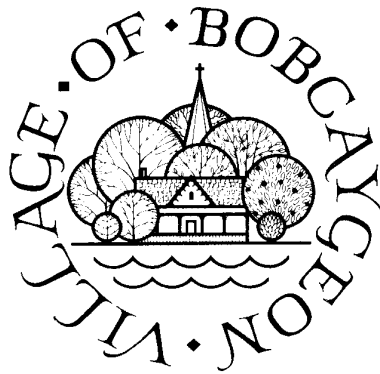


VILLAGE OF BOBCAYGEON

COMPREHENSIVE ZONING BY-LAW 16-78

OFFICE CONSOLIDATION



Prepared by: Victoria County Development Department

**CITY OF KAWARTHA LAKES
DEVELOPMENT SERVICES – PLANNING DIVISION**

Consolidated – March 2022

This is an Office Consolidation of the Village of Bobcaygeon Zoning By-law 16-78. This document has been prepared for the purposes of convenience only. Accordingly, for accurate reference recourse should always be had to the original By-law and the individual amendments.

This Office Consolidation includes the effects of those amending by-laws up to and including By-law 2004-125 as approved by the Ontario Municipal Board or as in effect pursuant to Section 34 of the Planning Act, R.S.O. 1990. (September 2004).

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THE CORPORATION OF THE VILLAGE OF BOBCAYGEON

BY-LAW NUMBER 16-78

A ZONING BY-LAW

A By-law to regulate the use of land, the erection of buildings or structures, the type of construction, the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures in the VILLAGE OF BOBCAYGEON.

WHEREAS it is considered desirable to control the use of land, the erection and use of buildings or structures in defined areas of the VILLAGE OF BOBCAYGEON, in accordance with Section 35 of The Planning Act, R.S.O. 1970, Chapter 349 as amended.

NOW THEREFORE, the Council of the Corporation of the VILLAGE OF BOBCAYGEON enacts the following By-law:

SECTION 1
TITLE AND AREA RESTRICTED

- 1.1 This By-law shall be known as the “Zoning By-law” of the VILLAGE OF BOBCAYGEON.
- 1.2 Schedule “A” attached hereto, with the notations, zone boundaries, symbols and references shown thereon, illustrates the area to which this By-law applies and is hereby declared to be part of this By-law. The lands affected by this By-law may hereinafter be referred to as the “area zoned”.

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SECTION 2

DEFINITIONS

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

- 2.1 **ACCESSORY USE** means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.
- 2.2 **ACCESSORY BUILDING** means a separate and subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.
- 2.3 **ACCESSORY BUILDING OR STRUCTURE** in conjunction with 'Dwelling Unit, Additional Residential' means 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.
- 2.4 **AGRICULTURAL USE** means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes a farm dwelling and accessory buildings but does not include cannabis production and processing facilities..
- 2.5 **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. (B/L 2021-057)
- 2.6 **ALTER** means alteration or repair to the structural component of a building which would result in a change of use, or any increase in the volume of a building or structure.
- 2.7 **ANAEROBIC DIGESTION** shall mean a process used to decompose organic matter by bacteria in an oxygen-limited environment.
- 2.8 **ATTACHED** means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.
- 2.9 **AUTOMOBILE SERVICE STATION** means a building or part thereof used for the servicing and minor repairing essential to the actual operation of motor vehicles and may include the retail sale of oil, gasoline, and automobile accessories.
- 2.10 **BASEMENT** means that portion of a building between two floor levels which is partly underground but which has more than one-half (1/2) of its height from

- finished floor to underside of floor joists storey next above, above the average finished grade level adjacent to the exterior walls of the building.
- 2.11 **BLOCK** means the smallest unit of land the boundaries of which consists entirely of public streets, shorelines, railroads, public parks, or any combination thereof.
- 2.12 **BOARDING or ROOMING HOUSE** means a dwelling in which the proprietor supplies either room or room and board for monetary gain, to more than two (2) but not more than six (6) persons exclusive of the lessee owner thereof or members of his family and which is not open to the general public. In the case of room and board being provided in a dwelling in conjunction with any social or welfare agency, and is defined as a group home under any statutes or regulations of the Province of Ontario, it shall be deemed a “boarding house”.
- 2.13 **BOAT HOUSE, PRIVATE** means a detached accessory building, or structure which is designed or used for the sheltering of a boat or other form of water transportation and/or accessory use for storage of household equipment incidental to the residential occupancy but shall not include habitable rooms.
- 2.14 **BUILDING** means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment. Any tent, awning, bin, bunk or platform, vessel or vehicle used for any of the said purposes shall be deemed a “building”.
- 2.15 **BUILDING, MAIN** means the building in which is carried on the principal purpose for which the lot is used.
- 2.16 **BUILDING BY-LAW** means any “building by-law” within the meaning of the Planning Act, R.S.O. 1970, Chapter 349 as amended and shall include the Building Code Act, S.O. 1974, Chapter 74 as amended.
- 2.17 **BY-LAW ENFORCEMENT OFFICER** means the chief building official or employee of the Municipality from time to time charged by the corporation with the duty of enforcing the provisions contained herein.
- 2.18 **CABIN, PRIVATE** means a building for sleeping, containing no cooking or sanitary facilities and which is an accessory use to a dwelling unit.
- 2.19 **CAMPING LOT** means a parcel of land within a trailer camp or park and is for the exclusive use of the lessee or tenant of such area.
- 2.20 **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). (B/L 2021-057)
- 2.21 **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 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. (B/L 2021-057)
- 2.22 CELLAR means that portion of a building between two floor levels which is partly or entirely underground but has more than one-half of its height, from finished floor to underside of floor joists of the storey next above, below adjacent finished grade.
- 2.23 CONDOMINIUM means the ownership of individual units in a multiple unit structure with common elements in which:
- a) the unit comprises not only the space enclosed by the unit boundaries but all material parts of the land within the space;
 - b) the common element means all the property except the units; and
 - c) the common element is owned by all of the owners as tenants in common.
- 2.24 COTTAGE ESTABLISHMENT means a tourist establishment containing two (2) or more vacation dwelling units designed for human habitation.
- 2.25 COUNCIL means the Municipal “Council” of the Corporation of the VILLAGE OF BOBCAYGEON.
- 2.26 COUNTY means the Corporation of the County of Victoria.
- 2.27 CUSTOM WORKSHOP means a building or part thereof used by a person or persons for the manufacture in small quantities of made to measure clothes or articles and shall include upholstering, repair, refinishing of antiques and other art objects, but shall not include metal spinning, furniture manufacturing and the like.
- 2.28 DAYLIGHTING TRIANGLE means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection the distance required by this by-law along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines shall be known as the “daylighting triangle”.
- 2.29 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.
- 2.30 DOCK means a structure which is designed or used for the mooring of a boat or other form of water transportation which stretches along the side of or projects into a body of water such as a river or lake.

- 2.31 DISPENSARY means a retail use where prescription drugs and medications and over the counter non-prescription drugs and medications and medical supplies are sold but does not include a 'drug store' which may carry toiletries, food, candy and other household goods. (B/L 16-78-72)
- 2.32. 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.
- 2.33 DRY CLEANING ESTABLISHMENT means a building, or portion thereof where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on where only nonflammable solvents are or can be used.
- 2.34 DWELLING means a Dwelling Unit.
- 2.35 DWELLING UNIT means one or more habitable rooms designed or intended for use by one (1) family exclusively as an independent and separate household in which separate kitchen and sanitary facilities are provided for the exclusive use of the family with a private entrance from outside the building or from a common hallway or stairway inside the building but not including motels, hotels, tents, truck camper, tourist trailer, or mobile camper trailer.
- 2.36 DWELLING UNIT, ADDITIONAL RESIDENTIAL means 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.
- 2.37 DWELLING UNIT, PRIMARY RESIDENTIAL means a single detached, semi-detached, or town house dwelling for the purpose of the definition of additional residential dwelling unit.
- 2.38 DWELLING, APARTMENT means a building containing three (3) or more dwelling units which have a common entrance from the street level and the occupants of which have the right to use in common, halls and/or stairs and/or elevators and yards.
- 2.39 DWELLING, BACHELOR APARTMENT means a dwelling unit in an apartment building or converted dwelling designed for occupancy by one or two persons and consisting of a bed-living room, a kitchen or kitchenette and a bathroom.
- 2.40 DWELLING, CONVERTED means a single family detached dwelling, which because of size or design has been or can be converted into more than one dwelling unit.

- 2.41 DWELLING, DUPLEX means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.
- 2.42 DWELLING, FOURPLEX means a building that consists of two duplex dwellings attached to each other vertically.
- 2.43 DWELLING, MAISONETTE means a building that is divided into three or more dwelling units, each of which has independent entrances, one to a common corridor and the other directly to the outside yard area adjacent to the said dwelling unit.
- 2.44 DWELLING, TOWN HOUSE means a building that is divided vertically into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
- 2.45 DWELLING, SEMI-DETACHED means a building that is divided vertically into two dwelling units, each of which has independent entrance, either directly or through a common vestibule.
- 2.46 DWELLING, SINGLE FAMILY DETACHED means a completely detached dwelling unit, but shall not include a mobile home.
- 2.47 DWELLING, TRIPLEX means a building that is divided horizontally into three separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.
- 2.48 DWELLING, VACATION means a single-family detached dwelling used for Recreation purposes that is not used for continuous habitation or as a Permanent residence.
- 2.49 ERECT, means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
- 2.50 ESTABLISHED BUILDING LINE means the average distance from street line or high water mark to existing buildings in any block where more than half the frontage has been built upon, at the date of the final passing of this by-law.
- 2.51 EXISTING means “existing” as of the date of the passing of this by-law.
- 2.52 FAMILY means an individual or two (2) or more individuals interrelated by bonds of consanguinity, marriage or legal adoption and together with not more than two (2) individuals living together as a single, independent and separate household in one dwelling unit and for the purpose of this paragraph, the word “family” shall be deemed to include:
- (a) gratuitous guests and bona fide servants employed as such on the premises containing the said dwelling unit;

- (b) not more than two (2) roomers or boarders; and
 - (c) foster children under the care of the Children's Aid Society within the meaning of the Child Welfare Act, R.S.O. 1970, Chapter 64 as amended.
- 2.53 FARM PRODUCE OUTLET means an accessory use to an agricultural use which consists of the retail sale of agricultural products.
- 2.54 FINISHED GRADE means with reference to a building or structure the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Corporation or other designated authority.
- 2.55 FLOOR AREA means the maximum area contained within the outside walls excluding in the case of a dwelling, any private garage, deck, verandah, unfinished attic, basement or cellar.
- 2.45a FLOOR AREA, GROSS LEASABLE means floor area designated for tenant occupancy and exclusive use, including basements, cellars, mezzanines and upper floors as expressed in square metres measured from the centre lines of joint partitions and exterior walls. (B/L 16-78-72)
- 2.56 GARAGE means an enclosed structure for the storage of one (1) or more motor vehicles in which no business, occupation, or service is conducted for profit.
- 2.46 a. GARDEN CENTRE means any place where trees, shrubs, plants and accessory items directly associated with gardening are available for purchase. (B/L 16-78-42)
- 2.46 b GROCERY STORE means a food store which carries common household foods, canned goods, dairy products, frozen food, fish, poultry, meat, vegetables and other household non-food items. (B/L 16-78-72)
- 2.57 GUEST ROOM means a room or suite of rooms which contain no facilities for cooking, and which are used or maintained for the accommodation of an individual or individuals to whom hospitality is extended for compensation.
- 2.58 HABITABLE ROOM means a room in a dwelling used or intended to be used primarily for human occupancy and shall include a room designed for living, sleeping, eating or preparing food, including a den, library, sewing room or enclosed sunroom.
- 2.59 HEIGHT means the vertical distance on a building or structure between the finished grade and the mean level between the eaves and ridge of a roof.
- 2.60 HEREAFTER small mean after the date of the passing of any applicable provision of this by-law.
- 2.61 HEREIN shall mean in this by-law, and shall not be limited to any particular section of this by-law.

- 2.62 HOME OCCUPATION means the use of part of a dwelling or part of any accessory building for pursuits compatible with a domestic household and which is carried on by members of the one family residing in the dwelling provided that:
- (a) the use is secondary to the use of the dwelling unit as a private residence;
 - (b) it does not change the external character of the premises as a private residence.
 - (c) it does not create or become a public nuisance with respect to noise, traffic or parking;
 - (d) all goods and materials are stored within a wholly enclosed building; and
 - (e) it does not occupy more than twenty-five (25) percent of the floor area of the dwelling unit.
- 2.63 HOTEL means a tourist establishment containing therein guest rooms served by a common entrance, generally from the street level. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting room or similar use.
- 2.64 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.
- 2.65 INTAKE PROTECTION ZONE shall mean the vulnerable area delineated around surface water intakes for municipal drinking water systems and is comprised of subzones:
- a) 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.
 - b) 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).
- 2.66 ISLAND means a piece of land completely surrounded by water having no access to the mainland via a causeway, bridge or any other physical connection capable of transferring motor vehicles.
- 2.54a JUNIOR OR DISCOUNT DEPARTMENT STORE means retail use that carries Department Store Type Merchandise but because of its limited space does not carry a full line of such merchandise or carries predominately over production, end of line or other goods that have been discounted. (B/L 16-78-72)
- 2.67 KENNEL means a place, whether enclosed or not, where dogs are kept for breeding, boarding or commercial purposes.

- 2.68 LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
- 2.69 LANDSCAPED OPEN SPACE means the open, unobstructed space at grade on a lot accessible by walking from the street on which the lot is located and used exclusively for landscaping.
- 2.70 LANE means a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.
- 2.71 LAUNDRY means a building or part thereof in which the business of a laundry is conducted by means of washers and dryers and in which only water and detergents or soaps are or can be used.
- 2.72 LIQUIDATION SALE means a special sales event where predominately over production, end of line or other goods are sold at a discounted rate.
- 2.73 LOADING SPACE means an unencumbered area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle.
- 2.74 LODGE means a tourist establishment catering to the vacationing public by providing meals and sleeping accommodation containing guest rooms or cottages, but shall not include any establishment otherwise defined or classified herein.
- 2.75 LOT means a parcel of land, described in a deed or other document legally capable of conveying title or shown as a lot or block on a Registered Plan of Subdivision or part thereof, save and except 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 29 of The Planning Act, R.S.O. 1970, Chapter 349 as amended.
- 2.76 LOT AREA shall mean the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water or within an open space (01) zone.
- 2.77 LOT, CORNER means a lot situated at the intersection of and abutting on two or more streets provided that the angle of intersection of such streets is not more than 135 degrees.
- 2.78 LOT COVERAGE, MAXIMUM means that percentage of the lot area covered by all buildings above ground level and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition, the "maximum lot coverage" in

- each zone shall be deemed to apply only to that portion of such lot which is located within said zone.
- 2.79 LOT DEPTH means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. When there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.
- 2.80 LOT FRONTAGE means the horizontal distance measured back from and parallel to the chord of the "lot frontage" a distance equivalent to the minimum front yard requirement for the zone. For the purposes of this paragraph, the chord of the "lot frontage" is a straight line joining the two points where the side lot lines intersect the front lot line. Where the front lot line and side lot line are joined by one or more curves, then the point of intersection of the straight line projection of the side and front lot lines shall be used as the point where the side lot line joins the front lot line. In the case of a corner lot, the shorter of the frontages shall be deemed the "lot frontage".
- 2.81 LOT, ISLAND means a lot fronting on a body of water, being a part of or encompassing the whole island, whether or not occupied by a building or structure.
- 2.82 LOT LINE means any boundary of a lot.
- 2.83 LOT LINE, FLANKAGE means a side lot line which abuts the street on a corner lot.
- 2.84 LOT LINE, FRONT means, except in the case of a corner lot, or through lot, the line dividing the lot from the street. In the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line. In case each of such lot lines shall be of equal length, the "front lot line" shall be deemed to be the "front lot line" as established in the block by prior construction. In the case of a through lot, the "front lot line" shall be deemed to be "front lot line" as established in the block by prior construction.
- 2.85 LOT LINE, REAR means the lot line farthest from or opposite to the front lot line. In the case of a through lot the "rear lot line" shall mean the "rear lot line" as established in the block by prior construction.
- 2.86 LOT LINE, SHORE means any lot line or portion thereof which abuts a lake or river.
- 2.87 LOT LINE, SIDE means a lot line other than a front or rear lot line.
- 2.88 LOT, THROUGH means a lot bounded on two opposite sides by streets provided however that if any lot qualifies as being both a corner lot and a "through lot" as defined, such lot shall be deemed to be a corner lot.

- 2.89 MARINA means a building, structure or place containing docking facilities where boats are berthed, stored, rented, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.
- 2.90 MICROBREWERY means a building or part thereof used for the brewing and retail sale of beer for public consumption on or off the premises; and includes the following as accessory uses: areas for sampling, retail display and retail sales.
- 2.91 MOBILE HOME means a detached dwelling unit designed for transportation, after fabrication, on streets on its own wheels or on a flatbed or other trailer, arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy (except for minor and incidental unpacking and assembling operations) located on wheels, jacks or permanent foundations, and which may be connected to utilities and sanitary services, but shall not include a modular home.
- 2.92 MOBILE HOME PARK, means an establishment comprising land or premises under single ownership designed and intended for residential use where residence is exclusively for two (2) or more mobile homes, or modular homes but does not include a trailer camp or park.
- 2.93 MOBILE HOME SITE means a parcel of land within a mobile home park used to accommodate one mobile or modular home for the exclusive use of the lessee or tenant of such area.
- 2.94 MODULAR HOME means a single family detached dwelling which has been fabricated in two (2) or more sections which cannot function independently front one another and are designed for transportation on streets on a flatbed or other trailer. Upon arrival at the site, the sections are placed on a foundation and are assembled to form one complete dwelling unit and generally not intended to be dismantled and relocated but shall not include a mobile home.
- 2.95 MOTEL means a tourist establishment containing guest rooms, each of which has a separate entrance from outside the building. Accessory uses may include accommodation for permanent staff, a beverage room, dining room, meeting room or similar use.
- 2.96 MOTORIZED MOBILE HOME means any motor vehicle so constructed as to be a self-contained, self-propelled unit, capable of being utilized for the living, sleeping or eating accommodation of persons.
- 2.97 MOTOR VEHICLE means an automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act, R.S.O. 1970, Chapter 202, as amended.
- 2.98 MOTOR VEHICLE, COMMERCIAL means any “commercial motor vehicle” within the meaning of the Highway Traffic Act, R.S.O. 1970, Chapter 202, as amended.

