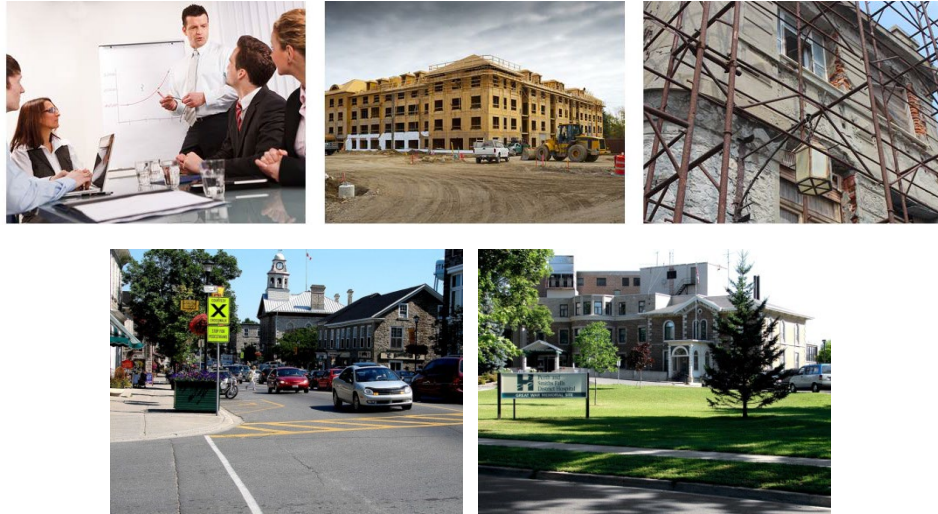




**HERITAGE + HEART**



**The Corporation of the Town of Perth  
Comprehensive Zoning By-Law No. 3358**

**CONSOLIDATED TO December 2022.**

The Corporation of the Town of Perth  
Comprehensive Zoning By-law

Originally Passed on the 24th of October, 2000

Zoning By-Law Consolidated to December 2022

By-law No. 3358 Major Amendments  
as Per By-laws 2002-3467; 2006-3358-36; 2008 3358-46; 2017 3358-91,  
2020 3358-107

Consolidation Lists and Tables are provided for general information purposes after the  
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## **Explanatory Note**

The purpose of this By-law is to implement the Official Plan of the Town of Perth and to regulate the use of land and the character, location and use of buildings and structures in the Town of Perth. This By-law applies to all lands within the Town of Perth. The By-law is passed by the authority of Section 34 of the Planning Act. The By-law conforms to the Official Plan for the Town of Perth.

After the date of adoption of this By-law, any new development, redevelopment or alteration to an existing land use, building or structure must comply with the regulations of this By-law before a building permit can be issued. Applicants are encouraged to pre-consult with the Town on how the zoning regulations apply.

Changes to the regulations contained in this By-law may be made with prior approval from the Town as provided for under the Planning Act. Changes may require an amendment to the Zoning By-law or a minor variance.

## **How to Use this By-law**

### **Step 1 – Locate Your Property and Determine the Zone**

Use the zoning schedules (maps) included with this document or available on the Town of Perth web site to locate the property you are interested in. Identify the zone symbol that applies to that property. Zone examples include R1, R2, C1, M1 etc.

### **Step 2 – Verify status of any Zoning By-law Amendments**

A Zoning by-law is not a static document; it is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of a Zoning By-law Amendment, particularly a change that created a site specific zone. This can be checked by referring to the consolidation list, which identifies most sites affected by property address.

While the Town strives to keep the By-law up-to-date, more recent amendments may not be included in the version of the By-law you are using. You can check the maps on the town web site or Town Planning staff will be able to assist you to confirm if the property you are interested in has been the subject of a more recent amendment.

### **Step 3 – Determine What Uses are Permitted in the Zone**

Use the Permitted Uses section of the Zone to determine what use(s) is/are permitted in the Zone. Scan the permitted uses list, which is arranged alphabetically, to find the use you are interested in. If the use is listed, it is permitted in the Zone. Otherwise, it is not permitted in that Zone or it may be permitted under the definition of a permitted use. If there is any uncertainty about a use being permitted please contact Town Planning Staff.

### **Step 4 – Determine What Zone Regulations Apply**

Once the use is determined to be permitted, move down to the Zone Requirements section. In this section the requirements will indicate what the minimum development standards will be, i.e. minimum **lot area**, **lot frontage**, **building setbacks**, maximum lot coverage, etc. These standards will help you determine where you can locate a building or structure on your lot and how large or tall it can be.

### **Step 5 – Determine if any General Provisions Apply**

Development of most properties is also affected by requirements in Section 4 (General Provisions). General Provisions can apply to any zone anywhere in the municipality. This section contains provisions that apply to such matters as **accessory uses**, Height Exceptions, **Home Based Businesses**, Parking, etc. Use this section to determine how a particular land use might be affected.

For example, Section 4.33 provides the parking requirements for all uses permitted in the Town. If you are considering changing the use of your property or adding a new use to your property, you should review Section 4.33 to ensure that you are aware of the parking requirements.

### **Step 6 – Influence Areas and Minimum Distance Separation**

In addition to the permitted uses and zoning regulations of each zone, there are areas within the Town where development may be restricted because of an Influence Area or a Minimum separation requirement; e.g. areas which are subject to flooding are illustrated on Schedule 'A' and Development within 500 m of the Town's **Landfill Site** is governed by a Waste Disposal Influence area (for Minimum Distance Separation requirements see Section 4.27).

### **Step 7 – Clarify the Meaning of a Use**

Throughout the By-law some words are shown in black italicized script. These words are defined in Section 3 (Definitions). If you are unsure as to what a particular word means or what the scope of a permitted use includes, then refer to the alphabetical list of definitions to assist you. This section also contains illustrations which are intended to help with understanding the definition.

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<b>Table of Consolidated By-law Updates</b>
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Town of Perth Zoning By-law 3358 - Insertion Page  
Consolidation Summary Table from 2000 to December 2022

**\*\* Note Section cross references in Table are per original by-law wording and 2016 Consolidation**

Table 1 – Consolidated By-law Updates

<b>By-law No.</b>	<b>Amended Page/Section Description/Location</b>	<b>Date Passed / Approved</b>
3388	1 Harris Street New subsection 13 (a) added to section 13; Amends Schedule A to apply C4 Zone	May 22, 2001
3413	24 North Street Modify Schedule 'A'; - change from Institutional to R1	October 23, 2001
3429	1 Victoria Street Add article 6. to subsection 8.4; Amends Schedule 'A'; to apply the RR3-6	March 26, 2002
3432	29 Rogers Road – Amends Schedule 'A'; to apply R1 Zone	June 25, 2002
3435	Temporary By-law for ; 1 Sherbrooke Street – effective until May 2005	May 28, 2002
3441	Temporary By-law for ; 1 Sherbrooke Street – effective until July 2005	July 9, 2002
3467	<b>Major update (also see Table 2 – Major Update - 2002)</b> Textual Amendments- Add new Definitions; modifies Sect 4; Paragraph added to subsection 5.3; Delete references to term 'Garden Suite' in subsections 5.1, 6.1 & 7.1; Add article h) to subsection 8.3; Modify subsections 12.1 and 12.2; Add articles 3 & 4 to subsection 15.4; Modify text of Section 20; Modify Schedule 'A'	November 12, 2002
3471	105-115 Dufferin Street Add article 8 to subsection 12.4; Amends Sched. A to apply C2-8 Zone <i>updated to C5-3 by comprehensive</i>	December 3, 2002
3477	105 North Street & 10 Alma Street Amend Section 20 Table; add article 3 subsection 19.4; - Amends Sched. A to apply R4-7 and EP-3 Zones	February 18, 2003
3482	61 Drummond St West Amends row 3200 in Section 20 Table; Amends Schedule 'A' to apply –h holding (removed);	April 1, 2003

By-law No.	Amended Page/Section Description/Location	Date Passed / Approved
3488	3 Drummond St West – Adds article 6 a) & b) to Subsection 8.4; Amend Schedule 'A' to apply the R3-6 Zone.	May 13, 2003
3496	120 Beckwith St E –Corner of South and Beckwith Adds article 8 to subsection 9.4; Amend Schedule 'A' to apply R4-8;	June 3, 2003
3501	125 Wilson St West – Adds article 3 to subsection 13.4; Amend Schedule 'A' to apply the C3-3 Zone	June 24, 2003
3502	53 Wilson Street West Modify Schedule 'A'– to apply R3-6 Zone	June 24, 2003
3514	1 Sherbrooke Street Amend Table of Contents: Amend subsection 5.1; Add New Business Park Section 13b 4; Amend Schedule 'A' ;	September 16, 2003
3534	2 Lustre Lane – Add article 9 to subsection 9.4; Amend Schedule 'A' to apply R4-9 Zone;	February 10, 2004
3547	Temporary By-law for 11 Dufferin St. Insert new article into subsection 9.4; Amend Schedule 'A'- add T304 – effective till April 2007;	April 13, 2004
3555	115 Drummond Street West – Adds article 9 into subsection 12.4; Amends Schedule 'A' to apply the C2-9 Zone;	May 4, 2004
3570	33 Lewis Street – Adds article 3 to subsection 17.4; Amends Schedule 'A' to apply the I-3 zone	June 15, 2004
3574	96 South St. Adds new article into subsection 13 b) 4” Amends Schedule 'A' to apply the C5-2 Zone	September 7, 2004
3587	61-63 Brock Street & 155 Gore Street East - Add article 9 to section 9.4; Amend Schedule 'A' to apply the R3-9 Zone;	October 19, 2004
3615	115 Drummond Street West Amend Schedule 'A': expands C2-9-h Zone	February 22, 2005
3623	<b>Perthmore subdivision special provisions</b> Insert new subsection 4.24 a) in Section 4; Add new articles into 6.3, 7.3 and 8.3; Add article 3 to subsection 7.4; Add article 11 to subsection 9.4; Amends Schedule 'A' to apply the R2-3 and R4-11 Zones	March 22, 2005
3624	2021 Rogers Road Add article 3 to subsection 15.4; Amends Schedule 'A' to apply the <b>M2-3</b> Zone	March 22, 2005
3625	57 & 59 Wilson Street West Revise text of Table in Section 20 for <b>R3-4</b> zone;	March 22, 2005

By-law No.	Amended Page/Section Description/Location	Date Passed / Approved
3628	45 Dufferin Street Amend article 5 of subsection 12.4; Change Table in Section 20; Amend Schedule 'A' re the <b>C2-5 Zone</b> ;	March 22, 2005
3632	25 Halton Street Adds article 4 into subsection 7.4; Amends Schedule 'A' to apply the <b>R2-4 Zone</b> ;	April 26, 2005
3654	15 McLean Blvd. – Adds article 7 to subsection 8.4; Amends Schedule 'A' to apply the <b>R3-7 Zone</b>	August 30, 2005
3657	36 Mill Street – Adds article 2 into subsection 6.4; Amends Schedule 'A' to apply the <b>R1-2 Zone</b>	August 30, 2005
3358-31	77-79 North Street Amends Schedule 'A' to apply the <b>R4 Zone</b> <i>Contact CGIS re correction to zone layer – re zone symbols</i>	September 27, 2005
3358-32	Corner of Smith Drive and Rogers Road Modify Schedule 'A' <b>remove hold</b> ;	November 22, 2005
3358-33	40 Sunset Blvd. Amends Schedule 'A' to apply the <b>C5 and C5-h Zone</b>	February 9, 2006
3358-34	4 Halton Street – Add article 11 to the end of subsection 9.4; Amends Schedule 'A' to apply the <b>R4-11 Zone</b> ;	February 21, 2006
3358-TU106	14 Conlon Drive; <b>temporarily</b> adds article to subsection 15.4; Modifies Schedule 'A' until June 2008 (see By-law 3358-TU2 - 2008);	June 20, 2006
3358-35	43 Wilson St. W. – Add article 4 a) & b) i-viii to subsection 11.4; Amends Schedule 'A' to apply <b>C1P-4 Zone</b> – replaces R3-5 BL 3340	June 20, 2006
3358-36	<b>Major update (also see Table 3 – Major Update - 2006)</b> – adds Definitions into Section 3; Revise text Section 4; Add text in table 9.2; Modify 10.2, 11.2, 14.2, 14.3, 15.2, 15.3; Insert figure “Angle to the Street”; Modify Schedule 'A'	June 20, 2006
3358-37	60 Halton Street – PerthWorks – Ads article 12 into subsection 9.4; Amends Schedule 'A' to apply <b>R4-12 Zone</b>	June 20, 2006
3358-38	125 – 127 Wilson St. W. Adds article 10 to subsection 12.4; Amends Schedule 'A' to apply <b>C2-10 h Zone</b>	August 22, 2006
3358-39	48 Beckwith St E. – Adds article 14 to subsection 9.4 ; Amend Schedule 'A' to apply <b>R4-14-h Zone</b>	August 22, 2006

<b>By-law No.</b>	<b>Amended Page/Section Description/Location</b>	<b>Date Passed / Approved</b>
3358-40	3 Beckwith St E. Adds article 4 to subsection 17.4; Amends Schedule 'A' to apply <b>I-4 Zone</b>	August 22, 2006
3358-41	Smith Dr – Roger Road – Amends Schedule 'A' – remove holding provision	August 22, 2006
3358-42	18 Cockburn at Beckwith – Adds article 5 at the end of subsection 7.4; Adds article 8 to the end of subsection 8.4; Amends Schedule "A" – to Apply <b>R2-5 Zone and R3-8 Zone</b>	November 21, 2006
3358-43	68 North St. to Peter – Adds article 5 to the end of subsection 11.4; Amends Schedule "A"- applies the <b>C1P-5-h Zone</b>	January 23, 2007
3358-44	8 Craig Street – Adds article 5 to subsection 17.4 Amends Schedule 'A' applies the <b>I-5-h Zone</b>	February 20, 2007
3358-45	65 Dufferin Street -Loblaw Realty Adds Article 11 to subsection 12.4- adds /Table C2-11 Amends Schedule 'A' – applies the <b>C2-11 Zone</b>	September 21, 2010
3358-46	General Amendment – Adds third paragraph to subsection 5.3 re holding Amends Schedule 'A' – applies –h to vacant R4, commercial, industrial	October 16, 2007
3358-47	106 Peter St. – Add article 9 (R3-9) at the end of subsection 8.4 Amends Schedule 'A' to apply the <b>R3-9-h Zone</b>	November 20, 2007
3358-48	2043 South St. Methodist Church site – Adds article 6. I- 6 to subsection 17.4 Amends Schedule 'A' to apply the <b>I-6-h Zone</b>	March 18, 2008
3358-49	Ashgrove sub – Mac Campbell Dr. Adds article 6 to sub 7.4 & 16 to sub 9.4 Amends Schedule 'A' to apply the <b>R4-16 Zone and R2- 6 Zone</b>	January 22, 2008
3358-TU-2	Temporarily insert article 15.4.5T (TU-2 Zone) at the end of subsection 15.4 Modifies Schedule 'A' until March 2010 (see By-law 3358-TU3- 2009)	March 18, 2008
3358-50	Perthmore St – south easterly side – Adds article 17 to the end of subsection 9.4; Amends Schedule 'A' to apply the <b>R4-17 Zone</b>	April 15, 2008
3358-51	Perthmore St. – south easterly side Amends Schedule 'A' to extend <b>R4-17 Zone</b>	August 19, 2008



<b>By-law No.</b>	<b>Amended Page/Section Description/Location</b>	<b>Date Passed / Approved</b>
3358-52	11 Halton Street - Adds article 10 to the end of subsection 8.4; Amend Schedule 'A' to apply the <b>R3-10 Zone</b>	August 19, 2008
3358-53	Tayview Subdivision amendment – application deferred	
3358-54	105 North Street at Alma Street - Amend table in Section 20; Modify subsection 19.4 subsection 3 article a); Modify Schedule 'A' change R4-7-h and EP-3 boundaries	October 21, 2008
3358-55	Assigned – application withdrawn – available for future use	
3358-56	General amendment – adds Townhouse provisions subsection 9.3	March 17, 2009
3358-57	120-122 Gore Street E, - Adds article 6 to subsection 11.4; Amends Schedule 'A' to apply the <b>C1P-6 Zone</b>	June 16, 2009
3358-58	61 Drummond St. W- Modifies Section 20 row 3200 to permit large sign	June 16, 2009
3358-59	114 Drummond St. E. – Adds article 11 to subsection 8.4; Amends Schedule 'A' to apply the <b>R3-11 Zone</b>	October 20, 2009
3358-TU-3	14 Conlon Drive - Temporarily insert article 15.4.5T (TU-2 Zone) at the end of subsection 15.4 Modifies Schedule 'A' until March 2013 <i>(Note this is the third extension and PAC recommended it be the last)</i>	December 15, 2009
Bylaw 3358-46	(1) Add paragraph to subsection 5.3; (2) Modify Schedule 'A';	2007
Bylaw 3358-60	1830 Rogers Rd-Modify Schedule A remove holding provision	2010
Bylaw 3358-61	22 North St- Expand subsection 11.2 add new article C1P-7	2010
Bylaw 3358-47h	106 Peter St- modify Schedule A to remove holding provision	2010
Bylaw 3358-62	52 South St-Expand subsection 11.2 add new article C1P-8	2010
Bylaw 3358-63	Drummond StW Modify schedule A from Open Space (OS) and Highway Commercial (C2-h) Zone with a holding provision to the Residential First Density (R1-h)	2010

By-law No.	Amended Page/Section Description/Location	Date Passed / Approved
	Zone and the Residential Fourth Density (R4-h) Zone each with a holding provision for the lands	
Bylaw 3358-64	Add a new article to subsection 8.4 immediately following article 11	2011
Bylaw 3358-65	Modify Schedule "A" by changing the zone category on land described as Lot 37 N Plan 8828 municipally known as 15 North St in the Town of Perth, to the Residential Third Density Exception Six (R3-6)	2011
Bylaw 3358-66	Bylaw 3358 amended insofar as to modify the text of subsection 8.4 part 10, article a) to delete the following text: "the maximum foot print of the accessory dwelling unit is 29 m2 (314 ft2)," Modify Schedule "A" by changing the zone category on land described as PK Lot 2, PT Lots 1, 2 and 6 Plan 8828; Part 2 ref plan 27R-2338, in the Town of Perth, to the Residential Third Density Exception Six (R3-6) Zone	2011
Bylaw 3358-67h	Modify Schedule 'A" to lift holding provision on 31 Dufferin	2011
Bylaw 3358-TU4	Temporarily insert a new article at the end of subsection 15.4 Further amended insofar as to temporarily modify Schedule "A" to apply the TU-4 zone category on land described as Pt Lt F , Pt Lt G, North of South St. Plan 8828, Part 1 Plan 27R-2672 being land municipally known as 1847 Rogers Road.	2011
Bylaw 3358-68	Modify Schedule "A" by changing the Zone Category on land described as Lot 4 S Robinson Plan 8828 municipally known as 114 Drummond Street and 32 A Robinson Street in the Town of Perth, to the Residential Third Density (R3) Zone	2011
Bylaw 3358TU-5	Amended insofar as to temporarily insert a new article at the end of subsection 6.4 Further amended insofar as to temporarily modify Schedule "A" to apply the TU-5-h zone category on a portion of the property described as Pt Lt 26 Concession 10, Parts 1, 2 and 3 Plan 27R-8380 being land municipally known as 240 Gore St. E.	2011

By-law No.	Amended Page/Section Description/Location	Date Passed / Approved
Bylaw 3358-69	<p>Revise the text of subsection 9.4.12 article a) to delete all of the text after the words “considered as one lot”.</p> <p>Further amended insofar as to revise the text of subsection 9.4.12 article b) by inserting the following text at the beginning of the sentence:  “Within an individual, conveyable lot, block or parcel within the R4-12 Zone the maximum <b>lot coverage</b> shall be 55 % with an additional 5% permitted for accessory structures that have no walls or roof provided that”</p> <p>Be further amended insofar as to modify subsection 9.4.12 article e) to:</p> <ul style="list-style-type: none"> <li>a. replace the number “35” in paragraph i) with the number “33”;</li> <li>b. replace the number “14” in paragraph ii) with the number “12”</li> <li>c. replace the number “6” in paragraph iii) with the number “9”</li> </ul> <p>Further amended insofar as to delete all of the text of subsection 9.4.12 article h) after the words “detached residential use” and replace it with the following:  “with frontage on Cockburn Street shall be 2.”</p> <p>Further amended insofar as to add the following text to subsection 9.4.12 article n) at the end of the sentence:  “ and the minimum interior side yard for a detached or semi-detached dwelling abutting such an easement or land in common open space use shall be 1.2 m (3.9 ft.) for the first two storeys of a building or part of a building to a maximum height of 7.5 m”</p> <p>Further amended insofar as to modify the text of subsection 9.4.12 article o) to delete the word “Maximum” and replace it with the word “Minimum” and replace the number “12.2” with the number “14” and to insert the following text at the end of the sentence:  “and the event a semi-detached dwelling is subdivided one dwelling unit may have a minimum lot frontage of 6 m.”</p>	2012

