontage Requirement	15 metres
iii. Minimum Gross Floor Area Per Dwelling Unit	66 square metres

In all other respects the provisions of the Residential Type Three (R3) Zone shall apply and be complied with.

4.5.4.3 RESIDENTIAL TYPE THREE EXCEPTION THREE (R3-3) ZONE
Louisa Street

Notwithstanding the minimum lot frontage, front yard and setback requirements for a duplex dwelling house permitted within the Residential Type Three (R3) Zone as set forth under this By-law to the contrary, within the Residential Type Three Exception Three (R3-3) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the minimum lot frontage and front yard requirement shall be 16.7 metres and 3.6 metres respectively. In all other respects the provisions of the Residential Type Three (R3) Zone shall apply and be complied except that a minimum of two parking spaces shall only be required.

4.5.4.4 RESIDENTIAL TYPE THREE EXCEPTION FOUR (R3-4) ZONE By-law No. 90-13
Deane Street

Notwithstanding the minimum lot frontage and rear yard requirements for a semi-detached dwelling house permitted within the Residential Type Three (R3) Zone as set forth under Section 4.5.2.1(b) and Section 4.5.2.1(c) (iv) hereof to the contrary, within the Residential Type Three Exception Four (R3-4) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the minimum lot frontage requirement shall be 9 metres and the minimum rear yard requirement shall be 8 metres. In all other respects the provisions of the Residential Type Three (R3) Zone shall apply and be complied with.

4.5.4.5 RESIDENTIAL TYPE THREE EXCEPTION FIVE (R3-5) ZONE By-law No. 92-8
Parts 2, 5, 15 and 16, Plan 57R-2679, Short Street

Notwithstanding the minimum rear yard requirement for a duplex dwelling house within the Residential Type Three (R3) Zone, as set forth under Section 4.5.2.2(c)(iv) hereof to the contrary, within the Residential Type Three Exception Five (R3-5) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the minimum rear yard requirement for a duplex dwelling unit shall be 3.0 metres. In all other respects the provisions of the Residential Type Three (R3) Zone shall apply and be complied with.

4.5.4.6 RESIDENTIAL TYPE THREE EXCEPTION SIX (R3-6) ZONE By-law No. 00-12
Part of Lots 9 and 10, Registered Plan No. 100, North of Bond Street

Notwithstanding any other provision of this By-law to the contrary, within the Residential Type Three Exception Six (R3-6) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this by-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Permitted Uses

i. Residential

- a duplex dwelling house
- a triplex dwelling house

ii. Non-Residential Uses

a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.

iii. Accessory Uses

Uses, buildings or structures accessory to any of the foregoing permitted uses specified herein and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

b. Regulatory Provisions

- | | | |
|-------|--|--------------------|
| i. | Minimum Lot Area Requirement | 2070 square metres |
| ii. | Minimum Lot Frontage Requirement | 35 metres |
| iii. | Minimum Yard Requirements - Duplex Dwelling | |
| | - front yard | 6.8 metres |
| | - interior side yard | 0.8 metres |
| | - rear yard | 12 metres |
| iv. | Minimum Yard Requirements - Triplex Dwelling House | |
| | - front yard | 12 metres |
| | - interior side yard | 2 metres |
| | - rear yard | 12 metres |
| v. | Minimum Gross Floor Area Per Dwelling Unit | 60 square metres |
| vi. | Maximum Lot Coverage | |
| | - all buildings and structures | 30 percent |
| vii. | Minimum Setback From Street Centre Line | |
| | - duplex dwelling house | 16.8 metres |
| | - triplex dwelling house | 22 metres |
| viii. | Minimum Landscaped Open Space Requirement | 40 percent |
| ix. | Maximum Number of Dwelling Houses Per Lot | two |
| x. | Maximum Number of Dwelling Units Per Lot | five |

xi. Maximum Height Of Principal Buildings 10 metres

xii. Special Provisions - Spatial Separation Requirements
Within the Residential Type Three Exception Six (R3-6) Zone the minimum spatial separation between dwelling houses on the same lot shall be 8 metres.

c. Other Zone Provisions

In all other respects the provisions of the Residential Type Three (R3) Zone shall apply and be complied with.

4.5.4.7 RESIDENTIAL TYPE THREE EXCEPTION SEVEN (R3-7) ZONE By-law No. 2007-020
Part of Lot 2, and Part Block A, North of Francis Street, Plan No. 100, being Part 1 on Plan 57R-7476 - 91 Francis Street East

Notwithstanding the minimum lot frontage requirement set out in Section 4.5.2.1(b), on land zoned R3-7, the minimum lot frontage requirement shall be 8.5 m.

All other provisions for the R3 Zone shall apply.

4.6 **RESIDENTIAL TYPE FOUR (R4) ZONE**

4.6.1 PERMITTED USES

No person shall, within a Residential Type Four (R4) Zone, use any land or erect, alter or use any building or structure except as specified hereunder:

a. Residential Uses

- i. a fourplex dwelling house;
- ii. a home occupation use in accordance with the provisions of Section 5.10 hereinafter set forth in this By-law;
- iii. a townhouse, condominium or rental; and,
- iv. a townhouse, streetfront.

b. Non-Residential Uses

- i. a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.

c. Accessory Uses

Uses, buildings or structures accessory to any of the foregoing permitted uses specified under Subsection (a) or (b) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

4.6.2 REGULATIONS FOR RESIDENTIAL USES

4.6.2.1 FOURPLEX DWELLING HOUSE

- a. Minimum Lot Area Requirements 930 square metres
- b. Minimum Lot Frontage Requirements 25 metres
- c. Minimum Yard Requirements
 - i. Front Yard 7.6 metres
 - ii. Exterior Side Yard 7.6 metres
 - iii. Interior Side yard 4.5 metres
 - iv. Rear Yard 10 metres
- d. Minimum Gross Floor Area Per Dwelling Unit 70 square metres
- e. Maximum Lot Coverage 40 per cent
- f. Minimum Setback From Street Centreline 17.6 metres
- g. Minimum Landscaped Open Space Requirement 30 per cent
- h. Maximum Number Of Dwelling Houses Per Lot one
- i. Maximum Number Of Dwelling Units Per Lot four
- j. Maximum Height Of Buildings 10 metres

4.6.2.2 STREETFRONT TOWNHOUSE

a. Minimum Lot Area Requirement

- i. Where a streetfront townhouse dwelling unit has two walls attached to adjoining units. 270 square metres
- i. Where a streetfront townhouse dwelling unit has only one wall

attached to an adjoining unit and the lot is not a corner lot.
300 square metres

iii. Where a streetfront townhouse dwelling unit has only one wall attached to an adjoining unit and the lot is a corner lot.
380 square metres

b. Minimum Lot Frontage Requirements

i. Where a streetfront townhouse dwelling unit has two walls attached to adjoining units. 9 metres

ii. Where a streetfront townhouse dwelling unit has only one wall attached to an adjoining unit and the lot is not a corner lot.
10 metres

iii. Where a streetfront townhouse dwelling unit has only one wall attached to an adjoining unit and the lot is a corner lot.
12.5 metres

c. Minimum Yard Requirements

i. Front Yard 7.6 metres

ii. Exterior Side Yard 3.6 metres

iii. Interior Side Yard
Minimum interior side yard requirement adjacent a wall which is not a common wall shall be 1.2 metres.

iv. Rear Yard 10 metres

d. Maximum Number Of Streetfront Townhouses Having Common Walls

Notwithstanding any other provision of this By-law to the contrary, three or more dwelling units but not exceeding six dwelling units may be erected having common walls.

e. Minimum Gross Floor Area Per Dwelling Unit 84 square metres

f. Maximum Lot Coverage 40 per cent
- all buildings and structures

g. Minimum Setback From Street Centreline

17.6 metres except where the exterior side yard is adjacent a public street or road in which case the minimum setback from street centreline shall be 13.6 metres.

h. Minimum Landscaped Open Space Requirement 30 per cent

i. Maximum Number Of Dwelling Houses Per Lot one

j. Maximum Height Of Buildings 10 metres

4.6.2.3 CONDOMINIUM OR RENTAL TOWNHOUSES

a. Minimum Lot Area Requirement

The minimum lot area requirement shall be 5000 square metres or 270 square metres per dwelling unit, whichever is the greater.

b. Minimum Lot Frontage 60 metres

c. Minimum Yard Requirements

i. Front Yard	7.6 metres
ii. Exterior Side Yard	7.6 metres
iii. Interior Side Yard	6 metres
iv. Rear Yard	7.6 metres

d. Minimum Gross Floor Area Per Dwelling Unit 84 square metres

e. Maximum Lot Coverage
- all buildings and structures 40 per cent

f. Minimum Setback From Street Centreline 17.6 metres

g. Minimum Landscaped Open Space Requirement 30 per cent

h. Maximum Height Of Buildings 10 metres

i. Minimum Spatial Separation Requirements

Where more than one building is erected on the same lot, the following separation requirements shall apply namely:

i. between two exterior walls which contain no windows to habitable rooms	6 metres
ii between two exterior walls, one of which contains windows to habitable rooms	9 metres
iii. between two exterior walls both of which contain windows to habitable rooms	15 metres

Notwithstanding the foregoing provisions, the minimum distance between two exterior walls shall be increased by the width of any driveway or walk which may separate such walls.

4.6.3 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Residential Type Four (R4) Zone shall apply and be complied with.

4.6.4 SPECIAL ZONE CATEGORIES - RESIDENTIAL TYPE FOUR (R4) ZONE

4.6.4.1 RESIDENTIAL TYPE FOUR EXCEPTION ONE (R4-1) ZONE (Deleted By By-law No. 94-15)

4.6.4.2 RESIDENTIAL TYPE FOUR EXCEPTION TWO (R4-2) ZONE By-law No. 90-13
Deane Street

Notwithstanding any other provision of the Residential Type Four (R4) Zone as set forth under this By-law to the contrary, within the Residential Type Four Exception Two (R4-2) Zone, no person shall use any land or erect, alter or use any building or structure except as specified hereunder:

a. Permitted Uses

- i. Residential
 - streetfront townhouses
- ii. Non-residential
 - a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.
- iii. Accessory Uses
 - uses, buildings or structures accessory to any of the foregoing permitted uses specified under Subsections (I) and (ii) hereof and

in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

b. Regulatory Provisions

i. Minimum Lot Area Requirement

Where a streetfront townhouse dwelling unit has two walls attached to adjoining units. 270 square metres

Where a streetfront townhouse dwelling unit has only one wall attached to an adjoining unit and the lot is not a corner lot. 300 square metres

ii. Minimum Lot Frontage Requirements

Where a streetfront townhouse dwelling unit has two walls attached to adjoining units. 6 metres

Where a streetfront townhouse dwelling unit has only one wall attached to an adjoining unit and the lot is not a corner lot. 8 metres

c. Other Zone Provisions

In all other respects the provisions of the Residential Type Four (R4) Zone shall apply and be complied with.

4.6.4.3 RESIDENTIAL TYPE FOUR EXCEPTION THREE (R4-3) ZONE By-law 2002-03

Notwithstanding any other provisions of the Residential Type Four (R4) zone as set forth under Section 4.6.2.3 to the contrary, and notwithstanding the provisions regulating the interior side yard setback for accessory buildings or structures as set forth under Section 5.1.2, hereof to the contrary, within the Residential Type Four Exception Three (R4-3) zone, the following provisions shall apply:

- i. minimum lot area 4700 sq.m.
- ii. maximum number of townhouse dwelling units 17
- iii. minimum front yard setback 6 m.
- iv. minimum rear yard setback for Phase 1 group of 9 townhouse dwelling units 2.5 m.
- v. minimum south interior side yard setback for accessory buildings and structures 4 m.

In all other respects the provisions of the Residential type Four (R4) zone shall apply and be complied with.

4.6.4.4 RESIDENTIAL TYPE FOUR EXCEPTION FOUR (R4-4) ZONE By-Law 2002-133

Notwithstanding any other provisions of the Residential Type Four (R4) Zone as set forth under Section 4.6.2.3 to the contrary, within the Residential Type Four Exception Four (R4-4) Zone, the following provisions shall apply:

- i. the westerly interior side lot line shall be fenced with a minimum 1.5m high wooden privacy fence where the lands abut lands fronting on Louisa Street.
- ii. A minimum 1m (3.3 ft.) landscaped buffer shall be provided and maintained along the westerly interior side lot line where the lands abut lands fronting on Louisa Street.

In all other respects the provisions of the Residential Type Four (R4) Zone shall apply and be complied with.

4.6.4.5 RESIDENTIAL TYPE FOUR EXCEPTION FIVE (R4-5) ZONE (B/L 2004-98)
Francis St. E.

Notwithstanding any other provision of the Residential Type Four (R4) Zone as set forth under this By-Law to the contrary, within the Residential Type Four Exception Five (R4-5) Zone, the following regulatory provisions apply:

a. Regulatory Provisions

i. Minimum Lot Frontage Requirements

Where a streetfront townhouse dwelling unit has two walls attached to adjoining units 8 metres

Where a streetfront townhouse dwelling unit has only one wall attached to an adjoining unit and the lot is not a corner lot 9 metres

b. Other Zone Provisions

In all other respects the provisions of the Residential Type Four (R4) Zone shall apply and be complied with.

4.6.4.6 RESIDENTIAL TYPE FOUR EXCEPTION SIX (R4-6) ZONE (B/L 2008-086)
16 Veterans Way

Notwithstanding any other provision of the Residential Type Four (R4) Zone as set forth under this By-law under Section 4.6.2.3 to the contrary, within the Residential Type Four Exception Six (R4-6) Zone, the following provisions shall apply:

- a) Minimum Lot Area Requirement 4,039 sq.m.
- b) Minimum Rear Yard 6 m.
- c) Minimum Gross Floor Area Per Dwelling Unit 72.5 sq.m.

In all other respects the provisions of the Residential Type Four (R4) Zone shall apply and be complied with.

On land zoned R4-6(H), the removal of the (H) holding symbol shall be in accordance with the following:

- a) Satisfaction of Engineering Division that a storm water drainage plan is prepared and implemented.

4.6.4.7 RESIDENTIAL TYPE FOUR EXCEPTION SEVEN R4-7(H) ZONE By-Law 2009-172

Notwithstanding the requirements of Section 4.6.2.3 and Section 15.6.1, land zoned R4-7 shall be subject to the following requirements:

- a) Minimum lot area 3,500 sq.m.
- b) Minimum lot frontage 50 m
- c) Minimum front yard 8.5 m
- d) Minimum interior side yard 3.5 m
- e) Minimum exterior side yard 3 m
- f) Minimum rear side yard 4 m
- g) Minimum setback between a dwelling and a lane 6 m
- h) Section 4.6.2.3 f) shall not apply to development in an R4-7 Zone.
- i) Maximum lot coverage 55%
- j) Minimum landscaped open space 25%
- k) Maximum number of dwelling units 12

- l) Minimum number of parking spaces 34
- m) On land zoned R4-7(H), removal of the Holding (H) Symbol shall be subject to the execution of a site plan agreement."

4.6.4.8 RESIDENTIAL TYPE FOUR EXCEPTION EIGHT R4-8(H) ZONE By-Law 2009-172

Notwithstanding the requirements of Section 4.6.2.3 and Section 15.6.1, land zoned R4-8 shall be subject to the following requirements:

- a) Minimum lot area 1,000 sq.m.
- b) Minimum lot frontage 10 m
- c) Minimum front yard 6 m
- d) Minimum interior side yard 3 m
- e) Minimum exterior side yard 6 m
- f) Minimum rear side yard 4 m
- g) Section 4.6.2.3 f) shall not apply to development in an R4-8 Zone.
- h) Maximum lot coverage 75%
- i) Minimum landscaped open space 25%
- j) Maximum number of dwelling units 6
- k) Minimum number of parking spaces 12
- l) On land zoned R4-8(H), removal of the Holding (H) Symbol shall be subject to the execution of a site plan agreement."

4.6.4.9 RESIDENTIAL TYPE FOUR EXCEPTION NINE R4-9(H) ZONE By-Law 2009-172

Notwithstanding the requirements of Section 4.6.2.3 and Section 15.6.1, land zoned R4-9 shall be subject to the following requirements:

- a) Minimum lot area 9,400 sq.m.
- b) Minimum lot frontage 80 m
- c) Minimum front yard 6 m
- d) Minimum interior side yard 3.5 m
- e) Minimum exterior side yard 3 m
- f) Minimum rear side yard 3 m
- g) Minimum setback between a dwelling and a lane 6 m
- h) Minimum setback between the rear walls of dwelling units 6 m
- i) Section 4.6.2.3 f) shall not apply to development in an R4-9 Zone.
- j) Maximum lot coverage 65%
- k) Minimum landscaped open space 20%
- l) Maximum number of dwelling units 31
- m) Minimum number of parking spaces 72
- n) On land zoned R4-9(H), removal of the Holding (H) Symbol shall be subject to the execution of a site plan agreement."

4.6.4.10 RESIDENTIAL TYPE FOUR EXCEPTION TEN R4-10 (H) ZONE By-Law 2009-172

Notwithstanding the requirements of Section 4.6.2.3 and Section 15.6.1, land zoned R4-10 shall be subject to the following requirements:

- a) Minimum lot area 2,800 sq.m.
- b) Minimum lot frontage 25 m
- c) Minimum front yard 4 m
- d) Minimum interior side yard 4 m
- e) Minimum exterior side yard 6 m
- f) Minimum rear side yard 4 m
- g) Section 4.6.2.3 f) shall not apply to development in an R4-10 Zone.
- h) Maximum lot coverage 86%
- i) Minimum landscaped open space 25%
- i) Maximum number of dwelling units 12
- k) Minimum number of parking spaces 24

- 1) On land zoned R4-10(H), removal of the Holding (H) Symbol shall be subject to the execution of a site plan agreement."

RESIDENTIAL TYPE FIVE (R5) ZONE

4.7.1 PERMITTED USES

No person shall, within a Residential Type Five (R5) Zone, use any land or erect, alter or use any building or structure except as specified hereunder.

a. Residential Uses

- i. an apartment dwelling house.

b. Non-Residential Uses

- i. a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.

c. Accessory Uses

Uses, buildings and structures accessory to any of the foregoing permitted uses specified under Subsections (a) or (b) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

4.7.2 REGULATIONS FOR RESIDENTIAL USES

a. Minimum Lot Area Requirement

The minimum lot area requirement for an apartment dwelling house shall be 1,000 square metres or 200 square metres per dwelling unit whichever is the greater.

- b. Minimum Lot Frontage Requirement 30 metres

c. Minimum Yard Requirements

- | | |
|-------------------------|-----------|
| i. Front Yard | 12 metres |
| ii. Exterior Side Yard | 8 metres |
| iii. Interior Side Yard | 8 metres |
| iv. Rear Yard | 12 metres |

d. Minimum Gross Floor Area Per Dwelling Unit

- | | |
|---|------------------|
| i. Bachelor Dwelling Unit | 40 square metres |
| ii. One Bedroom Dwelling Unit | 56 square metres |
| iii. Two Bedroom Dwelling Unit | 70 square metres |
| iv. Dwelling Unit Containing Three or More Bedrooms | |
| 84 square metres plus 9 square metres for each bedroom in excess of three | |

- e. Maximum Lot Coverage Of All Buildings 40 per cent

f. Minimum Setback From Street Centreline

22 metres except where the exterior side yard abuts a public street or road in which case the minimum setback from street centreline shall be 18 metres.

- g. Minimum Landscaped Open Space Requirement 30 per cent

- h. Maximum Number Of Apartment Dwelling Houses Per Lot one
- i. Maximum Height Of Buildings 12 metres
- j. Property Abutting Lower Density Residential Zone

Where the interior or rear lot line of a Residential Type Five (R5) Zone abuts another residential zone of lower density, an area adjoining such abutting lot line shall be used for no other purpose than a planting strip in accordance with the requirements of Section 5.17 hereinafter set forth in this By-law.

4.7.3 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, of this By-law where applicable to the use of any land, building or structure permitted within the Residential Type Five (R5) Zone shall apply and be complied with.