- 2.99 MOTOR VEHICLE, UNLICENSED means a motor vehicle which is unregistered for the current year under the Highway Traffic Act, R.S.O. 1970, Chapter 202, as amended.
- 2.86 a. MOTOR VEHICLE GASOLINE BAR means one or more pump islands, each consisting of 1 or more fuel 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 sale of motor vehicle accessories, antifreeze and additives. (B/L 16-78-64)
- 2.100 MUNICIPALITY or CORPORATION, means the Corporation of the VILLAGE OF BOBCAYGEON.
- 2.101 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.
- 2.102 NON-COMPLYING means that the building, structure or use does not meet the lot area, lot frontage, setback, lot coverage, height, floor area, parking, loading space and landscaping requirements contained herein.
- 2.103 NON-CONFORMING USE means the use of land, buildings, or structures for a purpose which is not included with the permitted uses for the zone in which such land, building, or structure is located.
- 2.104 OBNOXIOUS means a use which from its nature or operation creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration; the emission of gas, fumes, dust or objectionable odour; or the unsightly storage of goods, wares, salvage, refuse matter, waste or other material. Without limiting the generality of the foregoing, obnoxious shall include any uses which under the Public Health Act, R.S.O. 1970, Chapter 377 or regulations thereunder may be declared by the local Board of Health or Council to be a noxious or offensive trade, business or manufacturing concern.
- 2.105 PARK means any open space or recreational area but shall not include a mobile home park or trailer park.
- 2.106 PARKING LOT means an open area, other than a street, used for the temporary parking of two or more motor vehicles and available for public use whether free, for compensation or as an accommodation for clients, visitors, customers or residents.

- 2.107 **PARKING SPACE** means an area exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles which has adequate access to permit ingress or egress of a motor vehicle to and from a street. Each parking space shall be not less than two and one half (2.5) metres (8.2 ft) in width and not less than seventeen (17) square metres (182 sq.ft.) in area.
- 2.108 **PERMITTED** means “permitted” by this by-law.
- 2.109 **PERSON** means an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a “person” to whom the context can apply according to law.
- 2.110 **PIT** means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, manufacturing, or industrial purposes. It shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation or an excavation incidental to the construction of any public works. Pit includes as accessory use thereto, any roastyard, smelting furnace, mill work or place used for or in connection with crushing, reducing, smelting, refining or treating any of the substances listed in this definition and all ways, work, plants, building and premises either below or above the ground and belonging to or used in connection with any activities listed in this definition.
- 2.111 **PLACE OF ASSEMBLY** means a building, or part thereof, in which facilities are provided for such purposes as meeting for civic, educational, political, religious, social, recreational or athletic purposes and shall include a banquet hall, private club or fraternal organization.
- 2.112 **PLACE OF WORSHIP** means a building dedicated to religious worship and may include a Synagogue, a Church Hall, a Church Auditorium, Sunday School, Convent, Monastery or Parish Hall.
- 2.113 **PREMISES** means the area of a building or part thereof and/or land or part thereof used for residential or business purposes. In a multiple tenancy building, occupied by more than one business or dwelling unit, each area shall be considered a separate “premises”.
- 2.114 **PUBLIC AUTHORITY** means any board or commission or committee of the Municipality or the County of Victoria established or exercising any power of authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of the municipality or a portion thereof and shall include any telephone company or power utility or Ontario Hydro.
- 2.115 **QUARRY** means a place where consolidated rock has been or is being removed by means of any open excavation to supply material for construction, manufacturing or industrial purposes. It shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation or an excavation incidental to the construction of any public works. It shall include all accessory uses as defined under pit.

- 2.116 **RETAIL AUTOMOBILE SALES** means a building or part thereof, and/or a lot used for the display and sale of new and/or used motor vehicles, automotive accessories and related products and for the leasing or renting of motor vehicles, but shall not include any other automotive or motor vehicle use defined or permitted herein. (B/L 16-78-79)
- 2.117 **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.
- 2.118 **SCRAP YARD** means a premise for the storage and/or handling or processing of scrap material, which, without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, used bicycles, unlicensed motor vehicles, tires, metal and/or other scrap material and salvage.
- 2.118a **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
- 2.119 **SERVICE SHOP** means a building or part thereof used for the repair of household articles and catering to the personal needs of people such as hairdressing and barber shops, but excludes any manufacturing or fabrication of goods for sale.
- 2.120 **SETBACK** means the distance between a lot line and the nearest main wall of any building, structure, excavation or open storage use on the lot.
- 2.121 **SHOPPING CENTRE** means a group of commercial uses, which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants and distinguished from a business area comprising unrelated individual uses.
- 2.122 **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.
- 2.123 **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.

- 2.124 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.
- 2.125 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.
- 2.126 SOURCE MATERIAL, AGRICULTURAL shall mean a variety of materials that may be sources of nutrients or pathogens, such as:
- a) Manure produced by farm animals, including bedding materials
 - b) Runoff from farm-animal yards and manure storages;
 - c) Wash water that has not been mixed with human body waste;
 - d) Organic materials produced by intermediate operations that process the above materials (e.g., mushroom compost);
 - e) Anaerobic digestion output that does not include sewage biosolids or human body waste; and
 - f) Regulated compost that is derived from compost containing dead farm animals.
- 2.127 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:
- a) Pulp and paper biosolids;
 - b) Sewage biosolids;
 - c) Anaerobic digestion output where less than 50% of the total material is on-farm anaerobic digestion materials; and
 - d) Any other material that is not from an agricultural source (i.e. materials from dairy product or animal food manufacturing).

- 2.128 STORE, RETAIL means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public.
- 2.106 a. STORE, RETAIL CONVENIENCE means a small scale retail establishment which deals primarily in goods of a convenience nature required by the residents of the immediate surrounding area. (B/L 16-78-64)
- 2.129 STOREY means that portion of a building other than a cellar, attic or half storey, included between the surface of any floor and the surface of the floor or roof above and shall include a basement.
- 2.130 STOREY, FIRST means the lowest storey of a building closest to finished grade having its ceiling two (2) metres (6.6 ft.) or more above average finished grade.
- 2.131 STREET, ROAD, or HIGHWAY means a “highway” within the meaning of The Highway Traffic Act, R.S.O. 1970, Chapter 202 as amended and shall also include private rights-of-way and roads in registered Plans of Subdivision that are to be assumed under a subdivision agreement.
- 2.132 STREET ACCESS means that any lot having a lot line or portion thereof which is also a street line shall be deemed to have “street access” provided that an access point can be obtained.
- 2.133 STREET, IMPROVED PUBLIC means a street, assumed by the Corporation, County or Province which has been constructed in such a manner so as to permit its use by normal vehicular traffic.
- 2.134 STREET LINE means boundary line of a street.
- 2.135 STRUCTURE means anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground but does not include fences which do not exceed two (2) metres (6.6 ft.) in height.
- 2.136 STRUCTURAL ALTERATIONS means any change in the supporting members of a building such as bearing walls, columns, beams, girders and partitions.
- 2.137 SWIMMING POOL means a structure which creates an artificial body of water of more than ten (10) square metres (108 sq.ft) in area, used for bathing, swimming or diving but shall not include ponds.
- 2.138 TOURIST ESTABLISHMENT means a building or buildings designed for the accommodation of the travelling or vacationing public for gain or profit.
- 2.139 TOURIST HOME means a private dwelling that is not part of or used in conjunction with any other tourist establishment and in which there are a maximum of three (3) rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally.

- 2.140 TOURIST TRAILER means a trailer that is used or intended to be used for recreational purposes and is not used for continuous habitation or as a permanent residence, notwithstanding that such trailer may be jacked up or its running gear may be removed.
- 2.141 TRAILER means any vehicle that is at any time drawn upon a highway by a motor vehicle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn, 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.
- 2.142 TRAILER CAMP or PARK means an establishment consisting of camping lots and comprising land used or maintained as grounds for the camping or parking of tourist trailers, motorized mobile homes, truck campers or tents for recreational or vacation use designed for seasonal occupancy only.
- 2.143 TRAILER, MOBILE CAMPER means 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.
- 2.144 USE means, when used as a noun, the purpose for which a lot or building or structure, or any combination thereof is designed, arranged, intended, occupied or maintained and “uses” shall have corresponding meanings. “USE” when used as a verb, “to use” or “used” shall have corresponding meanings.
- 2.145 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.
- 2.146 WALL, MAIN means the exterior front, side or rear wall of a building and shall include all structural members essential to the support of a fully or partially enclosed space or roof, where such members are nearer to a lot line than the said exterior wall.
- 2.147 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).
- 2.148 WATER SETBACK means a yard extending between the high water mark of Lakes or Rivers and the nearest main wall of any building, structure, excavation or open storage use on the lot and “minimum water setback” means the minimum

- distance between the high water mark and the nearest main wall of any building, structure, excavation or open storage use on the lot.
- 2.149 WATER SYSTEM, COMMUNAL means a system of water supply municipally or privately owned which serves a minimum of six (6) dwelling units.
- 2.150 WAYSIDE PIT or QUARRY means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- 2.151 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.
- a) WHPA-A: The area within a 100m radius from a wellhead, considered the most vulnerable area for groundwater intakes
 - b) WHPA-B: The area within which the time to travel to the well (within the aquifer) is up to and including 2 years
 - c) WHPA-C: The area within which the time to travel to the well (within the aquifer) is up to and including 5 years
 - d) WHPA-D: The area within which the time to travel to the well (within the aquifer) is up to and including 25 years
 - e) WHPA-E: A well that is influenced by surface water and is referred to as groundwater under direct influence of surface water
- 2.152 YARD means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this by-law. In determining “yard” measurements, the minimum horizontal distance from the respective lot lines shall be used. Where a daylighting triangle is provided for a corner lot, the minimum “yard” requirement from the hypotenuse of the daylighting triangle shall be the lesser of the “yards” required along the exterior lot lines.
- 2.153 YARD, FLANKAGE means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of the main building or structure.
- 2.154 YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot and the minimum front yard means the minimum depth of a “front yard” on a lot between the front lot line and the nearest main wall of the main building(s) or structure on the lot.
- 2.155 YARD, REAR means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of any building or structure on the lot; and the minimum rear yard means the minimum depth of a “rear yard” on a lot

- between the rear lot line and the nearest main wall of the main building(s) or structures on the lot.
- 2.156 YARD, SIDE means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of any building or structure on the lot; and “minimum side yard” means the minimum width of a “side yard” on a lot between a side lot line and the nearest main wall of the main building(s) or structure on the lot.
- 2.157 ZONE means designated area of land use shown on the schedules of this By-Law.
- 2.158 MEDICAL CLINIC shall mean a building or structure where members of a medical profession, dentists, chiropractors, osteopaths and physicians or occupational therapists, either singularly or in a union, provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as, reception areas, offices, coffee shop, consultation, X-ray and minor operating rooms and dispensary. (B/L 16-78-10)
- 2.159 NURSING HOME means a home established or maintained under the Nursing Homes Act, R.S.O. 1980, Chapter 320. (B/L 16-78-10-1)
- 2.160 REST HOME means a home established or maintained for providing accommodation for Senior Citizens requiring minimal care but shall not include residents requiring ‘nursing care’ as defined under the ‘Nursing Homes Act’ R.S.O. 1980, Chapter 320. (B/L 16-78-10-1)
- 2.161 SENIOR CITIZENS HOME means any home for Senior Citizens sponsored and administered by any public agency or any service club, church or other non-profit organization either of which obtains its finance from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and such homes shall include uses such as club and lounge facilities, usually associated with Senior Citizens Development. (B/L 16-78-10-1)

SECTION 3

GENERAL PROVISIONS

3.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

a. Permitted Uses

Where this by-law provides that a lot may be used or a building may be erected or used for a purpose, that purpose shall include any accessory building or accessory use, but shall not include the following:

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

b. Location

An accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

An accessory building may be erected not closer than 1.2 metres (4 ft.) from a rear lot line and 1.2 metres (4 ft.) from the side lot line nor closer to a flanking street than the required front yard setback for the zone in which it is located and shall not be closer than 1.2 metres (4 ft.) to a residential building.

Notwithstanding the above, a garage may be erected in the front yard on a lot which has a shore lot line provided that it complies with the setback provisions of the specific zone.

c. Lot Coverage Height

The total lot coverage of all accessory buildings shall not exceed eight (8) 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. (B/L 2002-139)

d. Accessory Structures

Notwithstanding the yard and setback provisions of this by-law, drop awnings, flag poles, garden trellises, retaining walls, fences, signs or similar uses may be permitted in any required yard or in the area between the street line and the setback provided they comply with all other provisions of this by-law.

e. Boat House, Pump House, Dock

Notwithstanding any other provisions of this by-law, a boat house, dock, or pump house may be erected and used in the water setback provided that the approval of any other governmental authority having jurisdiction within this area has been obtained.

f. Private Cabins

One private cabin without cooking or sanitary facilities, having a maximum floor area of thirty (30) square metres (323 sq.ft.), may be permitted as an accessory to a permitted dwelling unit on a lot which conforms to the requirement of this by-law for lot area and frontage.

3.2 CONSTRUCTION USES

A building or structure incidental to construction on the lot where such building or structure is situated, is permitted in all zones, but only for as long as it is necessary for the work in progress and until the work is completed, or abandoned for three (3) or more months.

3.3 DAYLIGHTING TRIANGLE

Notwithstanding any other provisions of this by-law, in a residential, commercial or industrial zone, on a corner lot, a fence, hedge, shrub, bush or tree or any other structure, vegetation or grade shall not be permitted to exceed a height greater than seventy five (75) centimeters (2.5 ft.) above finished grade of the streets that abut the lot within the daylighting triangle for a distance of six (6) metres (20 ft.) from their point of intersection. No sign shall be permitted within or to overhang the required daylighting triangle.

3.4 EXEMPTION FOR LOT FRONTAGE AND AREA REQUIREMENTS

Where a lot has less lot area and/or lot frontage than required herein at the date of passing of this by-law or where such lot is created as a result of expropriation and such lot is not serviced by Municipal Sewers and Municipal or communal water systems, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot provided that said lot has a minimum lot frontage of fifteen (15) metres (50 ft.) and a minimum lot area of nine hundred and thirty (930) square metres (10,010 sq.ft.) that all other requirements of this by-law are complied with and that a certificate of approval has been obtained from the District Health Unit and/or Ministry of the Environment.

3.5 ESTABLISHED BUILDING LINE IN BUILT-UP AREA

Notwithstanding the yard, setback and landscaping provisions of this by-law, where there is an established building line extending on both sides of the lot, such permitted building or structure may be erected closer to the street line, or the high water mark, than required by this by-law provided such permitted building or structure is not erected closer to the street line, or the high water mark, than the established building line on the date of the passing of this by-law.

3.6 EXTERNAL DESIGN

The following building materials shall not be used for the exterior vertical facing on any wall of any building or structure within the Corporation; or

- i) tar paper or building paper
- ii) asphalt fibre board

3.7 FRONTAGE ON PUBLIC STREET

Except as provided for in this section, no persons shall erect any building or structure in any zone, unless the lot upon which such building or structure is to be erected has a lot line which abuts an improved public street, where access can be obtained off such street.

Notwithstanding the above, any lot which is in existence on or prior to the date of passing of this by-law or is an island lot shall be exempt from these provisions.

Further, any lot within a registered Plan of Subdivision under Section 33 of The Planning Act in which the road is to be assumed by the Municipality as stated within a Subdivision agreement shall be exempt from this provision.

3.8 PITS AND QUARRIES

No pit or quarry shall be established or made in any area of the Corporation except in a zone where a pit or quarry is included under the heading "Uses Permitted" in this by-law.

3.9 GREATER RESTRICTIONS

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

3.10 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 buildings or structures provided the use is permitted: a barn, a church spire, a belfry, a flag pole, a clocktower, a chimney, a water tank, a windmill, a radio or television tower or antenna, air conditioner duct, grain elevator, silo or corn crib.

3.11 NON-CONFORMING USE AND NON-COMPLYING PROVISIONS

a. Non-conforming Uses

No person shall use any land or erect or use any building or structure except for those uses permitted in the zone in which such land, building or structure is or is to be located. Uses existing prior to the date of passing of this by-law which were in conformity with and not forbidden by an existing by-law in force at the date of passage of this by-law may continue as an existing, legal, non-conforming use.