By-law No.	Amended Page/Section Description/Location	Date Passed / Approved
	Further amended insofar as to modify Schedule "A" by removing the holding provision from the lands subject to reference plans 27R- 9570, 27R-9629, 27R- 9990 and adjoining lands as shown on Schedule "A" attached hereto and forming a part of this By-law	
Bylaw 3358-70	Add a new Part 7 to the end of subsection 7.4  Be further amended insofar as to modify Schedule "A" by changing the Zone Category on land described as Part of Lot 3 S Halton, registered Plan 8828 being Part 1 Plan 27R-6869 municipally known as 207 Gore St E. in the Town of Perth, to the Residential Second Density Exception Seven (R2-7) Zone	2012
Bylaw 3358-71	Add a new Part 4 to the end of subsection 14.4  Further amended insofar as to modify Schedule "A" by changing the Zone Category on land described as Pt. Lot 27 Con 10 Geographic Township of North Elmsley, Part 2 RP 27R-3524 and municipally known as 2044 Rogers Road in the Town of Perth, to Restricted Industrial Exception Four (M1-4) Zone	2012
By-Law 3358-TU6	Temporarily insert a new article at the end of subsection 7.4 Be further amended insofar as to temporarily modify Schedule "A" to apply the TU-6 zone category on a portion of the property generally described as Parts 1, 2, 3, 4, 5, 6 and 7 Plan 27R-3386 and Part of Lot 3 Pk Lot 1, registered Plan 8828 and are municipally known as 22, 24, 26 and 28 Leslie Street and lands adjacent thereto as shown on Schedule 'A' hereto	2012
By-Law 3358-72	Modify subsection 13.4, article 3  Be further amended insofar as to modify Schedule "A" by changing the Zone Category on land described as Lots 51, 65, 66, 67 & 68, Park Lot 7, Plan 8828, Part of Gore Street Closed by By-Law Number RS62391, Parts 2, 4, 5 RP 27R-817, and municipally known as 12 Elliot Street in the Town of Perth, to the Neighbourhood Commercial Exception Three (C3 3- h)	2013
Bylaw 3358-73h	Modify Section 4.15, to add a new subsection	2013
Bylaw 3358-74	Modify subsection 13b.4, article 1)  Modify Schedule "A" by changing the Zone Category on land described as PT Lot 9, PT Lot 10 Compiled Plan	2013

<b>By-law No.</b>	<b>Amended Page/Section Description/Location</b>	<b>Date Passed / Approved</b>
	8828; being Part 1 RP 27R 3606 and municipally known as 1 Sherbrooke Street to add h1 and h2 holding provisions to the C5-1 Zone.	
Bylaw 3358-75	Modify Schedule "A" by changing the Zone Category on land described Part 14, RP 27R-1985 municipally known as 16 Conlon Dr. in the Town of Perth, to the Business Park (C5) Zone	2013
By-law 3358-76	Add a new article 21 to subsection 9.4 Modify Schedule 'A' by changing land municipally known as 101 Wilson St W., to the Residential Fourth Density Exception Twenty-one (R4-21-h) Zone with a holding provision	Jan 2014
By-law 3358-77	Change Schedule 'A' to apply the General Commercial Professional – C1P Zone Category on land at 32 Foster	May 2014
By-law 3358-78	Add new article 4 to subsection 13.4 to permit dwellings and temporary take-out restaurant – Amend Sched. A to apply the C3-4 Zone to 205 Gore St. E.	Aug. 2014
By-law 3358-79	Amend Sched. A to apply the R3 Zone to 106 Drummond St. E	Nov. 2014
By-law 3358-80	Amend Sched. A to apply R4-23-h Zone to land fronting on Harris St. N lying easterly of CPP rail corridor	Dec 2015
By-law 3358-81	Amend Sched. A to apply the R3-13 Zone to 39 Grant St.	Mar 2015
By-law 3358-82	Amend Sched. A to apply the C1-3 Zone to 84-90 Gore St. E	Mar 2015
By-law 3358-83	Amend Sched. A to apply the R4-22-h Zone to 6 Isabella St.	Apr. 2015
Bylaw 3358-84	Amend By-law 3358-78 to permit a computer retail and service use on 205 Gore St. E	Aug. 2015
Bylaw 3358-85	Amend Sched. A to apply the C5 Zone to 1865 Rogers Rd.	Dec. 2015
By-law 3358-50-01	Amend By-law 3358-50 to modify R4-17 Zone provisions that applies to 21-25 Perthmore St.	Dec 2015
Bylaw 3358-86	Amend Sched. A to apply the C3-5 Zone to 186 Gore St. E.	Mar. 2016
Bylaw 3358-87	Amend Sched. A to apply the R3 Zone to 125 Beckwith	Apr 2016

<b>By-law No.</b>	<b>Amended Page/Section Description/Location</b>	<b>Date Passed / Approved</b>
Bylaw 3358-88	Source Protection Overlay and new provisions Pending OPA approval	Jan. 2017
Bylaw 3358-89	Remove holding from 80 Dufferin St.	Dec 2016
Bylaw 3358-90	Amend Sched. A to apply C1-4 Zone to 58 & 54 Wilson St. W.	March 2017
By-law 3358-91	Comprehensive Update - +/- 400 revisions – see <b><u>Table 4 – Major Update - 2017</u></b>	27 June 2017
By-law 3358-92	R4-24 Zone – 34 George – adds article 9.4 24 Amends Schedule A	April 2017
By-law 3358-93	R#-9 Zone – 20 Thom Amends article 8.4.9 [R3-9 Zone] and Schedule A	May 2017
By-law 3358-94	R4-25 and C3-6 -240 Gore St E article 9.4.25 & 13.4.6 Amends Schedule A	Sept 2017
By-law 3358-95	Amend Schedule A to apply R4 to 8 Rogers Rd	Jan 2018
By-law 3358-96	R3-14- 22 North St article 8.4.14 Amends Schedule A	Feb 2018
By-law 3358-97	Removal of holding from 39,43,49 Senators Gate Dr	Nov 2019
By-law 3358-98	Amend Schedule A to apply R2-2	Dec 2018
By-law 3358-99	R3-15 48 Craig St article 8.4.15 Amends Schedule A	Mar 2019
By-law 3358-100	Amend Schedule A to apply R4 to 77 Beckwith St E	June 2019
By-law 3358-101	Housekeeping Amendment See <b><u>Table 5 – Major Update - 2019</u></b>	Jun 2019
By-law 3358-102	Change the zone category of land located at 111 Sheppard Avenue from Residential Fourth Density (R4) to Residential Fourth Density Exception Twenty-Six (R4-26) Zone	April 2020
By-law 3358-103	Remove a holding provision from the General Industrial (M2) Zone to lands at 14 Warren Crescent	May 2020
By-law 3358-104	Remove a holding provision from a Neighbourhood Commercial Exception Six Zone (C3-6-h) to lands at 240 Gore Street East	June 2020
By-law 3358-105	Change the zone category of land located at 131 Gore Street East from Residential Third Density (R3) Zone to Residential Fourth Density (R4) Zone.	July 2020

By-law No.	Amended Page/Section Description/Location	Date Passed / Approved
By-law 3358-106	Change the zone category of land located at 24 Harris Street from Residential First Density Exception X (R3-X) Zone	Dec 2020
By-law 3358-107	Housekeeping Update – See <b><u>Table 6 - Major Update 2020</u></b> with the list of changes	Dec 2020
By-law 3358-108	Change the zone category of lands located at 16 Conlon Drive from the Business Park Zone (C5) to Business Park Exception One (C5-1) Zone.	January 2021
By-law 3358-109	Change the zone category of lands located at 62 Harvey Street from Residential Third Density (R3) to Residential Fourth Density (R4) Zone	January 2021
By-law 3358-110	Apply Temporary Use (TU-5) Zone for 1 year to lands known as 59 South Street.	June 2021
By-law 3358-111	Change the zone category of land located at 2000 Rogers Road from Restricted Industrial (M1) Zone to Restricted Industrial – Limited Commercial (M1-2) Zone.	September 2021
By-law 3358-112	Change the zone category of land located at 8 Gore Street West from General Commercial (C1) Zone to General Commercial Professional Exception Nine (C1P-9) Zone	September 2021
By-law 3358-113	Change the zone category of land located at 35 Gore Street West from Residential Third Density – Residential Fourth Density (R3-R4) to Residential Fourth Density	October 2021
By-law 3358-114	Change the zone category of land located at 29 Herriott Street from General Commercial (C1) to Residential Fourth Density (R4)	November 2021
By-law 3358-115	Change the zone category of lands located at 58 Drummond Street West from Residential Fourth Density (R4-h) to Residential Third Density (R3-h)	November 2021
By-law 3358-116	Lift the holding provision from Residential Third Density (R3-h) from lands located at 58 Drummond Street West	January 2022
By-law 3358-117	Change the zone category of land located at 54 Garden Avenue from Residential First Density (R1) to Residential Second Density Exception Eight (R2-8) Zone	February 2022



<b>By-law No.</b>	<b>Amended Page/Section Description/Location</b>	<b>Date Passed / Approved</b>
By-law 3358-118	Change the zone category of land located on George Avenue from Residential Fourth Density Holding (R4-h) zone to Residential Third Density (R3) Zone	April 2022
By-law 3358-119	Lifting the holding provision M1-H and M2-H and re-zone to General Industrial M2 10 Warren Crescent.	May 2022
By-law 3358-120	Change the Zone category of land located at 15 Victoria Street and 13 Queen Street from Institutional Exception Two (I-2) to Residential Fourth Density Exception Twenty-six (R4-26) Zone and Residential Second Density Exception Nine (R2-9) Zone respectively.	May 2022
By-law 3358-121	A By-law to amend Zoning By-law No. 3358 to change the zone category of land located at 59 South Street, Town of Perth from the Residential Second Density (R2) Zone to Residential Second Density Exception Ten (R2-10) Zone	June 2022



Table 2 – Major Update - 2002

By-law Number	Description	Year
By-law 2002-3467	<ol style="list-style-type: none"> <li>1. Format Modifications;</li> <li>2. Textual Modifications to subsection 1.4, article 1.6 a), section 1.11, clause b) of article 4.1.1, clause c) of article 4.1.1, article a) of subsection 4.15, clause x) of article 4.16 a), clause v) of article 4.16 d), clause ii) of article 4.29 a), clause ii) of article 4.29 f);</li> <li>3. Modify definitions with the following textual changes: Accessory, Accessory Building, Aisle, Arcade or Video Arcade, Auto Body Shop, Bachelor Suite, Bed and Breakfast, Boarding House or Rooming House”, “Buffer Strip or Buffer Area”, “By-law Enforcement Officer”, “Cellar”, “Conservation Use”, “Convenience Store or Confectionary Store”, “Dairy”, “Dwelling”, ‘Separate Entrance/Private Entrance’ replaced with ‘Independent Entrance’, “Entertainment Establishment”, “Established Building Line”, “Food and Dairy Products Industry”, “Inn”, “Lane”, “Main Wall”, “Mobile Home”, ‘Occupancy Permit’ changed to ‘Occupancy Certificate’, ‘Park Model Trailer’, ‘Recreational Commercial Establishment’, ‘Setback’, ‘Structure’</li> <li>4. Add new definitions: “Accommodation Room”, “At Ground Level”, “Building Line, Front”, “Common Hallway”, “Independent Entrance”, “Premises”, “Service Commercial Establishment”, “Sight Distance”, “Trailer”, Trailer, Commercial”, Trailer, Domestic”, “Trailer, Semi”;</li> <li>5. Replace new text in article c) of section 4.29</li> <li>6. Add article to subsection 4.40;</li> <li>7. Modify subsection 5.3;</li> <li>8. Delete references to term ‘Garden Suite’ in subsections 5.1, 6.1, and 7.1;</li> <li>9. Modify subsection 8.1, add article h) to subsection 8.3;</li> <li>10. Modify subsection 12.1;</li> <li>11. Modify subsection 12.2;</li> <li>12. Add two new articles to subsection 15.4;</li> <li>13. Modify Section 20;</li> <li>14. Modify Schedule ‘A’;</li> </ol>	2002

Table 3 – Major Update - 2006

<b>By-law</b>	<b>Description</b>	<b>Year</b>
Bylaw 3358-36	<ol style="list-style-type: none"> <li>1. Add definitions to Section 3: Angle to Street; Assumed; Motor Vehicle; Motor Vehicle (commercial); Noise Barrier Wall; Queue, Minimum Vehicle Service; Queue, Vehicle Service; Restaurant; Restaurant, Drive-In; Restaurant, with Drive through service; Restaurant, Drive-through/ Take Out; Restaurant, Take Out; Shopping Centre;</li> <li>2. Modify the definition of 'Industrial Use';</li> <li>3. Insert new paragraph into Section 4.8; Modify article a of subsection 4.11; Insert a new article i) into subsection 4.22; Modify text of Subsection 4.25, article b); Add article o) in Subsection 4.29; Amend Subsection 4.30; Add new text to chart</li> <li>4. Modify text to the table in Subsection 9.2</li> <li>5. Modify text of Subsections 10.2, 11.2, 13.2, 13b.2, 14.2, 15.2 to replace the words Building Coverage in each instance with the words "Lot Coverage";</li> <li>6. Add text to subsection 10.1, 11.2, 12.2, 13.2, 13b.2, 14.2 and 15.2 to insert text at the end of the clause labelled 'Minimum Yards';</li> <li>7. Add text to Subsection 10.1 after the word "Restaurant";</li> <li>8. Add text to Subsection 11.1 after the word "Restaurant";</li> <li>9. Modify and add text to subsection 14.2;</li> <li>10. Add text to subsection 14.3;</li> <li>11. Modify and add text to subsection 15.2;</li> <li>12. Add text to subsection 15.3;</li> <li>13. Insert Figure after the page including the definition of the term, "Angle to the Street"</li> <li>14. Revise zone category titles and symbols on Schedule 'A'</li> <li>15. Modify Schedule 'A'</li> </ol>	2006

Table 4 – Major Update - 2017

By-law	Description	Year
Bylaw 3358-91	<p>Approximately 400 changes and revisions for details see appendix A to By-law 3358-91 attached</p> <ol style="list-style-type: none"> <li>1. Add new definitions to Section 3</li> <li>2. Modify the definitions of ‘</li> <li>3. Insert new general provisions ;</li> <li>4. Modify text to general provisions</li> <li>5. Modify text of Subsections</li> <li>6. Add text to subsection 10.1, 11.2, 12.2, 13.2, 13b.2, 14.2 and 15.2 to insert text at the end of the clause labelled ‘Minimum Yards’</li> <li>7. Add text to Subsection 10.1 after the word “Restaurant</li> <li>8. Add text to Subsection 11.1 after the word “Restaurant</li> <li>9. Modify and add text to subsection 14.2;</li> <li>10. Add text to subsection 14.3</li> <li>11. Modify and add text to subsection 15.2</li> <li>12. Add text to subsection 15.3</li> <li>13. Insert Figure after the page including the definition of the term, “Angle to the Street”</li> <li>14. Revise zone category titles and symbols on Schedule ‘A’</li> <li>15. Modify Schedule ‘A’ – see appendix- to 3398-91 attached</li> </ol>	June 2017

Table 5 – Major Update - 2019

By-law	Description	Year
Bylaw 3358-101	<ol style="list-style-type: none"> <li>1. Updates to Section 3 delete 'Accessory Apartment' and replace with 'Secondary Apartment', change 'At Grade' to 'Grade, At', replace the definition of 'Basement', delete the definition of 'Cellar', and replace the definition of 'Storey, First';</li> <li>2. Replace Section 4.1.2 Second Dwelling Unit with Second Dwelling Unit and Second Dwelling;</li> <li>3. Delete Section 4.8 Dwelling Units Below Grade;</li> <li>4. Update Section 4.9 Established Building Line</li> <li>5. Add to Section 4.17.1 n) Bed and Breakfast</li> <li>6. Replace Subsection 4.17.3 c) Regulations for Home Based Businesses</li> <li>7. Replace Section 4.29 Non-Conforming and Non Complying Buildings &amp; Structures with 4.29 Non-Conforming and Non-Complying Uses, Buildings and Structure</li> <li>8. Move Subsection 4.32.4 Driveways g) to Subsection 4.32.7 Parking Area for More Than Four Vehicles as f)</li> <li>9. Renumbering the subsections of Section 4.32.5 Parking Construction and Coverage in Residential Zones starting with a)</li> <li>10. Replace Section 4.32.5 Parking Construction and Coverage In Residential Zones a)</li> <li>11. Delete subsection 4.32.15 Bicycle Parking and Storage (h)</li> <li>12. Replace Section 4.32.16 Provisions for Drive-Through Services (c)</li> <li>13. Modified Table 4.32 B "Required Size of Parking Spaces" to match provincial standards</li> <li>14. Modify Parking Requirements Table 4.33 requiring town houses to provide two (2) parking spaces, added Multiple Dwelling Unit and Stacked Town house to Residential higher density units, delete "Any building containing more than two(2) dwelling units"</li> </ol>	June 2019

	<p>from “Residential higher density units”, modify “Number of Required Parking Spaces for Apartment Dwellings” to 1.5 per unit (1.25 per bachelor unit), modify “Number of Required Parking Spaces for Restaurant, with Drive-through Service” from 12 to 10 queue spaces, and modify “Number of Required Parking Spaces for Restaurant, Drive-through/Take Out” from 12 to 10 queue spaces.</p>	
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Table 6 – Major Update 2020

By-law	Description	Year
Bylaw 3358-107	1. Delete Figure 17 Maximum Height of Fences	December 2020
	2. Delete Section 1.4 “Enforcement” and replace text in its entirety.	
	3. Section 3 Definitions <ul style="list-style-type: none"> <li>a. Delete definition of the term “Fence”</li> <li>b. Delete definition of the term “Sign”</li> <li>c. Delete definition of the term “Swimming Pool”</li> <li>d. Delete the definition of the term “Accessory Detached Dwelling” and replace text in its entirety.</li> <li>e. Delete the definition of the term “Parking Area” and replace text in its entirety.</li> <li>f. Delete the definition of the term “Trailers, Domestic”</li> <li>g. Revise “Accessory Building” and rename it “Additional Dwelling Unit” and replace the text in its entirety.</li> <li>h. Revise “Accessory Dwelling Unit” and rename it “Additional Dwelling” and replace the text in its entirety.</li> <li>i. Delete the definition of the term “Cultural Heritage Landscape” and replace the text in its entirety.</li> <li>j. Delete the definition of the term “Day Care” and replace the text in its entirety.</li> </ul>	

	<ul style="list-style-type: none"> <li>k. Delete the definition of the term “Parking Area” and replace the text in its entirety.</li> <li>l. Delete the definition of the term “Day Nursery”</li> <li>m. Delete the definition of the term “Trailers Domestic”</li> <li>n. Add the following terms and definitions in alphabetical order, “Affordable Rental Housing”, “Agriculture System”, “Agricultural Use”, “Agricultural Products Processing Facility”, “Air Treatment Control”, “Amenity Space”, “Cannabis”, “Cannabis Processing Facility”, “Cannabis Retail Store or Dispensary”, “Garden Centre”, “Green Infrastructure”, “Impacts of a Climate Change”, “Medical Marijuana Production Facility”, “Natural Heritage System”, “Intake Protection Zone (IPZ)”, “Risk Management Official”, and “Source Water Protection Plan”.</li> </ul>	
	<p>4. New section 2.5 of the by-law Legal Non-Conforming Uses</p>	
	<p>5. Amend section 4 General Provisions</p> <ul style="list-style-type: none"> <li>a. Delete Section 4.1.2 Second Dwelling Unit and replace with Additional Dwelling Unit and Additional Dwelling text</li> <li>b. Replace section 4.32.1 General Parking Requirements with updated text.</li> <li>c. Replace section 4.32.2 Parking for Residential Uses with updated text</li> <li>d. Replace section 4.32.3 Parking of Commercial and Recreational Vehicles in Residential Zones with updated text</li> <li>e. Replace section 4.41 Storage Containers and Storage Trailers with updated text</li> <li>f. Delete section 4.44 Temporary Commercial-Industrial Storage in Trailers</li> </ul>	