4.7.4 SPECIAL ZONE CATEGORIES - RESIDENTIAL TYPE FIVE (R5) ZONE

4.7.4.1 RESIDENTIAL TYPE FIVE EXCEPTION ONE (R5-1) ZONE
Francis Street

Notwithstanding any other provision of the Residential Type Five (R5) Zone to the contrary, within the Residential Type Five Exception One (R5-1) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Permitted Uses

i. Residential

a senior citizens residence operated by the Ontario Housing Corporation together with such recreational facilities as a shuffleboard, garden plots, and horseshoe pits and such other accessory uses, buildings and structures as are normally considered incidental and subordinate thereto;

ii. Non-Residential

prohibited save and except for a public use or utility in accordance with the provisions of Section 5.18 of this By-law.

b. Regulatory Provisions

- i. Minimum Lot Area Requirement 8410 square metres
- ii. Minimum Lot Frontage Requirement 80 metres
- iii. Minimum Yard Requirements
 - Front Yard 7.5 metres
 - Interior Side Yard 7.5 metres
 - Rear Yard 6 metres
- iv. Minimum Gross Floor Area Per Dwelling Unit 43 square metres
- v. Minimum Setback From Street Centreline 17.6 metres
- vi. Minimum Landscaped Open Space Requirement 50 per cent
- vii. Maximum Number Of Apartment Dwelling House one

- viii. Maximum Number Of Apartment Units 70
- ix. Maximum Height Of Buildings 10.5 metres

c. Special Provisions

- i. Parking Area Requirements
Notwithstanding any other provision of this By-law to the contrary, a minimum of 21 parking spaces shall be provided with a minimum area requirement of 18.5 square metres exclusive of aisles and ingress and egress lanes.
- ii. Accessory Uses, Buildings, Structures
Notwithstanding any other provision of this By-law to the contrary, an accessory structure or building shall not be erected within 7.5 metres of the Environmental Constraint Exception One (E.C.-1) Zone adjacent the more southerly property line as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law.

d. Other Zone Provisions

In all other respects the provisions of the Residential Type Five (R5) Zone shall apply and be complied with.

4.7.4.2 RESIDENTIAL TYPE FIVE EXCEPTION TWO (R5-2) ZONE
Clifton Street

Notwithstanding any other provision of the Residential Type Five (R5) Zone as set forth under Section 4.7 hereof to the contrary, within the Residential Type Five Exception Two (R5-2) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Residential Uses

- i. Residential
 - an apartment dwelling house which provides for the individual ownership of each dwelling unit within the multi-unit structure in accordance with the Condominium Act, R.S.O. 1980, c.84, as amended.
- ii. Non-Residential
 - prohibited save and except for a public use or utility in accordance with the provisions of Section 5.18 of this By-law.
- iii. Accessory Uses
 - Uses, buildings and structures accessory to the principal permitted uses set forth under Subsections (i) and (ii) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

b. Regulatory Provisions

- i. Minimum Lot Area Requirement 900 square metres
- ii. Minimum Lot Frontage Requirements
 - adjacent Clifton Street 62 metres
 - adjacent Francis Street 16 metres

- iii. Minimum Yard Requirements
 - Front Yard - Clifton Street 7.6 metres
 - Exterior Side Yard - Francis Street 7.6 metres
 - Interior Side Yard 7.6 metres
 - Rear Yard 2.1 metres

iv. Special Provisions - Front Lot Line

For the purposes of the Residential Type Five Exception Two (R5-2) Zone, the front lot line shall be the line dividing the lot from Clifton Street.

- v. Minimum Gross Floor Area Per Dwelling Unit
 - one bedroom dwelling unit 55 square metres
 - two bedroom dwelling unit 65 square metres

- vi. Minimum Setback From Street Centreline 17.6 metres

c. Other Zone Provisions

In all other respects the provision of the Residential Type Five (R5) Zone shall apply and be complied with.

4.7.4.3 RESIDENTIAL TYPE FIVE EXCEPTION THREE (R5-3) ZONE (Deleted By By-law No. 99-22)

4.7.4.4 RESIDENTIAL TYPE FIVE EXCEPTION FOUR (R5-4) (Deleted by By-law 00-19) (Reynolds)

4.7.4.5 RESIDENTIAL TYPE FIVE EXCEPTION FIVE (R5-5) ZONE By-law No. 90-21
Louisa Street

Notwithstanding any other provision of this by-law to the contrary, within the Residential Type Five Exception Five (R5-5) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the uses permitted shall include condominium or rental townhomes, in accordance with the provisions of the Residential Type Four (R4) Zone as set forth under Section 4.6.2.3 hereof, in addition to those uses permitted within the Residential Type Five (R5) Zone. In all other respects the provisions of the Residential Type Five (R5) Zone shall apply and be complied with.

4.7.4.6 RESIDENTIAL TYPE FIVE EXCEPTION SIX (R5-6) ZONE By-law No. 2007-184
Part of Lots 88, 89, 90, 117, 118, 119 and 120, Registered Plan No. 100
Murray Street

Notwithstanding any other provisions of the Residential Type Five (R5) Zone, as set forth under Section 4.7 hereof to the contrary, within the Residential Type Five Exception Six (R5-6) Zone, no person shall use any land or erect, alter or use any building or structure except as specified as follows:

a. Permitted Uses

i. Residential

The uses permitted shall be restricted to that of a 50-unit senior citizen residence inclusive of ancillary community care offices and a senior citizen day care centre.

ii. Non-residential

Non-residential uses are prohibited with the exception of public use or utility in accordance with the provisions of Section 5.18 of this By-law.

iii. Accessory Uses

Uses, buildings, and structures accessory to the principal permitted uses set forth under sub-section i. and ii. hereof and in accordance with the provisions of Section 5.1 of this By-law.

b. Regulatory Provisions

i. The minimum lot area requirement for an apartment dwelling house shall be 1,000 square metres or 125 square metres per dwelling unit whichever is the greater. For the purposes of this calculation the lot area for all land zoned R5-6 consisting of 70 Murray St. and 105 Lindsay St. shall be considered as one lot although it may be divided into two lots.

ii. Minimum Lot Frontage 30 metres

iii. Minimum Yard Requirements

(a) Front Yard 12 metres

(b) Interior Side Yard 7 metres

(c) Rear Yard - 12 metres for the rear yard that is not attached to the other dwelling house.

iv. Minimum Gross Floor Area Per Dwelling Unit 62 square metres

v. Maximum Number of Apartment Dwelling Houses Per Lot One

vi. Maximum Number of Apartment Dwelling Units - 50 for all the land zoned R5-6 or 25 per lot if the land zoned R5-6 consist of two lots.

vii. Notwithstanding Section 5.16.7(e) on land zoned R5-6 no parking spaces or areas shall be permitted within 3 metres of a street line and 1.8 metres to a side lot line.

c. Other Provisions

In all other respects the provisions of the Residential Type Five (R5) Zone shall apply and be complied with save and except Sections 5.16.7(a) and (b) which shall not apply.

4.7.4.7 RESIDENTIAL TYPE FIVE EXCEPTION SEVEN (R5-7) ZONE By-law No. 91-10
Part of The Parsonage Lot, 94 Francis Street

Notwithstanding any other provision of the Residential Type Five (R5) Zone as set forth under Section 4.7, and, notwithstanding those provisions regulating the maximum lot coverage of accessory buildings and structures as set forth under Section 5.1.4, hereof to the contrary, within the Residential Type Five Exception Seven (R5-7) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except in accordance with the following provisions, namely:

i. maximum number of dwelling units twenty

ii. minimum lot area requirement 4700 square metres

iii. minimum lot frontage requirement 60 metres

iv. maximum lot coverage
- all buildings and structures 40 per cent

v. maximum lot coverage
- accessory buildings and structures 11 per cent

vi. Other Zone Provisions
In all other respects the provisions of the Residential Type Five (R5)

Zone shall apply and be complied with.

4.7.4.8 RESIDENTIAL TYPE FIVE EXCEPTION EIGHT (R5-8) ZONE By-law No. 94-15
Murray Street

Notwithstanding any other provision of this By-law to the contrary, within the Residential Type Five Exception Eight (R5-8) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

- i. Permitted Uses
an apartment dwelling house containing a maximum of 30 apartment dwelling units together with such other accessory uses as normally considered incidental and subordinate thereto. (B/L 2019-177)
- ii. Minimum Lot Area Requirement 6,070 square metres
- iii. Minimum Lot Frontage Requirement 90 metres
- iv. Minimum Gross Floor Area Per Dwelling Unit
Deleted by By-law 2019-177
- v. Planting Strip Requirements
Notwithstanding the provisions of Section 4.7.2(j) and Section 5.17 hereof to the contrary, where the interior side lot line, forming the north-easterly limit of those lands zoned within the Residential Type Five Exception Eight (R5-8) Zone, abuts lands zoned within the Residential Type Four (R4) Zone, the minimum width of the required planting strip shall be 2.5 metres.
- vi. Other Zone Provisions
In all other respects the provisions of the Residential Type Five (R5) Zone shall apply and be complied with.

4.7.4.9 RESIDENTIAL TYPE FIVE EXCEPTION NINE (R5-9) ZONE By-law No. 97-29
Colborne, Louisa and Queen Streets

Notwithstanding any other provision of this By-law to the contrary, within the Residential Type Five Exception Nine (R5-9) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and by this reference forming part of this By-law, no person shall use any lands or erect, alter or use any building or structure except as specified hereunder, namely:

- a. Permitted Uses
 - i. a condominium apartment dwelling house; and,
 - ii. uses, building and structures accessory to the principal permitted use specified herein and in accordance with the provisions of Section 5.1 hereof.
- b. Regulatory Provisions
 - i. minimum lot area requirement 8,000 square metres
 - ii. minimum lot frontage requirements
 - Colborne Street 55 metres
 - Louisa Street 65 metres
 - iii. minimum yard requirements
front yard

- adjacent Colborne Street 3 metres
- adjacent Queen Street 12 metres
- exterior side yard
- adjacent Louisa Street 12 metres
- interior side yard 8 metres
- rear yard
- opposite Colborne Street 5.5 metres
- opposite Queen Street 20 metres

- iv. maximum lot coverage - all buildings and structures 45 per cent

- v. minimum setback from street centreline
 - adjacent Colborne Street 14.7 metres
 - adjacent Louisa Street 22 metres

- vi. minimum landscaped open space 30 per cent

- vii. maximum number of condominium apartment dwelling houses two

- viii. maximum number of condominium apartment dwelling units 42

- ix. dwelling unit area requirements
 - minimum 70 square metres
 - maximum 115 square metres

- x. maximum height of principal structures 10 metres

c. Special Yard Provisions

- i. Notwithstanding the minimum front yard and setback requirements adjacent Colborne Street, as set forth under Sections (b) (iii) and (b) (v) hereof to the contrary, the minimum front yard and setback requirements may be reduced to 0.3 metres and 12 metres respectively provided that at least 60 percent of the front wall of the principal building or structure is located not closer than 3 metres to the front lot line adjacent Queen Street.

- ii. Notwithstanding the minimum interior side yard requirement set forth under subsection (b) (iii) hereof to the contrary, within 22 metres of the front lot line adjacent Colborne Street, the minimum interior side lot line, adjacent the more northerly property boundary, may be reduced to 0 metres where a foundation existed as of the date of passing of this By-law.

d. Special Provisions - Off-Street Parking Requirements

- i. Notwithstanding any other provision of Section 5.16.1 of this By-law to the contrary, within the Residential Type Five Exception Nine (R5-9) Zone, a minimum of one off-street parking space shall be provided for each dwelling unit.

- ii. Notwithstanding the provisions of Section 5.16.7 (e) of this By-law to the contrary, within the Residential Type Five Exception Nine (R5-9) Zone, uncovered, surfaced, off-street parking areas shall be permitted within the front, exterior side and rear yard adjacent Colborne and Louisa Streets in accordance with the following provisions, namely:
 - that no part of any off-street parking area is located within the required rear yard opposite Colborne Street, and further, that no part of any driveway providing access thereto is located closer than 5 metres to the rear lot line; and,

- that no part of any off-street parking area located within the exterior side yard adjacent Louisa Street, other than a driveway, is closer than 1.2 metres to the exterior side or within 10 metres of the front lot line.

e. Other Zone Provisions

In all other respects the provisions of the Residential Type Five (R5) Zone shall apply and be complied with.

4.7.4.10 RESIDENTIAL TYPE FIVE EXCEPTION TEN (R5-10) ZONE
Part One, Plan 57R-7899, Francis Street

By-law No. 00-06

Within the Residential Type Five Exception Ten (R5-10) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and by this reference forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except in accordance with the following provisions, namely:

a. Permitted Uses

- i. an assisted living dwelling house;
- ii. freehold townhouse dwellings in association with a common elements condominium corporation;
- iii. uses, buildings and structures accessory to the principal permitted use specified herein and in accordance with the provisions of Section 5.1 hereof; and,
- iv. a public use or utility in accordance with the provisions of Section 5.18 of this By-law, as amended.

b. Definitions

i. Assisted Living Suite

Shall mean a suite of two or more rooms which has a private entrance from a common hallway and is designed or intended for use by one or two persons, in which sanitary conveniences are provided, and, which may include a microwave, or other small appliance, and refrigerator but shall not include any other facilities for the cooking of food or for the installation of cooking equipment.

ii. Common Elements Condominium Corporation

Shall mean a common elements condominium corporation created pursuant to Section 138 of the Condominium Act, R.S.O. 1990, c.C.26, as amended, as a result of the registration of a declaration and description that create the common elements corporation. For the purposes of this By-law the common elements and ownership interests shall include, but not be limited to, private roads, services and utilities, landscaped open space areas, off-street parking facilities or other similar works and services which do not form part an exclusive use area held under distinct and separate ownership.

iii. Dwelling House, Assisted Living

Shall mean the whole of a building that contains more than four assisted living suites which have a common entrance from street level and which are served by a common corridor, which contains a cafeteria and dining room for the serving of meals to the residents,

common areas and facilities for personal care together with such other ancillary uses and activities as are normally considered incidental and subordinate thereto.

c. Regulatory Provisions

- i. Minimum Lot Area Requirement 3.0 hectares
- ii. Minimum Lot Frontage Requirement
 - adjacent the north-easterly limits of Francis Street 200 metres
- iii. Minimum Yard Requirements
 - front yard - opposite the north-easterly limits of Francis Street 8 metres
 - minimum interior side yard requirement shall be 6 metres except where the adjacent lands are zoned within the Residential Type One (R1) Zone, in which case the minimum interior side yard requirements shall be 7.6 metres
 - rear yard - opposite the westerly limit of Concession Road 12 metres
- iv. Maximum Lot Coverage of all Buildings and Structures 40 percent
- v. Minimum Setback From Street Centreline
 - adjacent the north-easterly limits of Francis Street 18 metres
 - adjacent the westerly limits of Concession Road 22 metres
- vi. Minimum Landscaped Open Space Requirement 30 percent

d. Planting Strip Requirements

Where the interior side or rear lot line abuts lands zoned within either the Residential Type One (R1) Zone or the Residential Type Two (R2) Zone, an area, having a minimum width of 3 metres, adjoining the abutting lot line, or portion thereof, of those lands zoned within either the Residential Type One (R1) Zone or the Residential Type Two (R2) Zone shall be used for no other purpose than a planting strip in accordance with the provisions of Section 5.17 of By-law No. 89-25.

e. Special Zone Provisions - Assisted Living Dwelling House

- i. Maximum Number of Assisted Living Dwelling Houses two
- ii. Maximum Number of Assisted Living Suites 180
- iii. Special Yard Provisions

Notwithstanding the minimum interior side yard requirement set forth under subsection (c)iii hereof to the contrary, the minimum interior side yard requirement may be reduced to 4.5 metres to provide for the encroachment of not greater than one percent of the ground floor area of the assisted living dwelling house upon the interior side lot line, provided further that the total perimeter of those portions of the building which encroach upon the interior side yard is not greater than 25 percent of the total length of the interior side lot line, and, that at least 64 percent of the perimeter of the wall nearest the interior side lot line is set back a minimum of 14 metres from the interior side lot line.

- iv. Minimum Setback Requirement From Private Road

The minimum setback requirement from an internal private road shall

be 4 metres. Notwithstanding the foregoing, a canopy or covered entrance and related structural appurtenances shall be permitted to encroach upon an internal private road provided that no portion of any canopy or covered entrance area is located closer than 12 metres to the front, interior side or rear lot line.

v. Minimum Gross Floor Area Requirements - Assisted Living Suites

studio suite	34 sq. m.
one bedroom suite	46 sq. m.
two bedroom suite	55 sq. m.

vi. Maximum Height of Assisted Living Dwelling House 12 metres

vii. Off-Street Parking Area Requirements

A minimum of one parking space shall be provided for every two assisted living suites provided further that a minimum of 5 parking spaces are designated spaces. For the purposes of this By-law, a designated parking space shall mean a parking space having a minimum width of 4.1 metres and which is identified by the universal symbol of access for the physically challenged, overlaid in white or yellow paint.

viii. Loading Space Requirements

Notwithstanding the provisions of Section 5.11.1 of this By-law to the contrary, a minimum of two loading spaces shall be provided in association with the assisted living dwelling house. In all other respects, the provisions of Section 5.11 of this By-law shall apply and be complied with.

f. Special Provisions - Freehold Townhouse Dwellings

- i. Minimum Gross Floor Area Per Dwelling Unit 82 square metres
- ii. Maximum Gross Floor Area Per Dwelling Unit 130 square metres
- iii. Maximum Number of Freehold Townhouse Dwelling Units 40
- iv. Maximum Height Of Freehold Townhouse Dwellings 10 metres

v. Off-Street Parking Requirements

A minimum of 2.25 off-street parking spaces shall be provided for every freehold townhouse dwelling

vi. Maximum Number Of Freehold Townhouse Dwellings Having Common Walls

Notwithstanding any other provision of this By-law to the contrary, three or more dwelling units but not exceeding six dwelling units may be erected having common walls

vii. Minimum Spatial Separation Requirements

Where more than one building is erected on the same lot, the following separation requirements shall apply namely:

- between two exterior walls which contain no windows to habitable rooms 6 metres
- between two exterior walls, one of which contains windows to habitable rooms 9 metres
- between two exterior walls, both of which contain windows to habitable rooms 15 metres

Notwithstanding the foregoing provisions, the minimum distance between two exterior walls shall be increased by the width of any driveway or walk which may separate such walls.

- viii. Minimum Setback Requirement from Private Road 6 metres
- g. Special Provisions - Creation Of Common Elements Condominium Corporation
- i. Notwithstanding the minimum lot area and frontage requirements set forth under subsection (c) hereof to the contrary, the provisions of this By-law shall not be effective to preclude the creation of a lot of a lesser lot area and/or frontage than required herein for a freehold townhouse dwelling in association with a common elements condominium corporation provided the area of the lot created in association with the freehold townhouse dwelling has a minimum lot area of 80 square metres.
- ii. Notwithstanding the minimum lot area and frontage requirements set forth under subsection (c) hereof, the provisions of this By-law shall not be effective to preclude the creation of a lot of a lesser lot area and/or frontage than required herein for an assisted living dwelling house in association with a common elements condominium corporation
- iii. Notwithstanding the definition of lot area, as set forth under Section 1.105 of this By-law to the contrary, lot area shall mean the total horizontal area zoned within the Residential Type Five Exception Ten (R5-10) Zone.
- iv. Notwithstanding any other provision of this By-law to the contrary, the minimum lot area and frontage requirements, the minimum yard dimensions and setback requirements, the maximum lot coverage, the minimum landscaped open space, the minimum parking area and loading space requirements and all other regulatory provisions set forth under subsection (c), entitled Regulatory Provisions, shall be determined on the basis of the entire area of those lands zoned within the Residential Type Five Exception Ten (R5-10) Zone and as if the lands were held under one ownership.
- v. Notwithstanding the provisions of Section 5.7.1 hereof to the contrary, no provision of this By-law shall apply to prevent the erection of a building or structure permitted within the Residential Type Five Exception Ten (R5-10) Zone where access is provided by means of a private road which forms part of a common elements condominium corporation and which provides direct access to an improved public street or road maintained year round.

h. Other Zone Provisions

In all other respects, the provisions of the Residential Type Five (R5) Zone shall apply and be complied with.

land zoned R5-11 shall be subject to the following requirements:

- a) Minimum lot frontage 20 m
- b) Maximum number of apartment units 45
- c) Minimum number of parking spaces 75
- d) Minimum landscape strip width around a parking lot used in an zoned R5-11 to a property line 4 m
- e) On land zoned R5-11(H), removal of the Holding (H) Symbol shall be subject to the execution of the site plan agreement.

4.7.4.12 RESIDENTIAL TYPE FIVE EXCEPTION TWELVE R5-12 ZONE

By-Law No. 2012-161

Notwithstanding any other provision of the Residential Type Five (R5) Zone to the contrary, within the Residential Type Five Exception Twelve (R5-12) Zone, as delineated on the zone map attached hereto as Schedule 'A' and forming part of this by-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

- a. Permitted uses
 - i. A condominium apartment dwelling house
- b. Regulatory Provisions
 - i. Minimum yard requirements for a main building:
 - Front yard 7.5 m.
 - Interior side yard on the west side of the subject land 6 m.
 - Interior side yard on the east side of the subject land 30 m.
 - Rear Yard 4 m.
 - ii. Minimum yard requirements for an accessory building:
 - An accessory building may only be permitted within the interior side yard on the east side of the subject land with a minimum setback of 6 m.
 - iii. Underground Parking requirements
 - Driveway Aisle 6.9 m.
 - Length of a Parking Space 5.5 m.
 - Width of a Parking Space 2.6 m.