A non-conforming use shall not be enlarged, extended, reconstructed or otherwise structurally altered unless such building or structure is thereafter to be used for a purpose permitted within such zone, and complies with all requirements for such zone.

b. Non-complying Uses

A non-complying use, building or structure may be enlarged or extended provided that the extension or enlargement complies with the requirements of this by-law.

c. 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, except such minor changes as may be expressly required for the restoration of the building or structure to a safe condition.

d. Building Permit issued

The provisions of this by-law shall not apply to prevent the erection or use, for a purpose prohibited by this by-law of any building or structure, the plans for which have prior to the date of passing of this by-law been approved by the By-law Enforcement Officer, as long as the building or structure when erected is used and continues to be used for the purpose for which it was approved and provided the erection of such building or structure is commenced within six (6) months or as provided for in the Planning Act after the date of the passing of this by-law and such building or structure is completed within one (1) year after the erection thereof is commenced.

e. Discontinued Use

Any non-conforming use of land, building or structure which is discontinued or not used for an interval of more than nine (9) months shall not be resumed nor shall such non-conforming use be changed to any other non-conforming use.

f. Damaged Buildings

Nothing in this by-law shall prevent the rebuilding or repair of any building or structure that is damaged or destroyed by causes beyond the control of the owner subsequent to the date of passing of this by-law, provided that the dimensions of the original building or structure are not increased and the use of the building or structure is not altered, provided such rebuilding or repair is conducted within two (2) years.

3.12 DWELLING UNIT RESTRICTION

Except as specifically provided for in other sections of this by-law, a maximum of one (1) dwelling unit per lot shall be permitted.

3.13 PARKING REQUIREMENTS

a. Off Street Parking

For every building or structure to be erected and for every use to be established, off-street parking having unobstructed access to a public street shall be provided and maintained in conformity with the following:

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Restaurant	1 per 5 sq.m. (51 sq.ft.) of floor area devoted to patron use.
Hotel, Motel, Tourist Establishment	1 per guest room plus additional spaces as required for restaurants, liquor licenced premises, etc. Additional space not required for hallways, lobbies and similar areas.
Laundry and Dry Cleaners Cleaners, Coin operated Laundry Liquor Licenced Premises	1 per two cleaning units 1 per four persons accommodated plus 1 per two employees
Office-Business, Professional	1 per business plus 1 per 20 sq.m. (215 sq.ft.) of floor area
Service Shop	1 per 15 sq.m (161 sq.ft.) of floor area
Trailer Camp	1.5 per camping lot
Auction Barns	1 per 3.7 sq.m (40 sq.ft.)
All other Commercial Uses	1 per business plus 1 per 30 sq.m (328 sq.ft.) of floor area
Residential	2 per dwelling unit
Schools - Nursery, Public or Private	1.5 per teaching classroom or equivalent
Museums and Libraries	1 per 65 sq.m. (700 sq.ft.) of floor area, minimum 5.
Place of Assembly	1 per 6 fixed seats or 1 per 7.5 sq.m. (81 sq.ft.) of floor area whichever is greater.

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Manufacturing	For the first 2800 sq.m. (30138 sq.ft.) of the premises, 1 per 40 sq.m. (430 sq.ft.) of floor area or portion thereof and for any additional floor area, 1 per 100 sq.m. (1076 sq.ft.) of floor area or portion thereof.
Nursing Home	1 per four beds plus 1 per staff position.
Senior Citizens Home	1 per dwelling unit plus one per staff position.
Warehousing	1 per 100 sq.m. (1076 sq.ft.) of floor area or portion thereof.
Any Other Uses	1 per 30 sq.m. (323 sq.ft.) of floor area. (B/L 16-78-10)

b. Standards for Parking Lots

The following development standards shall apply to all parking lots required under this by-law:

- i The parking lot shall have visible boundaries and shall be suitably drained;
- ii When a building or structure has insufficient parking on the date of passing of this by-law to conform to the requirements herein, this by-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, however, any addition shall provide the necessary parking required under this by-law. In addition, the parking requirements do not apply to a change of use from one permitted use to another within an existing structure as of which an existing building or structure undergoes a change of use to a use in that zone and has insufficient parking at the date of passing of this By-law. However, any addition or enlargement shall provide the necessary parking calculated in accordance with the requirements of Section 3.13 a. (B/L 16-78-10-1)
- iii no driveway shall be located closer than ten (10) metres (33 ft.) from the limits of the right-of-way at the street intersection;
- iv where a building or structure accommodates more than one type of use, the parking requirements shall be the sum of the requirements of the separate uses;
- v if the use of a lot is for a place of assembly, the parking lot may be located on a separate lot not more than one hundred (100 metres) (328 ft.) from the location it is intended to serve.

3.14 OFF STREET LOADING SPACE REQUIREMENTS

For every building or structure hereafter erected, or for every addition to an existing building, in a Commercial or Industrial zone, involving the frequent shipping, loading or unloading of persons, animals, goods, wares or merchandise, there shall be provided and maintained by the owner of the building at the premises, loading facilities on land that is not part of a highway or street:

<u>FLOOR AREA OF BUILDINGS</u>	<u>NUMBER OF LOADING SPACES</u>
Less than 280 sq.m. (3013 sq.ft.)	1 loading space equal to one parking space (not less than 2.5 metres (8.2 ft.) in width and not less than 17 sq.m (182 sq.ft.) in area. Provided that this loading space shall be counted as part of the total number of parking spaces as required by Section 3.13.
280 sq.m (3013 sq.ft.) up to and including 1400 sq.m. (15069 sq.ft.)	1 loading space (4 metres wide and 17 metres long)
Over 1400 sq.m (15069 sq.ft.) (B/L 16-78-10-1)	2 loading spaces (4 metres wide and 17 metres long).

3.15 LANDSCAPING

- a. In any zone, all landscaping shall be in accordance with the definition in Section 2.56 and shall be maintained in a healthy condition and shall be neat and orderly in appearance.

Where an Industrial zone abuts a Residential or Open Space Special Use (02) zone, a landscaped buffer not less than fifteen (15) metres (50 ft.) in width within the Industrial zone boundary shall be provided. Where a Commercial zone abuts a Residential Open Space Special Use (02) Zone, a landscaped buffer not less than six (6) metres (20 ft.) in width within the Commercial zone boundary shall be provided.

In addition to any other provision of this by-law, such landscaping shall provide high and low level visual screening and consist of evergreen planting. Notwithstanding the above, a landscaped buffer may be reduced in width to three (3) metres (9.8 ft.) where a berm or opaque fence, two (2) metres (6.6 ft.) in height is constructed in conjunction with the landscaping.

3.16 MULTIPLE USES

Where any land or building is used for more than one purpose, all provisions of this by-law relating to each use shall be complied with. Where a multiple use is located within or adjacent to a Residential zone, landscaping provisions will be provided in accordance with Section 3.15.

3.17 MULTIPLE ZONES ON A LOT

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

Notwithstanding any other provisions of this by-law, where a lot is divided into two (2) or more zones, the zone boundary shall be interpreted to be a lot line as defined herein.

3.18 OBNOXIOUS AND PROHIBITED USES

No use shall be permitted which, from its nature or the materials used therein, is declared to be an offensive trade, business or manufacturing concern under the Public Health Act or regulations thereunder.

3.19 PUBLIC USES PERMITTED

a. The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Municipality or the County, any telephone or telegraph company or gas company, and Department of the Government of Ontario or Canada, including any public utility corporation, provided that where such building or structure is located in a Residential Zone; (B/L 16-78-4)

- (i) No goods, material, or equipment shall be stored in the open.
- (ii) the lot coverage and yard requirements prescribed for the Residential Zone shall be complied with, and
- (iii) any building erected under the authority of this paragraph shall be designed and maintained in general harmony with residential buildings of the type permitted in such zone.

b. Streets and Installations on Streets

Nothing in this By-law shall prevent land to be used as a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line or overhead or underground hydro, telephone or other supply and/or communication line, provided that the location of such installation has been approved by the Corporation.

3.20 RELOCATED BUILDINGS

In all zones, no buildings, residential or otherwise, shall be moved within the area covered by this by-law or shall be moved into the limits of the area covered by this by-law without a permit from the By-Law Enforcement Officer.

3.21 WATER SETBACK REQUIREMENT

Except as provided in Sections 3.5 and 13.3, the minimum water setback shall supersede all other setback requirements.

3.22 SPECIAL USES PERMITTED

Nothing in this by-law shall prevent the use of land or the use or erection of a building or structure for a scaffold or other temporary building or structure including a sales or rental office, incidental to construction in progress until such construction has been finished or discontinued for a period of sixty (60) days.

3.23 THROUGH LOTS

Where a lot other than a corner lot has frontage on more than one (1) street, the front yard setback and other requirements contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located.

In the case of a through lot having boundaries dividing the lot from the streets of equal length, accessory buildings may be located in one or the other yard adjoining a street, but no closer to the street line than the minimum front yard requirement.

3.24 BULK STORAGE OF FLAMMABLE LIQUIDS

Above ground storage tanks for petroleum or other flammable liquids larger than 2700 litres (600 gal) shall not be permitted within fifteen (15) metres (50 ft.) of a dwelling unit.

3.25 HOLDING SYMBOL (H)

Unless otherwise specified by the applicable zone provisions, where a zone symbol shown on Schedule 'A' to this By-law is followed by the holding symbol "(H)", the use of the land so zoned shall be limited to existing uses, buildings and structures or conservation uses exclusive of buildings or structures. At such time as the holding symbol "(H)" is removed by amendment to this By-law (16-78), the land may be used in accordance with the applicable zone provisions.
(B/L 16-78-H)

3.26 SOURCE WATER PROTECTION

- 3.26.1 All development will comply with the Clean Water Act through the applicable Source Protection Plans, as amended from time to time.

- 3.26.2 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.
- 3.26.3 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.
- 3.26.4 In the case of WHPAs the extent of the vulnerable area encompasses WHPA-A through WHPA-E.
- 3.26.5 In the case of IPZs the extent of the vulnerable area encompasses subzones IPZ-1 and IPZ-2.
- 3.26.6 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:
- a) Waste disposal sites
 - b) On-site sewage systems (in excess of 10,000 L)
 - c) The application, storage or management of agricultural source material
 - d) The application, handling or storage of non-agricultural source material
 - e) The application, handling or storage of commercial fertilizer
 - f) The application, handling or storage of pesticide
 - g) The handling or storage of road salt
 - h) The storage of snow
 - i) The handling or storage of fuel
 - j) The handling or storage of a dense non aqueous phase liquid
 - k) The handling or storage of an organic solvent
 - l) The use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yard
- 3.26.7 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.

3.26.8 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.

3.26.9 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.

3.27 ADDITIONAL RESIDENTIAL DWELLING UNITS

- i. 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, semi-detached, or town house dwelling units, subject to the following provisions:
 - a. 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.
 - b. Unless otherwise stated, all zone provisions continue to apply to an additional residential dwelling unit.
 - c. An additional residential dwelling unit located in an accessory building or structure shall be in accordance with the provisions in subsection 3.1. 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.
 - d. A lot has frontage on an improved public street, maintained year round.
 - e. 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.
 - f. 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 3.13 for a home occupation use.

- g. An additional residential dwelling unit shall be accessed from the street via a walkway or driveway.
- h. An additional residential dwelling unit or part thereof shall not be within the floodplain or water setback.
- i. Compliance with the provisions of the Ontario Building Code, Fire Code and all other relevant municipal and provincial standards.
- j. Registration of the additional residential dwelling unit in accordance with the City's Additional Residential Unit Registration By-law.

3.28 CANNABIS PRODUCTION AND PROCESSING FACILITIES

- i. 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.
- ii. The cannabis production and processing facility shall comply with all regulations prescribed within the zones where the use is permitted.
- iii. Notwithstanding ii):
 - a) in the Rural General (A1) Zone and Restricted Industrial (M1) 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.
 - b) in the Rural General (A1) Zone and Restricted Industrial (M1) 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.

SECTION 4

ZONES AND ZONING MAPS

4.1 ZONES

For the purpose of this by-law, the following zones shall be and the same established within the defined area:

- 01 OPEN SPACE (01) ZONE
- 02 OPEN SPACE SPECIAL USE (02) ZONE
- A1 RURAL GENERAL (A1) ZONE
- C1 CENTRAL COMMERCIAL (C1) ZONE
- C2 HIGHWAY COMMERCIAL (C2) ZONE
- C3 COMMERCIAL RECREATION (C3) ZONE
- M1 RESTRICTED INDUSTRIAL (M1) ZONE
- M2 GENERAL INDUSTRIAL (M2) ZONE
- R1 URBAN RESIDENTIAL TYPE ONE (R1) ZONE
- R2 URBAN RESIDENTIAL TYPE TWO (R2) ZONE
- R3 URBAN RESIDENTIAL TYPE THREE (R3) ZONE
- R4 URBAN RESIDENTIAL TYPE FOUR (R4) ZONE

4.2 ZONE MAPS

The extent and boundaries of the said zones are shown on Schedule "A" attached hereto and may be cited as the "Zoning Map" and is declared hereby to form part of this by-law. Such zones may be referred to by the appropriate symbols.

SECTION 5

URBAN RESIDENTIAL TYPE ONE (R1) ZONE

5.1 R1 USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Single Family Urban Residential (R1) zone, except for one or more of the following uses:

- a. Single Family Detached Dwelling
- b. A home occupation
- c. Doctor, Dentist, or other professional office, as a secondary use to the residence, but not a medical clinic.
- d. Park

5.2 R1 ZONE PROVISIONS

In a Single Family Urban Residential (R1) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

	Communal or Municipal Water and Sanitary Sewers	Municipal Sanitary Sewers and Private Water
a. Minimum lot area	460 sq.m. (4951 sq.ft.)	830 sq.m. (8934 sq.ft.)
b. Minimum lot frontage	15 m (50 ft.)	17 m (55 ft.)
c. Minimum front yard	7.5 m (25 ft.)	7.5 m (25 ft.)
d. The Minimum side yard shall be 1.2 metres (4 ft.) plus one metre (3.3 ft.) for each additional or partial storey above the first.		
e. Minimum rear yard	7.5 m (25 ft.)	7.5 m (25 ft.)
f. Maximum lot coverage	30%	30% (B/L 16-78-10)
g. Maximum height	11 m (36 ft.)	11 m (36 ft.)
h. Minimum flankage yard	4.5 m (15 ft.)	4.5 m (15 ft.)
i. Minimum floor area per dwelling unit	74 sq.m. (796 sq.ft.)	74 sq.m. (796 sq.ft.)
j. Minimum water setback	20 m (66 ft.)	20 m (66 ft.)
	Municipal Water and Private Septic	Private Water and Septic
k. Minimum lot area	1300 sq.m. (13,993 sq.ft.)	1485 sq.m. (15,984 sq.ft.)
l. Minimum lot frontage	24 m (79 ft.)	24 m (79 ft.)
m. Minimum front yard	7.5 m (25 ft.)	7.5 m (25 ft.)
n. The minimum side yard shall be 1.2 metres (4 ft.) plus one metre (3.3 ft.) for each additional or partial storey above the first.		
o. Minimum rear yard	7.5 m. (25 ft.)	7.5 m (25 ft.)
p. Maximum lot coverage	30%	30%
q. Maximum height	11 m (36 ft.)	11 m (36 ft.)
r. Minimum flankage yard	4.5 m (15 ft.)	4.5 m (15 ft.)
s. Minimum floor area per dwelling unit	74 sq.m. (796 sq.ft)	74 sq.m. (796 sq.ft)
t. Minimum water setback	20 m (66 ft.)	20 m (66 ft.)

5.3 R1 SPECIAL REQUIREMENTS

- a. On land zoned R1-S1 the minimum lot area shall be 600 square metres and the maximum lot coverage shall be 40%. These shall supercede the requirements of Section 5.2 a. and f.. The minimum exterior opening elevation for all habitable buildings or structures for lots which abut Pigeon Lake shall be 247.1 metres CGD. For all lots which abut Highway 36 within the R1-S1 Zone, the minimum setback from the Highway right-of-way for all buildings shall be 14 metres. Outdoor parking of commercial vehicles or trucks in excess of one ton capacity, recreational vehicles, trailers or campers, boats and snowmobiles, is prohibited. All other requirements of the R1 Zone shall continue to apply.

(B/L 16-78-56)

- b. Notwithstanding Section 5.2 a., on land zoned the R1-S2 Zone the minimum lot area shall be 418 square metres. All other requirements of the By-law shall apply to land zoned R1-S2. (B/L 16-78-58)

- c. Notwithstanding Sections 5.2 b., c., d., and e., on land zoned the Urban Residential Type One Special (R1-S3) Zone, the following provisions shall apply:

Minimum lot frontage	30	m
Minimum front yard	9.0	m
Minimum northern side yard	4.5	m
Minimum rear yard	7.625	m
Minimum water setback	15.0	m

All other provisions of the R1 Zone and the By-law shall apply to land zoned R1-S3. (B/L 16-78-68)

- d. Notwithstanding Sections 5.2 b. and d., on land zoned Urban Residential Type One Special (R1-S4) Zone the minimum lot frontage requirement shall be 30 metres and the minimum southern side yard requirement shall be 7.0 metres.

All other provisions of the R1 Zone and the By-law shall apply to land zoned R1-S4. (B/L 16-78-68)

- e. Notwithstanding Sections 5.2 k. and l., on land zoned the Urban Residential Type One Special (R1-S5) Zone
- i. Minimum lot area 1000 sq.m.
 - ii. Minimum lot frontage 20 metres
 - iii. minimum elevation for all exterior building openings in any habitable structure 247.2 metres CGD

All other provisions of the By-law shall apply to land zoned R1-S5.
(B/L 16-78-60)

- f. In addition to the zone requirements set out in Section 5.2, on land zoned the Residential Type One Special (R1-S6) Zone the minimum elevation for all exterior building openings in any habitable structure shall be 247.2 metres CGD. All other provisions of the By-law shall apply to land zoned R1-S6. (B/L 16-78-60)

- g. Notwithstanding articles 5.2 a. and n. and in addition to the other provisions of subsection 5.2, land zoned "R1-S7" shall be subject to the following zone requirements:

- i. Minimum lot area 3500 sq.m.
- ii. Minimum side yard 3 m or 11.5 m abutting an industrial zone
- iii. A 6 m wide landscaped buffer consistent with the provisions of Section 3.15 shall be provided along any lot line abutting an industrial zone.