	<ul style="list-style-type: none"> <li>g. Replace section 4.1 Accessory Buildings, Swimming Pools, Structures and Uses with 4.1 Accessory Building and updated text</li> <li>h. Replace section 4.9 Fences with updated text</li> <li>i. Delete section 4.17.5 Signage for Home Based Businesses</li> <li>j. Delete all references to the word “Fences”</li> <li>k. Delete section 4.36 Railway Setbacks paragraph (a)</li> <li>l. Replace section 4.40 Signs with updated text.</li> <li>m. Add the following sections to the General Provisions in alphabetical order <ul style="list-style-type: none"> <li>i. Amenity Space</li> <li>ii. Medical Marijuana Production Facilities</li> <li>iii. Cannabis Production and Processing</li> <li>iv. Cannabis Retail Store and Dispensary</li> </ul> </li> <li>n. Replace section 4.1.1 r) and s) with updated text</li> </ul>	
	6. Section 6 Residential First Density (R1) add Additional Dwelling to 6.1 Permitted and Accessory Uses	
	7. Section 7 Residential Second Density (R2) add Additional Dwelling to 7.1 Permitted and Accessory Uses	
	8. Section 8 Residential Third Density (R3) add Additional Dwelling to 8.1 Permitted and Accessory Uses	
	9. Section 9 Residential Fourth Density (R4) add Additional Dwelling to 9.1 Permitted and Accessory Uses	
	10. Delete section 8.3g from Residential Third Density (R3) Zone	
	11. Delete section 9.3.10 from Residential Fourth (R4) Zone	

	12. Section 16 Restricted Industrial (M1) Zone add cannabis production and processing and cannabis processing facility to section 16.1 Permitted Uses	
	13. Section 17 General Industrial (M2) Zone add cannabis production and processing and cannabis processing facility to section 17.1 Permitted Uses	



**The Corporation of the Town of Perth**

**By-law No. 3358**

Being a By-law to regulate the use of land, buildings and structures within the Town of Perth;

**WHEREAS** authority is granted pursuant to Section 34 of the Planning Act, R.S.O. 1990, to Councils of Municipalities to enact by-laws regarding the use and the erection and use of buildings or structures within the municipality;

**NOW THEREFORE** the Council of the Corporation of the Town of Perth enacts as follows:

(Text of Zoning By-law)

**Read a first and second time this \_\_\_\_\_ day of \_\_\_\_\_, 2017.**

**Read a third time and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2017.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**Certified that the above is a true copy of By-law No. 3358 as enacted and passed by the Council of the Corporation of the Town of Perth on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.**

\_\_\_\_\_  
Clerk

## Administration

### 1.1. Explanatory Note

*Section 1 identifies the administrative controls and requirements of the By-law. It names the By-law, states its relationship with other by-laws, defines the area to which the By-law applies, how it is to be enforced, etc. In essence, it identifies the legal parameters within which the By-law functions.*

### 1.2. Title

This By-law shall be known as the Zoning By-law or By-law No.3358 of the Corporation of the Town of Perth.

### 1.3. Applications and Plans

In addition to the requirements of the Town of Perth **Building By-law**, every application for a building permit shall be accompanied by information required to determine compliance with this By-law including where required, a site plan drawing. The regulations of this By-law must be met before a building permit is issued by the Municipality for the erection of any building or **structure**.

Explanatory Note for Site Plan Drawings

A site plan drawn to scale should be prepared which illustrates:

- The true dimensions of the lot to be built upon,
- The proposed location, **height** and dimensions of any proposed building or **structure**,
- The setbacks of all **existing** and proposed buildings or **structures** from the nearest **lot lines**; the location and number and dimensions of **parking spaces** (conventional, cycling and barrier-free), parking aisles, **driveway** access, **parking areas**, **loading spaces** and daylighting triangles,
- The location of utility **easements**, fire hydrants and sidewalks,
- Landscaping details, lot grading and on-site storm water features
- Natural features such as wetlands, water bodies and flood prone areas

### 1.4. Defined Area

The provisions of this By-law shall apply to all lands within the municipal boundaries of the Corporation of the Town of Perth.

### 1.5. Enforcement

This By-law shall be administered by the Director of Development Services or a **By-law Enforcement Officer** working under the supervision of said Director or such other **person** as may from time to time be designated by **Council**, and no permit for the use of land or for the **erection** or use of any building or **structure** or approval of an application for any municipal license within the jurisdiction of

the **Council** shall be issued or given where the proposed building, **structure** or use would be a violation of any provision of this By-law.

#### **1.6. Inspection of Land, Buildings and Structures**

- a. Subject to Section 49 of the *Planning Act*, 1990, the **Chief Building Official** or other such **person** as may from time-to-time be designated by **Council** or any **person** acting under his or her instructions, and upon producing proper identification, may, at all reasonable times, enter and inspect any property on or in respect of which he or she believes a contravention is occurring.
- b. Notwithstanding any provisions of 1.5 Enforcement to the contrary, no officer or any **person** acting under an officer's instruction, shall enter any room or place actually being used as a **dwelling unit** without obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, except under the authority of a search warrant issued under Section 158 of the *Provincial Offenses Act*.

#### **1.7. Penalty**

Any **person** who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the fine(s) as provided for under the *Planning Act*, R.S.O., 1990, c. P.13, as amended

- a. In the case where any building or **structure** is erected or altered, or any part thereof is used, or any lot is used, in contravention of any of the requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the **Corporation** pursuant to the provisions of the *Municipal Act* or the *Planning Act* in that behalf.
- b. No **person** shall obstruct or attempt to obstruct an officer or **person** acting under the officer's instructions in the exercise of a power under Section 49 of the *Planning Act*.

#### **1.8. Repeal and relationship to Former By-laws**

Insofar as it applies to the lands affected by this By-law, any By-laws passed under Section 34 of the *Planning Act*, 1990, or its predecessor, are hereby repealed.

The adoption of this By-law shall not prevent any pending or future prosecution of, or action to abate any existing violation of the said By-laws if the violation is also a violation of any of the provisions of this By-law.

#### **1.9. Validity**

Should any Section or part of a Section of this By-law or a Schedule hereto be declared by a court of competent jurisdiction to be invalid, the same shall not affect the provisions of this By-law as a whole or any part thereof other than the part declared to be invalid.

#### **1.10. Other By-laws, Licenses, Permits and Regulations**

Nothing in this By-law shall exempt any *person* from complying with the requirements of any other By-law in force within the, Town of Perth or from applying for and obtaining any permit, license, permission, authority or approval required by this or any other By-law or regulation of the *Corporation* or by any regulation or requirement of the Province of Ontario or the Government of Canada.

#### **1.11. Conflict**

In the event of conflict between this By-law and amendments thereto, and any general or special By-law, the most restrictive By-law shall prevail.

#### **1.12. Metric and Imperial Terms**

The imperial measurements contained in this By-law are included for convenience and do not form part of the By-law. The metric measurements contained in this By-law are the only measurements to be used in determining compliance with the By-law.

#### **1.13. Level of Accuracy**

All calculations of the requirements and measurements of this By-law or to determine compliance with the By-law shall be to one decimal place, and in all cases rounding shall be up to the next single decimal place; e.g. 5.33 and 5.38 shall both be rounded to 5.4. Notwithstanding the preceding, parking and loading standards shall be rounded up to the whole number for determining spaces.

#### **1.14. Resolution of Requirements**

In the event of any conflict between two or more requirements or standards establish in this By-law, the more restrictive regulation(s) shall apply.

#### **1.15. Diagrams and Figures**

This By-law contains a number of diagrams and figures which are intended to assist with the interpretation of the By-law; however, they do not form part of this By-law unless otherwise stated and, in the event of a potential conflict with the text of the By-law the text shall prevail.

#### **1.16. Reference to Legislation**

Where this Zoning By-law makes reference to legislation, then the references shall be deemed to mean the statute currently in force and any amendments thereto or replacements thereof and all applicable regulations thereunder.

### **1.17. Technical Revisions to the Zoning By-law**

Revisions may be made to this by-law without the need for a zoning by-law amendment in the following cases:

- a. Correction of grammar, spelling or typographical errors or revisions to format in a manner that does not change the intent of the By-law.
- b. Adding or revising technical information on the zoning maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updated and correcting infrastructure information, keys, legends or title blocks
- c. Changes to appendices, headings indices, marginal notes, table of contents, illustrations, historical or reference information, page numbering, footers or headers, which do not form part of this By-law and are editorially inserted for convenience or reference only.
- d. Correction of metric to imperial measurement conversion where the imperial is not an accurate representation of the metric requirement.

### **1.18. Interpretation**

- a. **The Legislation Act**  
The *Legislation Act*, S.O. 1990 c. 21, Schedule. F and any amendments to or superseding legislation applies to this By-law, particularly but not exclusively, for the purposes of interpretation and application of timelines, reference Sections 87, 88 and 89.
- b. **Definitions**  
Definitions are given in this By-law to aid in the understanding and implementation of the true spirit, intent and meaning of the By-law. They are not to be used to avoid an obligation imposed by the By-law or any requirement enacted in a substantive provision of the By-law.
- c. **Citation**  
This By-law may be cited by its long title (“A By-law to Regulate the Use of Land, Buildings and Structures within the Town of Perth”), its short title (“Town of Perth Zoning By-law”) or its by-law number, and any such citation is to be taken as meaning the By-law as amended.
- d. **Gender Neutrality**  
This By-law is gender neutral and, accordingly, any reference to one gender includes the other.

### **1.19. Defined Terms**

Defined terms will be shown in ***bold italicized script*** throughout this By-law most permitted uses are defined terms and generally will not be bolded in the permitted use section of a zone category.

## Section 2. Conformity Requirements

### Explanatory Note

This section establishes the authority of the By-law. As specified by the provisions below, all land uses, buildings and **structures** must comply with this Zoning By-law.

#### 2.1. Compliance

No land, **building** or **structure** shall be used and no building or **structure** shall be **erected** or enlarged, **altered** or placed for any purpose within the land area subject to this By-law, except as specifically, or by necessary implication, authorized by this By-law and in conformity with all the applicable provisions of this By-law.

#### 2.2. Compliance of Severances – subdivision of land

Subject to the granting of such minor variances as may be approved, no existing lot shall be subdivided by severance or any other planning approval if the effect of such an approval is to cause the original, adjoining, remaining or new building, **structure**, lot or use of land to be in contravention of any provision of this By-law.

#### 2.3. Application to Building

Where a use does not take place within a building, but a regulation in this By-law imposes a requirement premised on the use being in a building, the requirement applies, with necessary modifications, as though the actual area or space occupied by the use was in a building.

#### 2.4. Minor Variances

- a. All minor variances applied for prior to the enactment of this By-law and finally approved pursuant to Section 45 of the *Planning Act, R.S.O., 1990, c. P.13*, as amended, shall continue to apply and remain in force as if they are variance to this By-law.
- b. In addition to the criteria set out in Section 45 (1) of the *Planning Act*, the following additional criteria shall be considered in the review of applications for a minor variance will qualify if:
  1. The proposal results in a built form where the maximum **building height** respects, i.e. is not substantively greater than, the **height** of adjacent buildings. Generally, if compensating increased building **setbacks** cannot be achieved, a variance for increased **height** should not exceed one-**storey**;
  2. The result is a **lot coverage** that is not substantively greater than the coverage on adjacent lots within the same *Block* or does not require

augmented or unusual measures to manage the resulting storm water and on-site drainage volumes;

3. The result is to respect or conserve the cultural heritage values, interests and built form within a Heritage Conservation District and is consistent with any design guidelines established for the District;
4. An increase in the **density** of occupancy is in concert with a compensating increase in vegetated landscaped area;
5. The applicant demonstrates that there is a condition on site whereby a design that would comply with the zoning standards would be an unreasonable hardship, architecturally inconsistent with existing on-site development, or would have an undesirable impact on an existing landscape feature or abutting use;
6. The proposal does not reduce the landscaped area of a residential **front yard** below 45% or increase impervious surfaces to cover over 60% of a residential lot.

### **2.5. Legal Non-Conforming Uses**

Land uses are considered to be legal non-conforming uses if they were a legally established **existing** use prior to the passing of the Zoning By-law but are no longer permitted by the Zoning By-law. In order to conform to and implement the Official Plan, some uses that were previously permitted in the Zoning By-law may no longer be permitted. Consequently, uses which were legally established may no longer be permitted by the Zoning By-law.

Subsection 34(9) of the *Planning Act* establishes an owner's rights to continue to use a property for a use that was legally established. A non-conforming use remains legal where the use has been continuous, and there has been no intent of abandonment of the use. Where a legal non-conforming use has been interrupted due to damage, the legal non-conforming use is considered to be continuous, provided that the owner has maintained an intent to reconstruct, repair or re-establish the use.

The Zoning By-law does not prevent the continued legal use, alteration or expansion of buildings and **structures** that no longer conform to the **permitted uses** in the Zoning By-law. Additionally, the Zoning By-law does not prevent the **Erection** of a building or **structure** for a legal nonconforming use or establishment of a legal non-conforming use where a building permit has been issued in accordance with the *Building Code Act*.

## Section 3. Definitions

### **Explanatory Note**

*For the purpose of this By-law, the definitions and interpretations given in this Section shall govern. In this By-law, the word "shall" is mandatory and not directory; words in the singular include the plural, words in the plural include the singular; the word "used" includes "arranged", "designed" or "intended to be used". The word "occupied" shall include "designed to be occupied" and "arranged to be occupied".*

### **Access:**

Shall mean a way or means or approach to provide vehicular or pedestrian physical entrance to a **lot** or property.

### **Accessory:** (By-law 3467)

When used to describe a **use, building** or **structure**, shall mean a **use, building, or structure** naturally or normally incidental, subordinate and exclusively devoted to a main use, **building or structure** and located on the same **lot** therewith. Other than a **warehouse** or storage areas for an **Industrial Use** or a commercial use, or a **private garage**, an **accessory use** located within the same **building** as a **principal use**, should not occupy more than 25% of the **net floor area**, except where expressly permitted herein.

Examples of **additional dwelling units** or **structures** are a **detached** garage, a storage shed, a swimming pool, a swimming pool pump or condenser, a heat pump or a satellite dish.

Examples of **accessory uses** are a **home based business**, an **outdoor or outside display area** for a store, or a retail outlet within a manufacturing plant.

### **Accessory Detached Dwelling:**

Shall mean a fully-**detached dwelling** which is accessory to a permitted non-residential use. Also referred to as an "**additional dwelling**."

### **Accessory Suite (commonly called an in-law suite)**

Shall mean two or more rooms suitable for year-round habitation, **accessory** to a permitted principal: **Single Detached Dwelling, Semi-Detached Dwelling, or Townhouse** dwelling, which include a bathroom and may include a kitchen or kitchenette but share a common principal access, laundry facilities, and utility services with the principal dwelling.

### **Accommodation Room** (By-law 3467) (See **Guest Room**)

### **Addition**

Shall mean any **construction** which increases the size of a building such as a **porch, attached** garage, carport, or a new room.



**Additional Dwelling:**

Shall mean a **dwelling** unit which is part of, and **accessory** to, a permitted residential building.

**Additional Dwelling Unit:**

(By-law 3358-107)

Shall mean one or more **habitable rooms** designed and occupied as an independent **dwelling** in which living, kitchen, and bathroom facilities are provided and which is located entirely within **attached** house, **semi-detached dwelling**, or **row house**.

**Adult Care Centre**

Means a **premises** used to deliver a daily program of structured and supervised care, services, and activities for seniors or persons with disabilities.

**Adult Entertainment Use** (also see **Municipal Act** Section 154)

Means any **premises** or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, retail sale of goods or services or entertainment, including video and digital materials, appealing to or designed to primarily appeal to erotic or sexual appetites or inclinations. Adult Entertainment Use also includes an Adult Entertainment Parlour, an Adult Specialty Shop and a principal use Body Rub Parlour.

**Affordable Rental Housing**

Shall mean the least expensive of:

1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

**Agricultural Products Processing Facility**

Shall mean an establishment engaged in the storage, grading, processing and wholesale distribution of agricultural products such as meat, fish, poultry, eggs and **dairy**, vegetable, fruit, honey, wool, fur, lumber or wood products. This definition shall not include a **Cannabis Processing** facility, as defined herein.

**Agriculture system**

Shall mean a system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:

1. An agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; and
2. An agri-food network which includes infrastructure, services, and assets important to the viability of the agri-food sector.

**Agricultural Use**

Shall mean the use of land, buildings or **structures** for:

- Growing crops, outdoor and/or indoor growing of crops including **Cannabis**, as well as all related activities such as fertilizing, planting, spraying, irrigating, harvesting and the storage and sale of crops produced;

- Raising, breeding, boarding, training, keeping and/or sale of livestock, including the raising and sale of fish;
- Collection, production, storage and sale of animal products such as milk, eggs, wool, fur or honey;
- **Greenhouse** or nursery garden, including storage and sale of products produced;
- Planting, harvesting and sale of forest products, including maple syrup;
- Use and storage of all equipment related to the foregoing activities, including the occasional use of a portable sawmill.

Agricultural use shall not include commercial or industrial activities such as abattoirs, tanneries, kennels or manufacturing activities involving crops, animal products, lumber or wood products. This definition shall not include a **Cannabis Processing** processing facility, as defined herein.

### **Air Treatment Control**

Shall mean when used in reference to a **Cannabis Processing** facility as herein defined, shall mean an industrial grade air filtration system designed by a qualified person, used to reduce and/or treat the emission of pollen, dust and/or odours expelled from a facility.

### **Aisle** (By-law 3467)

Shall mean the traveled way by which **motor vehicles** enter and depart **parking spaces** or **loading spaces** but does not include a **driveway** or **lane** as otherwise defined herein.

### **Alter, Alteration**

- When used in reference to a **building, structure** or part thereof, shall mean:
  - to change any one or more of the internal or external dimensions of such **building** or **structure**; or
  - to change the type of **construction** of the exterior walls or roof of such **building** or **structures**; or
  - To change the use of such **building** or **structure** or the number or types of uses or **dwelling units** contained therein.
- When used in reference to a lot shall mean:
  - to change the boundary of such **lot** with respect to a **street** or **lane**, whether such **alteration** is made by conveyance or alienation of any portion of the lot, or otherwise; or
  - to change any dimension or area, relating to such **lot** (e.g. *width, depth or area of a lot or required yard, landscaped open space or parking area*); or
  - to change the use of such **lot** or the number of uses located thereon.
- When used in reference to a shoreline shall mean:
  - to change, straighten, divert or interfere in any way with the channel of any **water body**.

Altered and alteration shall have corresponding meanings.

### **Alternative Energy System**

Means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional fossil fuel burning systems.

### **Ambulance Facility**

Means a **building** or part thereof where professional paramedics and personnel are stationed and their *motor vehicles* and equipment are kept or stored.

### **Amenity Space**

Shall mean a space within a **building** or outside of a **building** which provides an active and/or passive recreation area for the exclusive use of the occupant of the **dwelling unit** for which it is intended to apply.

### **Amusement Machine**

Shall mean a mechanical or electronic machine or device intended for use as a game, entertainment or amusement offered for use to the public for profit or gain, and shall include, but not be limited to, a **pinball machine**, video game, shooting gallery, video pokers, video lottery terminals or any slot machine that dispenses any form of prize.

### **Angle To The Street** (By-law 3358-36)

Means the angle created between a *street-line* and the projection of a line parallel to the plane of a **building** wall or, in the case of a garage, the plane of a vehicle entrance, said line drawn with the intersection located at the point where a line from the closest part of the **building** or entrance drawn perpendicular to the street meets the **street line**. (See Figure 1 – Angle to the Street)

### **Animal Day Care Establishment**

Means a commercial enterprise providing a day care service for **domestic pets** but shall not involve overnight accommodation and excludes an **animal shelter** or **kennel** and may only operate in zones where the use is specifically permitted.