4.7.4.13 RESIDENTIAL TYPE FIVE EXCEPTION THIRTEEN (R5-13) ZONE

(By-Law 2013-242)

Part of Lot 22, Concession 9, Geographic Township of Fenelon, now the City of Kawartha Lakes

Notwithstanding any other provision of this By-law to the contrary, on land zoned Residential Type Five Exception Thirteen (R5-13) Zone, no person shall use any land or erect, alter or use any building or structure except in accordance with the following provisions:

- a. Residential Uses
 - i. Retirement Residence;
 - ii. Apartment Dwelling House;
 - iii. Townhouse Dwelling;
 - vi. Semi-Detached Dwelling House.
- b. Non-Residential
 - i. a public use or utility in accordance with the provisions of Section

5.18 of this By-law, as amended.

c. Accessory Uses

i. uses, buildings and structures accessory to the principal permitted use specified herein and in accordance with the provisions of Section 5.1 of this By-law, as amended;

d. Definitions

i. Retirement Residence

Shall mean a dwelling house containing rooming units and/or Dwelling Units, used as living accommodations for persons who require assistance with daily living, and which may provide ancillary health, personal service, and recreational service to the residents of the retirement residence.

d. Regulatory Provisions

Notwithstanding any other provisions of this By-law to the contrary, the maximum number of dwelling units, minimum lot area requirement, minimum lot frontage requirement, minimum yard requirements, minimum gross floor area per dwelling unit and all other regulatory provisions set forth under this subsection (e), entitled Regulatory Provisions, shall be determined on the basis of the entire area of those lands zoned within the Residential Type Five Exception Thirteen (R5-13) Zone and as if the lands were held under one ownership and shall be subject to the following.

- | | | |
|-------|---|--|
| i. | Maximum Number of Dwelling and/or Rooming Units | 226 |
| ii. | Minimum Lot Area Requirement | 3 hectares |
| iii. | Minimum Lot Frontage Requirement | 10 m |
| iv. | Minimum Yard Requirements | |
| | Front Yard | 10 m |
| | Exterior Side Yard | 13 metres |
| | Interior Side Yard | 2.4 metres |
| | Rear Yard | 13 metres |
| v. | Minimum Gross Floor Area per Dwelling Unit | |
| | Townhouse Dwelling Unit | 65 sq. metres |
| | Apartment Dwelling Unit | 46 sq. metres |
| | Retirement Residence | 34 sq. metres |
| vi. | Minimum Setback Requirements from Private Road | |
| | The minimum setback requirement from an internal private road shall be 6 metres. Notwithstanding the foregoing, where the side or rear of a building or structure abuts an internal private road the minimum setback may be reduced to a minimum of 1.6 metres, provided the reduced setback comply with the provisions of Section 4.7.4.13.e.iv. | |
| vii. | Maximum Height of Buildings and Structures | 16 metres
(4 storeys) |
| viii. | Parking Space Requirements | |
| | Retirement Residence | 0.5 space
per unit |
| | Apartment Dwelling Unit | 1.5 spaces per unit,
of which 25% shall be
for visitor parking |
| ix. | Wetland Corridor Requirement | |
| | Notwithstanding the provisions of Section 4.7.2(j) and Section 5.17 hereof to the contrary, an area, having a minimum width of 13 metres, adjoining the interior side and rear lot line, forming the westerly and northerly limit of those lands zoned Residential Type Five Exception Thirteen (R5-13) Zone, as shown on Schedule 'B', shall be used for no other purpose than a wetland corridor. | |

f. Other Zone Provisions

On land zoned R5-13(H), no permitted use shall be established until after the required sanitary and water servicing capacity has been allocated by Council and the appropriate development agreement between the owner and the City has been registered on title of the land; following which the removal of the holding (H) symbol shall occur. In all other respects the provisions of the Residential Type Five (R5) Zone shall apply and be complied with.

4.8 **COMMUNITY FACILITY (CF) ZONE**

4.8.1 PERMITTED USES

No person shall within a Community Facility (CF) Zone use any land or erect, alter or use any building or structure except as specified hereunder:

a. Residential Uses

Prohibited except where a single-family detached dwelling house is ancillary to a place of worship.

b. Non-Residential Uses

- i. an arena;
- ii. an assembly hall and/or auditorium;
- iii. a cemetery;
- iv. a community centre;
- v. a day nursery;
- vi. a firehall, a police station and/or an ambulance depot;
- vii. a fraternal lodge;
- viii. a federal, provincial or local government office;
- ix. a home for the aged;
- x. a hospital;
- xi. a medical clinic;
- xii. a municipal administration and/or recreational complex;
- xiii. a museum;
- xiv. a nursing home;
- xv. a place of worship;
- xvi. a post office;
- xvii. a private club;
- xviii. a public library;
- xix. a public or private school;
- xx. a public swimming pool; and,
- xxi. a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.

c. Accessory Uses

Uses, buildings and structures accessory to any of the foregoing permitted uses specified under Subsections (a) or (b) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

4.8.2 REGULATIONS FOR RESIDENTIAL USES

a. Spatial Separation Requirements

Where a single-family detached dwelling house is erected or any building or structure is altered or used for the purposes of a single-family detached dwelling, as permitted in accordance with the provisions of Section 4.8.1 (a) hereof, such single-family dwelling house shall not be erected nor shall any building be altered or used for such purposes within 10 metres of the permitted non-residential use.

b. Minimum Dwelling Unit Area Requirement

- i. One Storey or Split Level Dwelling House 92 square metres
- ii. One and One Half Storey Dwelling House 110 square metres
- iii. Two Storey Dwelling House 130 square metres

c. Maximum Number of Dwelling Houses Per Lot one

d. Minimum Yard Requirements

i. Front Yard	7.6 metres
ii. Exterior Side Yard	7.6 metres
iii. Interior Side Yard	2 metres
iv. Rear Yard	10 metres

e. Minimum Setback From Street Centreline 17.6 metres

f. Maximum Height Of Residential Building 10 metres

g. Other Zone Provisions

In all other respects the provisions Section 4.8.3 shall apply and be complied with.

4.8.3 REGULATIONS FOR NON-RESIDENTIAL USES

a. Minimum Lot Area Requirement 1,000 square metres

b. Minimum Lot Frontage Requirement 30 metres

c. Minimum Yard Requirements

i. Front Yard	10 metres
ii. Exterior Side Yard	10 metres
iii. Interior Side Yard	8 metres
iv. Rear Yard	10 metres

d. Maximum Lot Coverage Of All Building 40 per cent

e. Minimum Setback From Street Centreline 20 metres

f. Minimum Landscaped Open Space Requirement 30 per cent

g. Maximum Height Of Buildings 12 metres

4.8.4 PLANTING STRIP REQUIREMENTS

Where the interior side or rear lot line abuts a Residential Zone, an area adjoining such abutting lot line or portion thereof shall be used for no other purpose than for a planting strip in accordance with the requirements of Section 5.17 hereinafter set forth in this By-law.

4.8.5 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, where applicable to the use of any land, building or structure permitted within the Community Facility (CF) Zone shall apply and be complied with.

4.8.6 SPECIAL ZONE CATEGORIES - COMMUNITY FACILITY (CF) ZONE

4.8.6.1 COMMUNITY FACILITY EXCEPTION ONE (CF-1) ZONE
Francis Street

Notwithstanding the non-residential uses permitted within the Community Facility Exception One (CF-1) Zone as set forth under Section 4.8.1 (b) hereof to the contrary, within the Community Facility Exception One (CF-1) Zone as delineated on the Zone Map Schedule "A", the non-residential uses permitted shall be restricted to:

- a) Medical clinics
- b) Federal, provincial or local government offices
- c) Business, professional or other administrative offices

Such other accessory uses, buildings and structures as are normally considered incidental and subordinate to the foregoing, shall also be permitted. In addition, a coffee shop and/or confectionary shop accessory to an office or a medical clinic shall also be permitted in the CF-1 Zone.

Notwithstanding the provisions of Section 5.16.5.a to the contrary, parking spaces in the CF-1 Zone will be permitted a minimum width of 2.8 metres.

Notwithstanding the provisions of Section 5.16.5.e to the contrary, parking aisle width in the CF-1 Zone will be permitted a minimum aisle width of 6.0 metres.

In all other respects the provisions of the Community Facility (CF) Zone shall apply and be complied with. (B/L2021-124)

4.8.6.2 COMMUNITY FACILITY EXCEPTION TWO (CF-2) ZONE
Parts 1 & 2, Plan 57R-5460, Wychwood Crescent

By-law No. 99-22

Within the Community Facility Exception Two (CF-2) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and by this reference forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except in accordance with the following provisions, namely:

a. Permitted Uses

- i. a long term care facility, containing a maximum of 67 resident beds, operated in accordance with the requirements of the Ministry of Health and licensed by the Province of Ontario under the Nursing Homes Act, inclusive of common areas and lounges, facilities for the preparation and serving of food, nursing care and provision of medical supplies, laundry facilities, personal care facilities and such other ancillary uses and activities as are normally considered incidental and subordinate to the principal permitted use.
- ii. uses, buildings and structures accessory to the principal permitted use specified herein and in accordance with the provisions of Section 5.1 hereof.
- iii. a public use or utility in accordance with the provisions of Section 5.18 of this By-law, as amended.

b. Regulatory Provisions

- i. minimum lot area requirement 1.7 hectares
- ii. minimum lot frontage requirement
 - adjacent the westerly limit of Wychwood Crescent 90 metres
- iii. minimum lot flankage requirement
 - adjacent the southerly limits of Wychwood Crescent 170 metres
- iv. minimum yard requirements
 - yard opposite the westerly limit of Wychwood Crescent 10 metres
 - exterior side yard opposite the southerly limit of Wychwood Crescent 10 metres
 - interior side yard 8 metres
 - rear yard 10 metres
- v. maximum lot coverage of all buildings and structures 40 percent
- vi. minimum setback from street centreline 20 metres

- vii. minimum landscaped open space requirement 30 percent
- viii. maximum gross floor area of all buildings and structures 4100 square meters
- ix. maximum height of all buildings and structures 10 metres

c. Special Yard Provisions

Notwithstanding the minimum interior side yard requirement set forth under subsection (b) (iv) hereof to the contrary, the minimum interior side yard requirement may be reduced to 5 metres to provide for the encroachment of not greater than 5 percent of the ground floor area of the principal building or structure upon the interior side lot line provided further that the total projection of those portions of the building which encroach upon the interior side yard are not greater than 10 percent of the total length of the interior side lot line.

d. Planting Strip Requirements

Where the interior side or rear lot line abuts lands zoned for residential purposes, an area, having a minimum width of 3 metres, adjoining the abutting lot line, or portion thereof, of those lands zoned within a Residential Zone shall be used for no other purpose than a planting strip in accordance with the provisions of Section 5.17 of By-law No. 89-25.

e. Loading Space Requirements

Notwithstanding the provisions of Section 5.11.1 of this By-law to the contrary, within the Community Facility Exception Two (CF-2) Zone, a minimum of one loading space shall be provided where the gross floor area of the building is less than 5000 square metres. In all other respects, the provisions of Section 5.11 of this By-law shall apply and be complied with.

f. Off-Street Parking Requirements

A minimum of one parking space shall be provided for every two resident beds or fraction thereof.

g. Other Zone Provisions

In all other respects, the provisions of the Community Facility (CF) Zone shall apply and be complied with.

4.8.6.3 COMMUNITY FACILITY EXCEPTION THREE (CF-3) ZONE By-law No. 2008-229
Part of Lot 115 and Lot 116, Registered Plan 100

Notwithstanding the provisions contained in Section 5.16.1 and Section 4.8.3(b) (iv), lands zoned CF-3 shall be subject to the following provisions:

- (i) Parking (minimum) 32 spaces
- (ii) Rear Yard (minimum) 4.75 metres

4.8.6.4 COMMUNITY FACILITY EXCEPTION FOUR (CF-4) ZONE By-Law No. 2012-018

Notwithstanding the provisions contained in Section 5.16, Section 5.17, and Section 4.8.3, lands zoned CF-4 shall be subject to the following provisions:

- (i) Parking (minimum) 20 spaces
- (ii) Parking shall be located a minimum of 2.0 metres from a Residential

Zone.

- (iii) The planting strip located within an interior side yard abutting a Residential Zone shall have a minimum width of 2.0 metres.
- (iv) Loading Spaces nil
- (v) Front Yard (minimum) 0.5 metres
- (vi) Interior Side Yard (minimum) 2.0 metres
- (vii) Minimum Setback from Street Centreline 10.0 metres

R1-

4.9 **GENERAL COMMERCIAL (C1) ZONE**

4.9.1 PERMITTED USES

No person shall within a General Commercial (C1) Zone use any land or erect, alter or use any building or structure except as specified hereunder.

a. Residential Uses

Residential uses are prohibited except where a dwelling unit is located within a portion of a non-residential building permitted within the General Commercial (C1) Zone.

b. Non Residential Uses

- i. an antique sales and/or craft shop;
- ii. a bakery shop and/or confectionery shop;
- iii. a bank or financial institution;
- iv. a brewers retail outlet;
- v. a business, professional or other administrative office;
- vi. a commercial school;
- vii. a convenience store;
- viii. a custom workshop;
- ix. a day nursery school;
- x. a dry cleaners or laundromat, coin operated;
- xi. a dry cleaners distribution station;
- xii. a federal, provincial or local government office;
- xiii. an eating establishment exclusive of any such establishment with drive-in or curbside service;
- xiv. a firehall or police station;
- xv. a fraternal lodge or private club;
- xvi. a funeral home and undertaking establishment;
- xvii. a furniture and appliance dealer;
- xviii. a health and fitness club;
- xix. a hotel;
- xx. a liquor control board outlet;
- xxi. a medical clinic;
- xxii. a municipal parking lot;
- xxiii. an outdoor café where such use is ancillary and incidental to an eating establishment or liquor licensed premises;
- xxiv. the outside display and sale of goods and material where such use is ancillary to a principal use permitted hereunder and in accordance with the provisions of Section 5.15 hereinafter set forth in this By-law;
- xxv. a place of entertainment or amusement;
- xxvi. a post office;
- xxvii. a printing or publishing establishment;
- xxviii. a public library;
- xxix. a public use or utility in accordance with provisions of Section 5.18 hereinafter set forth in this By-law;
- xxx. a retail commercial establishment;
- xxxi. a service shop, light;
- xxxii. a service shop, personal;
- xxxiii. a supermarket;
- xxxiv. a tavern; and,
- xxxv. a taxi establishment.

c. Accessory Uses

Uses, buildings and structures accessory to any of the foregoing uses permitted under Subsections (a) or (b) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

4.9.2 REGULATIONS FOR RESIDENTIAL USES

a. Dwelling Unit In Portion Of Non-Residential Building

Dwelling units may be permitted in a portion of a non-residential building where such use is permitted within the General Commercial (C1) Zone provided that the dwelling units are not located below the second storey and that all other pertinent requirements of the said zone are complied with.

b. Minimum Gross Floor Area Per Dwelling Unit

- | | | |
|------|---|---|
| i. | Bachelor Dwelling Unit | 40 square metres |
| ii. | One Bedroom Dwelling Unit | 56 square metres |
| iii. | Two Bedroom Dwelling Unit | 70 square metres |
| iv. | Dwelling Unit Containing Three or More Bedrooms | 84 square metres plus 9 square metres for each bedroom in excess of three |

4.9.3 REGULATIONS FOR NON-RESIDENTIAL USES

a. Minimum Lot Area Requirements

Minimum lot area requirement shall be 465 square metres except where a lot abuts either side of Colborne Street between Water Street and Bond Street, in which case there shall be no minimum lot area requirement.

b. Minimum Lot Frontage Requirement

Minimum lot frontage requirement shall be 15 metres except where a lot abuts either side of Colborne Street between Water Street and Bond Street, in which case there shall be no minimum lot frontage requirement.

c. Minimum Yard Requirements

- i. Front Yard
Minimum front yard requirement shall be 3 metres except where a lot abuts either side of Colborne Street, between Water Street and Bond Street, in which case no front yard shall be required.
- ii. Exterior Side Yard
Minimum exterior side yard requirement shall be 3 metres except where a lot abuts either side of Colborne Street, between Water Street and Bond Street, in which case no side yard shall be required.
- iii. Interior Side Yard
Minimum interior side yard shall be 5 metres on one side and one metre on the other side except where a lot within the General Commercial (C1) Zone abuts a Residential Zone in which case the minimum interior side yard requirements shall be 9 metres adjacent the residential zone and one metre on the other side; or, where a lot abuts either side of Colborne Street, between Water Street and Bond Street in which case no interior side yard shall be required.
- iv. Rear Yard
Minimum rear yard requirement shall be 6 metres except where a lot within the General Commercial (C1) Zone abuts a Residential Zone in which case the minimum rear yard requirement shall be 9 metres.

d. Maximum Lot Coverage Of All Buildings 80 per cent

e. Minimum Setback From Street Centreline

Minimum setback from street centreline shall be 13 metres except where a lot abuts either side of Colborne Street, between Water Street and Bond Street, in which case the minimum setback from street centreline shall be 10 metres or one half of the width of the right-of-way of the said section of Colborne Street, whichever is the greater.

f. Maximum Height Of Buildings 12 metres

4.9.4 PLANTING STRIP REQUIREMENTS

Where the interior side or rear lot of a lot within the General Commercial (C1) Zone abuts a Residential Zone, an area adjoining such abutting lot line or portion thereof shall be used for no other purpose than for a planting strip in accordance with the requirements of Section 5.17 hereinafter set forth in this By-law.

4.9.5 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, where applicable to the use of any land, building or structure permitted within the General Commercial (C1) Zone shall apply and be complied with.

4.9.6 SPECIAL ZONE CATEGORIES - GENERAL COMMERCIAL (C1) ZONE

4.9.6.1 GENERAL COMMERCIAL EXCEPTION ONE (C1-1) ZONE

Princes' Street

Notwithstanding the non-residential uses permitted within the General Commercial (C1) Zone, as set forth under Section 4.9.1 (b) hereof to the contrary, within the General Commercial Exception One (C1-1) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the permitted non-residential uses shall be restricted to that of only a funeral home and undertaking establishment together with such other accessory uses, buildings or structures as are normally considered incidental and subordinate thereto. In all other respects the provisions of the General Commercial (C1) Zone shall apply and be complied with.

4.9.6.2 GENERAL COMMERCIAL EXCEPTION TWO (C1-2) ZONE

Part of Lot "A", Registered Plan No. 100, Francis Street

By-law No. 94-16

Notwithstanding any other provision of this By-law to the contrary, within the General Commercial Exception Two (C1-2) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Permitted Uses

- i. Residential
 - a maximum of two dwelling units shall be permitted within the second floor of a permitted non-residential building;
- ii. Non-Residential
 - in accordance with Section 4.9.1(b) hereof;
- iii. Accessory Uses
 - Uses, buildings and structures accessory to any of the foregoing uses permitted under Subsections (i) or (ii) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

- b. Minimum Lot Area Requirement 560 square metres
- c. Minimum Lot Frontage Requirement 14 metres
- d. Maximum Gross Leasable Floor Area

170 square metres exclusive of the floor area associated with the residential uses permitted under Section 4.9.6.2(a) hereof.

e. Parking Area Regulations

Notwithstanding any other provisions of this by-law to the contrary a minimum of six off-street parking spaces shall be provided having a minimum width of 2.8 metres and a minimum length of 6 metres provided that the following parking area design criteria and regulations are complied with, namely:

- i. that each parking space shall be accessible by an aisle having a minimum width of 3 metres; and,
- ii. that no parking space shall be located closer than 2 metres to any street line or within 1.2 metres of any side lot line or 0.3 metres of any rear lot line; and,
- iii. that where a change in use is made, the provisions of Section 5.16.8(b) of this By-law shall apply and be complied with.

f. Other Zone Provisions

In all other respects the provisions of the General Commercial (C1) Zone shall apply and be complied with.