(B/L 16-78-80)

- h. (unused)

- i. Notwithstanding articles 5.2 a., f. and j., land zoned "R1-S9" shall be subject to the provisions of the 'R1-S1' zone as per article 5.3 a. and may have a minimum water setback of 8 metres.

Notwithstanding subsections 2.123 and 3.21, on an island zoned 'R1-S9' a gazebo, footbridge and boardwalk are permitted structures within the minimum water setback.

(B/L 16-78-97)

- j. Notwithstanding the definition of the term “front lot line”, subsection 3.7 or article 5.2 b., land zoned “R1-S10” shall be subject to the following zone requirements:

- i. Minimum frontage on a public street or private right-of-way 4.5 m
- ii. The shore lot line shall be the front lot line

All other provisions of the R1 Zone and the By-law shall apply to land zoned R1-S10.

(B/L 16-78-99)

- k. Notwithstanding section 5.2 n., on land zoned R1-S11 the following provisions shall apply:

- i. Minimum eastern side yard for any habitable structure 61 m
- ii. Minimum elevation for all exterior building openings in any habitable structure shall be 247.2 metres CGD.

All other provisions of the R1 Zone and the By-law shall apply to land zoned R1-S11.

(B/L 16-78-105)

- l. Urban Residential Type One Exception Twelve (R1-S12) Zone

Notwithstanding the permitted uses of the R1 Zone as listed in Section 5.1 and the R1 Zone Provisions as listed in Section 5.2, on land zoned R1-S12, an accessory apartment with a floor area of 73 m² (786 sq. ft.) shall be permitted within the main building.

All other provisions of the R1 Zone and the By-Law shall apply to land zoned R1-S12.

(B/L 2004-96)

- m. Urban Residential Type One Exception Thirteen (R1-S13) Zone

Notwithstanding any other provision of this By-Law to the contrary, on land zoned R1-S13 the following requirement shall apply:

- i. The maximum lot coverage shall be 40%.

(B/L 2006-014)

n. Urban Residential Type One Exception Fourteen (R1-S14) Zone

Notwithstanding subsection 5.2, land zoned R1-S14 shall be subject to the following provisions:

Minimum Lot Area	450 sq.m.
Minimum Front Yard	6 m
Minimum Side Yard	1.2 m
Minimum Flankage Yard	3 m
Maximum Lot Coverage	50%

No accessory buildings, structures, or fencing shall be erected within 4.5 metres of the rear lot line within an R1-S14 zone. Notwithstanding this provision, a privacy fence may be erected parallel to the rear lot line within 0.20 metres of the rear lot line.

A minimum 2.0 metre high wooden privacy fence shall be installed between any lot within an R1-S14 zone that backs onto or flanks a lot with frontage on Front Street West.

Notwithstanding the front yard setback above, a front porch may be permitted to encroach up to 3.0 metres into the front yard setback with the stairs being allowed to encroach a further 1.5 metres into the front yard setback beyond the front porch.

Notwithstanding Section 5.2.e., a deck and stairs may encroach a maximum of 1.8 metres into a required rear yard setback but shall not be included as part of lot coverage. (B/L2021-122)

o. Urban Residential Type One Exception Fifteen (R1-S15) Zone

Notwithstanding subsection 5.2, land zoned R1-S15 shall be subject to the following provisions:

Minimum Lot Area	450 sq.m.
Minimum Front Yard	6 m
Minimum Side Yard	1.2 m
Minimum Flankage Yard	3 m
Maximum Lot Coverage	50%

Notwithstanding the front yard setback above, a front porch may be permitted to encroach up to 3.0 metres into the front yard setback with the stairs being allowed to encroach a further 1.5 metres into the front yard setback beyond the front porch.

Notwithstanding Section 5.2.e., a deck and stairs may encroach a maximum of 1.8 metres into a required rear yard setback but shall not be included as part of lot coverage. (B/L2021-122)

p. Urban Residential Type One Exception Sixteen (R1-S16) Zone

Notwithstanding subsection 5.2, land zoned R1-S16 shall be subject to the following provisions:

Minimum Lot Area	360 sq.m.
Minimum Lot Frontage	12 m
Minimum Front Yard	6 m
Minimum Side Yard	1.2 m
Minimum Flankage Yard	3 m
Maximum Lot Coverage	50%

Notwithstanding the front yard setback above, a front porch may be permitted to encroach up to 3.0 metres into the front yard setback with the stairs being allowed to encroach a further 1.5 metres into the front yard setback beyond the front porch.

A minimum 2.0 metre high wooden privacy fence shall be installed between any lot within an R1-S16 zone that backs onto or flanks a lot with frontage on Front Street West.

Notwithstanding Section 5.2.e., a deck and stairs may encroach a maximum of 1.8 metres into a required rear yard setback but shall not be included as part of lot coverage. (B/L2021-122)

q. Urban Residential Type One Exception Seventeen (R1-S17) Zone

Notwithstanding subsection 5.2, land zoned R1-17 shall be subject to the following provisions:

Minimum Lot Area	320 sq.m.
Minimum Lot Frontage	10.5 m
Minimum Front Yard	6 m
Minimum Side Yard	1.2 m
Minimum Flankage Yard	3 m
Maximum Lot Coverage	50%

Notwithstanding the front yard setback above, a front porch may be permitted to encroach up to 3.0 metres into the front yard setback with the stairs being allowed to encroach a further 1.5 metres into the front yard setback beyond the front porch.

Notwithstanding Section 5.2.e., a deck and stairs may encroach a maximum of 1.8 metres into a required rear yard setback but shall not be included as part of lot coverage. (B/L2021-122)

r. Urban Residential Type One Exception Eighteen (R1-S18) Zone

Notwithstanding Subsection 5.2, land zoned R1-S18 shall also be subject to the following provisions:

Minimum front yard	6.5 m
Minimum side yard	2.3 m

Minimum setback to steps

1.2 m

(B/L 2014-289)

SECTION 6

URBAN RESIDENTIAL TYPE TWO (R2) ZONE

6.1 R2 USES PERMITTED

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

- a. Duplex Dwelling
- b. Triplex Dwelling
- c. Converted Dwelling
- d. Semi-detached Dwelling
- e. All uses permitted in the R1 Zone subject to the provisions therein.
- f. Fourplex Dwelling (B/L 16-78-10)

6.2 R2 ZONE PROVISIONS

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

- a. Minimum lot area if serviced by municipal sewers and communal or Municipal Water Systems:
Density: 700 sq.m (7,534 sq.ft.) of lot area for the first two (2) dwelling units plus 550 sq.m (5,920 sq.ft.) for each additional dwelling unit.
(B/L 16-78-10)
- b. Minimum lot area if serviced by Communal or Municipal Water System and individual waste disposal system 1670 sq.m. (17975 sq.ft.) or 835 sq.m. (8987 sq.ft.) per dwelling unit.
- c. Minimum lot area if serviced by individual water and individual waste disposal systems. 2040 sq.m. (21958 sq.ft.) or 1020 sq.m. (10979 sq.ft.) per dwelling unit.
- d. Minimum lot frontage if serviced by both Municipal Sewers and a Communal or Municipal Water System 7.5 m (25 ft.) per dwelling unit.
(B/L 16-78-10)
- e. Minimum lot frontage if not serviced by both Municipal Sewers and a Communal or Municipal Water System. 30 m (98 ft.) or 15 m (50 ft.) per dwelling unit.
- f. Minimum front yard 7.5 m (25 ft.)

- g. The minimum side yard shall be 1.2 metres (4 ft.) plus one metre (3.3 ft.) for each additional or partial storey above the first.
- h. Minimum rear yard 7.5 m (25 ft.)
- i. Maximum lot coverage 30%
- j. Maximum height 11 m (36 ft.)
- k. Minimum flankage yard 4.5 m (15 ft.)
- l. The Minimum Floor Area per dwelling unit shall be 35 sq.m. (377 sq.ft.) for a bachelor apartment dwelling and for all other dwelling units it shall be 65 sq.m. (700 sq.ft.) plus 14 sq.m. (151 sq.ft.) for each habitable room in excess of four (4). (B/L 16-78-10)
- m. Minimum water setback 20 m. (66 ft.)
- n. Notwithstanding the side yard provisions of Section 6.2 g., the side yard requirements for that side of a semi-detached dwelling where the wall is common to both units shall be waived. (B/L 16-78-30).

6.2.1 R2(H)

On land zoned R2(H) the Holding Symbol shall be removed in accordance with Site Plan Approval for a triplex dwelling.

6.3 R2 EXCEPTIONS

- a. On land zoned R2-S1, the permitted uses of Section 6.1 save and except a triplex dwelling, shall meet the provisions of Section 6.2. Notwithstanding Sections 6.2 f. and 6.2 k., all buildings and structures shall be set back a minimum of 7.6 metres from Duke Street and a minimum of 4.5 metres from Main Street.

In addition to the uses permitted within Section 6.1 on land zoned R2-S1 a town house dwelling having a maximum of three dwelling units, with each dwelling unit located on its own lot shall also be a permitted use. A rear yard for each dwelling unit in the townhouse dwelling shall not be required, notwithstanding Section 2.34 to the contrary. Notwithstanding Section 6.2, a town house dwelling, the three dwelling units and their corresponding lots or a triplex dwelling shall meet the following requirements:

- i. minimum lot area of town house dwelling 1,200 sq.m
- ii. minimum lot frontage of town house dwelling along Main Street 38 m

iii.	minimum lot frontage of town house dwelling along Duke Street	55 m
iv.	minimum setback of all buildings and structures from Duke Street	7.6 m
v.	minimum setback of all buildings and structures from Main Street	4.5 m
vi.	the minimum setback for all buildings and structures from the most northerly side lot line which constitutes the zone boundary of the R2-S1 Zone shall be 1.2 metres.	
vii.	no other setbacks are required from the permitted dwelling units other than those required in subsections 6.3 a. iv., v. and vi.. Within the R2-S1 Zone where the side and rear lot lines do not form the zone boundaries, there shall be a zero setback so buildings may share a common wall.	
viii.	maximum number of storeys of dwelling units	1
ix.	maximum building height	5.8 m
x.	minimum lot area	325 sq.m
xi.	Minimum lot frontage per dwelling unit	20.5 m

Notwithstanding any other provision in this By-law to the contrary, for the purposes of calculating the minimum lot frontage per dwelling unit herein, the measurements shall be taken along the lot line which constitutes the zone boundary of the R2-S1 Zone. (B/L 16-78-70)

xii.	maximum lot coverage of the dwelling unit on its corresponding lot	33 %
xiii.	minimum floor area per dwelling unit	92.9 sq.m
xiv.	minimum landscaped open space per dwelling unit	45 %

All other provisions of the By-law shall apply to land zoned R2-S1. (B/L16-78-59)

- b. Notwithstanding Section 6.2 k., on land zoned the R2-S2 Zone the minimum flankage yard shall be 7.5 metres (25 ft.). All other provisions of Section 3 and Section 6 shall apply to land zoned R2-S2, save and except for Section 6.2 k. (B/L 16-78-53)
- c. Notwithstanding article 6.2 f., on land zoned “R2-S3” the minimum front yard for a dwelling unit in an existing building shall be 7.1 metres (22 ft.). (B/L 16-78-96)
- d. Notwithstanding subsections 6.2 a., d., g., and h., land zoned “R2-S4” shall be subject to the following zone provisions:
 - i. Maximum number of dwelling units 6
 - ii. Minimum side yard 4.5 m
 - iii. Minimum rear yard 4.5 m

All other provisions of the R2 Zone and the By-law shall apply.
(B/L 16-78-76)

- e. Notwithstanding Section 6.1, land zoned “R2-S5” may also be used for the following uses:
 - i. an animal hospital
 - ii. accessory apartment unit
 - iii. a stable or horse boarding facility with a maximum capacity of twelve horses
 - iv. a market garden farm

Notwithstanding Section 6.2 c., e., g., i., and l., and in addition to the other provisions of Section 6.2, land zoned R2-S5 shall be subject to the following zone provisions:

- v. Minimum lot area 1.2 ha
- vi. Minimum lot frontage 90 m
- vii. Minimum side yard 10 m
- viii. Minimum floor area for principal dwelling unit 74 sq.m
- ix. Minimum floor area for an accessory apartment unit 35 sq.m
- x. Maximum parking spaces for an animal hospital 5 per veterinarian

xi.	Maximum floor area for animal hospital	120 sq.m
xii.	Maximum floor area for an accessory apartment unit	60 sq.m
xiii.	Maximum number of premises	4 with a maximum of 2 accessory apartment units

For the purpose of the “R2-S5” Zone an “animal hospital” means a building or part thereof in which facilities are provided for the treatment or prevention of disease and injury to animals, where shelter may be provided within the building during the period of treatment.

For the purpose of the “R2-S5” Zone an “accessory apartment unit” means an individual dwelling unit which may have an independent exterior entrance but is secondary to the principal use on the property, is contained in the same building as the main residence and in any case shall not be located in the same building as an animal hospital.

For the purpose of the “R2-S5” Zone, a “Market Garden Farm” means an agricultural undertaking involved in the cultivation of fruits and vegetables and may include facilities for the storage of produce grown on the farm and an accessory, seasonal farm produce outlet for the sale of goods grown on the farm.

All other provisions of the R2 Zone and the By-law shall apply to land zoned “R2-S5”. (B/L 16-78-77)

- f. Notwithstanding the permitted uses in Section 6.1, on land zoned R2-S6 a semi-detached dwelling or semi-detached dwelling unit shall be the only permitted uses.

Notwithstanding any provision of subsections 3.13a and 6.2, to the contrary, land zoned R2-S6 shall be subject to the following Zone provisions:

- i. west semi-detached dwelling unit:
 - a. minimum parking spaces 4
 - a. minimum lot area 205 sq m
 - b. minimum lot frontage 13 m
 - c. minimum setback from Park Road 5 m
 - d. minimum setback from R4-S2 Zone 0.3 m
 - e. minimum setback from R2-S7 Zone 6.4 m
 - f. maximum building height 7.3 m
 - g. maximum lot coverage 32 %
- ii. east semi-detached dwelling unit:
 - a) minimum parking spaces 0
 - b) minimum lot area 121 sq m
 - c) minimum lot frontage 8 m
 - d) minimum setback from Park Street 5 m

- e) minimum setback from Sherwood Street 0.9 m
- f) minimum setback from R4-S2 Zone 0.3 m
- g) minimum setback from R2-S7 Zone 6.2 m
- h) maximum building height 7.3 m
- i) maximum lot coverage 53 %

- g. Notwithstanding the permitted uses of Section 6.1, on land zoned R2-S7 a town house dwelling having a maximum of three dwelling units, and each dwelling unit may be located on its own lot, shall be the only permitted use.

Notwithstanding any provision of subsection 6.2, to the contrary, land zoned R2-S7 shall be subject to the following Zone provisions:

- i. minimum lot area for the townhouse dwelling 897 sq m
- ii. minimum lot area for the middle dwelling unit on its own lot 240 sq m
- iii. minimum lot frontage for the townhouse dwelling 37 m
- iv. minimum lot frontage for the middle dwelling unit on its own lot 10 m
- v. minimum front yard for each dwelling unit 5.7 m
- vi. minimum west side yard for the townhouse dwelling 3.5 m
- vii. minimum east side yard for the townhouse dwelling 3 m
- viii. minimum side yard where dwelling units share a common wall 0 m
- ix. minimum rear yard for each dwelling unit 4.7 m
- x. maximum building height 7 m
- xi. maximum lot coverage by the townhouse dwelling 43 %
- xii. maximum lot coverage by the middle dwelling unit on its own lot 52 %

(B/L 2001-66)

- h. Notwithstanding Section 6.1, land zoned "R2-S8" may also be used for one accessory dwelling unit, which may be contained in an accessory building.

In addition to the provisions of Section 6.2, the gross floor area of the accessory dwelling unit, when contained in an accessory building, shall not exceed 152 sq. m.

For the purpose of the "R2-S8" Zone an "accessory dwelling unit" means a dwelling unit which is subordinate to and located on the same lot as the principle residential use.

(B/L 2003-103)

- i. Despite subsection 2.52 (e), on land zoned R2-S9 a home occupation, relative to the existing detached dwelling, shall not exceed 28 sq. m. (300 sq. ft.) part of which may also occupy part of any accessory building.

(B/L 2006-012)

- j. Notwithstanding subsection 6.1, on land zoned R2-S10(H) townhouse dwelling units shall be permitted in addition to the uses permitted in item 6.1, and the follow requirements shall apply:
- i. Minimum side yard 2.0 metres plus 1 metre for each additional or partial storey above the first.
 - ii. On lands zoned R2-S10(H), the removal of the (H) shall be in accordance with the following:
 - Provisions, satisfactory to the Public Works Department, have been made to deal with stormwater servicing including drainage and outlet.

(B/L 2008-141) (B/L 2017-207 – Removal of Holding Provision)

- k. Notwithstanding subsection 6.1, on land zoned R2-S11 an accessory structure with a maximum gross floor area of 56 sq. m. is permitted without a principal use.

(B/L 2010-056)

- l. Notwithstanding subsection 6.2 a., on land zoned R2-S12, the minimum lot area for density purposes for a four dwelling unit building shall be a minimum of 1,111 sq. m.

(B/L 2016-213)

- m. Notwithstanding the permitted uses of subsection 6.1, on land zoned R2-S13, a townhouse dwelling having a maximum of four (4) dwelling units shall also be permitted.