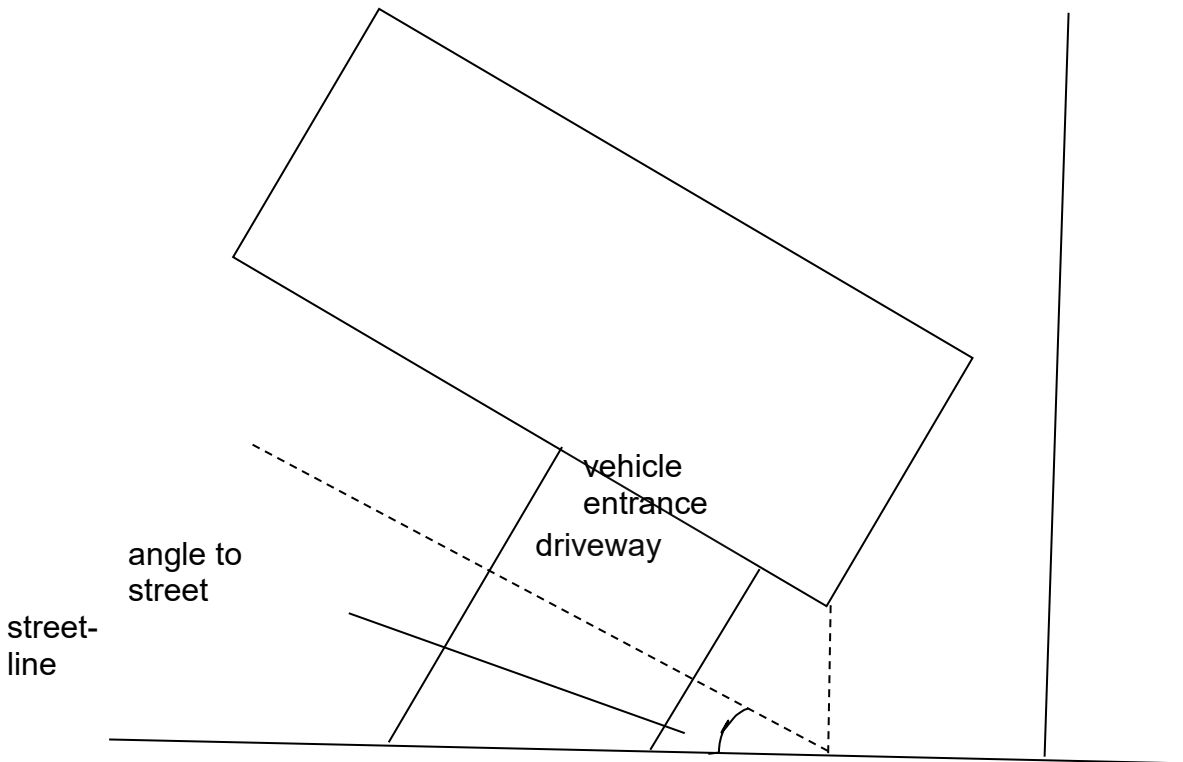
### **Animal Hospital**

Shall mean a **building, structure** or establishment used as the **premises** of a veterinarian or veterinary surgeon where animals, birds or other livestock are examined, or treated and which may be kept on a short term basis but does not include a **kennel** or research facility.

### **Animal Shelter**

Shall mean a **building** occupied by a non-profit or charitable animal care establishment or a publicly funded animal control service, for the purpose of providing temporary emergency shelter to abandoned, rescued, or impounded domestic, animals, other than farm livestock, but does not include a kennel, **animal day care establishment, animal hospital** or animal research facility.

Figure 1 – Angle to the Street



### **Apartment Building**

See *Dwelling - Apartment*

### **Arcade or Video Arcade**

Shall mean an establishment or any portion of an establishment, where more than three **amusement machines** are available for **public use** and are operated for commercial gain, but does not include **premises** licensed to serve alcohol, a seasonal agricultural fair, an amusement park or the **premises** of a non-profit organization, association, institution, or **private club** which is operated for social, educational, recreational, religious or fraternal purposes.

### **Archaeological Resources**

Means artifacts, archaeological sites, and marine archaeological sites as defined under the *Ontario Heritage Act*.

### **Areas of Natural and Scientific Interest**

Shall mean areas of land and water containing natural landscape features which have been identified as having life science or earth science values related to protection, scientific study or education. [See also **Natural Heritage Features**]

**Articulated Wall Design** (from C2-11 Zone By-law 3358-45)

Shall mean any main wall, on a **building** used for commercial, multi-residential or *mixed-use* purposes, which faces a street and includes the following features:

- a change in *setback* from the street of at least 1 m (3.3 ft.) for each 15.25 m (50 ft.) or less of wall length; and
- for any wall exceeding 36.5m (120 ft.) in length, a change in either wall cladding materials or the colour of the cladding shall be required for a minimum of one third of the wall surface.

**Assembly Hall**

See **Place of Assembly**

**Assumed** (By-law 3358-36)

With respect to a *public road* shall mean: an open public road constructed for *vehicle* use and adopted for year-round maintenance under a By-law passed by the Town of Perth after 1976 or maintained on a year-round basis by the Town of Perth prior to and continuously since 1976.

**Attached**

Shall mean a **building** or **structure** otherwise complete in itself which is connected to, and which depends for structural support upon a division wall or walls shared in common with an adjacent **building** or **buildings**.

**Attic**

Shall mean that portion of a **building** immediately below the roof and wholly or partly within the roof framing.

**Auction Hall or Site**

Shall mean any **premises** used for the storage of goods or materials which are to be sold on the **premises** by public auction, and for the sale of the said goods and materials by public auction.

**Audio/Visual Studio**

Means a **premises**, wherein audio or visual materials are recorded, produced, edited, or broadcast and, without limiting the generality of the foregoing, includes: broadcasting stations for radio, television, or webcast/internet productions, and television studios, sound and audio recording studios, motion picture studios, and digital media production studios.

**Auditorium**

See **Place of Assembly**

**Auto Body Shop** (By-law 3467)

Shall mean a **premises** with a service bay or paint booth, where painting, refinishing, restoration, **alterations**, or repairs of a cosmetic or structural nature are made to *motor vehicle* bodies and/or frames but does not include an **auto service station**, an **auto repair garage** or salvage yard. [See **Wrecking Yard**]

### **Auto Repair Garage**

Means a **premises** for the repair and servicing of *motor* or **recreational vehicles**, and the temporary storage of vehicles pending repair, having at least one (1) service bay where repairs essential to the actual operation of a motor vehicle are performed but does not include an **auto body shop** or a **wrecking yard**.

### **Automotive Sales Establishment**

Shall mean a **premises** used principally for the display, storage and sales or leasing, or renting of new and/or used *motor vehicles* and related products, which shall include an **administrative office** and may include: customer service areas, indoor vehicle display space, vehicle washing and detailing bays, and **accessory uses** such as an **auto repair garage** and/or **auto body shop** but does not include the sales, leasing or servicing of **recreational vehicles**.

### **Auto Service Station**

Shall mean a **premises** for the sale of fuel, lubricants and accessories for *motor vehicles* or **recreational vehicles** to the consumer and having at least one (1) service bay where repairs essential to the actual operation of *motor vehicles* may be performed. **accessory uses** may include rest rooms, the incidental sale of packaged foods, beverages and convenience goods and the limited sale of *motor vehicles*. [See also **Gas Bar, Card Lock Facility**]

### **Automobile Washing Establishment**

Means a commercial **premises** used for the washing, detailing or cleaning of *motor vehicles*. An **automobile washing establishment** may be an **accessory use** to a permitted automotive use. This definition shall also include a self-service **car wash**.

### **Automobile Wrecking Yard**

See **Wrecking Yard**

### **Bachelor Apartment or Suite (By-law 3467)**

Shall mean a **dwelling unit**, consisting of a bed-sitting room combination, a kitchen or kitchenette, a bathroom, and spaces normally accessory thereto. A kitchen may be exempted in an **apartment dwelling** or **boarding house** where meals are provided in a central location to serve suites.

### **Bakery**

Shall mean a factory for producing, packaging, mixing, compounding or baking of: bread, biscuits, ice cream cones, cakes, cookies, pies, buns, or any other baked or cooked product, of which flour or meal is the principal ingredient. It may include an accessory area for the display and sale of goods produced or used on site but does not include any form of **restaurant** or other uses defined herein

### **Bake Shop**

Shall mean a shop where baked food products and associated goods are sold or offered for sale by retail, including incidental baking of products for sale, and may

include accessory space for consumption of the goods retailed but does not include any form of **restaurant** as defined herein.

### **Balcony**

Shall mean an elevated outdoor platform located more than one (1) metre above the *finished grade* that projects from the face of a **building's** wall, being cantilevered or supported by columns or brackets, and surrounded by a balustrade or railing.

### **Bank**

Shall mean a chartered bank, finance company office, co-op, trust company, loan company or similar establishment.

### **Barrier Free**

Shall mean **buildings, structures**, or facilities, which are designed to be approached, entered, and/or used by persons with physical or sensory disabilities.

### **Basement**

Shall mean one storey of a **building** below the first storey. (See Figure 2 - Basement and Cellar Definitions)

### **Bed and Breakfast Establishment (By-law 3467)**

Shall mean an **accessory use** to a private **Single-detached** in which a maximum of 4 **guest rooms** are provided for temporary accommodation and a breakfast service is offered on a daily basis for the traveling or vacationing public for a fee or gain.

### **Bicycle Parking Area**

Means a designated area for the exclusive parking of bicycles equipped with a **bike rack or racking system**.

### **Bicycle Parking Space Rack or Racking system**

Shall mean any **structure**, or series of **structures** located less than 2 m apart, that is designed for the parking and/or securing of bicycles in a standing/vertical position and which enables the securing of a parked bicycle with an anti-theft device and includes the ancillary space or area abutting the **structure** that is occupied by a stored bicycle.

### **Bingo Hall**

Shall mean **premises** used for bingo events and associated activities and is duly registered under the *Gaming Control Act* and may include a licensed **restaurant** or **Café or Snack Bar** as an **accessory use**.

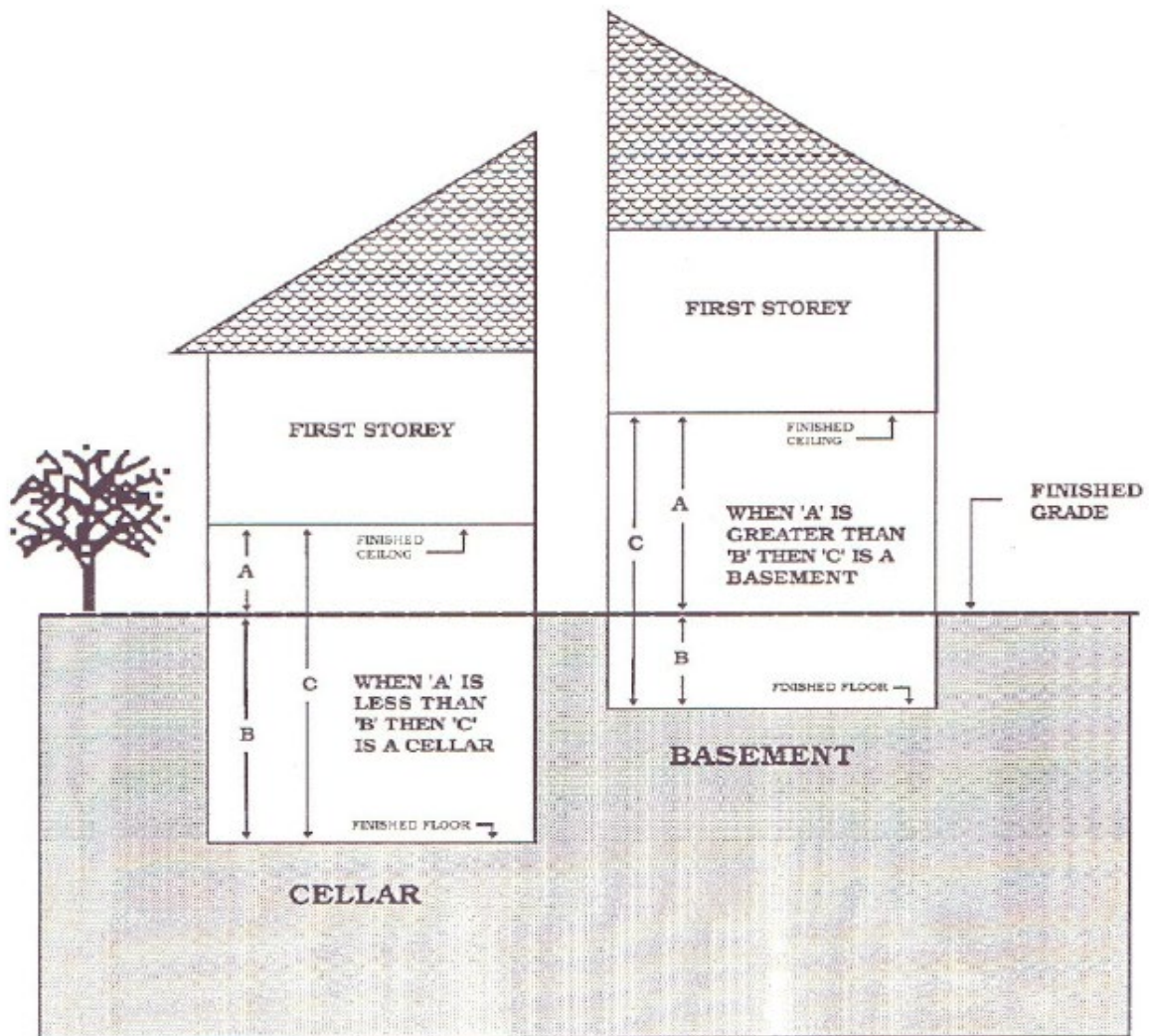
### **Block**

When used in reference to, or in the context of, a street shall mean the land extending from one intersection to the next intersection on the same side of the street or to the terminus of a street; and when used in reference to, or in the context of, a parcel of land shall mean a block described in a **registered plan** of subdivision or a comparable plan.



Figure 2 - Basement and Cellar Definitions

## BASEMENT AND CELLAR DEFINITIONS



### **Boarding House** (see also Rooming House) (By-law 3467)

Shall mean a **dwelling** within which a resident supplies rooms without food preparation facilities for a fee, generally charged on a weekly or monthly basis, for the temporary lodging of up to six (6) persons and may provide meals or a common dining facility but



this use does not include a **bed and breakfast establishment**, a **hotel**, a **hostel**, or other uses otherwise classified or defined in this by-law.

**Breeze way**

Shall mean a roofed open passage connecting two or more **buildings**.

**Brewery, Distillery or Winery**

Means a **building** used primarily for the manufacturing, processing and distribution of beer, cider, wine or alcoholic products and may include an accessory retail outlet.

**Buffer Strip or Area – Visual Buffer or Screen (By-law 3467)**

Shall mean a landscaped or planted area reserved for the purpose of screening or obstructing the view of **buildings**, land or **structure**, **parking areas** and **outdoor storage areas** and/or shielding or blocking noise, lights or other nuisances by the planting of trees and shrubs or the installation of berms, walls, or fences or a combination thereof. Where a visual buffer or screen is required it should provide a minimum of 80% view obstruction starting not more than 10 cm above grade and extending not less than 1.6 m [5.5 ft.] above grade or as otherwise specified herein (See Figure 3 - Buffer Area).

**Building**

Shall mean any **structure** consisting of: wall(s) and roof(s) and/or floor(s), or a structural system serving the same purpose, and used or intended for sheltering any **use** or occupancy.

**Building, Accessory**

See **Additional Dwelling Unit**

**Building By-law**

Shall mean the Building By-law of the municipality as enacted under the *Building Code Act*.

**Building Envelope**

Means the buildable area on a **lot**, defined by all of the required *yards* and setbacks and the maximum **height** provisions, within which a **building** can be **erected**. (See Figure 17 - Building Envelope)

**Building Height**

See **Height**

**Building Inspector or Building Official**

See **Chief Building Official**

**Building, Main or Principal**

Shall mean a **building** in which is conducted the *principal uses* of the **lot** on which the **building** is situated. (See Figure 4 - Building Line) [Note: that on commercial, industrial and some multi-residential properties there may be more than one **main building**]

### **Building Line**

Shall mean a line within a *lot* drawn parallel or concentric to a *lot line* establishing the minimum distance between that *lot line* and any portion of a *building* or *structure* which may be *erected*. (See Figure 4 - Building Line)

### **Building Line, Front** (By-law 3467)

Shall mean the *building line* as measured from or determined by, the *building*, occupied by or intended for, a permitted *principal use*, or a permitted, conforming *accessory building*, which is closest to the *front lot line*.

### **Building, or Development, Mixed-Use**

Means a *building* or development site occupied by, or intended for, more than one type of land *use* (e.g. retail commercial and residential, *office* and residential, industrial and retail) that is designed and *constructed* as a single contiguous *building* or site.

### **Building Separation**

Shall mean the least horizontal distance permitted between the nearest portions of the walls of any *buildings* on a *lot*.

### **Building Setback**

See Setback

### **Building Supply Store or Depot**

Shall mean a *building* where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, hardware, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail or wholesale sale and may include a *bulk storage yard*. This definition shall not include a *wrecking yard*.

### **Built Heritage Resources**

Means: *buildings, structures*, monuments, installations, or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. *Built Heritage Resources* are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial or federal registers.

### **Bulk Fuel Depot**

Shall mean a *premises* used for the storage, distribution of fuels and oils but not including retail sales or key lock operations.