4.9.6.3 GENERAL COMMERCIAL EXCEPTION THREE (C1-3) ZONE By-law No. 00-11
Part of Lots 2, 3, 4 and 5, Plan 100, Water Street

Notwithstanding any other provision of this By-law to the contrary, within the General Commercial Exception Three (C1-3) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this by-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Permitted Uses

i. Residential - Prohibited

ii. Non Residential

- a micro brewery
- an outdoor seasonal patio along the May Street portion of the building;
- an antique sales and/or craft shop;
- a bakery shop and/or confectionary shop;
- an eating establishment exclusive of any establishment with drive-in or curb service;
- a personal service shop;
- a printing or publishing establishment;
- a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law;
- a retail commercial establishment; and,

- the outside display and sale of goods and materials where such use is ancillary to a principal use permitted hereunder and in accordance with the provisions of Section 5.15 hereinafter set forth in this Bylaw.

iii. Accessory Uses

- Uses, buildings and structures accessory to any of the foregoing uses permitted hereunder and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

b. Regulatory Provisions

- i. Minimum Lot Area Requirement 840 square metres
- ii. Minimum Lot Frontage Requirement
 - adjacent May Street 28 metres
- iii. Minimum Lot Flankage Requirement
 - adjacent Water Street 30 metres
- iv. Minimum Yard Requirements
 - front yard adjacent May Street 0 metres
 - exterior side yard adjacent Water Street 0 metres
 - interior side yard 0 metres
 - rear yard 3.8 metres
- v. Maximum Lot Coverage
 - all buildings and structures 64 percent
- vi. Minimum Setback From Street Centreline
 - adjacent May Street 10 metres
 - adjacent Water Street 5 metres
- vii. Maximum Height Of All Buildings And Structures 10 metres
- viii. Maximum Gross Floor Area

Within the General Commercial Exception Three (C1-3) Zone, the maximum gross floor area of all buildings and structures shall not exceed 842 sq.m. provided that the maximum gross floor area of any eating establishment does not exceed 326 sq.m.

ix. Minimum Off-Street Parking Area Requirements

Within the General Commercial Exception Three (C1-3) Zone, a minimum of three off-street parking spaces shall be required provided that no portion of any off-street parking area is located closer than 1.5 metres to any street line or lot line.

Where an addition to a building or structure is made which increases the gross floor area or a change in use is made and the parking space requirements for the use are greater than the requirements for those uses existing as of March 1, 2000, the owner shall provide and maintain additional off-street parking spaces in accordance with the provisions of Section 5.16.1 of this By-law.

c. Other Zone Provisions

In all other respects the provisions of the General Commercial (C1) Zone shall apply and be complied with.

4.9.6.4 GENERAL COMMERCIAL EXCEPTION FOUR (C1-4) ZONE By-law No. 00-11
Part of Lots 4 and 5, Plan No. 100, Water Street

Notwithstanding any other provision of this By-law to the contrary, within the General Commercial Exception Four (C1-4) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Permitted Uses

i. Residential - prohibited

ii. Non-Residential

- an antique sales and craft shop;
- a bakery shop and/or confectionary shop;
- an eating establishment exclusive of any establishment with drive-in or curbside service;
- a personal service shop;
- a printing or publishing establishment;
- a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law;
- a retail commercial establishment; and,
- the outside display and sale of goods and materials where such use is ancillary to a principal use permitted hereunder and in accordance with the provisions of Section 5.15 hereinafter set forth in this By-law.

iii. Accessory Uses

- Uses, buildings and structures accessory to any of the foregoing non-residential uses permitted herein and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

b. Regulatory Provisions

- i. Minimum Lot Area Requirement 748 square metres
- ii. Minimum Lot Frontage Requirement 28 square metres
- iii. Minimum Yard Requirements
 - front yard adjacent Water Street 0 metres
 - interior side yard shall be 3 metres on one side and 0 metres on the other side
 - minimum rear yard requirement shall be 0.25 metres provided that not less than 78 percent of the rear wall of the structure is located no closer than 7.9 metres to the rear lot line.
- iv. Maximum Lot Coverage 56 percent
 - all buildings and structures
- v. Minimum Setback From Street Centreline 10 metres
- vi. Maximum Height Of All Buildings 8 metres
- vii. Maximum Gross Floor Area

Within the General Commercial Exception Four (C1-4) Zone, the maximum gross floor area of all buildings and structures shall not exceed 422 square metres provided that the maximum gross floor area

of any eating establishment does not exceed 337 square metres.

viii. Minimum Off-Street Parking Area Requirements

Within the General Commercial Exception Four (C1-4) Zone, a minimum of five off-street parking spaces shall be required provided such off-street parking is located in the rear yard only and not closer than 1.5 metres to the rear or interior side lot line.

Where an addition to a building or structure is made which increases the gross floor area or a change in use is made and the parking space requirements for the use are greater than the requirements for those uses existing as of March 1, 2000, the owner shall provide and maintain additional off-street parking spaces in accordance with the provisions of Section 5.16.1 of this By-law.

c. Other Zone Provisions

In all other respects the provisions of the General Commercial (C1) Zone shall apply and be complied with.

4.9.6.5 GENERAL COMMERCIAL EXCEPTION FIVE (C1-5) ZONE (By-Law 2013-242)
Part of Lot 22, Concession 9, Geographic Township of Fenelon, now the City of Kawartha Lakes

Notwithstanding any other provisions of this By-law to the contrary, on land zoned Commercial Exception Five (C1-5) Zone, no person shall use any land or erect, alter or use any building or structure except in accordance with the following provisions:

a. Permitted Uses

In addition to the non-residential uses permitted within the General Commercial (C1) Zone, as set forth under Section 4.9.1 (b), within the General Commercial Exception Five (C1-5) Zone, the permitted non-residential uses shall also include:

- i. A food supermarket;
- ii. An eating establishment, drive-in or take-out;
- iii. The outside display, storage and sale of garden and nursery products where such use is ancillary and incidental to the principal permitted use specified within the General Commercial Exception Five (C1-5) Zone.

b. Regulatory Provisions

Notwithstanding the provisions of Section 4.9.3 hereof to the contrary, within the General Commercial Exception Five (C1-5) Zone, lots abutting Lindsay Street, shall be subject to the following:

i. Minimum Lot Frontage Requirement

Minimum lot frontage requirement shall be 15 metres except where a lot gains access to and from Lindsay Street via joint ingress and egress driveway, in which case there shall be no minimum lot frontage requirement.

ii. Minimum Yard Requirements

Front Yard	3 metres
Exterior Side Yard	
Interior Side Yard	2 metres

Rear Yard	2 metres
	13 metres

Where the General Commercial Exception Five (C1-5) Zone abuts the Residential Type Five Exception Thirteen (R5-13) Zone, a 1.85 metre high solid division fence shall be constructed in addition to the minimum interior side yard requirement, notwithstanding the sound barrier requirements necessary to mitigate environmental noise impacts upon the residential uses in accordance with applicable Ministry of the Environment guideline, currently NPC-205

iii. Maximum Gross Floor Area

Within the General Commercial Exception Five (C1-5) Zone, the maximum gross floor area of all buildings and structures shall not exceed 4,800 square metres.

c. Wetland Corridor Requirement

Notwithstanding the provisions of Section 4.9.4 and Section 5.17 hereof to the contrary, an area, having a minimum width of 13 metres, adjoining the rear lot line, forming the westerly limit of those lands zoned General Commercial Exception Five (C1-5) Zone, as shown on Schedule 'B', shall be used for no other purpose than a wetland corridor.

d. Parking Area Requirements

Within the General Commercial Exception Five (C1-5) Zone, the following provisions shall apply to regulate the design and location of off-street parking areas and related aisles and driveways:

- i. A minimum of one parking space for each 28 square metres of gross floor area shall be provided on a lot for the sole use of the owners, occupants or other persons entering upon or making use of the lot from time to time;
- ii. The minimum width of any joint ingress and egress driveway to and from Lindsay Street, measured along the street line, shall be 12 metres provided that no access to any off-street parking area or other driveway or aisle is located closer than 65 metres to the intersection of the joint ingress and egress driveway and the street line.

e. Special Provisions - Outside Display and Sale

Notwithstanding the provisions of Section 5.15 of this By-law to the contrary, the outside display, temporary storage and sale of garden and nursery products shall be permitted in accordance with the following provisions:

- i. That such outdoor display and sale area shall not occupy an area greater than 280 square metres and shall comply with all yard and setback provisions of the General Commercial Exception Five (C1-5) Zone;
- ii. That where lighting facilities are provided, such lighting shall be arranged and designed so as to deflect light onto the outside display and sales area and way from adjoining properties and streets; and,
- iii. That the area utilized for outside display and sale shall be surfaced and maintained with either concrete, asphalt, crushed stone or other hard surface material.

f. Other Zone Provisions

On land zoned C1-5(H), no permitted use shall be established until after the required sanitary and water servicing capacity has been allocated by Council and the appropriate and respective development agreements between the owner and the City has been registered on title of the land; following

which the removal of the holding (H) symbol shall occur. In all other respects, the provisions of the General Commercial (C1) Zone shall apply and be complied with.

4.10 **DISTRICT COMMERCIAL (C2) ZONE**

4.10.1 PERMITTED USES

No person shall within a District Commercial (C2) Zone use any land or erect, alter or use any building or structure except as specified hereunder:

a. Residential Uses

Residential uses are prohibited except where a dwelling unit is located within a portion of a non-residential building permitted within the District Commercial (C2) Zone.

Notwithstanding any other provision of this By-law to the contrary, a dwelling unit shall not be permitted in a portion of a non-residential building in conjunction with a builder's supply outlet, a bus depot, a marine sales and service establishment, a motor vehicle dealership, a motor vehicle gasoline bar, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle wash, a recreational vehicle sales and service establishment or a snowmobile sales and service establishment.

b. Non-Residential Uses

By-law No. 92-9

- i. an antique sales and/or craft shop;
- ii. a bait shop;
- iii. a bed and breakfast establishment;
- iv. a brewer's retail outlet;
- v. a builder's supply outlet including the outside storage and display of goods and materials;
- vi. a bus depot;
- vii. a business, professional or administrative office, provided such use is accessory and incidental to a permitted non-residential use on the same lot as otherwise specified herein;
- viii. a coin operated dry cleaners and/or laundromat;
- ix. a commercial school;
- x. a convenience store;
- xi. a dry cleaner's depot and/or distribution station;
- xii. an eating establishment;
- xiii. an eating establishment, drive-in or take-out;
- xiv. an equipment sales and rental, light;
- xv. a furniture and appliance sales establishment;
- xvi. a garden nursery sales and supply establishment;
- xvii. a greenhouse, commercial;
- xviii. a health and fitness studio;
- xix. a liquor control board outlet;
- xx. a marine sales and service establishment;
- xxi. a miniature golf course;
- xxii. a motel or motor hotel;
- xxiii. a motor vehicle dealership, a motor vehicle gasoline bar, a motor vehicle repair garage or motor vehicle service station in accordance with the provisions of Section 4.10.4 hereof;
- xxiv. a motor vehicle wash, automatic;
- xxv. an outdoor café where such use is ancillary and incidental to an eating establishment or a liquor licensed premises;
- xxvi. the outside display and sale of goods and materials where such use is ancillary and incidental to a principal permitted use hereunder and in accordance with the provisions of Section 5.15 hereafter set forth in this By-law;
- xxvii. a place of entertainment or amusement;
- xxviii. a public use or utility in accordance with the provisions of Section 5.18, hereinafter set forth in this By-law;
- xxix. a recreational vehicle sales and service establishment;
- xxx. a service shop, light;

- xxxi. a snowmobile sales and service establishment;
- xxxii. a tavern;
- xxxiii. a taxi establishment; and,
- xxxiv. a veterinary clinic.

c. Accessory Uses

Uses, buildings and structures accessory to any of the foregoing permitted non-residential uses set forth under Subsection (b) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

4.10.2 REGULATIONS FOR RESIDENTIAL USES

a. Dwelling Unit In Portion Of Non-Residential Building

Dwelling units are permitted in a portion of a non-residential building in accordance with the provisions of Section 4.10.1 (a) hereof, provided that the dwelling units are not located below the second storey and that all other pertinent requirements of the said Zone are complied with.

b. Minimum Gross Floor Area Per Dwelling Unit

- i. Bachelor Dwelling Unit 40 square metres
- ii. One Bedroom Dwelling Unit 56 square metres
- iii. Two Bedroom Dwelling Unit 70 square metres
- iv. Dwelling Unit Containing Three or More Bedrooms
84 square metres plus 9 square metres for each bedroom in excess of three

4.10.3 REGULATIONS FOR NON-RESIDENTIAL USES EXCLUSIVE OF RETAIL GASOLINE ESTABLISHMENTS

- a. Minimum Lot Area Requirement 1,400 square metres
- b. Minimum Lot Frontage Requirement 30 metres
- c. Minimum Yard Requirements
 - i. Front Yard 12 metres
 - ii. Exterior Side Yard 12 metres
 - iii. Interior Side Yard
Minimum interior side yard requirement shall be 6 metres except where the interior side lot line abuts a Residential Zone, in which case the minimum interior side yard width shall be 12 metres.
 - iv. Rear Yard 12 metres
- d. Maximum Lot Coverage Of All Buildings 50 per cent
- e. Minimum Setback From Street Centreline 22 metres
- f. Minimum Landscaped Open Space Requirement 10 per cent
- g. Maximum Height Of Buildings 10 metres

4.10.4 REGULATIONS FOR RETAIL GASOLINE ESTABLISHMENTS

- a. Minimum Lot Area Requirement 1,400 square metres
- b. Minimum Lot Frontage Requirement 36 metres
- c. Minimum Yard Requirements

- i. Front Yard 12 metres
- ii. Exterior Side Yard 12 metres
- iii. Interior Side Yard
Minimum interior side yard width shall be 6 metres except where the interior side lot line abuts a Residential Zone, in which case the minimum interior side yard width shall be 12 metres.
- iv. Rear yard 12 metres

d. Minimum Lot Depth Requirement

Minimum lot depth requirement shall be 30 metres except where the lot is a corner lot in which case the minimum lot depth requirement shall be 36 metres.

- e. Maximum Lot Coverage Of All Buildings 50 per cent
- f. Minimum Setback From Street Centreline 22 metres
- g. Minimum Landscaped Open Space Requirement 10 per cent
- h. Maximum Height Of All Buildings 10 metres
- i. Gasoline Pump Location

Notwithstanding any other provisions of this By-law to the contrary, a gasoline pump island or gasoline pumps, as part of or as accessory to a motor vehicle dealership, a motor vehicle gasoline bar, a motor vehicle repair garage, or motor vehicle service station, may be located within any yard provided:

- i. that the minimum distance between any portion of the pump island or gasoline pumps and any street line or any rear or interior side lot line is not less than 5 metres; and
- ii. that where a lot is a corner lot, no portion of any pump island or gasoline pumps shall be located closer than 3 metres to a straight line between a point in the front lot line and a point in the exterior side lot line, such point being distant 15 metres from the intersection of such lines.

j. Bulk Fuel And Propane Storage Tank Location

Bulk fuel and propane storage tanks shall be installed in accordance with the provisions of The Provincial Gasoline Handling Act or the Ontario Propane Storage Handling and Utilization Code as may be applicable.

k. Entrance Regulations

Notwithstanding any other provision set forth in this By-law to the contrary, ingress and egress driveways associated with a motor vehicle gasoline bar, a motor vehicle repair garage or motor vehicle service station, where gasoline and/or propane is offered or kept for sale at retail, shall be established in accordance with the provisions of Section 5.16.4 of this By-law.

4.10.5 PLANTING STRIP REQUIREMENTS

Where the interior side or rear lot line of a lot within a District Commercial (C2) Zone abuts a Residential Zone, an area adjoining such abutting lot line shall be used for no other purpose than for a planting strip in accordance with the requirements of Section 5.17 hereinafter set forth in this By-law.

4.10.6 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, where applicable to the use of any land, building or structure permitted within the District Commercial (C2) Zone shall apply and be complied with.

4.10.7 SPECIAL ZONE CATEGORIES - DISTRICT COMMERCIAL (C2) ZONE

4.10.7.1 DISTRICT COMMERCIAL EXCEPTION ONE (C2-1) ZONE
Lindsay Street

Notwithstanding the uses permitted within the District Commercial (C2) Zone, as set forth under Section 4.10.1 (a) and (b) hereof to the contrary, within the District Commercial Exception One (C2-1) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the uses permitted shall be restricted to that of an aluminum sales and fabrication shop and two dwelling units on a portion of the non-residential building together with such other accessory uses, buildings and structures as are normally considered incidental and subordinate thereto. In all respects the provisions of the District Commercial (C2) Zone shall apply and be complied with.

4.10.7.2 DISTRICT COMMERCIAL EXCEPTION TWO (C2-2) ZONE
Lindsay Street

Notwithstanding the regulations for non-residential uses within the District Commercial (C2) Zone as set forth under Section 4.10.3 of this By-law to the contrary, within the District Commercial Exception Two (C2-2) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except in accordance with the following provisions, namely:

- | | |
|-------------------------------------|-------------------|
| a. Minimum Lot Area Requirement | 803 square metres |
| b. Minimum Lot Frontage Requirement | 28 metres |
| c. Minimum Yard Requirement | |
| i. Front Yard | 7.6 metres |
| ii. Exterior Side Yard | 7.0 metres |
| iii. Interior Side Yard | 1.5 metres |
| iv. Rear Yard | 8.5 metres |

d. Minimum Setback From Street Centreline

17.6 metres except where the exterior side yard abuts a public street or road in which case the minimum setback from street centreline shall be 17 metres.

e. Planting Strip Abutting Residential Zone

Where the interior or rear lot line of lands zoned within the District Commercial Exception Two (C2-2) Zone abuts a Residential Zone, an area adjoining such abutting lot line shall be used for no other purpose than a planting strip having a minimum width of 1.5 metres in accordance with the provisions of Section 5.17 hereinafter set forth in this By-law.

f. Parking Area Requirements And Location

A minimum of 13 off-street parking spaces shall be required provided that such uncovered parking spaces are located not less than 1 metre to the limit of the Green Street and Lindsay Street Road Allowance.

g. Other Zone Provisions

In all other respects the provisions of the District Commercial (C2) Zone shall apply and be complied with.

4.10.7.3 DISTRICT COMMERCIAL EXCEPTION THREE (C2-3) ZONE
Lindsay Street

Notwithstanding any other provision of the District Commercial (C2) Zone as set forth under this By-law to the contrary, within the District Commercial Exception Three (C2-3) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except as specified hereunder, namely:

a. Permitted Uses

i. Residential

- prohibited

ii. Non-Residential

- an antique sales and/or craft shop;
- a bank or financial institution;
- boutiques and other specialty shops inclusive of the sale of ancillary home furnishings and accessories;
- business, professional and/or administrative offices;
- an eating establishment exclusive of drive in eating establishments;
- a health and fitness studio;
- a medical clinic;
- an outdoor café where such use is ancillary and incidental to an eating establishment or liquor licensed premises;
- the outside display and sale of goods and materials where such use is ancillary and incidental to a principal use permitted hereunder and in accordance with the provisions of Section 5.15 hereinafter set forth in this By-law;
- a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law;
- a retail commercial establishment;
- a service shop, light;
- a service shop, personal;
- a taxi establishment.

iii. Accessory Uses

Uses, buildings and structures accessory to any of the foregoing permitted uses specified under Subsection (ii) hereof and in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.

b. Regulatory Provisions

i. Minimum Yard Requirements

Front Yard	1.5 metres
Exterior Side Yard	6 metres
Interior Side Yard	6 metres
Rear Yard	6 metres

ii. Maximum Lot Coverage Of All Buildings 40 per cent

- iii. Minimum Landscaped Open Space Requirement 30 per cent
- iv. Maximum Height Of Buildings 12 metres
- c. Parking Regulations By-law 00-19

Within the District Commercial Exception Three (C2-3) Zone, the following provisions shall apply to regulate the design and location of offstreet parking areas, namely:

- i. the maximum width of any joint ingress and egress driveway to and from Lindsay Street, measured along the street line, shall be 12.5 metres provided that no access to any offstreet parking area or other driveway or aisle is located closer than 9 metres to the intersection of the joint ingress and egress driveway and the street line;
 - ii. Off street parking areas and related aisles may be permitted to encroach upon the lot line forming the boundary between the district Commercial Exception Four (C2-4) Zone and the District Commercial Exception Three (C2-3) Zone where mutual access is provided by means of an easement registered on the title of the lands; and,
 - iii. All other relevant provisions of Section 5.16, entitled Parking Area Design Regulations, of this By-law shall apply to those lands zoned within the district Commercial Exception Three (C2-3) Zone.
- d. Other Provisions

In all other respects the provisions of the District Commercial (C2) Zone, exclusive of the minimum lot area and frontage requirements, shall apply and be complied with.