(B/L 2018-059)

- n. Notwithstanding Section 6.1, on land zoned R2-S14 only the following uses are permitted:
- i. Duplex dwelling
 - ii. All uses permitted in the R1 Zone

Notwithstanding Section 6.2, on land zoned R2-S14 the following Zone provisions apply:

- iii. a. Minimum lot area 322 sq. m.
 - b. Minimum lot frontage 21 m
 - c. Maximum height 11 m
 - d. Minimum floor area per dwelling unit 74 sq. m.
 - e. Maximum lot coverage limited to the building and structures existing on the date of passing of this by-law
 - f. Minimum front, side, and rear yards limited to the building existing on the date of passing of this by-law.
- iv. Modifications to the existing building which change the height

and/or footprint and/or floor area are subject to the yard requirements within Section 6.2.

- v. New construction is subject to the yard and coverage requirements specified in Section 6.2.

(B/L 2019-026)

o. Urban Residential Type Two Exception Fifteen (R2-S15) Zone

Notwithstanding Section 6.1, on land zoned R2-S15 the following uses are also permitted accessory to the primary residential use:

- i. Bruncheonette
- ii. Bed and breakfast
- iii. Bakery
- iv. Bistro
- v. Coffee house
- vi. Snack bar
- vii. Tea room

Notwithstanding Sections 6.2, 3.1, 3.13, 3.14 and 3.15, on land zoned R2-S15 the following Zone provisions apply to the permitted accessory commercial uses:

- i. A building for accessory commercial uses may be located within the front yard.
- ii. Minimum number of parking spaces 6
- iii. Minimum number of loading spaces 0
- iv. A landscaping buffer or visual screening shall not be required abutting an O2 zone.

For the purposes of Subsection 6.3 o., a Bruncheonette shall be defined as "A building or structure or part thereof in which primarily light breakfast and lunch fare is prepared and associated dining facilities provided".(B/L2021-147)

SECTION 7

URBAN RESIDENTIAL TYPE THREE (R3) ZONE

7.1 R3 USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Multiple Family Urban Residential (R3) zone, except for one or more of the following uses:

- a. Apartment Dwelling
- b. Fourplex Dwelling
- c. Senior Citizens Home or nursing home, Rest Home (B/L 16-78-10-1)
- d. All uses permitted in an (R2) zone subject to the provisions therein.

7.2 R3 ZONE PROVISIONS

In a Multiple Family Urban Residential (R3) Zone, no persons shall hereafter erect or use a building except in conformity with the following requirements:

- a. The building is serviced by Municipal sewers and a Communal or Municipal Water System.
- b. Density 1 dwelling unit per 700 sq.m. (7534 sq.ft.) of lot area for the first two (2) dwelling units plus 460 sq.m. (4950 sq.ft.) for each additional dwelling unit.
- c. Minimum lot frontage 18 m (59 ft.)
- d. Minimum side yard 3 m (9.8 ft.) or ½ the height of the building, whichever is greater
- e. Minimum rear yard 9 m (29.5 ft.)
- f. Minimum flankage yard 9 m (29.5 ft.)
- g. Maximum height 11 m (36 ft.)
- h. Maximum lot coverage 30 %
- i. The Minimum floor area per dwelling unit shall be 35 sq.m. (377 sq.ft.) for a Bachelor Apartment Dwelling and for all other Dwelling Units it shall be 55 sq.m (592 sq.ft.) plus 14 sq.m (151 sq.ft.) for each habitable room in excess of four (4).
- j. Minimum Water Setback 20 m. (66 ft.)
- k. Minimum front yard 8 m

7.3 R3-S1 SPECIAL REQUIREMENTS

- a. Notwithstanding Section 7.1, the only permitted uses on the lands Zoned R3-S1 shall be:
 - i. condominium dwellings and a common activity center
 - ii. Parkland
- b. i. Notwithstanding Section 7.2(b) the overall maximum density on the land zoned R3-S1 shall be 1 dwelling unit per 415 square metres of lot area.
 - ii. The maximum height of any building or structure shall not exceed eight (8) metres.
- c. The provisions of Section 3.7 and Section 7.2 (c) shall not apply to the lands zoned R3-S1.
- d. Notwithstanding the definition of 'lot' contained in Section 2.62, on the land zoned R3-S1, the zone boundary shall be deemed to be the lot lines and the lands within the zone boundary shall be deemed to be the lot. (B/L 16-78-14)
- e. Notwithstanding Section 7.2 b. and h. on lands zoned R3-S2 the maximum density shall be one dwelling unit per 291 square metres and the maximum lot coverage shall be 31%. All other provisions of By-law 16-78 shall continue to apply. (B/L 16-78-26)
- f. Notwithstanding Sections 7.1, 7.2b and 7.2d on lands zoned R3-S3 the only permitted use shall be condominium dwellings, the maximum density shall be one dwelling unit per 291 square metres and the minimum western side yard shall be 6 metres. The minimum eastern side yard shall be 3 metres or half the height of the building, whichever is greater. All other provisions of By-law 16-78 shall continue to apply. (B/L 16-78-35)
- g. Notwithstanding Sections 7.2 b and 7.2 e on lands zoned R3-S4 the maximum density shall be one dwelling unit per 350 square metres and the minimum rear yard shall be 7 metres. All other provisions of By-law 16-78 shall continue to apply. (B/L 16-78-36)
- h. Notwithstanding articles 7.2 b, and k. and in addition to the other provisions of subsection 7.2, land zoned "R3-S5" shall be subject to the following zone provisions:
 - i. Maximum density 19 dwelling units per hectare
 - ii. Minimum front yard 20 m
 - iii. Minimum setback from any other residential zone 25 m
 - iv. Minimum number of parking spaces per dwelling unit 1.75(B/L 16-78-81-A)

SECTION 7a

URBAN RESIDENTIAL TYPE FOUR (R4) ZONE

7a.1 R4 Uses Permitted

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Multiple Family Urban Residential (R4) Zone, except for one or more of the following uses:

- a. Apartment dwelling
- b. Condominium dwelling
- c. Fourplex dwelling
- d. All uses permitted in an (R3) Zone subject to the provisions therein.

7a.2 R4 Zone Provisions

In a Multiple Family Urban Residential (R4) Zone, no persons shall hereafter erect or use a building except in conformity with the following requirements:

- a. The building be serviced by Municipal sanitary sewers and Municipal Water
- b. Density 1 Dwelling unit per 289 square metres of lot area
- c. Minimum lot frontage 21 metres
- d. Minimum front yard 7.5 metres
- e. Minimum side yard 3 m or $\frac{1}{2}$ the height of the building, whichever is greater
- f. Minimum rear yard 9 metres
- g. Minimum flankage yard 7.5 metres
- h. Maximum height 11 metres
- i. Maximum lot coverage 30 %
- j. The minimum floor area per dwelling unit shall be 35 sq. m. for a bachelor apartment dwelling and for all other dwelling units it shall be 55 sq.m. plus 14 sq.m. for each habitable room in excess of four (4).
- k. Minimum water setback 20 metres

- I. The minimum distance between main buildings on the same lot shall be 2.5 metres where end walls containing no windows face each other. Where walls containing windows face each other, the minimum distance between main buildings shall be 12 metres or one and one-half times the combined height of the two buildings whichever is the greater. Where an end wall faces a wall containing windows the minimum distance between main buildings shall be 0.75 times the combined height of the two buildings or 7 metres whichever is the greater amount. (B/L 16-78-33)

7a.3 R4 EXCEPTIONS

- a. Notwithstanding Section 7a.2 b., Section 7a.2 d and Section 7a.2 e for the east side lot boundary on lands zoned **R4-S1** the density shall be one dwelling unit per 225 square metres of lot area, the minimum front yard shall be 6 metres and the minimum side yard for the east side lot boundary shall be .3 metres, respectively. All other R4 Zone provisions shall continue to apply to lands zoned R4-S1. (B/L 16-78-41)
- b. Notwithstanding their R4 zoning the lands outlined and referred to as the “land to be zoned **R4-S2**” as shown on Schedule “A” attached hereto shall only be used in compliance with the R4 zone provisions, excepting however that:
 - i. Lot means those lands outlined and referred to as the “land to be zoned R4-S2” as shown on Schedule “A” attached hereto;
 - ii. Canal Street west of the intersection with Sherwood Street is not to be considered a street as defined;
 - iii. Lot frontage means that portion of the lot abutting on Park Street;
 - iv. High water mark means the shore lot line;
 - v. The minimum rear yard shall be 4.5 metres;
 - vi. The minimum water setback shall be 20 metres.
 - vii. A brick wall used for fencing shall be considered a fence under Section 2.112.
 - viii. Notwithstanding section 3.15, a landscaped buffer not less than 3 metres in width shall be provided within that portion of the lot abutting on the restricted industrial zone (located immediately south of the easterly portion of the lot and on the north side of Park Street) where a dwelling is located closer than 6 metres from the said lot line.
 - ix. A gazebo shall be a permitted structure in the water setback.
 - x. All points of ingress and egress from the lot shall be subject to the daylighting triangle provisions of Section 3.3. (B/L 16-78-43)

c. Notwithstanding articles 7a.2 b., i., k. and l., land zoned **R4-S3** shall be subject to the following zone provisions:

- | | | |
|------|--|-------|
| i. | Maximum number of dwelling units | 12 |
| ii. | Maximum lot coverage | 33% |
| iii. | Minimum water setback | 9 m |
| iv. | Minimum distance between main buildings | 3.5 m |
| v. | No building or structure shall be located below an elevation of 247.4 metres Canadian Geodetic Survey Datum. | |

(B/L 16-78-100)

d. Notwithstanding subsections 3.4 and 7a.1, articles 7a.2 c., f. and i., and the definitions of "lot" and "front lot line, land zoned **R4-S4** may also be used for Town House dwelling units and shall be subject to the following zone requirements:

- | | | |
|------|--|------------|
| i. | Minimum lot frontage | 65 m |
| ii. | Minimum lot area | 3500 sq. m |
| iii. | Minimum rear yard | 6 m |
| iv. | Minimum side yard | 5 m |
| vi. | Minimum setback from a lot line abutting a public street other than the front lot line | 10.7 m |
| v. | For the purpose of determining the minimum lot area and the minimum lot frontage, all the lands within the R4-S4 Zone shall be considered one lot. | |
| vi. | For the purposes of the R4-S4 Zone, the longest lot line abutting an improved public street shall be the front lot line. | |

(B/L 16-78-102)

e. In addition to the permitted uses of Section 7a.1, on land zoned **R4-S5** two semi-detached dwellings or two duplex dwellings shall be permitted uses. Notwithstanding Sections 7a.2.c. and 7a.2 i., on land zoned the Urban Residential Type Four Special (R4-S5) Zone the following requirements shall apply:

- | | | |
|-----|----------------------|------|
| i. | Minimum lot frontage | 19 m |
| ii. | Maximum lot coverage | 33 % |

All other provisions of Section 3 and 7a shall apply to land zoned R4-S5.
(B/L 16-78-54)

f. **R4-S6** (Reserved)

g. Notwithstanding subsection 7a.1, on land zoned **R4-S7** a maximum 5-unit townhouse may be permitted with a minimum lot area of 1250 sq. m.
(B/L 2005-139) (B/L2010-056)

h. Urban Residential Type Four Exception Eight (**R4-S8**) Zone

Notwithstanding Subsection 7a.2 and Subsection 3.13, land zoned R4-S8 shall also be subject to the following provisions:

Maximum number of apartment or condominium dwelling units	22
Minimum side yard	3 m
Maximum lot coverage	45%
Minimum number of parking spaces	36
Minimum parking lot aisle width	7 m

A parking space shall have a minimum width of 2.75 m and a minimum length of 6 m. A parking space used for accessible parking purposes shall have a minimum width of 3.6 m and a minimum length of 6 m. An aisle with a minimum width of 1.2 m shall serve each accessible parking space along its flankage and can be shared between two accessible parking spaces.

Notwithstanding 7a.2g, the minimum flankage yard for a single storey accessory structure is 2.5 metres.

Notwithstanding Section 7a.2k, a stormwater management pond may be permitted within lands zoned R4-S8 provided that the facility is located above the 246.9 mASL flood elevation for Pigeon Lake.

Sections 7a.2 b. and 7a.2 l. shall not apply to lands zoned R4-S8.

On land zoned R4-S8(H), existing legally permitted uses may continue on the property until the Holding (H) symbol is removed. The Holding (H) symbol will be removed to permit the development of permitted uses in accordance with the R4-S8 provisions once the following requirements have been fulfilled:

- a) site development drawings including a site plan, engineering plan, a stormwater management plan, lot grading and drainage plan, building elevations, landscaping plan, and an illumination plan, as required, have been submitted for review and approved by the City of Kawartha Lakes;
- b) receipt of a payment of \$10,000 per residential dwelling unit approved through site plan approval and made payable to Trent Rideau Properties Inc. as a condition of the site plan approval process; and,
- c) the applicant has received approval of all relevant plans, drawings and reports and entered into a Site Plan Agreement with full securities to the satisfaction of the City of Kawartha Lakes.”

(B/L 2009-199) and Removal of Holding (B/L 2013-170)

i. Urban Residential Type Four Exception Nine **(R4-S9)** Zone

Notwithstanding subsections 7a.1 and 7a.2, land zoned R4-S9 may only be used for townhouse dwelling units subject to the following provisions:

Minimum Lot Area	180 sq.m
Minimum Lot Frontage	6 m
Minimum Front Yard	6 m
Minimum Side Yard	1.5 m
Minimum Side Yard a unit has a common wall with another unit	0 m where
Minimum Flankage Yard	3 m
Minimum Rear Yard	6 m
Maximum Building Height	11 m
Maximum Lot Coverage	50%
Maximum Number of Dwelling Units	27
Minimum Dwelling Unit Floor Area	75 sq.m

A maximum of 8 dwelling units shall be constructed in a single block.

Dwelling units constructed on lands zoned R4-S9 shall be serviced by full municipal services. (By-Law 2011-038)

j. Urban Residential Type Four Exception Ten **(R4-S10)** Zone

Notwithstanding subsections 7a.1 and 7a.2, land zoned R4-S10 may only be used for townhouse dwelling units subject to the following provisions:

Minimum Lot Area	180 sq.m
Minimum Lot Frontage	6 m
Minimum Front Yard	6 m
Minimum Side Yard	1.5 m
Minimum Side Yard a unit has a common wall with another unit	0 m where
Minimum Flankage Yard	3 m
Minimum Rear Yard	6 m
Maximum Building Height	11 m
Maximum Lot Coverage	50%
Maximum Number of Dwelling Units	13
Minimum Dwelling Unit Floor Area	75 sq.m.

A maximum of 8 dwelling units shall be constructed in a single block.

Dwelling units constructed on lands zoned R4-S10 shall be serviced by full municipal services. **(By-Law 2011-038)**

k. Urban Residential Type Four Exception Eleven (**R4-S11**) Zone

Notwithstanding Sections 7a.1 and 7a.2, on land zoned R4-S11, townhouse dwelling units are permitted subject to the following zone provisions:

- i. Lot means the entirety of those lands outlined and referred to as "R4-S11" as shown on Schedule "A" attached hereto.
- ii. Lot frontage means that portion of the lot abutting on Lakewood Crescent.
- iii. Section 3.13 b. iii does not apply to lands zoned R4-S11.
- iv. Maximum number of dwelling units 48
- v. Minimum Front Yard Setback 6.0m
- vi. Minimum Interior Side Yard Setback 2.6m
- vii. Minimum Exterior Side Yard Setback (side facing units) 3.0m
- viii. Minimum Exterior Side Yard Setback (rear facing units) 6.0m
- ix. Minimum Rear Yard Setback 5.0m
- x. Minimum Building Separation 3.0m
with end walls
containing
windows that face
each other
- xi. Maximum Lot Coverage 47%
- xii. Notwithstanding Sections 7a.3.k.v, 7a.3.k.viii and 7a.3.k.ix above, uncovered or covered decks are permitted to encroach a maximum of 3.05 meters into the minimum yard setback and deck stairs and landings are exempt from minimum yard setback requirements. (B/L2021-021)

SECTION 8

OPEN SPACE (01) ZONE

8.1 (01) USES PERMITTED

No person shall hereafter change the use or use land in an Open Space (01) Zone, except for one or more of the following uses:

- a. Parks.

8.2 (01) PROHIBITION OF BUILDING CONSTRUCTION

In an Open Space (01) zone, no person shall hereafter erect any structure, except structures accessory to a permitted use.

8.3 01 SPECIAL REQUIREMENTS

- a. Notwithstanding Section 8.2, on land zoned the Open Space Special (01-S1) Zone, the only structures permitted shall be for erosion or flood control or a dock. All other provisions of the By-law shall apply to land zoned 01-S1. (B/L 16-78-60)

- b. 01-S2

Open Space Exception Two (O1-S2) Zone

Notwithstanding subsections 8.1 and 8.2, land zoned O1-S2 may only be used for environmental protection purposes. No buildings or structures may be erected in this zone. **(By-Law 2011-038)**

SECTION 9

OPEN SPACE SPECIAL USE (02) ZONE

9.1 (02) USES PERMITTED

No persons shall hereafter change the use of any building, structure or land, or erect or use any building or structure in an Open Space Special Use (02) Zone, except for one or more of the following use:

- a. Any use permitted in an Open Space (01) Zone
- b. Cemeteries
- c. Community Centres and/or Arenas
- d. Curling Rink
- e. Municipal buildings or structures
- f. Hospitals
- g. Health centers
- h. Library
- i. Museum
- j. Non-Commercial schools
 - day nursery
 - public
 - separate
- k. Private clubs and fraternal organizations
- l. Place of worship
- m. Public utilities excluding outside storage
- n. Fairgrounds including those uses of a recreational or entertainment nature that are customarily associated with a fair, and are carried on for a limited time duration.