Figure 3 - Buffer Area

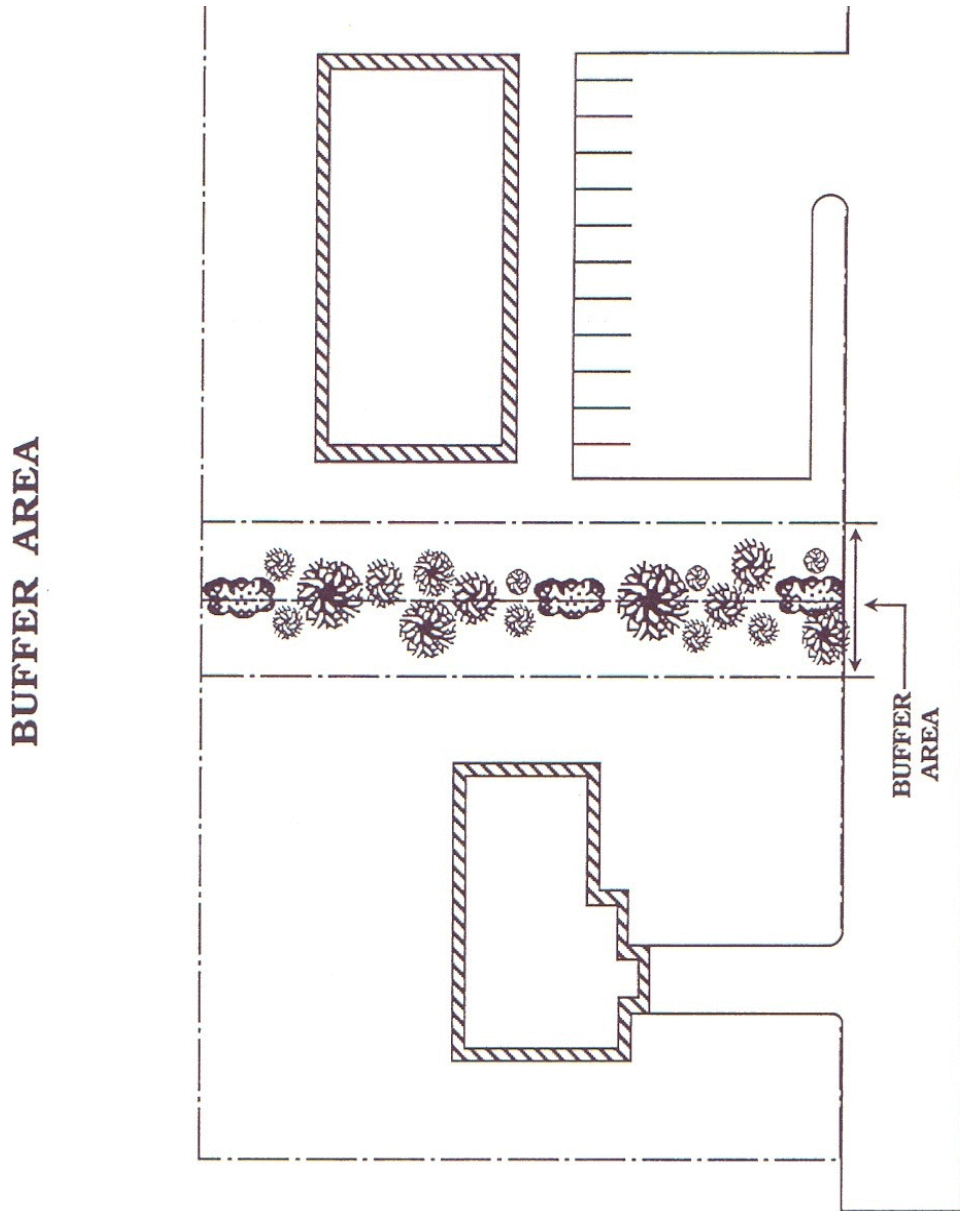
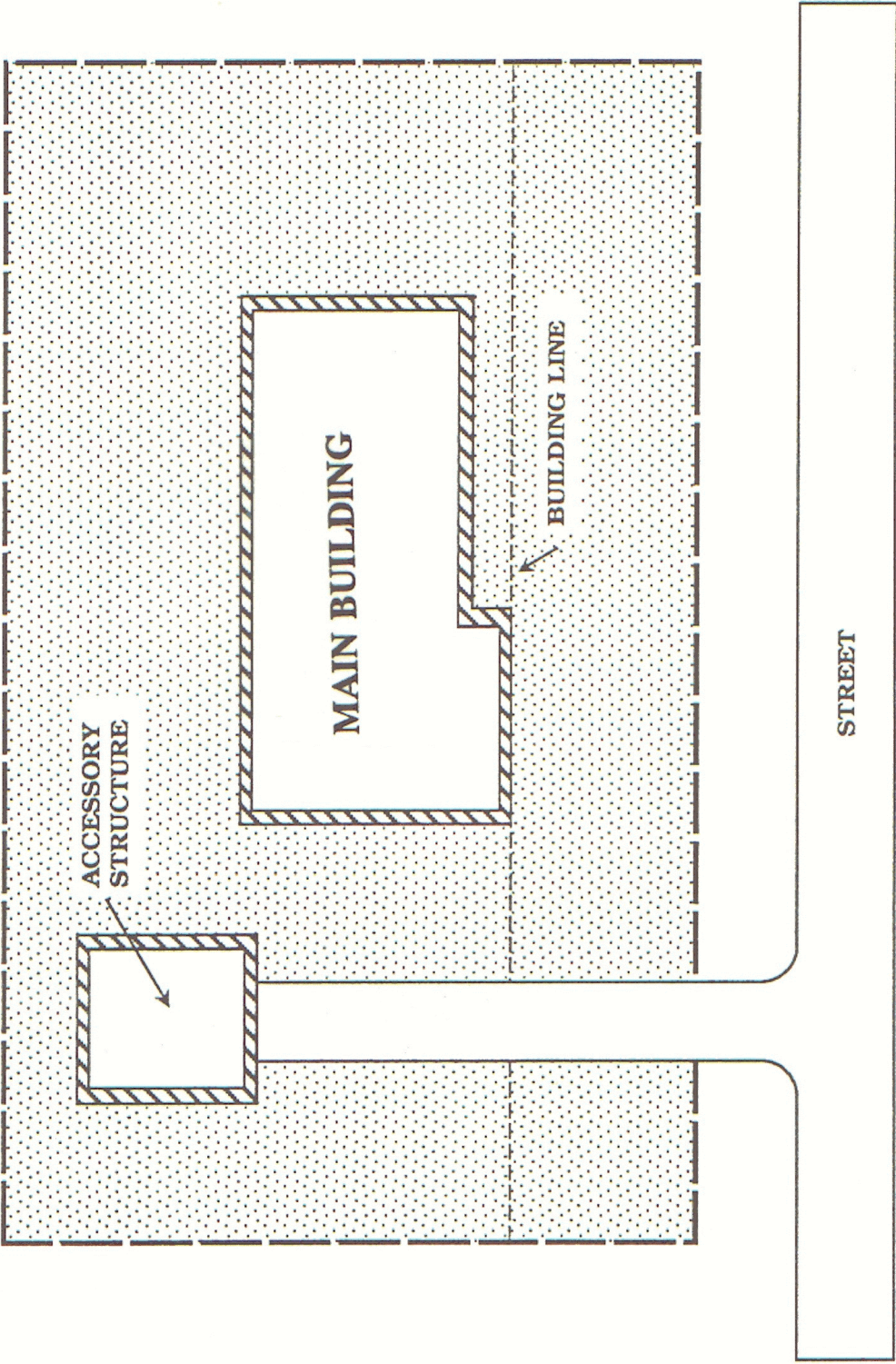


Figure 4 - Building Line



### **Bulk Fuel Storage**

Shall mean any **premises** engaged in the bulk fuel storage and distribution of petroleum, fuel oil, gas or other similar inflammable products in fuel storage tanks. The storage of such products shall be limited to an above ground storage tank system, as defined by the Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products, of the Canadian Council of Ministries of the Environment, 1994.

### **Bulk Storage Yard**

Shall mean a **premises or accessory use area** used for the storage in the open or partially sheltered, of goods and materials and without limiting the foregoing shall include lumber, building supplies, construction equipment, but shall not include a **wrecking yard**.

### **Business, Professional and/or Administrative Office**

Shall mean a **buildings, or structures used** for the purpose of providing accommodation for the offices of a professional person or persons employed in administering, directing, managing or conducting the affairs of a business or enterprise and for any purpose incidental thereto and may include the office of a non-profit or government organization.

### **By-law Enforcement Officer**

Shall mean one or more: officers, employees, or hired agents, of the **Corporation** charged with the duty of administering and enforcing the provisions of one or more municipal by-laws.

### **Café or Snack Bar**

Means a **premises** or an **accessory use** to another **permitted use** where food and / or beverages are prepared for sale to the public, which generally provides either a convenience food menu or a limited specialty menu and is intended to serve the clients of a principal use or the immediate community. When operated as a principal or non-**accessory use** a **café or snack bar** shall be considered a **take-out restaurant** under this by-law.

### **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).

### **Cannabis Processing Facility**

Shall mean any **building or structure** licensed by a federal agency which is authorized to process, store and ship **Cannabis** and **Cannabis** products, and may include growing and cultivation of **Cannabis**.



### **Cannabis Retail Store or Dispensary**

Shall mean the use of land, **building, structure** or any part thereof used for the retail sale of **Cannabis** or any product or substance produced in whole or in part from **Cannabis**, and shall be deemed to include a licensed Ontario Cannabis Retailer under the Ontario Cannabis Retail Corporation Act, 2017.

### **Canopy**

Means a roof-like **structure** projecting from the exterior face of a **building** or is a stand-alone **structure** over a pump island or *gas bar*.

### **Car Rental Agency**

Shall mean **premises** where *motor vehicles* are kept for lease and where such vehicles may be dropped off or picked up.

### **Car Wash**

See ***Automobile Washing Establishment***

### **Card Lock Facility**

Shall mean one or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by credit or debit cards. [See also ***Auto Service Station***]

### **Casino**

Shall mean any place governed by the *Gaming Control Act* where games such as blackjack, roulette, and approved forms of wheel of fortune, video lottery terminals, slot machines, ***amusement machines*** are played by the public and supervised by an organization licensed to carry out such a function by the gaming commission and in which ***accessory uses*** may include an eating establishment, parking lot and similar support facilities.

### **Catering Establishment**

Shall mean a commercial establishment in which food and beverages are prepared for consumption off the ***premises*** and are not served to customers on the ***premises***.

### **Cemetery**

Means a cemetery within the meaning and as regulated by the *Funeral, Burial and Cremation Services Act, 2002* and includes a mausoleum, columbarium or other ***Building*** or ***structure*** intended for the interment of human remains.

### **Cemetery, Pet**

Means a *use* of land for the interment of the remains of ***domestic pets***.

### **Chief Building Official**

Shall mean an officer, employee, or hired agent of the ***Corporation*** charged with the duty of enforcing the provisions of the *Building Code Act*.

## **Church**

See *Place of Worship*

## **Clinic**

Shall mean a **building** or part of a **building** used solely for the purpose of consultations, diagnosis and treatment of patients, by legally qualified medical health practitioners (*e.g. physicians, dentists, optometrists, chiropodists, chiropractors, drugless practitioners, and physiotherapists* ) together with their qualified assistants and without limiting the generality of the foregoing, the **building** may include **administrative offices**, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include overnight accommodation for in-patient care or operating rooms for major surgery.

## **Club, Private**

Shall mean a meeting place normally restricted to persons who are bona fide members and who meet to participate in a specific activity.

## **Commercial Greenhouse, Nursery or Garden Centre**

Shall mean a **building** and/or outdoor area primarily used for the growing of flowers, sod, vegetables, shrubs or bushes, trees, landscaping or orchard stock and similar vegetation for wholesale or retail sale on or off the **premises** and may include the incidental sale of gardening supplies, planting materials fertilizers and equipment but excludes medical crop production such as production of medical marijuana or **Cannabis** (See Medical Marijuana Facility - Greenhouse).

## **Commercial Parking Lot**

Shall mean a **premises** the principal use of which is for the temporary parking of two or more *motor vehicles* for a fee and includes a **parking area** accessory to one or more commercial **premises**.

## **Commercial Vehicle**

See Motor Vehicle, Commercial

## **Common Hallway** (By-law 3467)

Shall mean a hallway, accessed by two or more **independent entrances**, which provides shared **access** to the exterior entrance of a **building** occupied by two or more **dwelling units** or **premises**.

## **Communications Facility**

Shall mean an installation which transmits, receives and/or relays communications such as a microwave relay tower, telephone or telegraph line, cellular telephone tower, radio or television broadcast tower or similar facility.

## **Community Centre**

See *Place of Assembly*

### **Community Garden**

Means a site administered by community members and/or a community or non-profit organization where lands are partitioned into individual or shared plots *used* by members of the community for the growing of produce, flowers and decorative plants for personal use or non-profit purposes.

### **Condominium**

Shall mean a ***building*** or part thereof which is held in separate private ownership and to which or in which common elements are owned by the tenants in common (e.g. recreation facilities, open space, outdoor areas etc.) and which is administered and maintained by a corporation pursuant to the provisions of the *Condominium Act*. Such use may be for a residential, commercial or ***Industrial Use***.

### **Conservation Use**

Shall mean the *use* of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife populations or other *natural heritage features* and may include non-commercial, low impact, recreational uses.

### **Construction Yard or Contractor's Yard**

Shall mean the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and may include facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the crushing of virgin or recyclable aggregates or materials and the wholesale or retail sale of building supplies or home improvement supplies.

### **Continuum-of-Care Facility**

Means a ***building*** or a group of ***buildings*** which may include a senior citizens ***apartment building, home for the aged, nursing home, or a long-term care facility***, a retirement home and accessory facilities, including but not limited to, ***clinics***, recreation centers, cafeterias and ***personal service establishments***, and may also include independent senior's accommodation in separate ***structures***/living units that share in services such as meals. This definition does not include a ***group home***, or ***boarding house***.

### **Convenience Store or Confectionary Store**

Shall mean a ***retail store*** used primarily for the sale of grocery and confectionary items and incidentally for the sale of such other merchandise or sundries providing for the day-to-day household needs of the surrounding community and may include a video rental outlet.

### **Converted Dwelling**

See Dwelling, Converted

### **Convention Facility**

See ***Place of Assembly***



**Corporation**

Shall mean the Corporation of the Town of Perth except where reference is made in this by-law to a private corporation (e.g. Section 1.6), in which case the definition shall mean a body corporate with share capital to which the *Business Corporations Act* applies.

**Correction Home**

See *Group Home*

**Cottage Industry**

See *Home Based Business*

**Council**

Shall mean the Council of the *Corporation* of the Town of Perth.

**County**

Shall mean the Corporation of the County of Lanark.

**Coverage**

See Lot Coverage

**Crawl Space**

Means a level or portion of a *building* below the *first storey* that has a floor to ceiling *height* of less than 1.8 m [also see basement and cellar]

**Crisis Care Facility**

Means a residential facility that is licensed and funded by the Province of Ontario, Government of Canada or an appointed agency, for the short term, temporary care of persons requiring immediate emergency shelter and aid who are living under supervision in a single housekeeping unit and who by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their wellbeing.

**Cultural Heritage Landscape**

Shall mean a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as *buildings*, *structures*, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

**Custom Workshop**

Means a *premises* used by a trades or crafts person or artisans for the individual custom production of goods and articles. The sale of such products will be *permitted* as an *accessory use*. Except in zones where specifically permitted, this use does not

include any automotive or motor vehicle repair, maintenance, painting, or customizing service.

### **Dairy**

Shall mean a **building** used for the processing, production, storage and sale of dairy products and may include a **restaurant**.

### **Day Lighting Triangle**

See **Sight Triangle**

### **Day Care, Private Home**

Means the *use* of a **dwelling unit** for the temporary care of up to five children on a commercial or non-profit basis.

### **Deck**

Means a **structure Erect or Constructed** above grade that is cantilevered from, a **dwelling** or **building**, or is **Erect or Constructed** on piers or a foundation and immediately abuts or is directly accessed from a **dwelling** or **building** and has no roof or walls except for visual partitions and railings and is *used* as an outdoor living area.

### **Demolished**

Means with respect to a **building** or **structure**, the complete deconstruction or removal of the roof together with any two exterior walls; or, where the entire roof is not removed or there is no roof on a **structure**, the complete deconstruction of more than 50% of the *Floor Area, Gross* of a **building** or 50% of an **existing structure** exclusive of a **basement** or **crawl space**.

### **Demolition**

Means the doing of anything in the removal of a **building** or **structure** or any material part thereof.

### **Density**

Means the ratio of number of **dwelling units** to one net hectare of land.

### **Detached**

When used in reference to a **building** or **structure**, shall mean a **building** or **structure** which is not structurally dependent on, nor adjoins on any side, any other **building** and is separated from a **main building** by a minimum of 0.5 m.

### **Development**

Means the creation of a new *lot*, a change of land *use*, or the **construction** of **buildings** and **structures** requiring approval under the *Planning Act* and shall be taken to include **redevelopment**, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process, works subject to the *Drainage Act*, or underground or surface mining of minerals or advanced exploration on mining lands.

### **Dish Antenna**

See **Satellite Dish/Receiver**

### **Domestic Pet**

Means cats, dogs, caged birds, aquarium fish, non-poisonous, non-venomous and non-constricting arthropods, reptiles and amphibians, and small mammals including but not limited to rabbits, gerbils, hamsters, guinea pigs, fancy mice and fancy rats.

**Drive-in Restaurant** -see **Restaurant, Drive-in**

### **Drive-Through Service**

Means a portion of a **building** designed for the provision or dispensing products or services by an attendant, a window, or an automated machine, to persons remaining in **motor vehicles** that are in a designated **queuing space**, and may be in combination with other land uses. Kiosks within a **parking structure** necessary for the operation of the parking facility or a **Commercial Parking Lot** are excluded.

### **Driveway**

Shall mean a vehicular **access** connected to only one **public street** or thoroughfare, which provides ingress to and/or egress from a **lot**, but shall not include a **lane** or parking **aisle** as defined herein.

### **Driving Range**

Means a public or private area operated for the purpose of practicing, developing or teaching golfing techniques, and may include a **miniature golf course**. A range may be accessory to a **golf course** but does not include a **golf course**.

### **Dry Cleaning Distribution Station**

Shall mean a **building** used for the purpose of receiving goods of fabric primarily for distribution to a **dry cleaning establishment**.

### **Dry Cleaning Establishment**

Shall mean a **building** in which the business of dry cleaning, dry dyeing, cleaning spotting, stain removal, repair and/or pressing of articles and/or goods is carried on and may include a **dry cleaning distribution station**.

### **Duplex Building**

See **Dwelling, Duplex**

### **Dwelling**

Shall mean a **building** or part of a **building** occupied or capable of being occupied as the home or residence, or sleeping place, by one or more persons, where food preparation and sanitary facilities are provided, but shall not include a **hotel** or **motel** or any tent, **recreational vehicle** or **park model trailer**. (See Figure 5 - Illustrations of Dwelling Types and Figure 6 - Illustration of Types of Dwellings)

**Dwelling, Accessory**

See *Accessory Detached Dwelling*

**Dwelling, Accessory Dwelling Unit**

See *Additional Dwelling*

**Dwelling, Accessory Apartment**

See *Secondary Apartment*

**Dwelling - Apartment**

Shall mean a **building** containing more than four (4) **dwelling units** other than a **dwelling, row house or townhouse** or stacked **dwelling, row house or townhouse**.

**Dwelling - Converted**

Shall mean: an **existing single-detached**, a **semi-detached dwelling**, or a **duplex dwelling**, which has or may be **altered** or converted to contain two (2) or more **dwelling units** but not more than four (4) **dwelling units**.

**Dwelling, - Double Duplex or Fourplex or Quadruplex**

Shall mean a **building** consisting of two **attached duplex dwellings** or a **building** containing four (4) **dwelling units** divided horizontally into two floors.

**Dwelling, - Duplex**

Shall mean a **building** that is divided horizontally into two (2) **dwelling units**, each of which has an **independent entrance**.

**Dwelling, - Group or Group Housing or Group Housing Project**

Shall mean a combination of dwelling types (e.g. **semi-detached, triplex, row housing, apartments**) where there are two or more such **dwellings** located on the same **lot**, which lot is retained under one ownership or registration and, where applicable, in compliance with the *Condominium Act*.

**Dwelling, - Linked**

Shall mean one of two or more **Single-detached dwellings** which have no apparent structural connection above grade, but which are horizontally coupled at the footing or foundation along not more than one side of each **dwelling** .

**Dwelling, Mobile Home**

See *Mobile Home*

**Dwelling, Modular**

Shall mean a prefabricated **single-detached dwelling** containing one (1) **dwelling unit**, built in accordance with the *Building Code* being so **constructed** or assembled that the shortest side of such dwelling is not less than 6 m (19.7 ft.) in width.

(*Note: a prefabricated or manufactured home shall have the same meaning. Such dwelling types are distinguished from mobile homes which are built on a chassis and transported on their own wheels.*)

**Dwelling, Row house or Townhouse**

Shall mean a **building** that is divided vertically into three (3) or more **dwelling units**, each of which has an **independent entrance at grade**.

**Row house, Interior:**

Shall mean a **row or townhouse** with two common walls.

**Row house, End:**

Shall mean a **row house** with one common wall.

**Dwelling, Multiple**

Shall mean a separate **building** designed exclusively to contain three (3) or more **dwelling units**.

**Dwelling, Semi-detached**

Shall mean a **building** on a single foundation that is divided vertically into two (2) separate **dwelling units** by a common wall.

**Dwelling, Single-detached or detached**

Shall mean a **detached building** containing one (1) **dwelling unit**, and shall include a modular home.

**Dwelling, Stacked Townhouse**

Shall mean a residential **building**, four **storeys** or less in **height**, containing up to eight **dwelling units** where one upper storey unit is stacked above another **dwelling unit** (maximum of two units in a stack), and in which each **dwelling unit** has an **independent entrance** to the exterior with no shared internal corridors.

**Dwelling, Triplex**

Shall mean a **building** or **structure** on a single foundation divided horizontally into three (3) separate **dwelling units**, each of which has an **independent entrance** either directly from the outside or through a common vestibule.

**Dwelling Unit**

Shall mean one or more **habitable room** or suites of two or more rooms, designed or intended for use by and occupied by one or more individuals as a household in which separate culinary and sanitary facilities are provided for the exclusive use of such household, and with an **independent entrance** from outside the **building** or from a **common hallway** or stairway inside the **building**.

**Dwelling Unit Area**

Shall mean the **floor area** of a **dwelling unit** measured within the interior faces of the exterior walls of the **dwelling unit**. The unfinished **floor area** in the **basement** shall not be included in the calculations of the **dwelling unit** area.