4.10.7.4 DISTRICT COMMERCIAL EXCEPTION FOUR (C2-4) ZONE (By-Law 00-19)
PART LOT 170 REGISTERED PLAN NO. 100, EAST OF LINDSAY STREET

Within the District Commercial Exception Four (C2-4) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and by this reference forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except in accordance with the following provisions, namely:

a. Permitted Uses

- i. a food supermarket having a maximum gross floor area of 3220 square metres; (B/L 2007-047)
- ii. the outside display, storage and sale of garden and nursery products where such use is ancillary and incidental to the principal permitted use specified herein and in accordance with the provisions of subsection (f) hereof; and
- iii. a public use or utility in accordance with the provisions of Section 5.18 of this By-law, as amended.

b. Regulatory Provisions

- i. Minimum lot area requirement 1.9 hectares
- ii. Minimum lot frontage requirement - Clifton Street 60 metres
- iii. Minimum yard requirements
 - Yard opposite Lindsay Street 15 metres
 - Yard adjacent Clifton Street 50 metres
 - Interior side yard

property line	9 metres
- Interior side yard adjacent the northerly	property line and the Environmental 50 metres
Constraint (EC) Zone	
iv. maximum lot coverage of all buildings and structures	20 percent
v. minimum setback from centerline of Clifton Street	60 metres
vi. minimum landscaped open space requirement	15 percent
vii. maximum height of buildings	10 metres

c. Planting Strip Requirements

Where the interior side or rear lot line abuts lands zoned for residential purposes, an area having a minimum width of 3 metres and adjoining the abutting lot line, or portion thereof, of those lands zoned within the Residential Zone shall be used for no other purpose than a planting strip in accordance with the provisions of Section 5.17 of By-law 89-25.

d. Parking Area Requirements

Within the District Commercial Exception Four (C2-4) Zone, the following provisions shall apply to regulate the design and location of offstreet parking areas and related aisles and driveways, namely:

- i. a minimum of one parking space for each 28 square metres of gross floor area shall be provided on the lot developed for the purposes of the food supermarket for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time;
- ii. parking spaces and related aisles shall be permitted to encroach upon the lot line adjacent the boundary between the District Commercial Exception Three (C2-3) Zone and the District Commercial Exception Four (C2-4) Zone where mutual access is provided by means of an easement registered on the title of the lands;
- iii. the maximum width of any joint ingress and egress driveway to and from Lindsay Street, measured along the streetline, shall be 12.5 metres provided that no access to any off-street parking area or other driveway or aisle is located closer than 9 metres to the intersection of the joint ingress and egress driveway and the street line;
- iv. all other relevant provisions of Section 5.16, entitled Parking Area Regulations, of this By-law shall apply to those lands zoned within the District Commercial Exception Four (C2-4) Zone.

e. Loading Space Regulations

Notwithstanding the provisions of Section 5.11 here of to the contrary, the loading space or spaces required in accordance with the provisions of this By-law may be located in the front yard adjacent Clifton Street provided that such loading or unloading spaces are not located closer than 12 metres to Clifton Street or within 12 metres of the boundary of those lands zoned with a residential zone classification.

f. Special Provisions - Outside Display and Sale

Notwithstanding the provisions of Section 5.15 of this By-law to the

contrary, the outside display, temporary storage and sale of garden and nursery products shall be permitted in accordance with the following provisions, namely:

- i. That such outdoor display and sale area shall not occupy an area greater than 280 square metres and shall comply with all yard and setback provisions of the District Commercial Exception Four (C2-4) Zone;
 - ii. That where lighting facilities are provided, such lighting shall be arranged and designed so as to deflect light onto the outside display and sales area and away from adjoining properties and streets; and,
 - iii. That the area utilized for outside display and sale shall be surfaced and maintained with either concrete, asphalt, crushed stone or other hard surface material.
- g. Other Zone provisions

In all other respects, the provisions of the District Commercial (C2) Zone shall apply and be complied with.

4.10.7.5 DISTRICT COMMERCIAL EXCEPTION FIVE (C2-5) ZONE

In addition to the uses permitted in Section 4.10.1, the following uses are also permitted on lands zoned District Commercial Exception Five (C2-5) Zone:

- a personal service shop
- a retail commercial establishment
- a business, professional and/or administrative office

4.10.7.6 DISTRICT COMMERCIAL EXCEPTION SIX (C2-6) ZONE

Notwithstanding Sections 1.1.30 and 4.10.4 within the District Commercial Exception Six (C2-6) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, a motor vehicle gasoline bar use is permitted in accordance with the following definition and regulatory provisions:

a. Definition

i. Motor Vehicle Gasoline Bar

Shall mean one or more pump islands each consisting of one or more gasoline pumps, and an overhead gas island canopy having a maximum floor area of 106 square metres, and may include facilities for the refilling of propane tanks and the changing of oil, greasing and lubricating of motor vehicles, including the sale of automotive accessories, antifreeze and additives, and may also include facilities for other uses permitted within the District Commercial (C2) Zone, but shall not include any other use or activity otherwise defined or classified in this By-law.

b. Regulatory Provisions for Retail Gasoline Establishments

- i. Minimum Lot Area Requirement 918 square metres
- ii. Minimum Lot Frontage Requirement 28 metres
- iii. Minimum Yard Requirements
 - 1. Front Yard 8 metres
 - 2. Exterior Side Yard 8 metres
 - 3. Interior Side Yard 6 metres
 - 4. Rear Yard 2 metres
- iv. Maximum Lot Coverage of All Buildings 50 per cent
- v. Minimum Landscaped Open Space Requirement 10 per cent
- vi. Maximum Height 10 metres
- vii. Bulk Fuel And Propane Storage Tank Location

Bulk fuel and propane storage tanks shall be installed in accordance with the provisions of the Technical Standards and Safety Authority as may be applicable

viii. Entrance Regulations

Notwithstanding any other provision set forth in this By-law to the contrary, ingress and egress driveways associated with a motor vehicle gasoline bar where gasoline and/or propane is offered or kept for sale at retail, shall be established in accordance with the provisions of Section 5.16.4 of this By-law.

c. Regulatory Provisions for Accessory Buildings and Structures for Retail Gasoline Establishments:

- i. Notwithstanding Section 5.1.4, the total lot coverage of all accessory buildings and structures shall not exceed thirteen per cent, nor shall the height of the gas island canopy exceed 6.5 metres.
- ii. Notwithstanding Sections 1.175 and 5.20, a gas island canopy, pump island(s), and parked vehicles refueling at the pump island(s) are permitted within a sight triangle.
- iii. Notwithstanding Section 5.1.3, a gas island canopy is permitted a spatial separation of 1.5 metres to the principal or main building.
- iv. Notwithstanding Section 5.1.2(b) an overhead gas island canopy is permitted subject to the following regulatory provisions:
 - 1. Minimum Front Yard 0.9 metres
 - 2. Minimum Exterior Side Yard 1.9 metres
 - 3. Interior Side Yard 6 metres

4. Rear Yard

15 metres

- v. Notwithstanding Section 5.1.2(b) any accessory building that is not an overhead gas canopy is subject to the minimum yard and setback requirements of the zone.

d. Other Provisions

In all other respects the provisions of the District Commercial (C2) Zone and General Zone Provisions shall apply.

4.10.7.7

DISTRICT COMMERCIAL EXCEPTION SEVEN (C2-7) ZONE
126 and 130 Lindsay Street (573 Kawartha Lakes Road 121)

Notwithstanding any other provision of the District Commercial (C2) Zone as set forth under this By-law to the contrary, within the District Commercial Exception Seven (C2-7) Zone, as delineated on the Zone Map attached hereto as Schedule 'A' and by this reference forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except in accordance with the following provisions, namely:

a. Permitted Uses

Notwithstanding Subsection 4.10.1 land zoned C2 7 may only be used for a retail store for the following uses:

- i. a builder's supply outlet including the outside storage and display of goods and materials;
- ii. an equipment sales and rental, light;
- iii. a furniture and appliance sales establishment; and
- iv. a garden nursery sales and supply establishment.

b. Regulatory Provisions

- i. Interior side yard - not adjacent to residential 2.0 metres
- ii. Minimum rear yard 7.0 metres
- iii. Minimum loading space requirement 1 space
- iv. Planting strip adjacent to residential 1.5 metres
- v. Minimum parking requirement for all uses 79 spaces
- vi. Section 5.13 shall not apply to lands zoned C2-7.
- vii. The regulations for lands zoned C2-7 shall be read in conjunction with the regulations for lands zoned C2-7 in the Township of Fenelon Zoning By-law 12-95 and they shall be applied as though the zone boundary did not exist.

c. Other Zone provisions

In all other respects, the provisions of the District Commercial (C2) Zone shall apply and be complied with. (B/L2020-078)

4.11 **RECREATIONAL COMMERCIAL (C3) ZONE**

4.11.1 PERMITTED USES

No person shall within a Recreational Commercial (C3) Zone, use any land or erect, alter or use any building or structure except as specified hereunder:

a. Residential Uses

- i. a detached single-family dwelling house or a dwelling unit in a portion of a non-residential building shall only be permitted where such dwelling is ancillary to a permitted non-residential use.

b. Non-Residential Uses

- i. a convenience store if ancillary to a resort or tourist establishment permitted within the Recreational Commercial (C3) Zone;
- ii. an eating establishment if ancillary to a resort or tourist establishment permitted within the Recreational Commercial (C3) Zone;
- iii. a marina or marine sales and service establishment;
- iv. a resort or tourist establishment;
- v. a snowmobile sales and service establishment; and,
- vi. a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law.

c. Accessory Uses

Uses, buildings and structures accessory to any of the foregoing permitted uses specified under Subsections (a) or (b) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

4.11.2 REGULATIONS FOR RESIDENTIAL USES

4.11.2.1 SINGLE FAMILY DWELLING HOUSE

a. Spatial Separation Requirements

Where a single-family detached dwelling house is erected or any building or structure is altered or used for the purpose of a single-family detached dwelling on a lot in a Recreational Commercial (C3) Zone in conjunction with a permitted non-residential use, such single-family detached dwelling shall not be erected, nor shall any building be altered or used for the purpose of a single-family detached dwelling house within 10 metres of the permitted non-residential use.

b. Minimum Yard Requirements

- i. Front Yard 15 metres
- ii. Exterior Side Yard 15 metres
- iii. Interior Side Yard 6 metres
- iv. Rear Yard 15 metres

c. Minimum Dwelling Unit Area Requirement

- i. One Storey Or Split Level Dwelling House 92 square metres
- ii. One And One Half Storey Dwelling House 110 square metres
- iii. Two Storey Dwelling House 130 square metres

d. Minimum Setback From Street Centreline 25 metres

e. Maximum Number Of Dwelling Houses Per Lot one

f. Maximum Height Of Buildings 10 metres

4.11.2.2 DWELLING UNIT IN PORTION OF NON-RESIDENTIAL BUILDING

a. Maximum Number Of Dwelling Units And Location.

A maximum of one dwelling unit may be permitted in a portion of a non-residential building permitted within the Recreational Commercial (C3) Zone in accordance with the requirements for the permitted non-residential building in which such dwelling unit is located.

b. Minimum Dwelling Unit Area Requirements

- i. Bachelor Or One Bedroom Dwelling Unit 56 square metres
- ii. Two Bedroom Dwelling Unit 70 square metres
- iii. Dwelling Unit Containing Three Or More Bedrooms
84 square metres plus 9 square metres for each bedroom in excess of three.

4.11.3 REGULATIONS FOR NON-RESIDENTIAL USES
EXCLUSIVE OF A RESORT OR TOURIST ESTABLISHMENT

- a. Minimum Lot Area Requirement 3,000 square metres
- b. Minimum Lot Frontage Requirement 30 metres
- c. Minimum Yard Requirements
 - i. Front Yard 15 metres
 - ii. Exterior Side Yard 15 metres
 - iii. Interior Side Yard
Minimum interior side yard requirement shall be 6 metres except where the interior side lot line abuts a Residential Zone, in which case the minimum interior side yard requirement shall be 10 metres.
 - iv. Rear Yard 15 metres
- d. Maximum Lot Coverage Of All Buildings 40 per cent
- e. Minimum Setback From Street Centreline 25 metres
- f. Minimum Landscaped Open Space Requirement 10 per cent
- g. Maximum Height Of Buildings 10 metres

4.11.4 SPECIAL REGULATIONS - RESORT OR TOURIST ESTABLISHMENTS

- a. Minimum Lot Area Requirement 10,000 square metres
- b. Minimum Lot Frontage Requirement 60 metres
- c. Minimum Yard Dimensions
 - i. Front Yard 15 metres
 - ii. Exterior Side Yard 15 metres
 - iii. Interior Side Yard
Minimum interior side yard requirement shall be 6 metres except where the interior side lot line abuts a Residential Zone, in which case the minimum interior side yard shall be 10 metres.
 - iv. Rear Yard 15 metres
- d. Maximum Lot Coverage Of All Buildings 40 per cent
- e. Minimum Setback From Street Centreline 25 metres

- f. Minimum Landscaped Open Space Requirement 30 per cent
- g. Maximum Height Of Buildings 10 metres
- h. Maximum Gross Floor Area - Convenience Store 150 square metres

4.11.5 PLANTING STRIP REQUIREMENTS

Where the interior side or rear lot line of a lot within a Recreational Commercial (C3) Zone abuts a Residential Zone, an area adjoining such abutting lot line shall be used for no other purpose than for a planting strip in accordance with the provisions of Section 5.17 hereinafter set forth in this By-law.

4.11.6 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, where applicable to the use of any land, building or structure permitted within the Recreational Commercial (C3) Zone shall apply and be complied with.

4.11.7 SPECIAL ZONE CATEGORIES - RECREATIONAL COMMERCIAL (C3) ZONE

4.11.7.1 RECREATIONAL COMMERCIAL EXCEPTION ONE (C3-1) ZONE
Wychwood Crescent

Notwithstanding the non-residential uses permitted within the Recreational Commercial (C3) Zone as set forth under Section 4.11.1 (b) hereof to the contrary, within the Recreational Commercial Exception One (C3-1) Zone, as delineated the Zone Map attached hereto as Schedule "A" and forming part of this By-law, no person shall use any land or erect, alter or use any building or structure except for the purposes of a tourist establishment and an ancillary convenience store and / or eating establishment together with such other accessory uses, buildings and structures as are normally considered incidental and subordinate thereto but for the purposes of this Zone shall not include a marina or boat sales and rental or boat charters. In all other respects the provisions of the Recreational Commercial (C3) Zone shall apply and be complied with.

4.12 **RESTRICTED INDUSTRIAL (M1) ZONE**

4.12.1 PERMITTED USES

By-law No. 99-20

No person shall within a Restricted Industrial (M1) Zone use any land or erect, alter or use any building or structure except as specified hereunder:

a. Residential Uses

Prohibited except where a dwelling unit is expressly permitted as an ancillary use within a portion of a permitted non-residential building or structure.

b. Non-Residential Uses

- i. an agricultural produce warehouse;
- ii. an athletic club or fitness establishment;
- iii. an auction sales barn;
- iv. a builder's supply outlet;
- v. a business or professional office where such use is ancillary and incidental to a permitted non-residential use otherwise specified herein;
- vi. an electrical, plumbing and/or heating and air conditioning contractor's establishment, inclusive of related shop and assembly facilities;
- vii. a firehall, police station and/or ambulance depot;
- viii. a laboratory and/or research and development facility where such use is wholly enclosed within a building;
- ix. a light equipment sales and rental establishment;
- x. a machine shop;
- xi. a manufacturing, processing, assembly or fabrication plant which is not considered noxious by reason of the emission of odour, dust, smoke, gas, fumes, heat radiation, or noise; and, without limiting the generality of the foregoing, shall not include a use which, from its nature or the materials used therein, is declared to be an offensive or noxious trade, business or manufacture under the Health Protection and Promotion Act, R.S.O. 1990, c.H.7, as amended, replaced or re-enacted from time to time, or the regulations made thereunder;
- xii. a marine sales and service establishment;
- xiii. a motor vehicle body shop
- xiv. a motor vehicle repair garage;
- xv. a printing or publishing establishment;
- xvi. a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in the By-law;
- xvii. a recreational vehicle sales and service establishment;
- xviii. a retail sales outlet where such use is ancillary and incidental to a permitted non-residential use otherwise specified herein;
- xix. a self-service storage facility inclusive of administrative offices and a dwelling unit in a portion of a non-residential building for occupation by the owner or caretaker;
- xx. a snowmobile sales and service establishment;
- xxi. a warehouse or wholesale establishment;
- xxii. a workshop; and,
- xxiii. the outside storage of goods and materials where such use is ancillary and incidental to a permitted non-residential use otherwise specified herein.
- xxiv. A cannabis production and processing facility subject to Section 5.31 in General Provisions. B/L2021-057

c. Accessory Uses

Uses, buildings and structures accessory to any of the foregoing permitted non-residential uses set forth under Subsection (b) hereof and in

accordance with the provisions of Section 5.1 hereinafter set forth in this by-law.

d. Specific Exclusions

Notwithstanding any other provisions of this By-law to the contrary, bulk plants for flammable liquids; the bulk storage of toxic chemicals and hazardous substances; chemical manufacturing plants; distilleries; dry cleaning plants; feed and flour mills; paint, varnish, lacquer and pyroxylin product factories; and, rubber processing plants or other similar industrial uses and activities shall be expressly prohibited within the Restricted Industrial (M1) Zone.

4.12.2 REGULATIONS FOR NON-RESIDENTIAL USES

- a. Minimum Lot Area Requirement 3,000 square metres
- b. Minimum Lot Frontage Requirement 30 metres
- c. Minimum Yard Requirements
 - i. Front Yard 15 metres
 - ii. Exterior Side Yard 15 metres
 - iii. Interior Side Yard 6 metres
 - iv. Rear Yard 15 metres
- d. Special Yard Provisions

Notwithstanding the minimum interior yard requirement set forth under Section 4.12.2 (c) hereof to the contrary, where the interior side lot line abuts a Residential Zone, the minimum interior side yard requirement shall be 15 metres.

- e. Maximum Lot Coverage Of All Buildings 50 per cent
- f. Minimum Setback From Street Centreline 25 metres
- g. Minimum Landscaped Open Space Requirement 10 per cent
- h. Maximum Height Of Buildings 2 metres
- i. Height Exemption

Notwithstanding the provisions of Subsection (h) hereof to the contrary, a building or structure permitted within the Restricted Industrial (M1) Zone may exceed 12 metres in height provided that such building or structure or portion thereof is set back from the front, side or rear lot line, as the case may be, an additional 0.3 metres for each 0.3 metres or fraction thereof, by which such building or structure or portion of such building or structure exceeds 12 metres in height.

4.12.3 REGULATIONS FOR OUTSIDE STORAGE

Within the Restricted Industrial (M1) Zone, no portion of any lot shall be used for the outside storage of goods or materials except in accordance with the following provisions:

- i. that such outside storage be restricted to the rear of the front wall of the principal structure and comply with the required front and exterior side yard and setback requirements provided that such outside storage is not located closer than 1.2 metres to an interior side or rear lot line where the lot line abuts a lot zoned for industrial purposes or 5.0 metres of a rear lot line or interior side lot line

abutting a lot zoned other than industrial;

- ii. that such outside storage does not cover in excess of 30 per cent of the total lot area;
- iii. that any portion of a lot used for the outside storage or display of goods or materials is screened from adjacent residential uses and public streets adjoining the lot by buildings, or, is enclosed by shrub planting in conjunction with a planting strip as may be required under this By-law, or, is enclosed within a closed wooden, plastic and/or metal fence extending at least 18 metres in height from the finished grade.

4.12.4 RESTRICTIONS ON USE OF FRONT AND EXTERIOR SIDE YARDS

Required front and exterior side yards shall be kept open and unobstructed by any structure or parking or loading area for motor vehicles except that such yards may be used for the purposes of visitor parking in accordance with the provisions of Section 5.16.7(f) hereinafter set forth in this By-law.

4.12.5 PLANTING STRIP REQUIREMENTS

Where the interior side or rear lot line within the Restricted Industrial (M1) Zone abuts a Residential, Community Facility or Recreational Open Space Zone, an area adjoining such abutting lot line shall be used for no other purpose than for a planting strip in accordance with the requirements of Section 5.17 hereinafter set forth in this By-law.

4.12.6 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, where applicable to the use of any land, building or structure permitted within the Restricted Industrial (M1) Zone shall be complied with.

4.12.7 SPECIAL ZONE CATEGORIES - RESTRICTED INDUSTRIAL (M1) ZONE

4.12.7.1 RESTRICTED INDUSTRIAL EXCEPTION ONE (M1-1) ZONE Murray Street

Notwithstanding the non-residential uses permitted within the Restricted Industrial (M1) Zone as set forth under Sections 4.12.1(b) hereof to the contrary, within the Restricted Industrial Exception One (M1-1) Zone, the non-residential uses permitted shall be restricted to that of only a manufacturing, processing, assembly and fabrication plant which is not considered noxious by reason of the emission of odours, dust, smoke, gas, fumes, heat, radiation or noise, and, without limiting the generality of the foregoing, shall not include a use which from its nature or the materials used therein is declared to be an offensive or noxious trade, business or manufacture under the Health Protection and Promotion Act, R.S.O. 1983, as amended, replaced or re-enacted from time to time or the regulations made thereunder. In addition to the principal permitted use, a business or professional office or retail commercial outlet shall also be permitted provided such is ancillary to the principal permitted use together with such other accessory uses, buildings and structures which are normally considered incidental and subordinate thereto. In all other respects the provisions of the Restricted Industrial (M1) Zone shall apply and be complied with.