9.2 (02) ZONE REQUIREMENTS

In an Open Space Special Use (02) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | | |
|----|------------------------------|-------|----------|
| a. | Minimum front yard | 9 m. | (30 ft.) |
| b. | Minimum side yard | 7.5 m | (25 ft.) |
| c. | Minimum rear yard | 9 m | (30 ft.) |
| d. | Maximum height of structures | 15 m | (50 ft.) |

9.3 02 Exceptions

- a. Notwithstanding subsection 9.1, on land zoned '02-S1' the only permitted uses shall be:
 - i. nursing home, rest home or senior citizen's home
 - ii. medical clinic including physiotherapy services
 - iii. medical laboratory
 - iv. a pharmacy and medical retailing
 - v. an ambulance dispatch service
 - vi. a fitness center
 - vii. theatre

- viii. coffee shop
- ix. legal, accounting or financial planning offices
- x. charitable or community service club
- xi. adult day care service

Notwithstanding any provision of subsections 2.62, 3.13 and 9.2, to the contrary, land zoned '02-S1' shall also be subject to the following zone requirements:

- xii. Minimum lot area 3 ha
- xiii. minimum setback from any property boundary 7.5 m
- xiv. maximum lot coverage
 - (a) uses other than a nursing home, rest home or senior citizen's home 15 %
 - (b) all uses 25 %
- xv. minimum landscaped open space, exclusive of parking area 10 %
- xvi. maximum total floor area for each of the following:
 - (a) theatre 465 sq.m
 - (b) fitness center 1500 sq.m
 - (c) pharmacy 250 sq.m
 - (d) medical retail 250 sq.m
 - (e) legal, accounting or financial planning offices 100 sq.m
- xvii. minimum total on-site parking spaces 305
- xviii. minimum total on-site loading spaces 2
- xix. handicapped spaces (% of total) 5
- xx. All land within the 02-S1 Zone shall be considered one lot;
- xxi. for the purposes of the 02-S1 Zone, the following definitions shall apply:

CLUB, CHARITABLE OR COMMUNITY SERVICE means a non-profit, non-commercial organization or association of persons, whether incorporated or not, united with some common interest in undertaking or supporting social, cultural, recreational and welfare programs for the common betterment of the community and shall also mean, where the context requires, a premises owned or occupied by the members of such an association within which the activities of the members, or supported by the organization, are conducted;

COFFEE SHOP, LUNCH COUNTER, SANDWICH SHOP means a wholly enclosed building or structure or part thereof where convenience foods such as soup, sandwiches, hamburgers, french fries and donuts are prepared and served and which may also retail prepackaged convenience and confection food stuffs;

FITNESS CENTRE means a building, or part thereof, which is used for the purpose of a gymnasium, massage room, sauna or steam room, sunroom, swimming pool or whirlpool;

MEDICAL RETAIL SHOP means a building or part thereof in which goods, devices, wares, merchandise and articles other than pharmaceuticals, used in

conjunction with, or as part of, medical treatment, or therapy, or used to assist in the management of a physical or sensory impairment (including naturopathic and homeopathic products) are sold.

(B/L 16-78-90)

b. Notwithstanding subsection 9.1, land zoned "O2-S2" shall only be used for the following uses:

- i. a place of worship;
- ii. An administrative office for a place of worship, a fraternal or non-profit organization;
- iii. a day nursery;
- iv. Library;
- v. Museum;
- vi. A single detached dwelling.

Notwithstanding Section 9.2 a single detached dwelling shall be subject to the R2 Zone provisions of Section 6.2. (B/L 16-78-93)

c. Notwithstanding subsection 2.71 or any provision of subsection 9.2 to the contrary, on land zoned 'O2-S3' the southerly lot line abutting Marina Drive shall be the front lot line and the following zone requirements shall apply:

- i. The minimum building elevation for any enclosed building or structure for human accommodation or occupancy 247.1 metres CGD
- ii. Minimum rear yard 7.5 m
- iii. Minimum water setback 15 m
- iv. Maximum lot coverage 40 %
- v. Maximum height 11 m
- vi. Notwithstanding any provision of article 3.1 b. to the contrary, the minimum accessory building setback from a road allowance other than the front lot line shall be 5 metres with the exception that the length of the existing accessory building for the pool may be expanded by up to 100 % at the existing road setback and the existing pool may be replaced at the existing road setback.

(B/L 16-78-103)

d. Notwithstanding Subsection 3.13 and Subsection 9.2, land zoned O2-S4 shall be subject to the following provisions:

Minimum side yard	3 m
Maximum lot coverage	40%
Minimum landscape area	25%
Minimum driveway width	6 m

(B/L 2014-289)

SECTION 10

RURAL GENERAL (A1) ZONE

10.1 A1 USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Rural General (A1) Zone, except for one or more of the following uses:

- a. Agricultural or forestry uses
- b. Agricultural produce storage facilities
- c. Market garden farms
- d. Nurseries or commercial greenhouses, seasonal fruit, vegetable, flower or farm produce outlet
- e. Cannabis production and processing facilities (B/L 2021-057)
- f. Uses, buildings and structures accessory to the foregoing uses.

10.2 (A1) ZONE REQUIREMENTS

In a Rural General (A1) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | | | |
|----|--------------------------------------|-----|------|----------------------------------|
| a. | Minimum lot area | 8 | ha | (20 acres) |
| b. | Minimum lot frontage | 230 | m | (754 ft.) |
| c. | Minimum front yard | 30 | m | (100 ft.) |
| d. | Minimum side yard | 9 | m | (29.5 ft.) |
| e. | Minimum rear yard | 23 | m | (74 ft.) |
| f. | Minimum floor area per dwelling unit | 93 | sq.m | (1,000 sq.ft.)
(B/L 16-78-10) |

10.1 (A1) SPECIAL REQUIREMENTS

- a. Where a lot has been granted consent or registered in the Victoria County Registry Office prior to the date of passing of this by-law and is located in the 'A1' Zone, a building or structure may be erected provided that it satisfies the minimum zone requirements for the 'R1' zone, except that the larger dwelling unit floor area as outlined in 10.2 f. is required and the use is permitted in the 'R1' or 'A1' zone. (B/L 16-78-10)

SECTION 11

CENTRAL COMMERCIAL (C1) ZONE

11.1 C1 USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Central Commercial (C1) Zone, except for the following uses:

- a. Art or antique shops
- b. Automobile Service Station
- c. Bakeries
- d. Banks, financial institutions or money lending agencies
- e. Business or professional offices
- f. Commercial schools
- g. Clubs
- h. Dry cleaning and laundry establishments
- i. Medical clinics
- j. Museum or library
- k. Public and private parking lots
- l. Recreational establishments including premises for billiards, bowling, curling, dancing, roller and ice skating, theatre or cinema
- m. Restaurants, soda fountains and lunch counters
- n. Retail stores, service shops
- o. Taxi stands
- p. Upholstering and furniture repair establishments
- q. Dwelling units
- r. Existing boat rental establishments
- s. Funeral Parlor
- t. Liquor Licenced Establishment
- u. All uses permitted in 'C2' zone subject to provisions therein.
- v. All uses permitted in 'C3' zone subject to provisions therein.

(B/L 16-78-10)

11.2 (C1) ZONE REQUIREMENTS

In a General Commercial (C1) Zone, no persons shall hereafter erect or use a building except in conformity with the following requirements:

- a. Maximum height 11 m (36 ft.)
- b. Maximum lot coverage 60 %
(Refer to General Provisions for parking and daylighting triangle requirements)
- c. Where a residential use abuts a commercial use, the minimum side yard shall be 1.2 metres, (4 ft.) plus one metre (3.3 ft.) for each additional or partial storey above the first.

11.3 (C1) EXCEPTIONS

Not more than two (2) dwelling units per lot shall be permitted in the C1 zone without full municipal services. Not more than six (6) dwelling units per lot shall be permitted where municipal or communal water and sanitary sewers are provided.

The minimum floor area per dwelling unit shall be 35 square metres (377 sq.ft.) for a Bachelor Apartment Dwelling and for all other Dwelling Units it shall be 55 square metres (592 sq.ft.) plus 14 square metres (151 sq.ft.) for each habitable room in excess of four (4).

11.4 SPECIAL REQUIREMENTS FOR SERVICE STATIONS

- a. No portion of any pump island on a service station lot shall be located closer than 6 m (20 ft.) from any street line or from any daylighting triangle.
- b. The minimum distance between access driveways shall not be less than 9 m (30 ft.)
- c. The interior angle of a ramp to a street shall not be less than forty-five (45) degrees or more than ninety (90) degrees.
- d. The minimum distance between the property line of a lot at the street line and the nearest ramp shall be 9 m (30 ft.).
- e. All repairing and servicing carried out by an automobile service center or service garage shall be conducted within a wholly enclosed building.
- f. The Minimum distance between a flammable liquid pump and a dwelling unit shall be fifteen (15) metres (50 ft.).

11.5 C1 EXCEPTIONS

- a. Notwithstanding Sections 11.2 c. and 3.15 a., on land zoned C1-S1 the following requirements shall apply:
 - i) the minimum side yard for a lot line which abuts a residential zone shall be 6 metres;
 - ii) no commercial use shall be located within 13.4 metres of a lot line which abuts a residential zone; and
 - iii) where the side lot line abuts a residential zone, an opaque fence having a minimum height of 1.0 metres shall be erected along the side lot line from the front lot line to a point equivalent to the depth of the rear wall of the main building, where upon the fence shall have a minimum height of 1.8 metres to the rear lot line. An opaque fence shall also be erected along the rear lot line with a minimum height of 1.8 metres.

The permitted uses and zone requirements of the C1 Zone shall continue to apply except for the special requirements provided herein. (B/L 16-78-24)

b. Notwithstanding Section 11.1 on land zoned C1-S2 the only permitted uses shall be a parking lot and access laneway. The zone requirements of the C1 Zone shall continue to apply except for the special requirements provided herein. (B/L 16-78-32)

c. Notwithstanding Section 2.62 or the ownership of lands zoned the C1-S3 Zone, all land zoned the C1-S3 Zone shall be deemed to be one lot for the purposes of this By-law. Notwithstanding Section 3.13 a., 3.14, 3.15, 11.2 and 11.3 the following requirements shall apply to land zoned C1-S3:

- | | | | |
|-------|--|-------|---------------|
| i. | Minimum lot area | 3,600 | square metres |
| ii. | Minimum lot frontage | 33.5 | metres |
| iii. | Maximum lot coverage | 40 | % |
| iv. | Minimum number of parking spaces | 57 | |
| v. | Minimum number of loading spaces | 1 | |
| vi. | Where the side lot line abuts a residential zone that is occupied with a residential use, a wooden opaque fence shall be constructed and the said fence shall be graduating in nature with a 1.0 metre height from the lot line abutting William Street to a point approximately in line with the rear of the dwelling at which time the height of the fence shall increase to 1.4 metres and proceed to the rear of said residential lot where the height shall increase to 1.8 metres. | | |
| vii. | Maximum building height | 11 | metres |
| viii. | Where a commercial building abuts a residential zone occupied with a residential use, the minimum side yard shall be 1.2 metres plus 1 metre for each additional or partial storey above the first. | | |
| ix. | Maximum number of dwelling units | 0 | |

All other requirements of the By-law shall apply to land zoned C1-S3. (B/L 16-78-58)

d. Notwithstanding Section 11.1, on land zoned the C1-S4 Zone no persons shall hereafter change the use of any building or structure or land or erect or use any building or structure in a Central Commercial Special (C1-S4) Zone, except for the following uses:

- i. Art or antique shops
- ii. Bakeries
- iii. Banks, financial institutions or money lending agencies

- iv. Business or professional offices
- v. Medical clinic
- vi. Retail stores
- vii. Retail convenience store
- viii. Service shops
- ix. Taxi stands
- x. Motor vehicle gasoline bar

Notwithstanding Section 11.2, no persons shall hereafter erect or use a building in a C1-S4 Zone except in conformity with the following requirements:

xi.	Minimum lot area	2,000	sq.m
xii.	Minimum lot frontage	35	m
xiii.	Minimum front yard	7.6	m
xiv.	Minimum flankage yard	6.1	m
xv.	Minimum interior side yard	10.7	m
xvi.	Minimum rear yard	18.3	m
xvii.	Maximum lot coverage	20	%
xviii.	Maximum building height	6.1	m
xix.	Maximum number of dwelling units	1	

The permitted dwelling shall be located in the main building. The minimum floor area per dwelling unit shall be 35 square metres for a bachelor apartment dwelling and for all other dwelling units it shall be 55 square metres plus 14 square metres for each habitable room in excess of four.

All other requirements of the By-law shall apply to land zoned C1-S4. (B/L 16-78-64)

e. Notwithstanding Section 11.1, on land zoned the C1-S5 Zone no persons shall hereafter change the use of any building or structure or land or erect or use any building or structure in a Central Commercial Special (C1-S5) Zone, except for the following uses:

- i. Art or antique shops
- ii. Bakeries
- iii. Banks, financial institutions or money lending agencies
- iv. Business or professional offices
- v. Medical clinic
- vi. Retail stores
- vii. Service shops
- viii. Taxi stands (B/L 19-78-64)
- ix. Retail Automobile Sales (B/L 19-78-79)

Notwithstanding Section 11.2, no persons shall hereafter erect or use a building in a C1-S4 Zone except in conformity with the following requirements:

x.	Minimum lot area	925	sq.m
xi.	Minimum lot frontage	18	m

xii.	Minimum front yard	7.6	m
xiii.	Minimum flankage yard	6.1	m
xiv.	Minimum interior side yard	1.2	m
xv.	Minimum rear yard	18.3	m
xvi.	Maximum lot coverage	30	%
xvii.	Maximum building height	6.1	m
xviii.	Maximum number of dwelling units (B/L 19-78-64)	1	
xix.	Maximum lot coverage for motor vehicle storage and display area	30	5
xx.	Maximum total lot coverage including motor vehicle storage and display area	60	%
xxi.	Minimum setback for a motor vehicle storage and display area (B/L 16-78-79)	1.5	m

The permitted dwelling shall be located in the main building. The minimum floor area per dwelling unit shall be 35 square metres for a bachelor apartment dwelling and for all other dwelling units it shall be 55 square metres plus 14 square metres for each habitable room in excess of four.

All other requirements of the By-law shall apply to land zoned C1-S5. (B/L 16-78-64)

- f. Notwithstanding Section 11.1, on land zoned the C1-S6 Zone no persons shall hereafter change the use of any building or structure or land or erect or use any building or structure in a Central Commercial Special (C1-S6) Zone, except for the following uses:
- i. Art or antique shop
 - ii. Bakery
 - iii. Bank, financial institution or money lending agency
 - iv. Business or professional office
 - v. Medical clinic
 - vi. Retail Stores
 - vii. Barber shop and/or beauty salon
 - viii. Shoe repair shop
 - ix. Tailor shop
 - x. Photography studio or photo processing shop
 - xi. Photo copy and print shop that does not emit obnoxious levels of sound
 - xii. Health, fitness club
 - xiii. Household appliance repair shop
 - xiv. Taxi stand
 - xv. Public and private parking lots
 - xvi. Dwelling unit.

Notwithstanding Section 11.2, no persons shall hereafter erect or use a building in a C1-S6 Zone except in conformity with the following requirements:

xvii.	Minimum lot area	900	sq.m
xviii.	Minimum lot frontage	14	m
xix.	Minimum front yard	2	m
xx.	Minimum flankage yard	2	m
xxi.	Minimum rear yard	30.5	m
xxii.	Maximum lot coverage	45	%
xxiii.	Maximum building height	8	m
xxiv.	Maximum number of dwelling units	1	

The permitted dwelling shall be located in the main building. The minimum floor area per dwelling unit shall be 35 square metres for a bachelor apartment dwelling and for all other dwelling units it shall be 55 square metres plus 14 square metres for each habitable room in excess of four.

Notwithstanding Section 3.15 a., a landscaped buffer and/or berm or opaque fence shall not be required on land zoned C1-S6

All other requirements of the By-law shall apply to land zoned C1-S6. (B/L 16-78-63)

- g. In addition to those uses identified in subsection 11.1, on land zoned the Central Commercial Special (C1-S7) Zone, up to three (3) guest rooms shall be permitted. Notwithstanding Section 3.13 a., on land zoned C1-S7 a minimum of 12 parking spaces shall be provided. All other provisions of the By-law shall apply. (B/L 16-78-74)
- h. (reserved)
- i. Deleted by By-Law 2004-203
- j. Notwithstanding subsection 11.1, those uses set out in articles 11.1 m., t., u. and v. are not permitted on land zoned the C1-S10 Zone.

Notwithstanding any provision of article 3.15 a. to the contrary and in addition to the requirements of article 11.2, within the C1-S10 Zone the following zone requirements shall apply:

i.	Minimum side yard abutting a non-commercial zone	3.5 metres
ii.	Minimum rear yard	6 metres
iii.	Minimum width of landscaped area together with an opaque screening fence not less than 2 metres high	1 metre

All other requirements of the C1 Zone and the By-law shall apply to land zoned C1-S10. (B/L 16-78-106)

- k. Notwithstanding subsection 11.1, on land zoned C1-S11 Zone, the only permitted uses shall be a medical clinic, a fitness studio-facility and a business or professional office.

Notwithstanding Section 3.14, on land zoned the C1-S11 Zone, the Off Street Loading Space requirement shall be 1 loading space equal to one parking space (not less than 2.5m in width and not less than 17 sq. m. in area).