Figure 5 - Illustrations of Dwelling Types

## ILLUSTRATIONS OF DWELLING TYPES

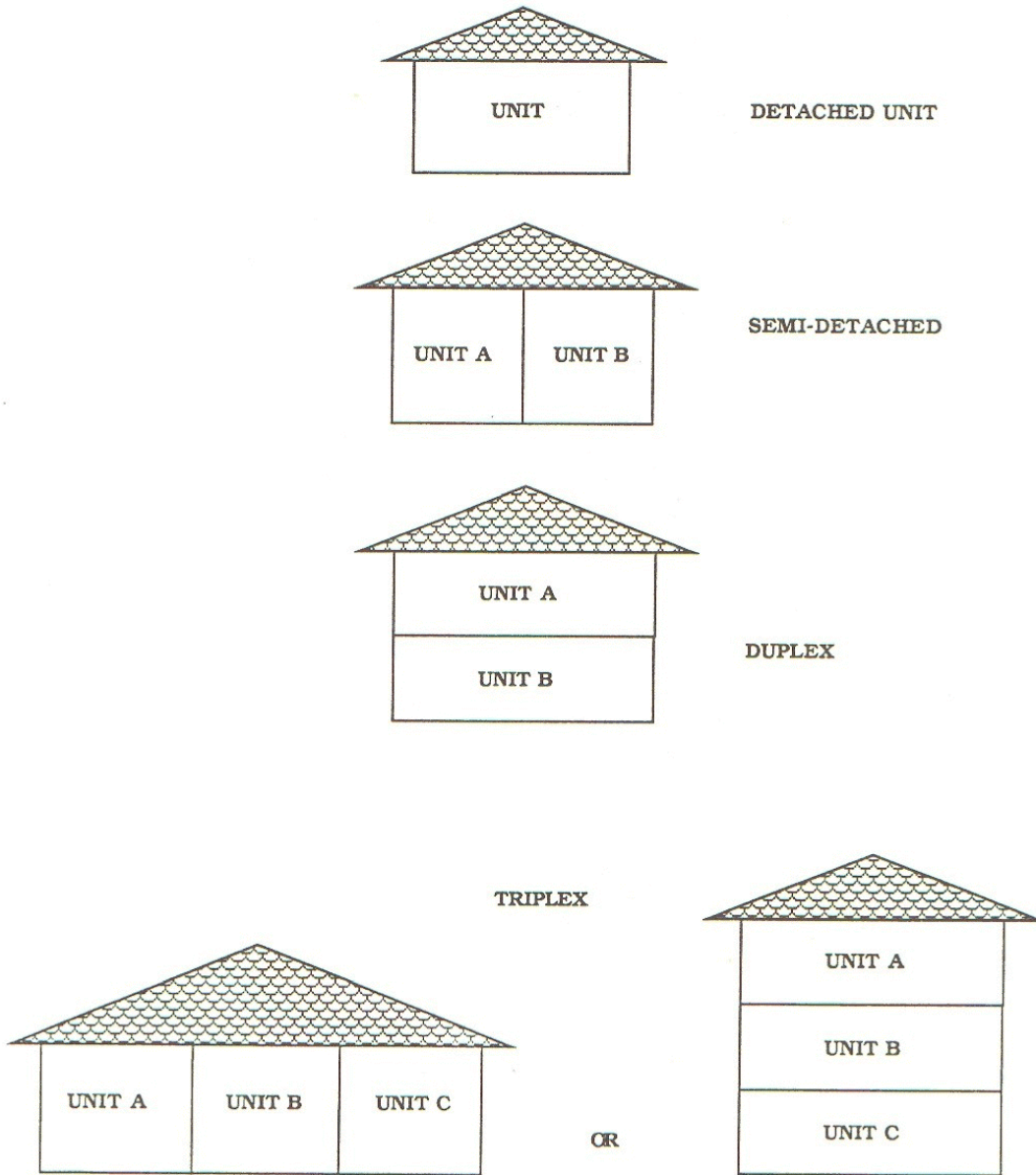
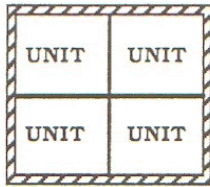


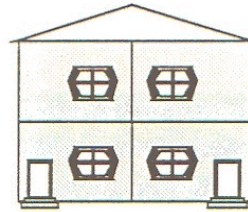


Figure 6 - Illustration of Types of Dwellings

### ILLUSTRATION OF TYPES OF DWELLINGS

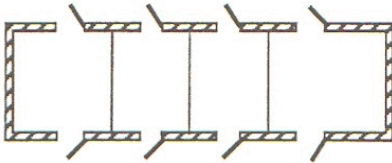


TOP VIEW

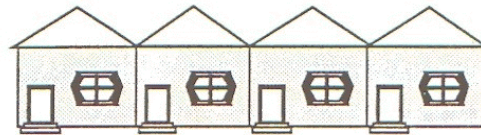


FRONT VIEW

FOURPLEX DWELLINGS

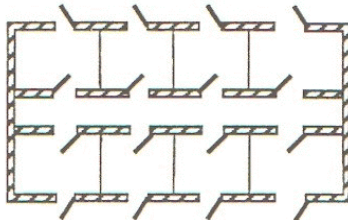


TOP VIEW

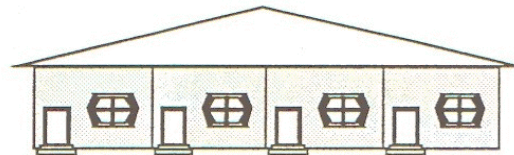


FRONT VIEW

TOWNHOUSE DWELLINGS

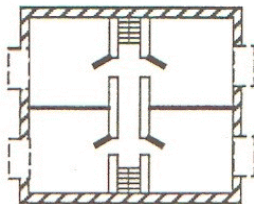


TOP VIEW

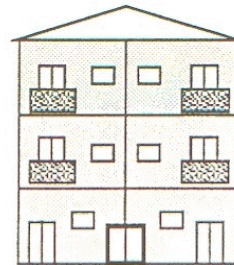


FRONT VIEW

MAISONETTE DWELLINGS



TOP VIEW



FRONT VIEW

APARTMENT DWELLINGS

### **Easement**

Shall mean the legal right acquired by contract to pass over, along, upon or under the lands of another and includes an easement for a water, sewer, gas or hydro or communications utility, drainage works, a street, road or **access lane**.

### **Eave**

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

### **Equipment Rental Establishment**

Shall mean a **premises** wherein the primary use is the rental of machinery, equipment, furniture and fixtures and other goods.

### **Erect or Construct**

Shall mean to build, construct, reconstruct, **alter** or relocate, enlarge and without limiting the generality of the foregoing shall be taken to include any associated 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 or other structural change.

### **Entertainment Establishment (By-law 3467)**

Shall mean a **building** or **premises** used for a motion picture or cinema or other theatre, **auditorium**, public hall, billiard or pool room, bowling alley, **arcade**, ice or roller skating rink, dance or music hall but does not include any facilities otherwise defined in this by-law, such as a **bingo hall**, **casino**, **arcade**, **amusement machine**, or **recreational commercial establishment**.

### **Established Building Line**

Shall mean the average **setback** from the street-line to **existing buildings** (exclusive of **accessory buildings** and **structures** such as a **porch**, **veranda** or enclosed stairs) on one side of one **block** where more than one-half of the **frontage** of the same side of a **Block** has been built upon. (See Figure 7 - Established Building Lines)

### **Established Grade**

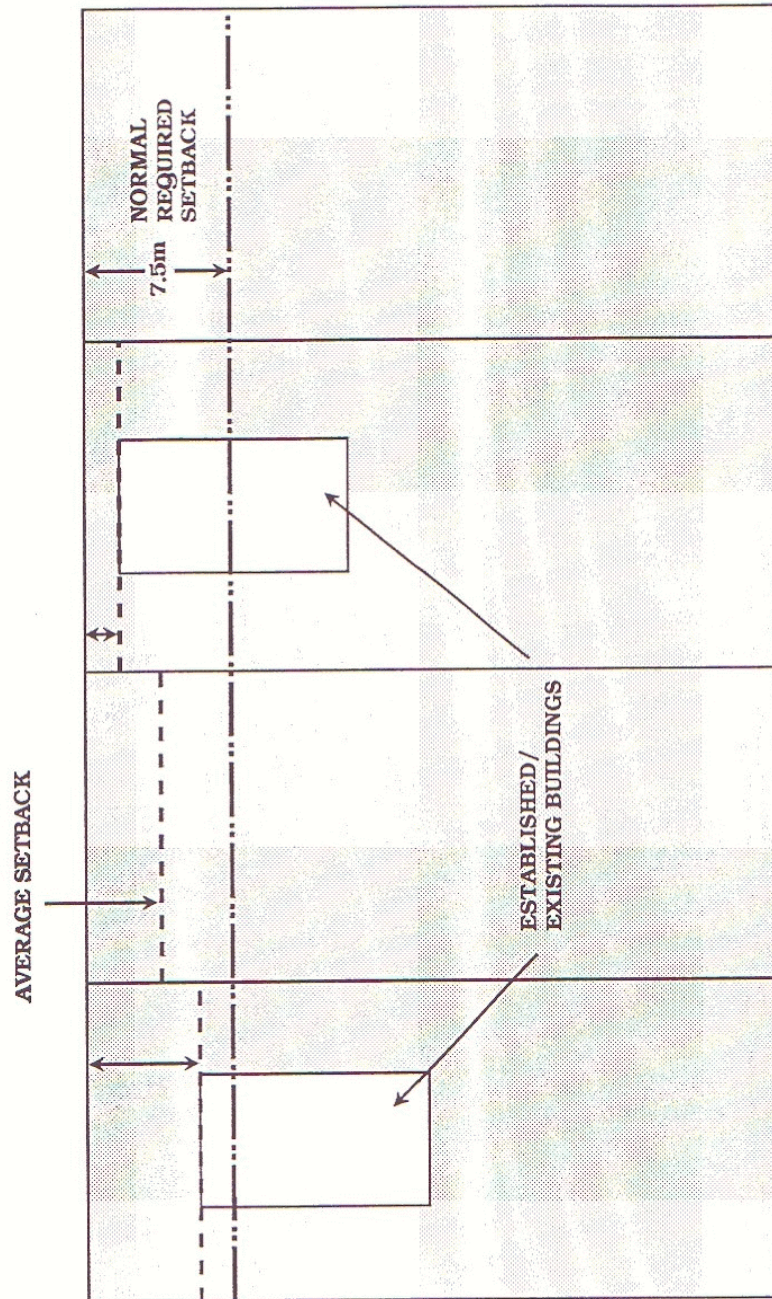
Shall mean:

- a. When used with reference to a **building**, the average elevation of the finished level of the ground adjoining a wall of the **building**, measured along the length of the wall, exclusive of any artificial embankments or berms or steps;
- b. When used with reference to a **structure**, the average elevation of the finished surface of the ground immediately surrounding such **structure**;
- c. When used with reference to a **street**, road or highway, the elevation of the street, road or highway established by the municipality or other designated **authority**.



Figure 7 - Established Building Lines

**ESTABLISHED BUILDING LINES /  
FRONT YARD REDUCTION**



**Existing**

Shall mean existing as of the date of the passing of this By-law

**Exterior Lighting**

Shall mean any form of artificial illumination located outside of a **building** or **structure**.

**Exterior Side Lot Line** - see *Lot Line, Exterior Side*

**Exterior Side Yard** - see *Yard, Side Exterior*

### **Factory Outlet**

Means a *premise accessory* to a permitted *Industrial Use*, *warehouse* or commercial use where products or goods that are manufactured, stored, packaged or produced on site by the principal industry, warehouse or commercial use are kept for wholesale or retail sale on the same *lot* as the *principal use*.

### **Fairgrounds**

Means land, *buildings* and *structures* used for agricultural and related exhibits, sports and competitive events, entertainment events, which are conducted on a seasonal or temporary basis and may include grandstands, barns and other *accessory buildings* and *structures* including: food concessions, a carnival or midway and camp sites normally associated with such a *use*; ancillary uses may include public or *private parks* and a *place of assembly*.

### **Farm Produce Stand**

Means a temporary, mobile display *structure* or *trailer*, occupied as an *accessory use* to a farm property, or commercial property or as an element in a *Farmers Market*, for the seasonal sale of locally grown produce, plants, and food products processed or packaged on a local farm.

### **Farmer's Market**

Means land, *buildings* and *structures* used for the sale of farm products, arts, crafts and other merchandise of a local farming, artisan or home-based-business community, usually operated on a seasonal or occasional basis and comprised of a collection of stalls or sites for individual retailers.

### **Fish Habitat**

Shall mean the spawning grounds and nursery, rearing, food supply, and migration areas which fish depend directly or indirectly in order to carry out their life processes.

### **Fitness Centre**

Means a *premises* in which facilities are provided for recreational or health related activities including but not limited to weight training and exercise classes and may include associated facilities and services such as a lounge, washrooms, showers, and saunas, a day spa, an *administrative office*, a *café or snack bar* and an *accessory retail outlet* for fitness-related attire, equipment and dietary supplements.

### **Flea Market**

Shall Mean

- a *premises* where second hand goods, articles and antiques are offered or kept for sale at retail to the general public but shall not include any other retail establishment otherwise defined herein;
- an occasional or periodic market or sales event held in an open area, which may

include a street, or within a **building or structure** where independent sellers offer goods, new and used, for sale to the public, but not including **private garage** sales;

- a **building** or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either home grown, home made, handcrafted, old, obsolete, or antique and may include the selling of goods, food preserves or fresh produce or prepared foods at retail by businesses or individuals but does not include any form of **restaurant**.

### **Flood Line**

Shall mean a line established by a one in one hundred year storm or by a regulation or **flood plain** mapping established by a Conservation Authority.

### **Flood Plain**

Shall mean the area, usually low lands, adjoining a watercourse which has been, or may be subject to **flooding hazards**.

### **Flood Proofing**

Shall mean a combination of structural changes and/or adjustments incorporated into the basic design and/or **construction** or **alteration** of individual **buildings, structures** or properties subject to flooding so as to reduce or eliminate flood damages.

### **Flooding Hazards**

Means the inundation of areas adjacent to a **shoreline** or river or stream system and not ordinarily covered by water along river and stream systems, the flooding hazard is the greater of the flood resulting from the rainfall experienced during a major storm such as the Timmins Storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area; or the one hundred year flood; or a flood which is the greater of the above which was actually experienced in a particular watershed or portion thereof as a result of a local event and which has been approved as a standard for that specific area by the Conservation Authority and /or the Ministry of Natural Resources and Forestry.

### **Floor Area**

Means the area of the floor of a **storey** or **mezzanine floor** contained within a **building**, measured between the exterior faces of the exterior walls of the **building**, and, where there are no walls, the area of a floor within the outer perimeter of the floor, or the corresponding surface enclosed or covered by a **structure**, or the extent of the area used.

### **Floor Area, Gross**

Shall mean the total area of all the **floor areas** of all the **storeys** or **mezzanine levels** of a **building** including the finished **floor area** of any **basement**, but not of any **cellar**, and which **floor areas** are measured between the exterior faces of the **building** at each

floor level but excluding *motor vehicle parking areas* within the **building**, any **private garage, porch, veranda**, sunroom.

#### **Floor Area, Gross Leasable**

Shall mean the total **gross floor area** of a **building** designated for commercial or tenant occupancy and exclusive use excluding:

- Any part of such **building** used as a **dwelling unit** by the owner, building manager, or custodian;
- Any part of such **building** used for the parking or storage of *motor vehicles* but inclusive of indoor *motor vehicle* retail display areas;
- Any part of such **building** used for service/mechanical rooms, garbage or recycling facilities, public washroom, elevators, equipment to heat or cool such **building** or a portion thereof; and
- Any part of such **building** used as a mall, if such mall serves as a common use area between the exclusively leased **premises**.

#### **Floor Area, Ground**

- Shall mean the **floor area** of the lowest *storey* of a **building** approximately at or above the **established grade** level, excluding any **basement** or *cellar*, which area is measured between the exterior faces of the exterior walls at the floor level of such *storey*, but
- excludes car **parking areas** within the **building**; and
- for the purposes of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

#### **Floor Area, Net**

Shall mean the total **floor area** of usable or habitable space above or below **established grade**, measured from the exterior face of the exterior walls of the **building** but shall not include:

- any **private garage**, unenclosed **balcony, porch, veranda**, unfinished **basement, cellar** or **attic**;
- any part of a **building or structure** below grade which is used for building services, storage or laundry facilities; or
- any part of the **building or structure** used for the storage or parking of *motor vehicles* but will include an indoor *motor vehicle* display area ; or
- any part of a commercial **shopping centre** used as a hall way, corridor passageway, utility room, public washroom, elevator shafts, service/mechanical rooms, garbage/recycling rooms, staff locker and lunch rooms, **balcony** or **mezzanine** level not otherwise used as a display or sale area for merchandise.

#### **Food and Dairy Products Industry**

(By-law 3467)

Shall mean an establishment primarily engaged in the manufacturing or processing of meat and poultry products, fish products, food and vegetable products, **dairy** products, **bakery** products or other miscellaneous food and beverage products and includes the wholesale distribution of such products for resale to consumers. Uses involving the processing of meat shall not include an abattoir function. There shall be no consumption



of the food and/or beverage products on the **premises** and the use shall not involve in any form, a **restaurant**.

**Front Lot Line** - see **Lot Line, Front**

**Front Yard** - see **Yard, Front**

**Frontage** - see **Lot Frontage**

### **Funeral Home**

Shall mean a **building** or part of a **building** wherein funeral and funeral preparation services are offered and may include **accessory** activities, including but not limited to, the sale of caskets and funeral accessories, and memorial services.

**Garage – Commercial** – see **Auto Repair Garage**

### **Garage - Private**

Shall mean a single **storey accessory building** or portion of a **main building** including a **carport** which is designed or used for parking or storage of **motor vehicles** of the occupants of the **premises** and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use. It does not include a temporary vehicle shelter.

### **Garden Centre**

Shall mean a **building, structure** or lot used for the retail sale of agricultural products such as plants, trees and shrubs and ancillary sales of landscaping materials and products and shall not include **Cannabis** Production and Processing.

### **Garden Suite**

Shall mean a one bedroom **Detached** residential **building**-containing sanitary and kitchen facilities connected to municipal services that is accessory to an existing principal residential **building**-and that is designed to be portable, including a **mobile home**, but does not include, a **park model trailer**, a travel trailer or any other type of **recreational vehicle**.

### **Gas Bar or Refueling Station**

Shall mean a **premises** for the retail sale of motor vehicle fuel which includes one or more pump islands, occupied by one or more fuel pumps, refueling stations or recharge stations, and a **building, structure** or booth which may be used by a sales attendant for the receipt of payments and accessory sale of convenience items (e.g. beverages, prepared foods, newspapers, sundries) and may include other **accessory** features such as a comfort station and ATM. [See also **auto service station**, Card-lock Facility]

### **Gazebo**

Shall mean a freestanding, roofed **accessory structure** which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction

with a residential dwelling but shall not include any other use or activity otherwise defined or classified in this by-law.

### **Geothermal Power Installation**

Means a heating installation, such as a heat pump, that accesses or uses naturally occurring heat from within the underlying portion of the earth's crust as its primary energy source.

### **Golf Course**

Shall mean a public or private area operated for the purpose of playing golf as the principal use and may also include a **driving range**, practice green, club house and golf shop facilities, and a **restaurant**, and such **accessory buildings** and **structures** and services as are common or necessary for the operation and maintenance of the golf course. Other **accessory uses** may include: banquet and conference rooms and the facilities included in a **recreational commercial establishment**.

### **Grade (At) or at Ground Level** (By-law 3467)

Shall mean, with respect to an **attached accessory structure** such as a **porch**, a **structure**, with a **deck**, floor or upper surface at or below the same elevation as the principal exterior entrance to a **building** which is closest to the elevation of the **established grade** or, if not serving an **Access** function, at an elevation of one (1) metre or less above **established grade** and with respect to a **detached accessory structure**, shall mean an elevation of 0.6 metres (2 ft.) or less above the **established grade**.

### **Granny Flat** -see **Garden Suite**

### **Green Infrastructure**

Shall mean natural and human-made elements that provide ecological and hydrological functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and **green roofs**.

### **Green Roof**

Means any portion of the roof of a **building** where part of or the entire surface of the roof is designed to be covered by, to function with, and to sustain live vegetative material as a component of the roof.

### **Greenhouse**

Means a **building**, or part thereof, designed and used for the growing and propagation of flowers, plants, shrubs, trees and associated living vegetation which may be transplanted outdoors on the same **lot** or may need to remain within the **greenhouse** to be viable by virtue of not being native or tolerant plants. This use does not include a **Commercial Greenhouse**.