4.12.7.2 RESTRICTED INDUSTRIAL EXCEPTION TWO (M1-2) ZONE Ellice Street

Notwithstanding the non-residential uses permitted within the Restricted Industrial (M1) Zone as set forth under Section 4.12.1(b) hereof to the contrary, within the Restricted Industrial Exception Two (M1-2) Zone, as

delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the permitted non-residential uses shall be restricted to that of a motor vehicle repair and body shop, an upholstery and carpet cleaning establishment together with such other accessory uses, buildings and structures as are normally considered incidental and subordinate thereto. In all other respects the provisions of the Restricted Industrial (M1) Zone shall apply and be complied with.

4.13 **GENERAL INDUSTRIAL (M2) ZONE**

4.13.1 PERMITTED USES

No person shall within the General Industrial (M2) Zone use any land or erect, alter or use any building or structure except as specified hereunder:

a. Residential Uses

Prohibited except where a dwelling unit is expressly permitted as an ancillary use within a portion of a non-residential building or structure.

By-law No. 99-20

b. Non-Residential Uses

- i. an agricultural produce warehouse;
- ii. an auction sales barn;
- iii. a builder's supply outlet;
- iv. bulk storage tanks and related facilities;
- v. a business or professional office provided such use is accessory and incidental to a permitted non-residential use as otherwise specified herein;
- vi. a cartage or transport depot and yard facilities;
- vii. a concrete batching plant;
- viii. a dry cleaning plant;
- ix. equipment sales and rental, heavy;
- x. farm implement and related equipment sales and service establishment;
- xi. a feed mill or seed cleaning plant;
- xii. a general contractor's or tradesman's yard and related shop facilities;
- xiii. a manufacturing, processing, assembly or fabricating plant except any such use which, from the nature of the materials used therein, is declared to be an offensive or noxious trade, business or manufacture under The Health Protection and Promotion Act, S.O., 1983, as amended, or the Regulations made thereunder;
- xiv. a machine or welding shop;
- xv. a motor vehicle body shop;
- xvi. a municipal, county or provincial works yard and maintenance depot;
- xvii. a telecommunications tower inclusive of receiving and transmission facilities;
- xviii. outside storage of goods and materials where such use is accessory and incidental to a permitted non-residential use otherwise specified hereunder;
- xix. a printing or publishing establishment;
- xx. a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law;
- xxi. a retail commercial outlet where such use is accessory and incidental to a permitted non-residential use otherwise specified hereunder;
- xxii. a sawmill and/or planing mill;
- xxiii. a truck repair and maintenance depot;
- xxiv. a warehouse or wholesale establishment;
- xxv. a workshop; and,
- xxvi. a use or activity permitted within the Restricted Industrial (M1) Zone as set forth under Section 4.12.1 of this By-law.
- xxvii. A cannabis production and processing facility subject to Section 5.31 in General Provisions. B/L2021-057

c. Accessory Uses

Uses, buildings and structures accessory to any of the foregoing uses permitted under Subsection (b) hereof and in accordance with the

provisions of Section 5.1 hereinafter set forth in this By-law.

4.13.2 REGULATIONS FOR NON-RESIDENTIAL USES

- a. Minimum Lot Area Requirement 4,000 square metres
- b. Minimum Lot Frontage Requirement 30 metres
- c. Minimum Yard Requirements By-law No. 91-14
 - i. Front yard 18 metres
 - ii. Exterior Side Yard 18 metres
 - iii. Interior Side Yard 8 metres
 - iv. Rear yard 18 metres
- d. Special Yard Provisions By-law No. 91-14

Notwithstanding the minimum yard requirements set forth under Section 4.13.2 (c) hereof to the contrary, where the interior side or rear lot line of a lot within the General Industrial (M2) Zone abuts a Residential Zone, the minimum interior side or rear yard requirement shall be 20 metres.

Notwithstanding the foregoing, where the interior side or rear lot line of a lot within a General Industrial (M2) Zone abuts lands zoned within the Residential Type One Exception Six (R1-6) Zone, as delineated on the Zone Map attached hereto as Schedule "A" and forming part of this By-law, the Special Yard Provisions shall not apply.

- e. Maximum Lot Coverage Of All Buildings 50 per cent
- f. Minimum Setback From Street Centreline 30 metres
- g. Minimum Landscaped Open Space Requirement 5 per cent
- h. Maximum Height Of Buildings 12 metres
- i. Height Exemption

Notwithstanding the provisions of Subsection (h) hereof to the contrary, a building or structure permitted within the General Industrial (M2) Zone may exceed 12 metres in height provided that such building or structure or portion thereof is set back from the front, side or rear lot line, as the case may be, an additional 0.3 metres for each 0.3 metres or fraction thereof by which such building or structure or portion of such building or structure exceeds 12 metres in height.

4.13.3 REGULATIONS FOR OUTSIDE STORAGE

Within the General Industrial (M2) Zone, no portion of any lot shall be used for the outside storage of goods or materials except in accordance with the following provisions:

- a. that such outside storage be restricted to the rear of the front wall of the principal structure and comply with the required front and exterior side yard and setback requirements provided that such outside storage is not located closer than 1.2 metres to an interior side lot line where the lot line abuts a lot zoned for industrial purposes or 5.0 metres or a rear lot line or interior lot line abutting a lot zoned other than industrial;
- b. that such outside storage does not cover in excess of fifty per cent of the total lot area; and,

c. that any portion of a lot used for the outside storage or display of goods or materials is screened from adjacent residential uses and public streets adjoining the lot by buildings, or, is enclosed by shrub planting in conjunction with a planting strip as may be required under this By-law, or, is enclosed within a closed wooden, plastic and/or metal fence extending at least 1.8 metres in height from the finished grade.

4.13.4 RESTRICTIONS ON USE OF FRONT AND EXTERIOR SIDE YARDS

Required front and exterior side yards shall be kept open and unobstructed by any structure or parking or loading area for motor vehicles except that such yards may be used for the purpose of visitor parking in accordance with the provisions of Section 5.16.7(f) hereinafter set forth in this By-law.

4.13.5 PLANTING STRIP REQUIREMENTS

Where the interior side or rear lot line of a lot within the General Industrial (M2) Zone abuts a Residential, Community Facility or Recreational Open Space Zone, an area adjoining such abutting lot line shall be used for no other purpose than for a planting strip in accordance with the requirements of Section 5.17 hereinafter set forth in this By-law.

4.13.6 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, where applicable to the use of any land building or structure permitted within the General Industrial (M2) Zone shall apply and be complied with.

4.13.7 SPECIAL ZONE CATEGORIES - GENERAL INDUSTRIAL (M2) ZONE

4.13.7.1 GENERAL INDUSTRIAL EXCEPTION ONE (M2-1) ZONE By-law No. 97-20
Water Pollution Control Plant

Notwithstanding any other provision of the General Industrial (M2) Zone of this By-law to the contrary, within the General Industrial Exception One (M2-1) Zone, no person shall use any land or erect, alter or use any building or structure except as specified herein, namely:

a. Permitted Uses

a water pollution control plant together with such other accessory uses, buildings and structures as are normally considered incidental and subordinate thereto.

b. Regulatory Provisions

i. minimum lot area requirement 3,800 square metres

ii. minimum yard requirements

- front yard adjacent the recreational corridor 5 metres

- interior side yard 3 metres

- rear yard 3 metres

c. Special Provisions

The provisions of Section 5.7, entitled Frontage Requirements, of this By-law shall not apply to prevent the enlargement, alteration, extension, renovation, reconstruction or erection of any building or structure permitted within the General Industrial Exception One (M2-1) Zone where ingress and egress to an improved public road, maintained year round, is provided by means of a private right-of-way maintained by the Corporation of the Village of Fenelon Falls.

d. Other Zone Provisions

In all other respects the provisions of the General Industrial (M2) Zone shall apply and be complied with.

4.14 **DEVELOPMENT (D) ZONE**

4.14.1 PERMITTED USES

No person shall within a Development (D) Zone use any land or erect alter or use any building or structure except as specified hereunder:

a. Residential Uses

- i. prohibited save and except where a dwelling unit existed as of the date of passing of this By-law; and,
- ii. a home occupation use in accordance with the provisions of Section 5.10 hereinafter set forth in this By-law.

b. Non-Residential Uses

- i. a public use or utility in accordance with the provisions of Section 5.18 hereinafter set forth in this By-law; and,
- ii. a use, building or structure existing as of the date of passing of this By-law.

c. Accessory Uses

Uses, buildings and structures accessory to any of the foregoing uses permitted under Subsections (a) or (b) hereof and in accordance with the provisions of Section 5.1 hereinafter set forth in this By-law.

4.14.2 GENERAL ZONE PROVISIONS

All provisions of Section 5, General Zone Provisions, of this By-law where applicable, to the use of any land, building or structure permitted within the Development (D) Zone shall apply and be complied with.

5.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

5.1.1 PERMITTED USES

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include the following:

- a. any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot associated therewith, except as is specifically permitted in accordance with this By-law; or
- b. any building used for human habitation except in accordance with this By-law as is specifically permitted.

5.1.2 RELATION TO STREET

a. Residential Zones

An accessory building or structure, which is not part of the principal or main building on the lot, shall not be erected closer to the street line than the principal or main building on the lot and shall further be erected in conformity with the yard and setback requirements of the respective Residential Zone, except as may otherwise be provided for hereinafter.

b. Non-Residential Zones

No accessory building or structure shall be erected closer to the street line than the minimum required yard and setback requirements of the respective non-residential Zone and, further, shall not be erected closer than 3 metres to an interior side or rear lot line except as may otherwise be provided for hereinafter. Notwithstanding the foregoing, a gatehouse or other similar accessory structure shall be permitted within a required front or side yard or within the area between the street line and the required setback.

5.1.3 RELATION TO PRINCIPAL OR MAIN BUILDING

Except as may otherwise be provided herein, an accessory building or structure, which is not part of the principal or main building, shall not be erected closer than 2.0 metres to the principal or main building.

5.1.4 LOT COVERAGE AND HEIGHT

The total lot coverage of all accessory buildings and structures, except swimming pools, shall not exceed five per cent of the lot area.

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.

Notwithstanding the foregoing, within an Industrial Zone, the total lot coverage of all accessory buildings or structures shall not exceed ten per cent of the lot area, nor, shall the height of any accessory building or structure exceed the height restriction of the respective Industrial Zone.

5.1.5 ACCESSORY STRUCTURE ENCROACHMENTS

Notwithstanding the yard and setback provisions of this By-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, retaining walls, fences, signs or similar uses which comply with the licensing and/or regulatory By-laws of the Corporation, shall be permitted in any required yard or in the area between the street line or shoreline and the required setback.

5.1.6 BOAT HOUSE, PUMP HOUSE AND DOCKING FACILITIES

Notwithstanding any other provision of this By-law to the contrary, a boat house, pump house or a dock may be erected and used in the required yard adjacent the shoreline where the lot abuts a navigable waterway in accordance with the following provisions, namely:

- a. that such accessory building or structure is not located closer than 1.2 metres to the side lot line except a dock which shall not be located closer than 2.0 metres to the side lot line or projection thereof; and,
- b. that the height of such an accessory building or structure not exceed 3.7 metres.

For the purposes of this subsection only and notwithstanding the definition of "Height" as set forth herein to the contrary, height shall mean, in the case of a wet slip boat house, the vertical distance measured from the high water mark as in the case of a dry slip boat house, from the adjacent finished grade at the front of the building.

5.1.7 FIRE ESCAPES

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed fire escapes may project into any required setback a maximum distance of 1.2 metres.

5.1.8 GARAGES

Notwithstanding any other provision of this By-law to the contrary, an attached or detached private garage may be erected and used in a front, exterior side, interior side or rear yard provided that:

- a. where such accessory building is located in an interior side yard, it shall not be closer than 1.2 metres to the interior side lot line; or,
- b. where such accessory building is located in a rear yard it shall not be closer than 1.2 metres to the interior side lot line or rear lot line; or,
- c. where such an accessory building is located in a rear yard it shall not be closer than 1.2 metres to the interior side lot line or rear lot line, EXCEPT where a detached private garage is erected with a direct access from a lane, private right-of-way or public street, in which case the structure shall not be located closer than 1.2 metres to the interior side lot line or 6.0 metres to the rear lot line and shall comply with the minimum exterior side yard requirements of the respective zone.
- d. where such an accessory building is located in a front or exterior side yard, whether attached to and forming part of the principal or main building or detached therefrom, such accessory building shall not be located closer to the lot line, than the required front or exterior side yard set forth under the respective zone.

Notwithstanding the foregoing provisions one utility shed may be erected adjacent the principal structure and within a required interior side or rear yard only provided that such accessory structure is not located closer than 1.2 metres to the interior side or rear lot line. For the purposes of this By-law such a utility shed shall be maintained and used for the purposes of storing lawn and garden equipment or similar household related appurtenances and shall not have a total floor area in excess of 10 square metres.

5.1.10 ORNAMENTAL STRUCTURES

Notwithstanding the yard and setback provisions of this By-law to the contrary, sills, chimneys, cornices, eaves, gutters, parapets, pilasters, or other ornamental structures may project into any required yard or the area between the street line and the required setback a maximum distance of 0.6 metres.

5.1.11 SWIMMING POOLS

Notwithstanding the yard and setback provisions of this By-law to the contrary, an outdoor swimming pool shall be permitted within a side or rear yard of a lot in accordance with the following provisions, namely:

- a. where the outdoor pool is in-ground, the limit or edge of the pool cavity shall not be located closer than 3 metres to the side or rear lot line and shall further comply with the minimum front and exterior side yard requirements;
- b. where the outdoor pool is located above grade, the limit of the pool and associated structure, inclusive of decks and structural members associated therewith, shall not be located closer than 3.0 metres to the side or rear lot line and shall further comply with the minimum front and exterior side yard requirements; and,
- c. that the maximum lot coverage of an outdoor swimming pool, inclusive of any structure or projection thereof associated with an above ground pool, shall not exceed 15 per cent of the total lot area.

5.1.12 UNENCLOSED DECKS, PORCHES, BALCONIES, STEPS OR PATIOS

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed decks, porches, balconies, steps and patios, covered or uncovered as may be associated with the principal use on the lot, may project into any required yard a maximum distance of 1.5 metres, but not closer than 1.2 metres to any lot line, provided that in the case of decks, porches, steps or patios such uses are not more than 1.8 metres above grade, exclusive of hand railings or other similar appurtenances.

5.2 COMPLIANCE WITH OTHER LAWS

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a Federal, Provincial or County Government Authority having jurisdiction to impose such restrictions.

5.3 DWELLING UNITS BELOW GRADE **(Note: Not being enforced as per Richard Holy April 5, 2019 as contrary to Provincial Legislation)**

No dwelling unit shall, in its entirety, be located below the adjacent finished grade. Where a portion of a dwelling unit is located below grade, such portion of the dwelling unit shall be used as furnace room, laundry room, storage room, recreation room or for a similar use only.

5.4 ESTABLISHED BUILDING LINE IN RESIDENTIAL ZONES

Notwithstanding the yard and setback provisions of this By-law to the contrary, where a dwelling house is to be erected on a lot within a Residential Zone and where there is an established building line extending on both sides of the lot, such permitted dwelling house may be erected closer to the street line or the centreline of the street, as the case may be, than required by this By-law such that the yard or setback is equal to the average setback of adjacent dwelling houses on the same side of the street, provided further that such permitted dwelling is not erected closer to the street line or the centreline of the street, as the case may be, than the established building line existing on the date of passing of the By-law.

5.5 EXISTING BUILDINGS, STRUCTURES AND USES

5.5.1 CONTINUATION OF EXISTING USES

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

5.5.2 PERMITTED EXTERIOR EXTENSION

The exterior of any building or structure, which building or structure at the date of passing of this By-law was lawfully used for a purpose not permissible within the Zone in which it is located, shall not be enlarged, extended, reconstructed or otherwise structurally altered, unless such building or structure is thereafter to be used for the purpose permitted within such Zone and complies with all requirements of this By-law for such Zone.

5.5.3 PERMITTED INTERIOR ALTERATION

The interior of any building or structure, which building or structure at the date of passing of this By-law was lawfully used for a purpose not permitted within the Zone in which such building or structure is located, may be reconstructed or structurally altered in order to render the same more convenient or commodious for the same purpose for which, at the date of passing of this By-law, such building or structure was lawfully used.

5.5.4 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoration to a 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.

5.5.5 PERMITTED NON-COMPLYING BUILDINGS OR STRUCTURES
(as amended by the Ontario Municipal Board)

Nothing in this By-law, including any minimum lot area or minimum lot frontage requirements, shall prevent the enlargement, extension, reconstruction, renovation, repair or alteration of a building or structure, which existed at the date of passing of this By-law, which is used for a purpose specifically permitted within the Zone in which such building or structure is located, where such building or structure does not comply with the setback or one or more yards that is or are less than required under the provisions of this By-law provided that the setback or yard or yards that is or are less than required are not further reduced and that all other provisions of this By-law are complied with.

5.5.6 RECONSTRUCTION OF DAMAGED EXISTING BUILDINGS OR STRUCTURES

(as amended by the Ontario Municipal Board)

Nothing in this By-law shall apply to prevent the reconstruction, to its former size and use, of any lawful non-conforming building or structure, existing as of the date of passing of this By-law, which is damaged by causes beyond the control of the owner, provided that such reconstruction is proceeded with as expeditiously as possible.

5.5.7 BUILDING PERMIT ISSUED

The provisions of this By-law shall not apply to prevent the erection or use of any building or structure, for a purpose prohibited by this By-law, for which a permit has been issued pursuant to Section 5 of The Building Code Act prior to the date of passing of this By-law, so long as the building or structure, when erected, is used and continues to be used for the purpose for which it was erected, provided further that the permit has not been revoked pursuant to Section 6 of The Building Code Act.

5.5.8 FLOOR AREA LESS THAN REQUIRED

Nothing in this By-law shall prevent an extension or an addition being made to a permitted dwelling house, which dwelling house existing at the time of passing of this By-law but which has a gross floor area or dwelling unit area less than required by this By-law, provided that all other relevant provisions of this By-law, exclusive of dwelling unit area, are complied with.

5.6 EXISTING UNDERSIZED LOTS

Notwithstanding any other provision of this By-law to the contrary, where a lot, having a lesser lot area and/or frontage than required herein existed prior to the 3rd day of June, 1974 or which was created in conformity with the provisions of By-law No. 1296, as amended from time to time, and where such lot is held under distinct and separate ownership from an abutting lot or lots as shown by a conveyance of title properly registered prior to the date of passing of this By-law, or, where such a lot is created as a result of an expropriation, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that all other applicable zone provisions of this By-law are complied with.

5.7 FRONTAGE REQUIREMENTS

5.7.1 PUBLIC STREET

Except as may otherwise be provided herein, no person shall erect any building or structure 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 is directly accessible from an improved public street or road, maintained year round, provided all other relevant provisions of this By-law are complied with.

5.7.2 UNASSUMED ROAD

Notwithstanding the provisions of Section 5.7.1 hereof to the contrary, the provisions of this By-law shall not apply to prevent the erection of a permitted building or structure on a lot in a Registered Plan of Subdivision where a subdivision agreement has been entered into with the Corporation of the Village of Fenelon Falls and registered against the lands whereunder the street or streets will not be assumed by the Municipality until such time as specified in the said agreement.

Notwithstanding the provisions of Section 5.7.1 hereof, where a building has been erected prior to the date of passage of this By-law on a lot which fronts on a private right-of-way registered on title which right-of-way provides legal ingress and egress to an improved public street maintained year round, the provisions of this By-law shall not apply to prevent the enlargement, alteration, extension, renovation or reconstruction of such a building or structure, provided the use of such building or structure is permissible in the zone in which it is located and that all other applicable provisions of this By-law are complied with.

5.8 HEIGHT EXCEPTIONS

Notwithstanding the height provisions herein contained, nothing in this By-law shall apply to prevent the erection, alteration, or use of the following accessory buildings or structures provided the principal use is a use permitted within the Zone in which it is located, namely a church spire, a belfry, a flag pole, a clock tower, a chimney, a standpipe associated with a municipal water supply system, a radio or television tower or antenna, air conditioner duct, incidental equipment required for processing, and, external equipment associated with internal building equipment.