All other requirements of the C1 Zone and the By-law shall apply to land zoned C1-S11. (B/L 2010-110)

- l. Notwithstanding subsection 11.1, on land zoned C1-S12, only the following uses are permitted:

- i. Art or antique shops
- ii. Automobile service station
- iii. Bakeries
- iv. Banks, financial institutions or money lending agencies
- v. Business or professional offices
- vi. Commercial schools
- vii. Clubs
- viii. Medical clinics
- ix. Museum or library
- x. Public and private parking lots
- xi. Recreational establishments including premises for billiards, bowling, curling, dancing, roller and ice skating, theatre or cinema
- xii. Retail stores or service shops, except those requiring outdoor sales and display
- xiii. Taxi stands
- xiv. Upholstering and furniture repair establishments
- xv. Dwelling units
- xvi. Funeral parlour

Notwithstanding subsection 3.13, the minimum number of parking spaces shall be 24 spaces.

All other requirements of the C1 Zone and the By-law shall apply to land zoned C1-S12. (B/L 2011-223)

- m. Notwithstanding Sections 11.1, 11.2 b., 11.3, 3.13 a., 3.14, 3.15 a., and the definition of 'Parking Space' in Section 2.92, on land zoned C1-S13 the following requirements shall apply:

- i) A microbrewery shall be a permitted uses;
- ii) Maximum lot coverage – 35%
- iii) Maximum number of dwelling units - 1
- iv) For the microbrewery use listed in i) above in conjunction with the permitted dwelling unit, the minimum number of parking spaces for both uses together shall be six (6)

- v) A minimum of 1 loading space equal to one parking space not less than 2.75m. in width, 5.2 m. in length, and not less than 14.3 sq. m. in area. Provided that this loading space shall be counted as part of the total number of parking spaces as required by iv) above
- vi) A parking space shall have a minimum width of 2.75 m., a minimum length of 5.8 m., and a minimum area of 15.95 sq. m., except where a parking space abuts the required landscape buffer, in which case the minimum length shall be reduced to 5.2 m. and the minimum area reduced to 14.3 sq. m.
- vii) A parking space used for accessible parking purposes shall have a minimum width of 3.6 m., a minimum length of 6.0 m., and an aisle with a minimum width of 1.2 m.
- viii) Where a C1-S13 zone abuts an "O2" zone, when an opaque fence is provided in conjunction with the landscaping, a landscaped buffer may be reduced in width to 0.9 m.

(B/L 2018-059)

SECTION 12

HIGHWAY COMMERCIAL (C2 ZONE)

12.1 (C2) USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Highway Commercial (C2) Zone, except for one or a maximum of two (2) of the following uses:

- a. Auction barns (B/L 16-78-10)
- b. Automobile sales establishments
- c. Automobile service stations and Car Wash establishments
- d. Motels
- e. Hotels
- f. Indoor recreational establishments including premises used for billiards, bowling, curling, dancing, roller and ice skating, theatre or cinema
- g. Restaurants, including drive-in
- h. Retail sales within wholly enclosed buildings of the following:
 - Major electrical appliances;
 - Art and craft objects and antiques
 - Broadloom and draperies
 - Business, professionals, hospitals, schools and educational institutions
 - Furniture, lamps and mirrors
 - Gymnasium equipment and sporting goodsRetail sales of the following where outdoor storage and display is permitted:
 - Automobile, trailers, motorized snow vehicles, boats and accessories (B/L 16-78-10)
- i. Service shops
- j. Tourist information center
- k. A dwelling unit accessory to the above noted permitted uses

12.2 (C2) ZONE REQUIREMENTS

In a Highway Commercial (C2) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | | |
|----|----------------------|-----------|-----------------|
| a. | Minimum lot frontage | 45 m | (147 ft) |
| b. | Minimum lot area | 2000 sq.m | (21,527 sq.ft.) |
| c. | Minimum front yard | 6 m | (20 ft.) |
| d. | Minimum side yard | 9 m | (30 ft.) |
| e. | Minimum rear yard | 12 m | (40 ft.) |
| f. | Maximum height | 11 m | (36 ft.) |
| g. | Maximum lot coverage | 40 % | |

12.3 SPECIAL REQUIREMENTS FOR SERVICE STATIONS

- a. No portion of any pump island on a service station lot shall be located closer than 6 m (20 ft.) from any street line or from any daylighting triangle.
- b. The minimum distance between access driveways shall not be less than 9 m (30 ft.)
- c. The interior angle of a ramp to a street shall not be less than forty-five (45) degrees or more than ninety (90) degrees.
- d. The minimum distance between the property line of a lot at the street line and the nearest ramp shall be 9 m (30 ft.)
- e. All repairing and servicing carried out by an automobile service center or service garage shall be conducted within a wholly enclosed building.
- f. The Minimum distance between a flammable liquid pump and a dwelling unit shall be fifteen (15) metres (50 ft.).

12.4 C2 EXCEPTIONS

- a. Notwithstanding Section 12.2 on the lands zoned C2-S1, no person shall hereafter erect or use a building except in conformity with the following requirements: -

- i) Minimum lot frontage is 44.75 m (146 feet).

All other zone requirements set out in Section 12.2 shall apply.
(B/L 16-78-12)

- b. Notwithstanding Section 12.1, land zoned C2-S2 shall only be used for an automobile service station and car wash establishment, retail sales establishment, service shop, laundromat and one dwelling unit.

Notwithstanding the provisions set out in Section 12.2, land zoned C2-S2 shall be subject to the following zone requirements:

- i. minimum lot frontage 55 m.
 - ii. maximum building height 8 m.
 - iii. minimum distance between detached buildings 6 m.
 - iv. where the C2-S2 zone abuts a residential zone, a landscaped buffer shall be provided which shall consist of an opaque fence with a minimum height of 2 m.
 - v. the dwelling unit shall be located on the second floor of the building containing any of the permitted uses.

All other provisions for the C2 Zone shall apply. (B/L 2006-161)

- c. In addition to two of the permitted uses in Section 12.1, on land zoned C2-S3 the parking of school buses shall be a permitted use. In addition to the landscaping requirements of Section 3.15, a barrier shall be constructed along the southern boundary of the required landscaped buffer to prohibit the infringement on the buffer by any vehicles. The above mentioned barrier may consist of curb stones or any similar obstruction device. All other provisions of Section 3 and Section 12 shall continue to apply to land zoned C2-S3. (B/L 16-78-27)
- d. Reserved (B/L 16-78-92-BI)
- e. On land zoned C2-S4 the only permitted uses shall be:
 - i. Real Estate Sales office and/or general offices
 - ii. Laundry and Dry Cleaning depot
 - iii. Sandwich, pizza or coffee shop
 - iv. Personal service shop
 - v. Convenience store not exceeding 235 square metres
 - vi. One dwelling unit

The uses within the C2-S4 zone shall be subject to the following requirements:

- i. Minimum lot area of 3,500 square metres
 - ii. Minimum lot frontage of 40 metres
 - iii. Minimum front yard of 6 metres
 - iv. Minimum interior side yard of 3 metres
 - v. Minimum rear yard of 3 metres
 - vi. Minimum flankage yard of 6 metres
 - vii. Maximum height of 11 metres
 - viii. Maximum lot coverage of 40%
 - ix. Minimum landscaped open space of 10%
 - x. Minimum setback from Highway 36 right-of-way shall be 14 metres. (B/L 16-78-56)
- f. Deleted by By-Law 2006-012
 - g. Notwithstanding the uses permitted by subsection 12.1, land zoned "C2-S7" shall only be used for the following uses:
 - i. A restaurant, including a drive-in restaurant
 - ii. Retail sales of the following within a wholly enclosed building:
 - Broadloom and floor coverings
 - Major electrical appliances
 - Draperies and wall coverings
 - Paint and wall paper
 - Home Furnishings
 - Sporting goods

- iii. Retail sales, with outdoor storage and display, of automobiles, boats, trailers, tourist trailers, mobile camper trailers motorized mobile homes and accessories.
- iv. A bachelor apartment dwelling unit in a building containing another permitted use.

Notwithstanding articles 12.2 a., b., c., d., and g. and in addition to the other requirements of subsection 12.2, land zoned "C2-S7" shall be subject to the following zone requirements:

- | | | |
|-------|--|--|
| v. | Minimum front yard | 7 m |
| vi. | Minimum side yard | 6 m one side and
3 m on the other
side |
| vii. | Minimum landscaped area | 30 % |
| viii. | Minimum setback for outdoor storage and display area | 1.5 m |
| ix. | Minimum floor area for bachelor apartment dwelling | 35 sq.m |
| x. | Maximum floor area for bachelor apartment dwelling | 50 sq.m |
| xi. | Maximum number of premises | 2 |

For the purpose of the C2-S7 Zone, "Retail Sales, with outdoor storage and display" means a building, or part thereof, or the whole or part of a lot used for the sale, storage and display of large consumer goods, such as motor vehicles, boats, motorized snow vehicles, trailers and sporting equipment, and includes the leasing or renting of such goods, but shall not include any mechanical, motor or engine servicing or repairs. Servicing associated with such a use shall be limited to the light mechanical work associated with preparing goods for display and sale, such as cleaning, polishing, minor reassembly after delivery and the installation of accessories.

All other provisions of the C2 Zone and the By-law shall apply.
(B/L 16-78-82 and B/L 16-78-83)

- h. Notwithstanding subsection 12.1, land zoned "C2-S8" shall only be used for a maximum of four of the following uses:
 - i. An excavating and landscaping business including storage of equipment and supplies.
 - ii. Retail sales, servicing and repair of the following within a wholly enclosed building:
 - lawn and garden equipment
 - major electrical appliances
 - draperies and wall coverings
 - home furnishings
 - sporting goods
 - boat and marine motors and small engines

- iii. Retail sales, with outdoor storage and display, and service and repair within a wholly enclosed building, of recreational vehicles including:
 - motorcycles, all terrain vehicles, motorized snow vehicles, personal water craft, and accessories and trailers for such vehicles.

In addition to the provisions of subsection 12.2, land zoned “C2-S8” shall be subject to the following zone requirements:

- iv. Minimum setback from a residential zone 15 m
- v. Minimum landscaped area 30 %
- vi. Minimum setback for an outdoor storage or display area 1.5 m
- vii. Maximum parking for excavation equipment and commercial vehicles 7
- viii. Maximum number of premises 2

For the purpose of the “C2-S8” Zone, “personal water craft” means a small water craft with a maximum capacity of two persons which is propelled manually, by sail or by an on board engine.

All other provisions of the C2 Zone and the By-law shall apply. (B/L 16-78-84)

- i. Deleted by By-Law 2011-223
- j. Notwithstanding the permitted uses, under subsection 12.1, land zoned C2-S10, shall not be used for an auction barn; the retail sale of equipment for business, professionals, hospitals, schools, educational institutions; the retail sale of motor vehicles, boats, trailers, or motorized snow vehicles; an automobile service station, a car wash; or a dwelling unit.

Notwithstanding articles 12.2 d. and e., land zoned C2-S10 shall be subject to the following zone requirements:

- i. minimum side yard 5 m
- ii. minimum flankage yard 12 m
- iii. minimum rear yard 6 m
- iv. maximum of one restaurant or take-out restaurant exclusive of a donut shop.

(B/L 16-78-92-BI)

- k. In addition to the uses permitted under subsection 12.1, on land zoned C2-S11 a take-out food service, a motor vehicle fuel bar and a retail convenience outlet coincident to the fuel bar are permitted.

Notwithstanding articles 12.2 c., 12.2 d., and 12.3 a., on land zoned C2-S11 the following zone requirements shall apply:

- i. minimum front yard or flankage yard setback
 - for a fuel island canopy 3.3 m
- ii. minimum flankage yard 5.75 m

- iii. parking for a take-out food service shall be at a rate of one space for each 10 sq.metres used for customer service and/or the preparation and display of food products.
- iv. Maximum floor area for retail convenience outlet product display, including coolers and freezers but exclusive of non-refrigerated storage areas 55 sq.m

For the purposes of the C2-S11 Zone the following definitions shall apply:

“Coincidental Use” means a use that commonly occurs together with, or is commonly associated with, a specified principal use and is not permitted in the absence of the specified principal use.

“Motor Vehicle Fuel Bar” means a retail outlet for the sale of motor vehicle fuels with one or more fuel pump islands and a customer service kiosk or a customer service area, not more than 15 sq. metres in size, which shall be limited to the retailing of motor vehicle service products such as lubricants, fuel additives, windshield wash, wipers and road maps and the sale of tobacco products and prepackaged confectionary food.

“Take-Out Food Service” means a building or part of a building, exclusive of a motor vehicle or trailer, used for the retailing of beverages, convenience foods such as donuts, muffins and sandwiches and prepackaged foods, which has no internal customer seating and provides customer parking solely for the purpose of food purchases and not for the consumption of food on site.

(B/L 16-78-104)

- I. Notwithstanding Section 12.1, land zoned C2-S12 shall only be used for a retail sales establishment, service shop, and an automobile tire repair and retail shop.

Notwithstanding the provisions set out in Section 12.2, land zoned C2-S12 shall be subject to the following zone requirements:

- i. minimum lot frontage 75 m.
- ii. minimum side yard 5 m.
- iii. where the C2-S12 zone abuts a residential zone, a landscaped buffer shall be provided which shall consist of an opaque fence with a minimum height of 2 m.

All other provisions for the C2 Zone shall apply. (B/L 2006-161)

- m. Notwithstanding Section 12.1, land zoned C2-S13, a Place of Worship is also permitted.
(B/L 2016-244)

SECTION 13

COMMERCIAL RECREATION (C3) ZONE

13.1 (C3) USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building, or structure in a Commercial Recreation (C3) zone, except for one or more of the following uses:

- a. Marina
- b. Boat and marine motor sales and service
- c. Restaurant
- d. Motorized snow vehicle sales and service
- e. Boat rentals
- f. Hotel
- g. Motel
- h. Cottage establishment
- i. Lodge
- j. Ancillary retail
- k. A dwelling unit accessory to the above-noted permitted use.

13.2 (C3) ZONE REQUIREMENTS

In a Commercial Recreation (C3) zone, no persons shall hereafter erect or use a building except in conformity with the following requirements:

- a. Minimum lot area 1400 sq.m (15069 sq.ft.)
- b. Minimum lot frontage
 - i. Municipally serviced water and sewer 30 metres (98 ft.)
 - ii. Individual water supply and Sewage Disposal 40 metres (147 ft.)
- c. Minimum front yard 9 m (30 ft.)
- d. Minimum rear yard 7.5 m (25 ft.)
- e. Minimum side yard 2.5 m (8 ft.)
- f. Maximum height 11 m (36 ft.)
- g. Maximum lot coverage 40%

(B/L's 16-78-10 and 16-78-15)

13.3 (C3) SPECIAL REQUIREMENTS

- a. Notwithstanding the above, a marina may be located closer to the high water mark provided that adequate waste disposal and water supply systems, if required, are provided to the satisfaction of the Ministry of the Environment and/or local Health Unit.
- b. (this section deleted by By-law 16-78-103)

(Note for purposes of interpretation: The C3-S2 Zone has inadvertently been applied to two properties. The provisions of Section 13.3 b. apply to the land zoned C3-S2 constituting Block N of Plan of Subdivision File

16T-87011, part of Lot 13, Concession 19, Village of Bobcaygeon, north of Marina Drive and being approximately 1.4 hectares (3.5 acres) in size.)

13.4 Renovation, Restoration and Reconstruction of Existing Uses:

Notwithstanding the yard, setback and lot coverage requirements of this zone, any building or structure which is a permitted use but does not comply with one or more of the zone requirements, may be renovated, restored or reconstructed provided that no further non-compliance situations are created and there are no further infringements on zone requirements. (B/L 16-78-10)

13.5 C3 Exceptions

a. Notwithstanding Section 13.1, the permitted uses on land zoned C3-S1 shall be limited to:

- i. the uses permitted in Section 13.1
- ii. Boat storage

All of the zone requirements set out in Section 13.2 shall apply. (B/L 16-78-17)

b. On land zoned C3-S2, the only permitted uses shall be a Tourist Establishment including beverage and eating facilities, one dwelling unit and a restaurant. All buildings and structures for these uses and accessory uses shall be subject to the following requirements:

i)	Minimum lot area	3.75	ha
ii)	Minimum lot frontage	115	m
iii)	Minimum front yard	15	m
iv)	Minimum flankage yard	9	m
v)	Minimum rear yard	15	m

The front yard shall be considered the yard abutting Canal Street. All other requirements of this By-law shall continue to apply unless superceded by the C3-S2 requirement. (B/L 16-78-23)

(Note for purposes of interpretation: The C3-S2 Zone has inadvertently been applied to two properties. The provisions of Section 13.5 b. apply to the land zoned C3-S2 constituting Lot 4 and part of Lot 5, east of William Street, Lots 2, 3 and 4 and part of Lot 1, west of Need Street, part of Block M, Registered Plan 11 (referred to Municipally as 45 Canal Street) and being approximately 1.4 hectares (3.5 acres) in size.)

c. Notwithstanding Section 13.1, on land zoned the C3-S3, the permitted uses shall be limited to:

- i) Cottage establishment – maximum of 3 units
- ii) A dwelling unit accessory to the above-noted permitted use

Notwithstanding Section 13.2, on land zoned the C3-S3, all buildings and structures for these uses shall be subject to the following requirements:

- | | | |
|------|-----------------------------------|----------|
| i) | Minimum lot frontage | 26.21 m. |
| ii) | Minimum front yard | 2 m. |
| iii) | Minimum side yard – cottages | 1.5 m. |
| | Minimum side yard – dwelling unit | 2.5 m. |

All other requirements of the (C3) Zone and the By-law shall apply to land zoned C3-S3.