### **Green Energy Industry**

Means a **building** or **structure** in which products are manufactured for the generation of electricity from a renewable source (i.e. wind, sun, geothermal, biomass, micro-hydro). Products manufactured by a renewable energy industry may include, but are not limited to, solar panels, **wind turbines**, small water driven turbines, geothermal equipment, and parts or components thereof.

### **Gross Vehicle Weight**

Means the total weight in kilograms of a **commercial vehicle** including any load carried therein or thereon.

### **Group Home**

Shall mean a single housekeeping unit in a residential **dwelling**, which is registered with the Corporation, in which three (3) to ten (10) persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes and in compliance with municipal By-laws.

See also **crisis care facility**

### **Guest Room or Accommodation Room**

Shall mean a room or suite of rooms, which contains no facilities for cooking and which is used or maintained to provide temporary lodging for gain or hire in an **inn, hotel, motel, bed and breakfast establishment** or comparable establishment.

### **Habitable Room**

Means any floor space within a **building** or **structure** designed and intended to be used for one or more living, sleeping, cooking or eating purposes as defined under the **Building Code Act, S.O. 1992, Chapter 23**, as amended.

### **Height**

Shall mean the vertical distance between the **established grade** and:

in the case of a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest, or;

the **deck** line of a mansard roof; or

in the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof.

(see Figure 8 - Illustration of Building Height)

Where the **height** is designated in terms of **storeys**, it shall mean the designated number of **storeys** above and including the **first storey**. A **mezzanine floor or level** shall not be considered as increasing the **height** of a **building** in **storeys**, provided that the aggregate **mezzanine floor area** does not exceed forty (40) per cent of the **floor area** of a room or **storey** in which they are located, provided further, that the space beneath the **mezzanine** is not enclosed and provided that the **mezzanine floor area** does not exceed forty (40) per cent of the **Floor Area** of any room or **storey** in which it is located.

Where **height** is limited by both a number of *storeys* and a maximum elevation in meters above **Established Grade**, the elevation limit shall prevail.

In calculating the **building height** of any **Erect or Construction** used as ornament or for the mechanical operation of the **building**, such as a mechanical penthouse or a chimney, tower, cupola, steeple, church spire, antenna, ornamental dome, electrical apparatus, is not to be included.

### **High Water Mark**

Shall mean the mark made by the action of water under natural conditions on the shore or bank or rock at the edge of a body of water, which action has been so common and usual and so long continued that it has created a clear and distinctive mark or stain on the shoreline feature or caused a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

In the case of a waterbody having its water elevation regulated or controlled by a system of dams and other management features operated by any government authority, it shall be the highest elevation permitted or regulated for under normal (i.e. non-flood) operating conditions.

### **Highway**

Shall mean a public improved road under the jurisdiction of the Provincial government.

### **Holding Zone**

Shall mean a zone established under the enabling authority of Section 36 of the *Planning Act* where uses may be permitted subject to meeting certain conditions set out in the Official Plan.

### **Home for the Aged, Nursing Home, or a Long-Term Care Facility**

See **Continuum-of-Care Facility**

### **Home Based Business**

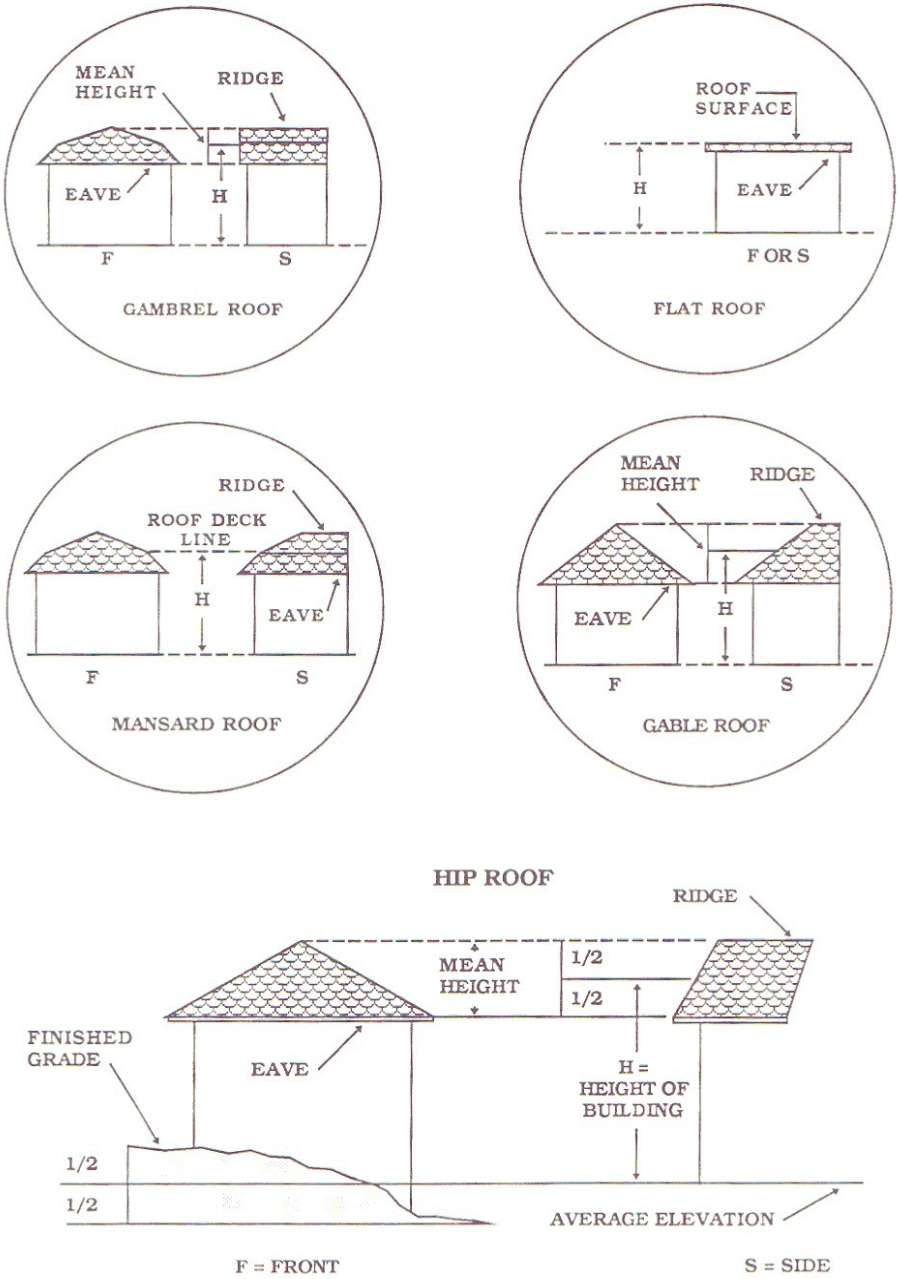
Shall mean a privately operated legal occupation, enterprise or business which is carried out as a use clearly **accessory** to the main *residential use* of a property and which is compatible with the character of surrounding residential (*neighbourhood*) buildings or setting.

**Home Occupation** - see **Home Based Business**



Figure 8 - Illustration of Building Height

### ILLUSTRATION OF BUILDING HEIGHT



### **Hospital**

Means a regulated institution under the *Public Hospitals Act, R.S.O. 1990, c.P.40*, the *Private Hospitals Act, R.S.O 1990, c.P.24*, the *Mental Health Foundation Act, R.S.O. 1990, c.D.26* and the *Community Psychiatric Hospitals Act, R.S.O 1990, c.P.21* established to deliver health care services.

### **Hostel**

Shall mean a commercial or non-profit establishment providing overnight accommodation for a fee in which communal washrooms and a dining room are typically provided and which may include **accessory** recreational space but does not include a **hotel**, *boarding or rooming house* or other defined uses that include overnight accommodations.

### **Hotel**

Means a **building** designed or *used* for the accommodation of the travelling or vacationing public, including any establishment containing **Guest Rooms** which is defined as a "Hotel" in the *Hotel Registration of Guests Act, R.S.O.1990, H.17* and which may provide **accessory uses** such as a **restaurant**, meeting rooms, *swimming pool*, facilities for the temporary exhibition and sale of goods on an intermittent basis, and **premises** licensed under the *Liquor License Act* but shall not include any *residential use or boarding house use*.

### **Impacts of a Changing Climate**

Shall mean the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.

### **Independent Entrance** (By-law 3467)

When used with regard to a **dwelling unit**, a residential use, or a **premises**, shall mean a private entryway, for the exclusive use of the occupants of a **dwelling unit** or **premises**, which provides **access** to the **dwelling unit** or **premises** either directly from the exterior of a **building** or from a **common hallway** or vestibule.

**Industrial Service Office** - see **Business, Professional and/or Administrative Office**

### **Industrial Mall**

Means one or more **buildings** with a **gross floor area** of 930 m<sup>2</sup> [10,010 ft.<sup>2</sup>] or more which is divided or designed to be divided, into five (5) or more **premises** for occupancy by separate or different businesses for **industrial uses**.

### **Industrial Use**

Means the use of land, **building or structures** for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, **altering**, repairing, warehousing, or storage or adapting for sale of any goods, substances, article or thing, or any part thereof and the storage of building and construction equipment and materials as distinguished from the buying and selling of commodities and the supplying of personal services. This definition does not include a mine, pit or quarry or obnoxious

industry. **Accessory Uses** may include transportation, wholesaling, storage, shipping and receiving incidental to the **Industrial Use**.

### **Class I Industry - Light Industrial**

Shall mean a place of business for a small scale, self contained plant or **building** which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and /or heavy trucks and no outside storage.

Examples include:

electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply, indoor crop production, **bakery**.

### **Class II Industry - Medium Industrial**

Shall mean a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours.

Examples include:

dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, **bulk fuel storage**, raw product storage (aggregates, logs/lumber), warehousing, *and contractor's yard*.

### **Class III Industry – Heavy Industrial (By-law 3358-36)**

Shall mean a large scale industrial use, generally occupying a site with an area of 4,000 m<sup>2</sup> or more, which features one or more of the following: multiple or various industrial processes or operations; operations with employees regularly working in shifts; large production volumes; large areas of outdoor storage of raw materials and/or finished product which commonly are as large as or larger than the production facility; frequent receipt of production materials or shipping of finished product at any and all hours of the day; regular to frequent commercial or heavy truck traffic and may feature “just-in-time” delivery processes; regular emissions of noise, vibrations, odours, particulates or gaseous discharges singularly or in combination, that are commonly detectable beyond the property line, and occasionally at distances up to or greater than 300 m.

Examples include:

motor vehicle assembly plants, refineries, pulp and paper mills, salvage yards, smelters and large scale warehouse distribution centres.

## **Inn**

(By-law 3467)

Shall mean a **building** or a **lot** containing no more than two (2) **buildings** used for overnight accommodation of the travelling public, containing a minimum of five (5) to a maximum of fifteen (15) **guest rooms** served by a common building entrance and may include a **restaurant** including a tea room and an outdoor **patio**. Ancillary activities may include small wedding receptions, banquets or business conferences, light entertainment such as a piano bar or similar entertainment but shall not include a night club or disco club. Ancillary uses may include an exercise room, a small retail boutique where merchandise **accessory** to the Inn are offered for sale to the guests of the Inn such as clothing crafts, souvenirs, magazines, post cards and maps but shall not include other **retail stores** such as a variety, **video rental outlet** or **convenience store**. Residential accommodation for the owner or manager of the Inn shall also be permitted.

## **Institutional Use**

Shall mean any **premises** used to provide non-profit or non-commercial services for governmental, educational, charitable, fraternal, or other public or community benefit. Examples include:

A **place of assembly, administrative office, private club;**  
government or utilities warehousing, maintenance and storage use,  
post office, library, emergency service facility, museum, or police  
station.

## **Intake Protection Zone (IPZ)**

Shall mean the area upstream of a surface water intake where land use activities have the potential to affect the quality of water that flows into the intake.

## **Junk Yard - see *Wrecking Yard***

## **Kennel, Commercial or Boarding**

Shall mean a commercially operated **building or structure** where **domestic pets**, including but not limited to: dogs, cats, rodents, rabbits, birds or other animals owned as household pets or for working or sporting purposes, but excluding farmed animals or livestock, are kept or boarded for a fee but excludes the keeping of animals for the purpose of breeding or animal husbandry. [This does not include an **animal hospital** or **animal shelter**].

## **Kennel, Private**

Shall mean a **building or premises, accessory** to a residence, where more than two **domestic pets**, including but not limited to: dogs, cats, rodents, rabbits or birds are kept, lodged, bred, or raised by one owner or household for the purpose of developing, maintaining, commercially distributing a breed or type of animal, or participating in judging competitions, events or shows and does not include a **commercial kennel, animal hospital** or **animal shelter**.

## **Landfill Site - see *Waste Management Facility***

## **Landscaping Strip - see *Buffer Strip***

## Landscaped Open Space

Shall mean:

- a) a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, concrete or brickwork; screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use and shall have a minimum of 75% *vegetated landscaped area* and no more than 25% *hard surfaced landscaped area* or impermeable surfaces and comply with subsection 4.28 Lot Coverage – Impervious Surfaces;
- b) does not include **parking areas**, traffic **aisles** or **driveways** or ramps for **motor vehicles**.

[See also Open Space, Figure 9 - Planting Strip and Fencing Requirements]

## Landscaped Area, Hard Surfaced

(from C2-11 Zone By-law 3358-45)

Means inorganic landscaping elements intended for the purpose of providing a **visual buffer** or aesthetic enhancement of a property or are a component of at-grade storm water facilities and shall include: pedestrian pathways and concrete sidewalks; areas reserved for *bicycle parking*; any outdoor space provided for the use of community service groups; edging elements or retaining walls forming the border for or supporting vegetated landscaped areas; screening fences or walls; and any landscaped area with a non-permeable surface; but excludes any non-permeable surface intended or used for product storage and display and any standard curbing or hard surfaced islands used within, or exclusively for, forming or defining the boundary of a **parking area** or **parking space**.

## Landscaped Area, Vegetated

(from C2-11 Zone By-law 3358-45)

Means any landscaped area with a permeable surface, and composed primarily of organic materials, that is intended, designed, occupied, and maintained for the growth of plants, and which serves the purpose of providing a **visual buffer** or aesthetic enhancement of the property; or provides enhanced storm water management; and which is located: *at grade* level, as a component of a **green roof** installation, or within permanent containers with a surface area of at least one square metre placed at grade.

## Lane

Shall mean: a subsidiary vehicle thoroughfare, which provides **access** from within a lot, principally from **parking areas** or **loading spaces**, or **aisles**, to a **driveway** or **private road** and includes the subcomponents of a **driveway** assigned for ingress or egress.

## Laneway, public

Means a public thoroughfare, other than a *street* or *pedestrian way*, improved or not, which has a right-of-way width of 10 m or less and which provides a secondary means of for vehicular traffic to abutting *lots* and which is not intended for general traffic circulation.

### **Laundromat**

Shall mean a **building or structure** where coin-operated laundry machines, are made available to the public for the purpose of laundry cleaning.

**Light Manufacturing** - see **Class I Industry - Light Industrial**

### **Loading / Delivery Space**

Shall mean a space or bay located on a lot or within a **building** which is used, or intended to be used, for the temporary parking of any **commercial vehicle** while loading or unloading goods, merchandise, or materials in connection with the use of the lot or any **building** thereon, and which has unobstructed **access** not necessarily in a straight line to a **street, lane, or public laneway**.

### **Lot**

Shall mean a parcel of land which is capable of being legally conveyed in accordance with the *Planning Act*. (See Figure 10 - Definitions of Types of Lots)

### **Lot Area**

Shall mean the total horizontal area measured within the limits of the **lot** lines of the **lot** excluding the horizontal area of any **flood plain** or wetland area located on such **lot**.

### **Lot, Corner**

Shall mean a **lot** situated at an intersection of two or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one hundred and thirty-five (135) degrees.

Where such street-lines are curved, the angle of intersection of the street-lines shall be deemed to be the angle formed by the intersection of the tangents to the street-lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the **lot** shall be deemed to be that point on the street-line nearest to the point of intersection of the said tangents, and any portion of a **corner lot** distant not more than 30 m (98.4 ft.) from the corner measured along the street-line shall be deemed to be an **interior lot**. (See Figure 11 - Examples of Lot Definitions)

### **Lot Coverage**

Shall mean that percentage of land or **lot area** covered by **buildings** and **structures** above ground level excluding a fence, **patio**, landings, steps, ramps, or retaining walls and excludes that portion of a **lot** which is occupied by a **building or structure** or portion thereof which is completely below ground level, such as an in-ground pool.

### **Lot Coverage, Maximum**

Means the maximum total **lot coverage** for all **buildings** and **structures** on a **lot** and, in any zone category, the maximum **lot coverage** requirement for the **principal use** includes the maximum **lot coverage** applicable to permitted **accessory uses**; except where the **accessory lot coverage** is specifically excluded by exemption.



Figure 9 - Planting Strip and Fencing Requirements

## PLANTING STRIP AND FENCING REQUIREMENTS

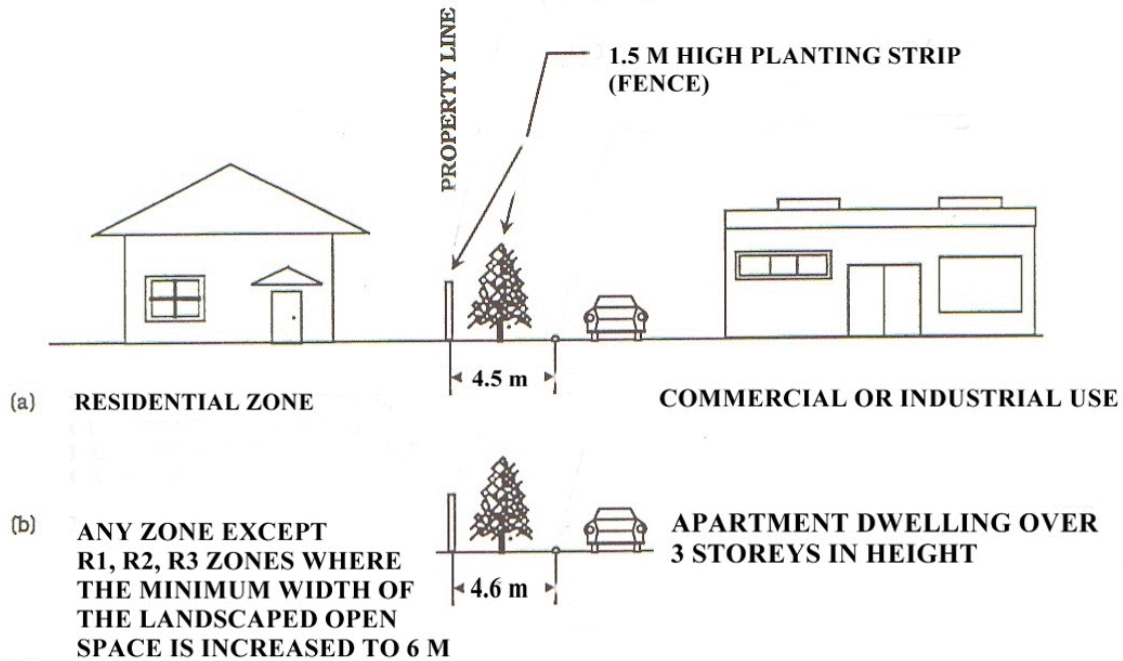
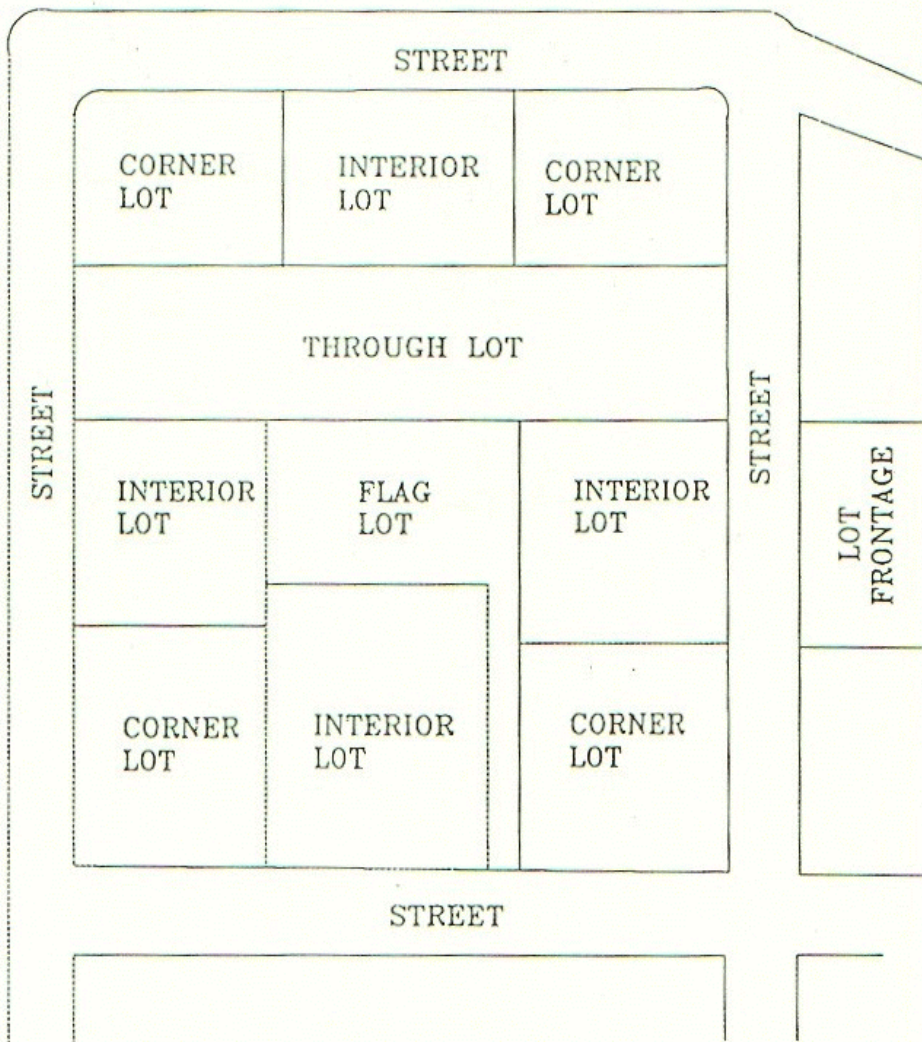




Figure 10 - Definitions of Types of Lots

## DEFINITIONS OF TYPES OF LOTS



### **Lot Depth**

Shall mean the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, “lot depth” shall mean the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, “lot depth” shall mean the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines. Distances shall apply on curved lines.