5.9 HOLDING PROVISIONS

Notwithstanding any other provision of this By-law to the contrary, where a Zone Symbol is followed by a Holding Symbol denoted "H", no person shall use such lands except for such purposes existing as of the date of passing of this By-law and, further, no person shall enlarge, extend or reconstruct any existing building or structure except where such building or structure existed as of the date of passing of this By-law and the existing building or structure is a use permitted within the principal zone classification.

5.10 HOME OCCUPATION

The following regulations shall apply to regulate a home occupation where such use is permitted within a dwelling unit, namely:

- a. no person, other than a member of the family residing in the premises, shall engage in canvassing, delivering or as a go between in the distribution of merchandise to customers;
- b. there shall be no display, other than a sign, erected in conformity with the By-laws of the Village, to indicate to persons outside that any part of the dwelling house, unit or lot is being used for a purpose other than residential;
- c. such home occupation shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling house or unit nor create or become a public nuisance by reason of noise, dust, odour, traffic or parking of motor vehicles;
- d. such home occupation shall not interfere with television or radio reception of others in adjacent buildings or structures;
- e. not more than twenty-five (25) per cent of the gross floor area of the dwelling house or unit shall be used for the purposes of the home occupation use where such home occupation is conducted within the principal residence;
- f. such home occupation shall not include a bed and breakfast establishment, a medical clinic, a private hospital, a nursing home, an eating establishment or a veterinary clinic or similar use;

- g. there shall be no mechanical or other equipment used except that which is customarily employed in a dwelling house for domestic or household purposes or for use by a professional person; and,
- h. there shall be no outside display or storage of goods or materials associated with a home occupational use.

5.11 LOADING SPACE REGULATIONS

5.11.1 LOADING SPACE REQUIREMENTS

Loading or unloading spaces are required under this By-law, in accordance with the Loading Space Requirement Table set forth herein, and the owner of every non-residential building or structure, erected for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain on the lot loading and unloading spaces accordingly. For the purposes of this By-law each loading or unloading space shall be 9 metres in length, 4 metres in width and have a vertical clearance of 5 metres. In addition, adequate space shall be provided for the parking of vehicles awaiting access to the loading or unloading spaces.

LOADING SPACE REQUIREMENT TABLE

GROSS FLOOR AREA OF BUILDING	LOADING SPACE
200 square metres or less	no loading space shall be required
Exceeding 200 square metres but not 2,800 square metres	one space
Exceeding 2,800 square metres but not 7,500 square metres	two spaces
Exceeding 7,500 square metres	two spaces plus one additional space for each additional 9,300 square metres or fractional part thereof in excess of 7,500 square metres

5.11.2 ACCESS

Access to loading or unloading spaces shall be by means of a driveway at least 6.0 metres in width contained on the lot on which the spaces are located and leading to an improved public street as defined herein.

5.11.3 LOADING SPACE SURFACE

Driveways, loading and unloading spaces, and, related aisles and turning areas shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such loading and unloading facilities shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or similar material and shall include provisions for drainage facilities.

5.11.4 LOCATION

The loading space or spaces required herein shall be located in the interior side or rear yard unless such space or spaces are removed from the street line a minimum distance of 15 metres.

5.11.5 ADDITIONS TO OR CHANGES IN USE OF EXISTING BUILDINGS

The loading space requirements referred to herein shall not apply to any non-residential building in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the gross

floor area, then additional loading spaces shall be provided in accordance with Subsection 5.11.1 hereof and in accordance with the provisions of the Loading Space Requirement Table for such addition.

5.12 MULTIPLE USES ON ONE LOT

Where any land, building or structure is used for more than one purpose, the applicable provisions of this By-law which serve to regulate each use shall be complied with, provided that no dwelling except, as may be permitted within a portion of a non-residential building, shall be erected closer than 10 metres to any non-residential building or structure on the lot except for an accessory building or structure as may be permitted in accordance with the provisions of Section 5.1 hereof.

5.13 MULTIPLE ZONES ON ONE LOT

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

5.14 NOXIOUS TRADE

Except as may otherwise be specifically permitted under this By-law, no use shall be permitted which, from its nature or the materials used therein, is declared by the Local Board of Health or Council of the Corporation to be a noxious trade, business or manufacture under The Health Protection and Promotion Act, S.O., 1983, as amended, and The Regulations promulgated thereunder.

5.15 OUTSIDE DISPLAY AND SALE OF GOODS AND MATERIALS

The outside display and sale of goods and materials on a continuing basis and where ancillary and incidental to a use specifically permitted within a Commercial Zone (C1) Zone or the District Commercial (C2) Zone shall be permitted a front, side or rear yard in accordance with the following regulations, namely:

- a. that within the General Commercial (C1) Zone the area used for outside sale and display shall not exceed 28 square metres and that no part of a public road allowance or public sidewalk shall be used for the purpose of such outside display unless pursuant to a license issued by the Village under the By-laws of the Village of Fenelon Falls;
- b. that within the District Commercial (C2) Zone the area used for outside sale and display shall not be in excess of twice the floor area, above grade, of the commercial building or portion of any such building used for the purpose for which outside display is permitted and, in any event, such area for outside display and sale shall not be in excess of thirty (30) per cent of the lot area;
- c. that where the lot upon which outside display and sale is permitted is adjacent to the boundary of a Residential Zone, a planting strip shall be provided in accordance with the provisions of this By-law adjacent the Residential Zone;
- d. that where lighting facilities are provided, they shall be so arranged as to deflect the light onto the outside display and sale area and away from adjoining properties and streets;
- e. that the area used for outside display and sale shall be in addition to and separated from the areas required for parking;
- f. that the area used for outside display and sale shall be surfaced and maintained with either concrete, asphalt, crushed stone and other hard

surface and dustless materials or maintained as a lawn in a healthy growing condition.

Notwithstanding any other provision of this By-law to the contrary, the provisions of paragraph (b) hereof shall not apply to a builders supply outlet, a garden nursery sales and supply establishment, a motor vehicle dealership, a marina or marine sales and service establishment, a snowmobile sales and service establishment, or a recreational vehicle sales and service establishment or the sale of goods by a charitable organization.

5.16 PARKING AREA REGULATIONS

5.16.1 PARKING SPACE REQUIREMENTS
(as amended by the Ontario Municipal Board)

Parking spaces and areas are required under this By-law, in accordance with the Parking Space Requirement Table, and the owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises, from time to time, parking spaces and areas accordingly.

PARKING SPACE REQUIREMENT TABLE

TYPE OR NATURE OF USE	MINIMUM OFFSTREET PARKING REQUIREMENTS
Assembly Hall, Auditorium, Arena, Community Centre, Place of Entertainment, Place of Worship, Private Club or other similar places of assembly not otherwise specified herein	The greater of: a. one parking space per six fixed seats or three metres of bench seating or portion thereof; or 5. one parking space per 9.25 square metres of gross floor area; or, 6. one parking space for each four persons that may be legally accommodated at any one time.
Bank, Business and/or Professional Office, Retail Commercial Establishment, Personal Service Shop including a Home occupation	One parking space for each 28 square metres of gross floor area of the building directly related to the specified permitted use.
Billiard Hall	Two parking spaces per billiard table.
Bowling Alley	Three parking spaces for each bowling lane.
Curling Rink	Four parking spaces for each curling sheet plus such additional parking as is required for a lounge licensed in accordance with the Liquor Licence Act of Ontario.
Day Care Centre, Day Nursery School	One parking space for each 37 square metres or fraction thereof of gross floor area.

Dry Cleaners or Laundromat, Coin Operated	One parking space for each 38 square metres or fraction thereof of gross floor area.
Dry Cleaners Distribution Station	One parking space per 38 square metres or fraction thereof of gross floor area.
Eating Establishment, exclusive of a Take Out Restaurant	The greater of one parking space for each 9.25 square metres of gross floor area or one parking space for each four persons that may be legally accommodated at any one time. For the purposes of this By-law the parking space requirements shall not apply to the area associated with an outdoor café or patio where such use is ancillary to and associated with an eating establishment or liquor licensed premises.
Eating Establishment, Take Out	Six parking spaces for each 100 square metres of gross floor area.
Funeral Home and/or Undertaking Establishment	The greater of ten parking spaces or five parking spaces for each 100 square metres of gross floor area.
Home for the Aged, Nursing Home	One parking space for each four beds or fraction thereof.
Hospital	One parking space for each two beds or 38 square metres of gross floor area whichever is the greater.
Hotel, Motel, Motor Hotel, Resort Establishment or Bed and Breakfast Establishment	1.25 parking spaces for each guest room, cottage or cabin plus such parking facilities as are required for an eating establishment or entertainment lounge licensed in accordance with the Liquor Licence Act, R.S.O., 1980, c.244, as amended.
Liquor Licenced Premises exclusive of an eating establishment but including an entertainment lounge, public house or lounge licensed in accordance with The Liquor Licence Act, R.S.O., 1980, as amended	One parking space for each four persons that may be legally accommodated at any one time.
Manufacturing, Processing, Assembly Fabricating Plant, Wholesale Establishment or Warehouse	One parking space per 38 square metres of gross floor area or portion thereof.
Marina	One parking space per 20 square metres of total retail floor area or fraction thereof plus one parking space for each boat slip provided.
Medical or Dental Clinic, or, Offices of a Drugless Practitioner	Five parking spaces per doctor, plus one parking space for each examination room exceeding five such rooms per office.
Post Office, Museum, or Public Library	One parking space for each 38 square metres of gross floor area.
Residential	

i) Apartment Dwelling House Fourplex, Triplex Condominium or Rental Townhouse	One and one-half parking spaces for each dwelling unit.
ii) Dwelling Unit in Portion of Non-Residential Building	One parking space per dwelling unit.
iii) Senior Citizen's Housing Complex	Four parking spaces for each ten dwelling units or fraction thereof.
iv) Residential other than specified herein	Two parking spaces per dwelling unit.
School, Elementary	The greater of: a. one and one-half parking spaces per classroom; or b. one parking space per 9.0 square metres of floor area in the gymnasium; or c. one parking space per 9.0 square metres of floor area in the auditorium.
School, Secondary	The greater of: a. four parking spaces per classroom; or b. one parking space per 9.0 square metres of floor area in the gymnasium; or c. one parking space per 9.0 square metres of floor area in the auditorium.
Shopping Centre	Six parking spaces for each 100 square metres of gross leasable floor area.
Workshop	One parking space per 38 square metres of gross floor area.
Uses Permitted by This By-law Other Than Those Listed In This Table	One parking space per 38 square metres of gross floor area.

5.16.2 PARKING AREA SURFACE

Parking spaces, areas and driveways connecting the parking space or area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such parking spaces or areas shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or similar material and shall include provisions for drainage facilities.

Except as may otherwise be provided for herein, the following provisions shall apply to ingress and egress driveways, namely:

- a. ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 3 metres but not more than 9 metres in perpendicular width;
- b. the maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 metres;
- c. the minimum distance between any two driveways on one lot, or, between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 9 metres;
- d. the minimum angle of intersection between a driveway and a street line shall be 60 degrees; and,
- e. every lot shall be limited to the following number of driveways, namely:
 - i. up to the first 15 metres of lot frontage, not more than one driveway;
 - ii. greater than 15 metres of lot frontage but less than 30 metres of frontage, not more than two driveways with a combined width not exceeding thirty per cent of the lot frontage; and
 - iii. for each additional 30 metres of frontage, not more than one additional driveway.

5.16.4 INGRESS AND EGRESS REGULATIONS - RETAIL GASOLINE ESTABLISHMENTS

Notwithstanding any other provision set forth in this By-law to the contrary, the following provisions shall apply to ingress and egress driveways established in conjunction with a motor vehicle dealership, a motor vehicle gasoline bar, a motor vehicle repair garage or motor vehicle service station where gasoline is offered or kept for sale at retail, namely:

- a. the maximum width of a driveway measured along the street line shall be 9 metres;
- b. the minimum distance between driveways, measured along the street line intersected by such driveway, shall be 9 metres;
- c. the minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 9 metres;
- d. the minimum distance between an interior side lot line and any driveway shall be 3 metres; and,
- e. the interior angle formed between the street line and the centreline of any driveway shall not be less than 60 degrees.

5.16.5 PARKING AREA DESIGN REQUIREMENTS

The following parking area design requirements shall apply to all required parking areas in all zones, except for a permanent single- family detached

dwelling house, semi-detached dwelling house, duplex dwelling house and streetfront townhouses, namely:

By-law No. 91-16

- a. the minimum width of a parking space shall be 3 metres and the minimum length shall be 6 metres except where the aisle width is at least seven metres in which case the minimum width of a parking space shall be 2.8 metres and the minimum length shall be 5.5 metres;
- b. that where a parking space has a parking angle of less than 30 degrees, such parking space shall be at least 7 metres in length where the aisle width is at least 4 metres;
- c. that where the parking angle is equal to or greater than 30 degrees but less than 50 degrees, the minimum aisle width shall be at least 4 metres;
- d. that where the parking angle is equal to or greater than 50 degrees but less than 70 degrees, the minimum aisle width shall be at least 5.5 metres; and,
- e. that where the parking angle is equal to or greater than 70 degrees but less than or equal to 90 degrees, the minimum aisle width shall be at least 7 metres.

5.16.6 MORE THAN ONE USE ON A LOT

When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use, unless otherwise specified herein.

5.16.7 PARKING AREA LOCATION ON LOT

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback in accordance with the following provisions, namely:

- a. in all Zones, except Residential, no driveway shall be permitted within 9.0 metres of the boundary of a Residential Zone;
- b. in all Zones, except Residential, no parking space shall be permitted within 3.0 metres of the boundary of a Residential Zone;
- c. within the Environmental Constraint, Recreational-Open Space, Community Facility and all Commercial Zones, parking spaces and areas shall be permitted in all yards provided that no part of any parking area, other than a driveway is located closer than 2 metres to any street line or 1.5 metres of any lot line or within a sight triangle;
- d. within all Residential Zones, except the Residential Type Five (R5) Zone, parking spaces and areas shall be permitted within a front, interior side or rear yard provided that no part of any parking area, other than a driveway, is located closer than 2 metres to any street line or within a sight triangle;
- e. within the Residential Type Five (R5) Zone parking spaces and areas shall be permitted in all yards provided that no part of any parking area, other than a driveway is located closer than 8.0 metres to any street line and no closer than 3.0 metres to any side lot line or 1.0 metre of a rear lot line; and,
- f. within all Industrial Zones, parking spaces and areas shall be located in an interior side or rear yard only, except for visitor parking areas which may be located within a front or exterior side yard, provided that no part

of any parking area other than a driveway, is located closer than 2 metres to any street line or within a sight triangle.

5.16.8 ADDITIONS TO OR CHANGE IN USE OF BUILDINGS

The parking space requirements referred to herein shall not apply to any building or structure in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased or there is no change in use. If an addition is made to the building or structure which increases the gross floor area, then parking spaces for the area associated with the addition only shall be provided in accordance with the Parking Space Requirement Table. Where a change in use of the building or structure occurs, parking spaces shall be provided in accordance with the requirements of the Parking Space Requirement Table.

Notwithstanding the foregoing, within the General Commercial (C1) Zone the following provisions shall apply with respect to the provision of off-street parking where an addition and/or change in use is made to an existing building or structure, namely:

a. Additions To Buildings

The parking space requirements referred to herein shall not apply to any building or structure in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased. Where an addition is made to a building or structure which increases the gross floor area of the building or structure, the owner or occupant shall provide additional parking spaces for the area associated with the increase in gross floor area only as required in accordance with the Parking Space Requirement Table.

b. Change In Use Of Building

Where a change in the use of an existing building or structure occurs and the parking space requirements for the use are the same as the use existing as of the date of passing of this By-law, the provisions of this By-law shall not be effective to require additional off-street parking provided further that no addition to the gross floor area of the building or structure is made.

Notwithstanding the foregoing, where a change in use of an existing building or structure is made and the parking space requirements for the use are greater than the requirements for the use existing as of the date of passing of this By-law, the owner or occupant shall provide and maintain additional parking spaces based upon the difference between the requirement for the use existing as of the date of passing of this By-law and the sequential use in accordance with the requirements of the Parking Space Requirement Table, provided further that no addition to the gross floor area of the building or structure is made.

c. Addition To And Change In Use Of Building

Where a change in use is made to an existing building or structure and the building or structure is altered in a manner which increases the gross floor area, the owner or occupant shall be required to provide additional parking spaces based upon the difference between the parking space requirements for the prior use existing as of the date of passing of this By-law and the gross floor area of the sequential use but the owner or occupant shall not be required to provide parking spaces in excess of the total number of parking spaces required for the gross floor area of the building or structure.

5.16.9 USE OF PARKING SPACES AND AREAS

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licenced vehicles only, and for vehicles used in operations incidental to the permitted uses in respect of which such parking spaces and areas are required or permitted.

Notwithstanding the foregoing within any Residential Zone, the owner or occupant of a dwelling unit may use a parking space for the purposes of the parking or storage of one commercial motor vehicle, provided such motor vehicle does not exceed a rated capacity of one tonne.

5.16.10 SPECIAL ZONE PROVISIONS - GENERAL AND DISTRICT COMMERCIAL ZONES
By-law No. 99-20

a. Notwithstanding the provisions of Section 5.16.7 (c) hereof to the contrary, within the General Commercial (C1) Zone and the District Commercial (C2) Zone, parking spaces and related areas shall be permitted to encroach upon an interior side or rear lot line where the adjacent lands are zoned within either the General Commercial (C1) Zone or the District Commercial (C2) Zone.

b. Notwithstanding the provisions of Section 5.16.7 (c) hereof to the contrary, within the General Commercial (C1) Zone and the District Commercial (C2) Zone, a mutual driveway shall be permitted within a required interior side or rear yard where such driveway provides access to off-street parking spaces and related areas which are contiguous one another and the mutual driveway is registered against the title of the respective properties in the form of a permanent easement or right-of-way.

5.17 PLANTING STRIP REQUIREMENTS

5.17.1 LOCATION

Where the interior side or rear lot line in a Community Facility, Commercial or Industrial Zone abuts a Residential Zone or a Residential Type Five (R5) Zone abuts a Residential Zone, other than an area zoned within the Residential Type Five (R5) Zone, a planting strip adjoining such abutting lot line, or portion thereof, shall be provided on the lot within the Community Facility, Commercial, Industrial or Residential Type Five (R5) Zone with a minimum width of 3.0 metres.

5.17.2 CONTENTS

Where in this By-law a planting strip is required to be provided and maintained, such planting strip shall consist of a row of trees and associated ground cover planting and/or a continuous, nonpierced hedgerow of evergreens or shrubs, not less than 1.5 metres high at planting, immediately adjacent to the lot line or portion thereof along which such planting strip is required hereunder. The remainder of the strip shall be used for no other purpose than fencing and the planting of shrubs, flower beds, grass or a combination thereof.

Where a planting strip is required between a Commercial or Industrial Zone and a Residential Zone in accordance with the provisions of this Section, the owner may in lieu of such planting strip erect a wooden privacy fence constructed in such a manner as to provide a solid barrier not less than 1.6 metres and not more than 2.4 metres in height. Where such a privacy fence is provided on the commercial or industrial lot, the width of the planting strip adjacent the lot line may be reduced to 1.5 metres.

5.17.3 INTERRUPTION FOR DRIVEWAYS OR PEDESTRIAN WALKS

In all cases where ingress and egress driveways or walks extend through a planting strip, it shall be permissible to interrupt the strip within 3.0 metres of the edge of such driveway or within 1.5 metres of the edge of such walk.

5.17.4 MAINTENANCE

Where a planting strip is required it shall be planted, nurtured and maintained by the owner or owners of the lot on which the planting strip is located.

5.17.5 LANDSCAPED OPEN SPACE SUPPLEMENT

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

5.18 PUBLIC USES AND UTILITIES

5.18.1 GENERAL

Except as provided for in Subsection 5.18.2 hereof, the provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public services provided by the Corporation of the Village of Fenelon Falls, or any Public Authority including any department of the County of Victoria or any Department or Ministry of the Government of Canada or Ontario, or any Conservation Authority established by the Government of Ontario, and, for the purposes of this Section shall include Ontario Hydro, the Board of Water, Light and Power Commission, any telephone or telecommunication, cable television or telegraph company; and, any natural gas distribution system operated by a Company which possesses all the necessary powers, rights, licenses and franchises.

5.18.2 LOCATION RESTRICTIONS

Notwithstanding the provisions of Subsection 5.18.1 hereof to the contrary, where any zone classification or classifications specifically authorize a particular use of land within such zone classification or classifications, then such use of land shall not be carried on in any other Zone classification or classifications, regardless of whether such use is carried on by a public authority.