(B/L 2014-286)

- d. Notwithstanding Section 13.1 and 3.3 (a), on land zoned C3-S4:
- i. a dwelling unit accessory to a use listed in Section 13.1 (a) to (j) is not permitted.
 - ii. a minimum of 12 on-site parking spaces are to be provided for the permitted uses in operation on the date of passing of this by-law.

All other requirements of the (C3) Zone and the By-law shall apply to land zoned C3-S4.

(B/L 2019-026)

SECTION 13a.

SHOPPING CENTRE COMMERCIAL HOLDING (C4)

13a.1. USES PERMITTED

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Shopping Centre Commercial (C4) Zone, except for a shopping center which may include within it the following uses:

1. Retail store selling all or any of the following:
 - a. Furniture, Lamps and Mirrors
 - b. Household Appliances
 - c. Draperies, Blinds and Curtains
 - d. Carpet, Vinyl and Wood Floor Coverings
 - e. Lighting Fixtures
 - f. Paint and Wallpaper
 - g. Tiles
 - h. Plumbing Fixtures
 - i. Kitchen and Bathroom Cabinets
 - j. Hospital Equipment and Medical Supplies for the Home
 - k. Office Furniture, Equipment and Supplies
 - l. Pets and Pet Supplies. (B/L 16-78-94)
2. Restaurant including Take Out Restaurant
3. Retail Convenience Store
4. Service Shop
5. Small Appliance Repair Shop
6. Business or Professional Offices
7. Dispensary
8. Specialty Food Shop
9. Junior or Discount Department Store
10. Optical Dispensing
11. Clothing Store
12. Sporting Goods Store
13. Recreational Establishment for audio and/or video rentals and/or sales, billiards, bowling, dancing, theatre and cinema but not including video or pinball arcade
14. Donut Shop
15. Shoe and leather repair shop including the retail sale of leather goods.
16. Garden Centre. (B/L 16-78-92-AI)

13a.2. ZONE REQUIREMENTS

In a Shopping Centre Commercial (C4) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | |
|-------------------------|------|-------|
| 1. Minimum lot area | 8000 | sq.m. |
| 2. Minimum lot frontage | 47 | m |
| 3. Maximum lot coverage | 30 | % |

4. Maximum building height 11 m
5. Minimum front yard 20 m
6. Minimum interior side yard 10 m
7. Minimum flankage yard 20 m
8. Minimum rear yard 12 m
9. Maximum building floor area 4180 sq.m.
10. Minimum landscaped open space 10 %
11. notwithstanding the parking requirements in Section 3.13 a., parking shall be provided on the basis of 5.5 parking spaces per 100 sq.m. of gross leasable floor area. The minimum number of parking spaces for the maximum allowable building floor area shall be 230 spaces, including handicapped spaces.
12. Only one convenience store shall be permitted within the shopping center. The convenience store shall not exceed 185 sq.m. of gross leasable floor area.
13. A clothing store or junior or discount department store shall not be less than 230 sq.m. gross leasable floor area
14. A maximum of three speciality food shops shall be permitted within the shopping center. Each speciality food shop means bakery, fresh produce shop, delicatessen, cheese shop, tea and coffee shop or meat shop.
15. Except for a speciality food shop, convenience store, grocery store, restaurant including take out and a donut shop, a junior or discount department store no other permitted use will sell food unless it is non-perishable goods only and the floor space devoted to such goods does not exceed 10% of the gross leasable floor area of each premise.
16. A grocery store shall have a maximum gross leasable floor area for retail purposes of 1,510 square metres plus up to 195 square metres of accessory mezzanine office space. (B/L 16-78-98)
17. The Business or Professional Offices shall not occupy more than 500 sq. metres of gross leasable floor area.
18. A Garden Centre shall be located entirely within 75 metres of the northern lot line. (B/L 16-78-92 A1)
19. Notwithstanding any other requirement of this By-law, the minimum setback from the northern lot line for any use or building, other than a garden center, shall be 75 metres. (B/L 16-78-92 A1)
20. Notwithstanding the definition of the term "Grocery Store" in subsection 2.46 b, on land zoned C4 or C4-S1, automated personal banking services may be permitted as an accessory use to a grocery store but shall be limited to client operated devices such as an automated bank machine or a debit card system. (B/L 16-78-98)

13a.3. C4 HOLDING PROVISIONS

The holding provisions “H” shall not be removed until the following conditions are met to the satisfaction of the municipality:

1. A site plan agreement is entered into pursuant to section 40 of the Planning Act; and
2. Provincial ministries and agencies provide favourable comments regarding the site plan to the satisfaction of the Village.

Prior to the removal of the holding provisions only existing buildings, structures and uses and a parking lot including driveways and loading spaces are permitted.

13b. SHOPPING CENTRE COMMERCIAL SPECIAL 1 – HOLDING (C4-S1—“H”) ZONE

13b.1. C4-S1 Uses Permitted

The uses permitted in section 13a.1. shall be permitted together with a grocery store.

13b.2. C4-S1 Zone Requirements

The regulations of section 13a.2 shall apply to lands zoned C4-S1.

SECTION 14

RESTRICTED INDUSTRIAL (M1) ZONE

14.1 (M1) USES PERMITTED

No person shall hereafter change the use of any building or structure in a Restricted Industrial (M1) Zone, except for one or more of the following uses:

- a. Any manufacturing or industrial undertaking that is conducted and wholly contained within an enclosed building and is not considered obnoxious or hazardous by reason of sound, odour, inflammability, dust fumes, or smoke and which shall not be detrimental in appearance or effect to surrounding uses.
- b. Any activity connected with the automotive trade other than an automotive scrap yard.
- c. Business and professional offices
- d. Service industries such as a public garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a paint shop, plumbing shop, sheet metal shop, welding shop and similar uses.
- e. Custom workshop.
- f. Cannabis production and processing facilities (B/L 2021-057)

14.2 (M1) ZONE REQUIREMENTS

In a Restricted Industrial (M1) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

a.	Minimum lot area	1670	sq.m	(17075 sq.ft.)
b.	Minimum lot frontage	30	m	(100 ft.)
c.	Minimum front yard	6	m	(20 ft.)
d.	Minimum rear yard	9	m	(30 ft.)
e.	Minimum side yard	6	m	(20 ft.)
f.	Maximum lot coverage	50	%	
g.	Maximum height	11	m	(36 ft.)

14.3 (M1) SPECIAL REQUIREMENT

- a. Notwithstanding any other provision of this by-law, the storage of goods, material, machinery or waste material shall not be permitted other than in wholly enclosed buildings.
- b. Notwithstanding any other provision of this by-law, an industrial plaza containing two (2) or more permitted Industrial Restricted (M1) uses in

one (1) building either held in single ownership or condominium ownership may be erected in an Industrial Restricted (M1) Zone subject to the same requirements for a single Industrial Restricted (M1) use, and in accordance with all other provisions of this by-law.

- c. Where (M1) Restricted Industrial uses abut, the minimum side yard requirement will be reduced to two (2) metres (6.6 ft.)

14.4 M1 EXCEPTIONS

- a. Notwithstanding Sections 14.1 on land zoned the Restricted Industrial Section (M1-S1) Zone, no person shall hereafter erect or use a building, or structure except for one of the following uses:
 - i. Any manufacturing or industrial undertaking that is conducted and wholly contained within an enclosed building and is not considered obnoxious or hazardous by reason of sound, odour, inflammability, dust fumes, or smoke and which shall not be detrimental in appearance or effect to surrounding areas.
 - ii. Service industries such as a public garage including engine and body repair shop, a printing establishment, a laundry or cleaning establishment, a paint shop, plumbing shop, sheet metal shop, welding shop and similar uses.
 - iii. Custom workshop.
 - iv. Boat and marine supply, storage, repair, and sales establishments.
 - v. Warehouses
 - vi. Mini-storage
 - vii. Commercial undertakings incidental to manufacturing or contractor or tradesmen shops
 - viii. Farm implement dealers
 - ix. Dwelling unit accessory to the above noted permitted use.

In addition to the requirements of Section 14.2, the following shall apply to the lands zoned M1-S1.

- x. where the M1-S1 Zone abuts a commercial or industrial zone the minimum side yard shall be 2 metres (6.6 ft.) and 6 metres (19.7 ft.) where it abuts a Residential Zone.
- xi. driveways shall not be within any required landscaped buffer
- xii. the minimum floor area for a dwelling unit shall be 74 square metres (796 sq.ft.)
- xiii. Notwithstanding the definition of 'lot line, rear' contained in Section 2.72, on the land zoned M1-S1, the rear lot line shall be deemed to be the lot line furthest from the front lot line and shall not include any other lot line that approximates a parallel lot line to the front lot line as this shall be considered to be a side lot line.

All other provisions of the By-law shall apply to land zoned M1-S1.

- b. Notwithstanding any provision of Section 14.2, on lands zoned 'Restricted Industrial – Special Two (M1-S2) Zone' the following regulations shall apply:

- | | | |
|-------|---|-------|
| i) | Minimum Front Yard | 1.6 m |
| ii) | Minimum Easterly Side Yard for any building or structure located in Lot 12 or Lot 13 West of John Street and existing as of the date of the passing of this By-law | 0.0 m |
| iii) | Minimum Westerly Side Yard for any proposed manufacturing or industrial use | 8.0 m |
| iv) | Minimum Rear Yard for any building or structure located in Lot 13 and Lot 14 East of Head Street and existing as of the date of the passing of this By-law | 3.5 m |
| v) | Minimum Rear Yard for any proposed business or professional office incidental to a manufacturing or industrial use | 6.0 m |
| vi) | Minimum Setback from any identified water course top of bank for any new building or structure | 6.0 m |
| vii) | Notwithstanding Section 2.71, the front lot line in any 'Restricted Industrial Special Two (M1-S2) Zone' shall be deemed to be the lot line located on Prince Street West | |
| viii) | Notwithstanding the provisions of Section 3.13 a maximum of 17 on-street parking spaces may be located on Prince Street West. | |

(B/L 2015-066)

SECTION 15

GENERAL INDUSTRIAL (M2) ZONE

15.1 (M2) USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in a General Industrial (M2) Zone except for one or more of the following uses:

- a. All uses permitted in an Industrial Restricted (M1) Zone.
- b. Boat and marine supply, storage, repair, and sales establishments.
- c. Building supply and equipment depots and sales.
- d. Bulk fuel storage establishments
- e. Commercial undertakings incidental to manufacturing or contractor or tradesmen shops
- f. Farm implement dealers
- g. Food processing and storage facilities
- h. Garages and/or body shops
- i. Machine or welding shops
- j. Truck or bus storage areas or terminals
- k. Warehouses
- l. Machinery storage
- m. Municipal works yard excluding the outside storage of salt (B/L 16-78-20)
- n. Animal Hospitals or veterinary establishments
- o. Retail sales of the following where outdoor storage and display is permitted:
 - Equipment and machinery for farming
 - Retail lumber and home improvement supplies
- p. Auction Barns (B/L 16-78-10)

15.2 (M2) ZONE REQUIREMENTS

In a General Industrial (M2) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | | | | |
|----|---|-------|------|-----------------|
| a. | Minimum lot area | 2,000 | sq.m | (21,527 sq.ft.) |
| b. | Minimum lot frontage | 36 | m | (120 ft.) |
| c. | Minimum front yard | 6 | m | (20 ft.) |
| d. | Minimum rear yard | 12 | m | (40 ft.) |
| e. | Minimum side yard | 6 | m | (20 ft.) |
| f. | Maximum lot coverage for warehousing uses is 50%. The maximum lot coverage for all other uses is 40%. | | | |
| g. | Maximum height
(B/L 16-78-10) | 11 | m | (36 ft.) |

15.3 (M2) SPECIAL REQUIREMENTS

- a. Where (M2) General Industrial uses abut, the minimum side yard requirement will be reduced to 2 m (6.6 ft.)
- b. Open storage of goods and materials shall be in side and rear yards only.

15.4 M2 EXCEPTIONS

- a. Notwithstanding Section 15.1, on lands zoned M2-S1 only one of the following uses shall be permitted:
 - (i) an excavating and landscaping business,
 - (ii) boat and marine sales, service and storage, or
 - (iii) lumber and building supply center.

Notwithstanding Section 3.1 b, the accessory uses and buildings shall only be permitted in the rear or interior side yards. An accessory use or building may not be located or erected closer than 6 metres from the rear or interior side lot lines. No outside storage of vehicles, machinery or open storage shall be within 6 metres of the side or rear lot lines. A landscaped buffer shall be provided, erected and maintained along the side and rear lot lines and shall be a minimum height of 1.5 metres, consisting of evergreen trees and shrubs to provide a visual screen. All repair of vehicles and machinery shall be within a wholly enclosed building. All other requirements of the M2 Zone shall continue to apply. (B/L 16-78-22)

- b. Notwithstanding Section 15.1, on land zoned the General Industrial Special (M2-S2) Zone only one of the following uses shall be permitted:
 - (i) Boat and marine supply, storage, repair and sales establishment;
 - (ii) Building supply and equipment depot and sales;
 - (iii) Commercial undertakings incidental to manufacturing or contractor or tradesman shops;
 - (iv) Machine or welding shops;
 - (v) Warehouses; and
 - (vi) A manufacturing or industrial undertaking that is conducted and wholly contained within a closed building and is not considered obnoxious or hazardous by reason of sound, odour, inflammability, dust fumes or smoke and which shall not be detrimental in appearance or effect to surrounding areas.

All other requirements of the By-law shall apply to land zoned M2-S2, save and except for Section 15.1. (B/L 16-78-66)

SECTION 16

INTERPRETATION

16.1 SCOPE

In their interpretation and application, the provisions of this by-law shall be held to be the minimum requirement adopted for the promotion of public health, safety, convenience and general welfare.

16.2 SYMBOLS

The symbols used on the schedule attached hereto refer to the appropriate zones established by this by-law.

16.3 DEFINED

The extent and boundaries of all zones are shown on the schedule attached hereto, and all such zones are hereby defined as areas to which the provisions of this by-law shall respectively apply.

16.4 INTERPRETATION OF ZONE BOUNDARIES

Where the boundaries of any zone, as shown on the attached schedule are uncertain, the following provisions shall apply:

- a. Where a zone boundary is indicated as following a street or lane, the boundary shall be the center line of such street or lane.
- b. Where a zone boundary is indicated as approximately following lot lines shown on a registered plan of subdivision or lots registered in the appropriate Registry Office or Land Titles Office, the boundary shall follow such lot lines.
- c. Where a street, lane, railroad or railway right-of-way, or watercourse is included on the zoning map, they shall, unless otherwise indicated, be included in the zone of the adjoining property on either side thereof.
- d. Where a street, lane, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the zoning maps and serves as a boundary between two or more different zones, a line midway on such street, lane, right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between zones unless specifically indicated otherwise.
- e. Where a zone boundary is indicated as following the limits of the Municipality, the limits shall be the boundary.
- f. Where none of the above provisions apply, the said zone boundary shall be scaled from the attached Schedules at the scale indicated.

16.5 CERTAIN WORDS

In this by-law words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular number; and the word “used” includes “arranged, designed, or intended to be used”; the word “shall” is mandatory and not directory.

16.6 MEASUREMENT

The Metric System of measurement shall be the only standard to be applied in this by-law. The non-metric measurements are approximate, and are included only as a general guide for reference purposes.

SECTION 17

ADMINISTRATION AND VALIDITY

17.1 ENFORCEMENT

No permit for the use of land or for the erection or use of any building or structure and no certificate of occupancy or approval of application for any municipal license within the jurisdiction of the Council shall be issued or given where the proposed building, structure or use is in violation of any provisions of this by-law.

17.2 INSPECTION OF PREMISES

A By-Law Enforcement Officer as is assigned the responsibility of administering and enforcing this by-law by the Municipality may, at all reasonable times and upon producing proper identification, enter and inspect, either by himself or accompanied by one assistant, any property or premises in or about which there is reason to believe that the provisions of this by-law are not complied or conformed with, for the purpose of carrying out his duties under this by-law.

17.3 CONTINUATION OF EXISTING REGULATIONS

All by-laws in force within the Municipality prohibiting or regulating the use of land or buildings or structures shall be and the same are hereby amended insofar as it is necessary to give effect to the provisions of this by-law and the provisions of this by-law shall govern, provided however, where this by-law does not apply, existing Municipal by-laws shall remain in full force and effect.

17.4 VIOLATION PENALTY

Every person, persons or company who contravenes any of the provisions of this by-law is guilty of an offence and on summary conviction is liable of a fine of not more than (\$1,000.00) one thousand dollars exclusive of costs, and in default of payment of such fine is liable to imprisonment for a term not exceeding twenty-one days.

Each day the person, persons or company contravenes any provision of this by-law shall constitute a separate offence.

Every fine imposed is recoverable under the Summary Convictions Act of Ontario.

The Municipal Council may direct by resolution that any such person, persons or company violating the provisions of this by-law shall demolish and remove or correct any work as directed by the Council, at his, their or its own expense so that he, they or it is in compliance with the provisions of this by-law. In the event that the owner has not complied with the resolution of the Council, Council may have such work carried out and place the cost of such work upon the collector's roll as a charge against such person, and the amount may be collected in the same manner as municipal taxes.

17.5 VALIDITY

Should any section, clause or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of this by-law as a whole or any part thereof, other than the part so declared to be invalid.

This by-law shall take effect from the date of passing thereof, subject to approval of the Ontario Municipal Board.

READ a first time this 16th Day of October, 1978

READ a Second Time this 16th day of October, 1978

READ A Third Time and Passed this 19th day of December, 1978.

"L. E. Shea"
Reeve

"Laura Hamilton"
Clerk