5.18.3 PROVISIONS

Notwithstanding any other provisions to this By-law to the contrary where a public use is not restricted to a specific Zone, no land, building or structure is to be used for the purposes of a public use unless the following provisions are complied with, namely:

a. Minimum Yard Requirements

- | | |
|-------------------------|----------|
| i. Front Yard | 4 metres |
| ii. Exterior Side Yard | 4 metres |
| iii. Interior Side Yard | 3 metres |
| iv. Rear Yard | 3 metres |

b. Maximum Lot Coverage - All Buildings And Structures 30 per cent

c. Minimum Setback From Street Centreline 14 metres

d. Maximum Height Of Buildings 10 metres

e. Minimum Landscaped Open Space 30 per cent

f. Outside Storage

No goods, materials or equipment shall be stored outside the building or structure located on the lot except as may otherwise be permitted under this By-law.

g. Other Provisions

No building or structure erected in accordance with the provisions of this Section shall be used for the purpose of an office or maintenance or works depot.

5.18.4 STREETS AND INSTALLATIONS

Nothing in this By-law shall prevent land to be used as a street or prevent the installation of a watermain, sanitary sewer, storm sewer, gas main, pipeline or overhead or underground hydro or communication line inclusive of pad mounted switching devices, or high voltage and extra high voltage electrical facilities owned, operated and maintained by Ontario Hydro, the Board of Water, Light and Power Commission, provided the location of such main line or facility, has been approved by the Council of the Corporation of the Village of Fenelon Falls. Notwithstanding the generality of the foregoing, this approval by the Council of the Corporation of the Village of Fenelon Falls shall not be required for any public use which has received prior approval pursuant to the provisions of The Environmental Assessment Act, R.S.O., 1980, c.140, as amended.

5.19 REDUCTION OF REQUIREMENTS

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

5.20 SIGHT TRIANGLES

Notwithstanding any other provision of this By-law to the contrary, no person shall, within a sight triangle, as defined hereunder, park a motor vehicle, as defined in the Highway Traffic Act, or erect any building or structure which would obstruct the vision of drivers of motor vehicles or use any land for the purposes of growing shrubs or trees in excess of 0.6 metres in height.

5.21 SIGNS

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the By-laws of the Corporation regulating signs.

5.22 SPECIAL PROVISIONS - FENELON CREEK

Notwithstanding any other provision of this By-law to the contrary, no person shall extend or enlarge an existing building or structure or erect any new building or structure unless such new building or structure or addition to an existing structure is flood proofed to the elevation of the Regulatory Flood for the Fenelon Creek, as defined by the Kawartha Region Conservation Authority, plus 0.3 metres for freeboard.

The foregoing provisions shall not apply to any accessory buildings, structures and uses which are considered incidental and subordinate to the

principal permitted use, subject to the approval of the Kawartha Region Conservation Authority.

5.23 SPECIAL PROVISIONS - GROUP HOMES

Notwithstanding any other provision of this By-law to the contrary, where a group home is a permitted use within the Residential Zone, as set forth under this By-law, no group home shall be located within 1,000 metres of another group home facility provided further that all other relevant provisions of this By-law are complied with.

5.24 SPECIAL USES PERMITTED

A tool shed, construction trailer, scaffold or other building or structure incidental to construction is permitted in all Zones within the Corporation on the lot where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, "abandoned" shall mean the revocation of the building permit pursuant to the provisions of Section 6 of The Building Code Act.

5.25 THROUGH LOTS

Where a lot, which is not a corner lot, has lot frontage on more than one street or is bounded on more than one side by a street, private right-of-way or watercourse or waterbody, the setback and front yard requirements contained herein shall apply on each street or adjacent the private right-of-way or watercourse or waterbody, as the case may be, in accordance with the provisions of the Zone or Zones in which such lot is located.

5.26 TRAILER OR MOBILE HOME PARKS

The establishment of trailer parks or mobile home parks shall be prohibited within the area covered by this By-law, save and except where such parks are specifically permitted.

5.27 TRUCK, BUS AND COACH BODIES

No truck, bus, coach or streetcar body, mobile camper or truck camper, or structure of any kind, other than a dwelling unit erected and used in accordance with this By-law, The Building Code Act, R.S.O., 1980, c.51, as amended, and the Regulations passed thereunder; and, all other By-laws of the Corporation, shall be used for human habitation.

5.28 replaced with 5.29 B/L2020-160

5.29 ADDITIONAL RESIDENTIAL DWELLING UNITS

Notwithstanding the permitted uses, maximum densities and minimum gross floor areas listed elsewhere in this By-law, additional residential dwelling units are permitted in all zones that permit single detached dwelling house, semi-detached dwelling house, or townhouse dwelling, subject to the following provisions:

- i. A maximum of two (2) additional residential dwelling units, one (1) within the same building as the primary residential dwelling unit and one (1) within an accessory building or structure to the primary residential dwelling unit.
- ii. Unless otherwise stated, all zone provisions continue to apply to an additional residential dwelling unit.
- iii. An additional residential dwelling unit located in an accessory building or structure shall be in accordance with the provisions of

subsection 5.1. An accessory building or structure containing an accessory residential dwelling unit located on an upper storey shall have a maximum height of 10 m and minimum yard setback of 1.2 m.

- iv. A lot has frontage on an improved public street, maintained year round.
- v. The floor area of the additional residential dwelling unit is equal to, or less than, the gross floor area, excluding attached garage floor area of the primary residential dwelling unit without any modification to the building's bulk or massing.
- vi. Where applicable, an additional residential dwelling unit shall not be permitted on a lot which contains a bed and breakfast establishment.
- vii. At a minimum, on-site parking shall be provided in accordance with the requirements for the primary residential dwelling unit. Where there is a home occupation in an additional residential dwelling unit, parking shall be in accordance with subsection 5.16.1 for a home occupation use.
- viii. An additional residential dwelling unit shall be accessed from the street via a walkway or driveway.
- ix. An additional residential dwelling unit or part thereof shall not be within the EC Zone, floodplain or water setback.
- x. Compliance with the provisions of the Ontario Building Code, Fire Code and all other relevant municipal and provincial standards.
- xi. Registration of the additional residential dwelling unit in accordance with the City's Additional Residential Unit Registration By-law.

5.30 SOURCE WATER PROTECTION

- 5.30.1 All development will comply with the Clean Water Act through the applicable Source Protection Plans, as amended from time to time.
- 5.30.2 For all applicable terms, refer to the Definitions Section of this By-law. Refer to the applicable Source Protection Plans for terms not defined herein.
- 5.30.3 Wellhead Protection Areas (WHPAs) and Intake Protection Zones (IPZs) are identified as an overlay layer on Schedule "A" and include all levels of vulnerability for municipal water sources serving the City.
 - 5.30.3.1 In the case of WHPAs the extent of the vulnerable area encompasses WHPA-A through WHPA-E.
 - 5.30.3.2 In the case of IPZs the extent of the vulnerable area encompasses subzones IPZ-1 and IPZ-2.
- 5.30.4 Notwithstanding the uses permitted by the underlying zone category in this By-law, the following land use activities shall be prohibited in the vulnerable areas identified on Schedule 'A' to this By-law where they would constitute a future significant drinking water threat under the Clean Water Act, unless stated otherwise in the applicable Source Protection Plans:
 - 5.30.4.1 Waste disposal sites
 - 5.30.4.2 On-site sewage systems (in excess of 10,000 L)
 - 5.30.4.3 The application, storage or management of agricultural source

- material
 - 5.30.4.4 The application, handling or storage of non-agricultural source material
 - 5.30.4.5 The application, handling or storage of commercial fertilizer
 - 5.30.4.6 The application, handling or storage of pesticide
 - 5.30.4.7 The handling or storage of road salt
 - 5.30.4.8 The storage of snow
 - 5.30.4.9 The handling or storage of fuel
 - 5.30.4.10 The handling or storage of a dense non aqueous phase liquid
 - 5.30.4.11 The handling or storage of an organic solvent
 - 5.30.4.12 The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard
- 5.30.5 Notwithstanding the list of prohibited land use activities in Section 2.4, a Risk Management Official may issue a written decision enabling the City to determine that a site-specific land use activity is permitted in accordance with Section 58 and Section 59 of the Clean Water Act based on location, amount and extent of the threat.
- 5.30.6 Within the vulnerable area illustrated on Schedule 'A', as it applies to dense non aqueous phase liquids, Section 2.4 shall not apply to incidental volumes used as part of a residential use.
- 5.30.7 Where a conflict may arise between Source Water Protection provisions in this By-law and any other provisions herein, the provision(s) that afford the greatest protection to surface and groundwater shall prevail to the extent necessary to resolve the conflict.
- 5.31 CANNABIS PRODUCTION AND PROCESSING FACILITIES
- 5.31.1 Notwithstanding any other provision of this Bylaw, Cannabis Production and Processing Facilities shall be subject to the following provisions; this by-law only allows for the Production and Processing of cannabis for operators in possession of a valid license or registration by the federal Minister of Health, pursuant to the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.
- 5.30.2 The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.
- 5.30.3 Notwithstanding 5.30.2:
- i. in the Restricted Industrial (M1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility equipped with air filtration control shall not be located close than 70m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.
 - ii. in the Restricted Industrial (M1) Zone and General Industrial (M2) Zone, a cannabis production and processing facility without air filtration control shall not be located close than 300m to a Sensitive Land Use. This setback shall be measured from the building line or crop line of the Cannabis Production and Processing Facility to the nearest building line of the sensitive land use.

PART SIX - ADMINISTRATION, ENFORCEMENT AND ENACTMENT

6.1 ADMINISTRATION

6.1.1 ADMINISTRATION

This By-law shall be administered and enforced by the Chief Building Official or such other person or persons as may be appointed for such purpose by the Council of the Corporation of the Village of Fenelon Falls from time to time.

6.1.2 BUILDING AND OTHER PERMITS

Notwithstanding the provisions of The Building Code Act, R.S.O., 1980, c.51, as amended and the Regulations passed thereunder, or any other By-law of the Corporation, no building permit or occupancy permit shall be issued where the proposed building or structure or where the proposed use or activity would be in violation of any of the provisions of this By-law.

6.1.3 CERTIFICATE OF OCCUPANCY

No change may be made in the type of use or activity of any lot covered by this By-law, or of any building or structure on any such lot or any part of such lot, building or structure until a Certificate of Occupancy has been issued by the Chief Building Official to the effect that the proposed use or activity complies with this By-law.

6.1.4 OCCUPANCY OF UNCOMPLETED DWELLING HOUSES

No dwelling house shall be used for human habitation until The Building Code Act, R.S.O., 1980, c.51, as amended, and the Regulations passed thereunder have been complied with and, in any event, not before the main side walls and roof have been erected; the external siding and roofing completed; and kitchen, heating and sanitary conveniences have been installed and rendered usable, safe and fit for human habitation.

6.1.5 BUILDINGS OR STRUCTURES TO BE MOVED

In all Zones, no building or structure, residential or otherwise, normally requiring a building permit for construction, shall be moved within the area affected by this By-law without a permit from the Chief Building Official.

6.2 ENFORCEMENT

6.2.1 VIOLATION AND PENALTIES

a. Every person who contravenes this By-law is guilty of an offence, and on conviction is liable,

- i. on a first conviction, to a fine of not more than \$20,000.00; and,
- ii. on a subsequent conviction, to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

b. Where a corporation is convicted under Subsection (a), the maximum penalty that may be imposed is,

- i. on a first conviction, a fine of not more than \$50,000.00; and,
- ii. on a subsequent conviction, a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued

after the day on which the corporation was first convicted, and not as provided in Subsection (a).

- c. Where a conviction is entered under Subsection (a), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.
- d. Every fine imposed under the provisions of this Section is recoverable under the Provincial Offences Act.

6.2.2 REMEDIES

In the case where any building or structure is to be erected, altered, reconstructed, extended, or part thereof is to be used, or any lot is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any rate-payer or of the Corporation, pursuant to the provisions of The Municipal Act, R.S.O., 1980, c.302, as amended.

6.2.3 VALIDITY

If any section, clause or provision of this By-law, including anything contained on Schedule "A", is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provisions including anything contained on Schedule "A", so declared to be invalid. It is hereby declared to be the intention that all the remaining sections, clauses or provisions, including anything contained on Schedule "A", of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

6.3 ENACTMENT

6.3.1 ZONE SCHEDULES

The provisions of this By-law shall apply to all lands within the limits of the Corporation of the Village of Fenelon Falls. For the purposes of this By-law such lands are divided into various Zones which are delineated on Schedule "A", the Zone Map, attached hereto and by this reference forming part of this By-law.

6.3.2 REPEAL OF OTHER ZONING BY-LAWS

All Zoning By-laws which serve to regulate the use of land and the character, location and use of buildings and structures within the Corporation of the Village of Fenelon Falls are hereby repealed in their entirety so as to give effect to the provisions of this By-law and the provisions of this By-law shall hereafter govern.

Without limiting the generality of the foregoing the following By-laws are specifically repealed, to take effect on the date this By-law comes into force; namely:

- By-law No. 1296 as enacted on the 3rd day of June, 1974;
- By-law No. 1312 as enacted on the 5th day of April, 1976;
- By-law No. 1313 as enacted on the 5th day of April, 1976;
- By-law No. 1314 as enacted on the 5th day of April, 1976;
- By-law No. 1315 as enacted on the 10th day of May, 1976;
- By-law No. 1317 as enacted on the 2nd day of August, 1976;
- By-law No. 1321 as enacted on the 29th day of November, 1976;
- By-law No. 1322 as enacted on the 7th day of December, 1977;

By-law No. 1323 as enacted on the 6th day of December, 1976;
By-law No. 1324 as enacted on the 6th day of December, 1976;
By-law No. 1325 as enacted on the 6th day of December, 1976;
By-law No. 1333 as enacted on the 16th day of May, 1977;
By-law No. 1341 as enacted on the 1st day of November, 1977;
By-law No. 1342 as enacted on the 3rd day of January, 1978;
By-law No. 1350 as enacted on the 7th day of August, 1978;
By-law No. 79-1 as enacted on the 15th day of January, 1979;
By-law No. 79-5 as enacted on the 19th day of March, 1979;
By-law No. 80-8 as enacted on the 7th day of April, 1980;
By-law No. 80-12 as enacted on the 2nd day of June, 1980;
By-law No. 80-15 as enacted on the 13th day of August, 1980;
By-law No. 80-18 as enacted on the 27th day of October, 1980;
By-law No. 80-19 as enacted on the 15th day of December, 1980;
By-law No. 80-20 as enacted on the 15th day of December, 1980;
By-law No. 81-13 as enacted on the 29th day of June, 1981;
By-law No. 81-15 as enacted on the 2nd day of November, 1981;
By-law No. 81-20 as enacted on the 16th day of November, 1981;
By-law No. 82-3 as enacted on the 18th day of January, 1982;
By-law No. 82-4 as enacted on the 18th day of January, 1982;
By-law No. 82-9 as enacted on the 1st day of February, 1982;
By-law No. 82-10 as enacted on the 1st day of February, 1982;
By-law No. 82-11 as enacted on the 15th day of March, 1982;
By-law No. 82-19 as enacted on the 5th day of July, 1982;
By-law No. 83-2 as enacted on the 17th day of January, 1983;
By-law No. 83-3 as enacted on the 17th day of January, 1983;
By-law No. 83-11 as enacted on the 28th day of March, 1983;
By-law No. 84-1 as enacted on the 16th day of January, 1984;
By-law No. 84-17 as enacted on the 26th day of September, 1984;
By-law No. 84-24 as enacted on the 20th day of December, 1984;
By-law No. 85-8 as enacted on the 15th day of July, 1985;
By-law No. 85-9 as enacted on the 5th day of August, 1985;
By-law No. 85-12 as enacted on the 19th day of August, 1985;
By-law No. 85-14 as enacted on the 19th day of August, 1985;
By-law No. 85-15 as enacted on the 19th day of August, 1985;
By-law No. 86-16 as enacted on the 16th day of June, 1986;
By-law No. 86-21 as enacted on the 7th day of July, 1986;
By-law No. 86-26 as enacted on the 16th day of September, 1986;
By-law No. 86-27 as enacted on the 20th day of October, 1986;
By-law No. 86-29 as enacted on the 17th day of November, 1986;
By-law No. 86-30 as enacted on the 17th day of November, 1986;
By-law No. 86-31 as enacted on the 1st day of December, 1986;
By-law No. 86-32 as enacted on the 15th day of December, 1986;
By-law No. 86-33 as enacted on the 15th day of December, 1986;
By-law No. 87-3 as enacted on the 2nd day of February, 1987;
By-law No. 87-6 as enacted on the 16th day of March, 1987;
By-law No. 87-11 as enacted on the 20th day of April, 1987;
By-law No. 88-1 as enacted on the 4th day of January, 1988;
By-law No. 88-9 as enacted on the 2nd day of May, 1988;
By-law No. 88-13 as enacted on the 6th day of June, 1988;
By-law No. 88-18 as enacted on the 15th day of August, 1988;
By-law No. 88-21 as enacted on the 19th day of September, 1988;
By-law No. 88-25 as enacted on the 6th day of October, 1988.
By-law No. 88-27 as enacted on the 6th day of October, 1988.
By-law No. 89-4 as enacted on the 16th day of January, 1989.
By-law No. 89-16 as enacted on the 15th day of May, 1989.
By-law No. 89-21 as enacted on the 19th day of June, 1989.

6.3.3 ENACTMENT

THAT, subject to notice of the passing of this By-law in accordance with the provisions of Section 34(17) of the Planning Act, this By-law shall come into force on the date of passing by the Council of the Corporation of the Village of Fenelon Falls where no notice of appeal or objection is received pursuant

to the provisions of Section 34(19) of the Planning Act, c.1, S.O., 1983. Where notice of an appeal or objection is received as a result of the circulation of the notice of passing of the By-law, this By-law does not come into force until all such appeals have been disposed of whereupon the By-law shall be deemed to have come into force on the day it was passed pursuant to Section 34(31) of the Planning Act, c.1, S.O., 1983, except for such parts thereof as are repealed or amended in accordance with the direction of the Ontario Municipal Board or as are repealed or amended by the Ontario Municipal Board or by the Lieutenant Governor in Council pursuant to Sections 34(27) and 34(30) of the Planning Act.

READ A FIRST TIME ON THE 6TH DAY OF NOVEMBER, 1989.

READ A SECOND TIME ON THE 20TH DAY OF NOVEMBER, 1989.

READ A THIRD TIME AND FINALLY PASSED ON THE 20TH DAY OF NOVEMBER, 1989.

S.N. CARROL (SIGNED)
Reeve

M. BAKER (SIGNED)
Clerk

APPENDIX "A" - METRIC CONVERSION

The following is an index of the metric measurement appearing in this By-law and the approximate equivalent measure in the conventional British or Imperial System of measure. The explanatory note is for reference purposes only and to assist persons in the interpretation of the By-law. In no instance should the Imperial System equivalent be used to determine any requirement of this By-law. Rather, all measurements are to be in the metric system and in accordance with the provisions of this By-law regulating the erection or use of any building, structure or activity in the respective zone.

**AREA MEASUREMENTS
APPROXIMATE EQUIVALENT**

METRIC SYSTEM	IMPERIAL SYSTEM
Square Metres	Square Feet
10,000	2.5 acres
9,300	2.3 acres
8,417	2.0 acres
4,600	1.1 acres
4,000	43,057
3,000	32,293
2,800	30,139
1,900	20,452
1,400	15,070
1,000	10,764
930	10,011
803	8,644
750	8,073
670	7,212
650	6,997
550	5,920
475	5,113
465	5,005
380	4,090
365	3,928
305	3,283
275	2,960
200	2,152
130	1,400
110	1,184
100	1,076
92	990
84	904
70	753
66	710

METRIC SYSTEM

IMPERIAL SYSTEM

Square Metres

Square Feet

65	700
56	603
55	592
50	538
43	463
40	430
38	409
28	301
20	215
11.5	24
1	11
.09	1

**LINEAR MEASUREMENTS
 APPROXIMATE EQUIVALENT**

METRIC SYSTEM

IMPERIAL SYSTEM

Metres

Feet

1,000	3,280
116	381
80	262
64	210
62	203
60	197
36	118
30	98
28	92
25	82
22	72
20	66
18	59
17.6	58
17.5	57
17	56
16	52
15.2	50
15	49
14	46
13	43
12.5	41
12	39
10.5	34
10	33
9.2	30
9	29
8.5	28
8	26
7.6	25
7.5	24
7	23
6.1	20

VILLAGE OF FENELON FALLS
COMPREHENSIVE ZONING BY-LAW 89-25

7-3

OFFICE CONSOLIDATION
MARCH 2022

6	19
5.5	18
5	16
4.5	15
4	13
3.7	12
3.6	11
3	10
2.1	6.9
2	6.6
1.8	6
1.5	5
1.2	4
1	3
0.6	2
0.3	1