### **Lot Frontage**

Shall be measured as a line extending between the side lot lines drawn parallel to the chord of the front lot line and measured at a point 6 metres back from the mid-point of the front lot line, except where the chord of the front lot line is more than 6 metres back from the mid-point of the front lot line, or if there is no rear lot line, then the lot frontage shall be the chord of the front lot line. For the purpose of this paragraph, the “chord of the front lot line” is a straight line joining the points where the side lot lines intersect the front lot line and a sight triangle shall be considered to be part of the lot for the purpose of determining lot frontage.

### **Lot Interior**

Shall mean a **lot**, other than a **corner lot** or a **through lot**, which has **frontage** on a **public street**.

### **Lot Line**

Shall mean a boundary line of a **lot**.

### **Lot Line, Exterior Side**

Shall mean a **lot line** on a **corner lot** that is located between the **front and rear lot lines** and divides the **lot** from a **street** and any **lot line** abutting a **traffic circle**.

### **Lot Line, Front**

(By-law 3467)

Shall mean:

- a) In the case of an **interior lot**, the line dividing the **lot** from the street-line but excluding a **lot line** abutting a **traffic circle**.
- b) In the case of a **corner lot**, created by the intersection of two streets, the shorter **lot line** abutting a street shall be deemed to be the **front lot line** and the longer **lot line** shall be deemed to be the **exterior side lot line** of the **lot**.
- c) In the case of a **corner lot** with two street-lines of equal lengths, the **lot line** that abuts the wider street, or abuts a Provincial **Highway** shall be deemed to be the **front lot line**, and in the case of both streets being under the same jurisdiction and of the same width, the **lot line** where the principal **access** to the **lot** is provided shall be deemed to be the **front lot line**.
- d) In the case of a **corner lot** created by a curved street line, the **front lot line** shall commence at the point of intersection of the street line with the longest **interior side lot line** and will terminate where the curved section intersects a straight street line segment opposite to the **interior side lot line** (which street line shall be

the **exterior side lot line**); or, in the instance where there is no straight *street line* segment, the **front lot line** will encompass the entire curved *street line* as it extends between the two *interior side lot lines*.

- e) In the case of a **through lot**, the **front lot line** shall be determined as a **lot line** abutting the street:
- i. where the principal street access/entrance for the **lot** is permitted, or has been established on the **lot**; or
  - ii. if the clause “i)” is not determinative, where the street-line is closest to the main wall of a **principal building** on the **lot**; or
  - iii. if clauses “i) and ii)” are not determinative, the **lot line** abutting the street where the majority of principal access/entrance sites have been established on other **lots** in the same **block** by prior **construction**; or
  - iv. if clauses “i) through iii)” are not determinative, the shorter **lot line** abutting a street except that where the longer **lot line** results in a **frontage** calculation that meets the **minimum lot frontage** requirement of the applicable zone and the shorter **lot line** will not, then the longer **lot line** shall be the **front lot line**.
  - v. With respect to **through lots** in a commercial or industrial zone, the **front lot line** shall be the **lot line** abutting, or order of priority, a provincial **highway**, an arterial road or a collector road and items i) through iv) above **lot line** shall be the **front lot line**.

#### **Lot Line, Rear**

Means: the **lot line** furthest from, and opposite to, the **front lot line**. In the case of a **lot** with no **rear lot line**, the point where the two **side lot lines** intersect shall be the **rear lot line** but excluding a **lot line** abutting a **traffic circle**.

#### **Lot Line, Side (Interior)**

Shall mean a **lot line** other than a front, rear or **exterior side lot line**. On a **lot** with more than four sides, any **lot line** not otherwise defined as a front, rear or side lot line shall be considered as an interior side lot line.

#### **Lot, Through**

Shall mean a **lot** having a **frontage** on two parallel or approximately parallel streets and where such **lot** qualifies as being both a **corner lot** and a **through lot**, such **lot** shall be considered as a **corner lot**.

#### **Lot, Width**

Shall mean the average horizontal dimension between the two longest opposite sides measured on a line 6 m [19.7 ft.] back from the **street line** and parallel to it.

#### **Lot Width, Corner Lot**

Shall mean the horizontal distance between the **exterior side lot line** and the opposite **side lot line**, measured along a line 6 m [19.7 ft.] back from and parallel to the **front lot line**, except in the case:

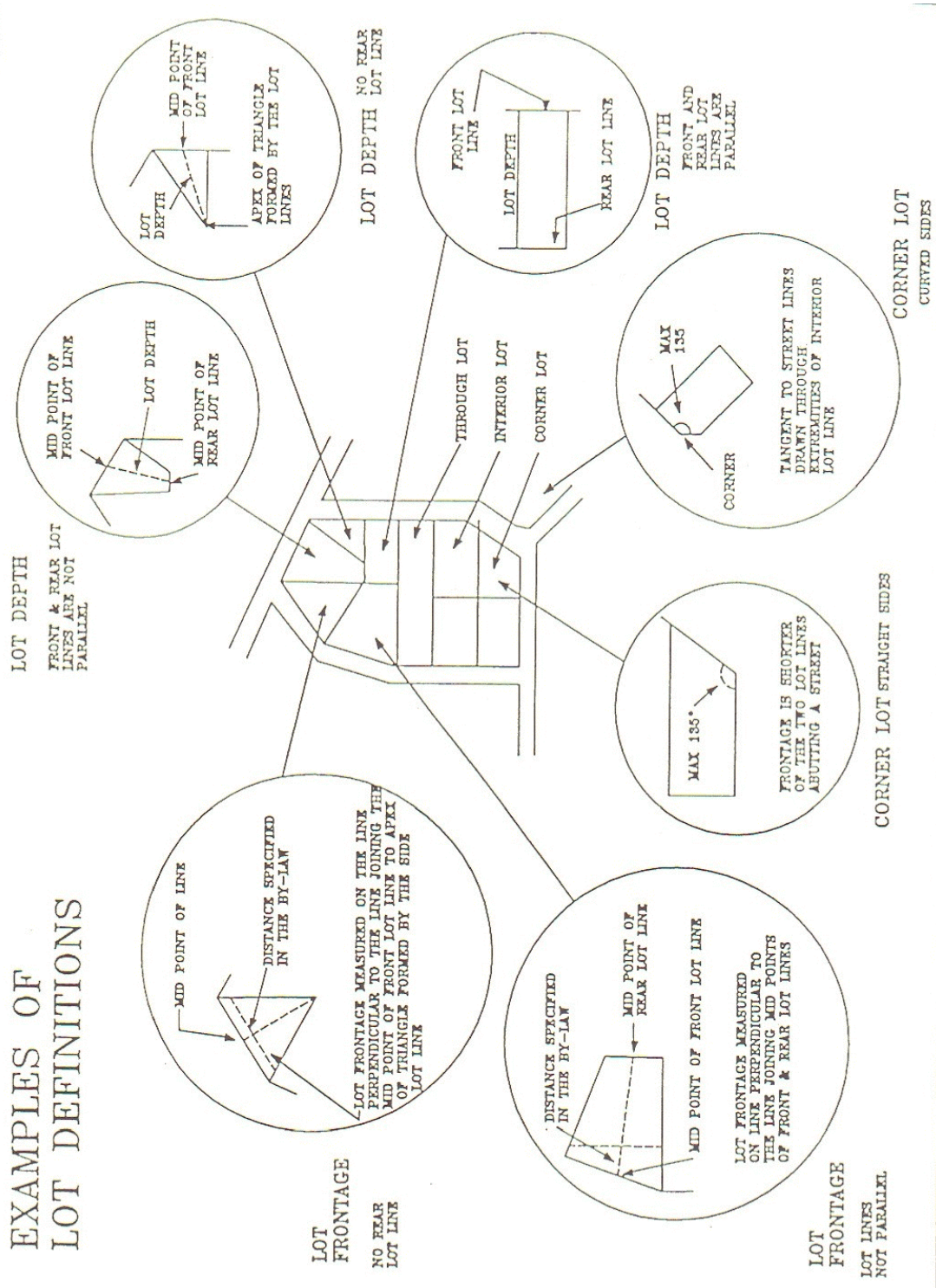
- where the **front lot line** is curved, in which case, the *lot width* shall be calculated on the basis that the **front lot lines** are deemed to be the tangents produced to their points of intersection, from the points of intersection of the *side lot lines* and the curved *front lot line*; or
- where a **corner lot** indicates that a *sight triangle* has been removed or has a rounded corner, in which case, the lot width shall be calculated on the basis that the *street lines* shall be deemed to comprise the *street-lines* as if extended or continued to their point of intersection.

**Lumber Yard**

Shall mean a **premises** where the principal use is the storage of construction grade wood products, building construction materials and building supplies for sale at retail or wholesale.

**Main Building** - see **Building, Main or Principal**

Figure 11 - Examples of Lot Definitions





### **Main Wall**

Shall mean any exterior wall of a **building** (e.g. front, rear or side) and any structural members essential to the support of a fully enclosed or partially enclosed space of roof exclusive of permitted projections (e.g. **Deck**, stairs, **Eaves** etc.)

### **Marine Facility**

Shall mean a non-commercial **premises** which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, dock or boathouse, but does not include any **building** used for human habitation, any facilities for the construction, repair or servicing of boats, or a marina. A marine facility shall also include a water intake facility and any flood or erosion control structure.

### **Medical Clinic - see *Clinic***

### **Medical Marihuana Production Facility**

Shall mean a **building** used for growing, producing, processing, testing, destroying, storing or distribution of medical marihuana or **Cannabis** authorized by a license issued by the federal Minister of Health, pursuant to Section 25 of the Marihuana for Medical Purposes Regulations, SOR/2013-119, under the Controlled Drugs and Substances Act, SC 1996, c 19, as amended, or any subsequent legislation which may be enacted in substitution thereof. For purposes of clarification, no part of this operation, whether **accessory** or not, may be located outdoors. In the interpretation of this definition, **Cannabis** means the substance set out in Item I of Schedule II to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended; and marihuana means the substance referred to as "**Cannabis**" in sub-item I(2) of Schedule II to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended.

### **Medical Marijuana Facility**

Means a **premises** approved and regulated under the *Canada Food and Drugs Act* and associated *Food and Drug Regulations*.

### **Mezzanine Floor or Level**

Means an intermediate, elevated floor or occupancy level, between the floor and ceiling of a full storey, and which intermediate level has a **Floor Area** not exceeding 40% of the **Floor Area** of the storey in which it is located, and its principal **Access** is within the same storey.

### **Microbrewery**

Means a **Light Industrial** operation where beer is produced at a small scale. A **microbrewery** may be **permitted** to sell the product that is produced on-site provided that there is no consumption of the purchased product on-site other than sampling. A bar, pub or brewpub shall not be considered a **microbrewery**. A **microbrewery** may also sell retail items directly related to the operation on-site.

### **Miniature Golf Course**

Shall mean an area of land, **building or structure or premises** or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to

simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball **Driving Range**.

**Mini Warehouse, Public Storage, or Personal Storage Facility**

Shall mean a commercial **building** or part of a **building** wherein general merchandise, vehicles, furniture and household goods are all stored in separate, secured storage areas or lockers which are generally accessible by means of individual loading doors.

**Mobile Home**

(By-law 3467)

Shall mean a **structure**, manufactured as a complete **Dwelling Unit**, which is built to C.S.A. standard Z240, or any successor C.S.A. standard, is designed and fabricated to be transported on **public streets**, and to comply with standards set out in the **Building Code** for a permanent, year round residence for one or more **persons**, but does not include a **recreational vehicle**, **park model trailer**, **modular home** or tent trailer or trailer otherwise designed.

**Model Home**

Means a **dwelling unit** that is *used* on a temporary basis to sell and/or display **dwelling units** that are on sale, and may include a temporary sales **office** but is otherwise not sufficiently complete, or *used*, for human habitation.

**Motel**

Shall mean a **building** or **buildings** designed or used primarily for the accommodation of the traveling or vacationing public, containing therein three (3) or more **guest rooms**, including all such establishments as defined from time to time by the **Hotel Registration of Guests Act, R.S.O. 1990, c.H.17**, as amended. A **motel** may include **accessory Uses** such as a **restaurant**, meeting rooms, **swimming pool**, facilities for the temporary exhibition and sale of goods on an intermittent basis, and **premises** licensed under the **Liquor License Act**.

**Motor Home - see Recreational Vehicle**

**Motor Vehicle** (By-law 3358-36)

Shall mean: a “motor vehicle” as defined by the **Highway Traffic Act R.S.O. 1990 c.8**, as amended or replaced from time to time, but excludes any vehicle otherwise defined herein.

**Motor Vehicle, Commercial** (By-law 3358-36)

Shall mean: a “commercial motor vehicle” as defined by the **Highway Traffic Act R.S.O. 1990 c.8m** as amended or replaced from time to time, but excludes any vehicle otherwise defined herein and includes ambulances, hearses, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the **Highway**.

**Motor Vehicle Body Shop - see Auto Body Shop**



### **Motor Vehicle Towing Service**

Shall mean a **premises** used as a depot for parking *motor vehicles* designed to tow or haul and provide road-side service for other motor vehicles and may include a *motor vehicle* compound for the temporary storage of motor vehicles towed to the site but does not include any other use defined herein.

### **Multiple Dwelling - see *Dwelling, Multiple Municipality***

Shall mean the **Corporation** of the Town of Perth.

### **Museum**

Shall mean a **premises** used, for the preservation of a collection of paintings and/or other works of art, and/or objects of natural history, and/or of mechanical scientific and/or philosophical inventions, instruments, models and/or designs, and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and/or **premises** used or to be used in connection therewith.

### **Natural Heritage Features**

Shall mean features and areas, such as: *significant wetlands, Fish Habitat, significant woodlands, significant valley-lands*, the habitat of endangered and threatened species, significant wildlife habitat and significant **Areas of Natural and Scientific Interest**, which are important for their environmental and social values as a legacy of the natural landscapes of an area. (Reference should be made to the *Provincial Policy Statement* for a more detailed description of *Natural Heritage Features*).

### **Natural Heritage System**

Shall mean a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying natural heritage systems, but municipal approaches that achieve or exceed the same objective may also be used.

### **Negative Impacts**

Shall mean:

- a) in regard to **fish habitat**, the **alteration**, disruption or destruction of **fish habitat**, except where such activity has been authorized by an appropriate agency in accordance with the *Fisheries Act*.
- b) in regard to other *natural heritage features* and areas, any activity that threatens the vitality, health or integrity of the natural features or ecological functions for which an area is identified and includes any single or successive **development** or site **alteration** activity having such an effect.

**Net Hectare**

Shall mean the area of a parcel of land on which **Development** is proposed or existing, expressed in hectares, excluding all non-residential land uses such as roads, schools, commercial sites and parks.

**Noise Barrier or Sound Wall**

(By-law 3358-36)

Shall mean a barrier, **Erect or Constructed** in accordance with *Ontario Building Code* design standards, designed and used to mitigate acoustical sound from adjacent land uses. This barrier, shall be designed to block sound produced by an acoustical generator from a receptor, and may consist of an earth berm, masonry fence, wood fence or any combination thereof, having a minimum surface density of 20 kg/m<sup>2</sup>, or a building wall and, notwithstanding any other definition herein, shall not be considered a fence.

**Non-Complying**

Shall mean any **Existing** use, **building, structure or lot** which does not comply with one or more of the applicable zone requirements and standards of this By-law. [See also Non-Conforming]

**Non-Conforming**

Shall mean any **Existing** use, **building, structure or lot** which does not conform with the **permitted use** provisions of any Zone in this By-law. [See also Non-Complying]

**Non-Residential Use**

Shall mean when used with reference to a **use, building or structure**; designed intended or used for purposes other than those of a *dwelling*.

**Nursing or Convalescent Home** - see **Home for the Aged, Nursing Home, or a Long-Term Care Facility, Continuum-of-Care Facility**

**Obnoxious Uses**

Shall mean any use which is a nuisance to the occupant or owner of any neighbouring lands or **buildings** by reason of the emission from the neighbouring land or **building** or any part thereof, or the creation thereon, of odours, gases, dirt, radiation, smoke, noise, vibration, fumes, cinders, soot, waste or water carried waste, or depositing or leaving unsightly objects or chattels thereon.

**Occupancy Certificate**

(By-law 3467)

Shall mean a certificate issued under the authority of the *Planning Act* by the **Chief Building Official** which indicates that the proposed use of land or any **building or structure** on any such land is in conformity with this By-law.

**Official Plan**

Shall mean the Official Plan of the Town of Perth or parts thereof and amendments thereto.

**Office** – see *Business, Professional and/or Administrative Office*,

Shall mean the open, unobstructed space on a *lot* including landscaped areas, pedestrian walkways, *patios*, pools or similar areas but not including any *driveway*, ramp, *parking spaces or aisles*, *loading / delivery spaces* or manoeuvring areas and similar areas. [See also *Landscaped Open Space*]

**Order Station or Order Board**

Means an ordering box, display board or any other device, including communication equipment, used by the public and operator to communicate and thereby facilitate sales and/or services in a *drive-through facility*.

**Outdoor or Outside Storage**

Shall mean storage of goods, merchandise or equipment outside of the *principal building or structure* on a *lot* or portion thereof that is enclosed with a *building*, fence, or berm, or any combination thereof, and may be partially covered or enclosed, which is used on a year-round basis for the *bulk storage* of building construction products and merchandise and other products, supplies, goods, wares, or equipment for the purpose of their use or sale by the principal business. This definition shall not include the open exterior storage of goods or equipment *accessory* to a residential occupancy of a *lot*, a *parking area or parking space*, an area for vehicle sales use, or a permitted *outdoor display area* for advertising and demonstrating goods and products or a seasonal garden supply area *accessory* to a commercial use.

**Outdoor or Outside Display Area**

Shall mean: an exterior area, *accessory* to a *permitted use*, which is dedicated to the display of goods, product, or merchandise, used solely for advertising and demonstration purposes and not for storage purposes such that a single unit of the product, good, or merchandise is presented in the display area and does not include an *Outdoor Storage Area* or an area for vehicle sales use.

**Outdoor or Outside Display and Sales Area; Seasonal**

Means an unenclosed area or an area bounded by a temporary fence, located adjacent to a permanent *building*, which has been designed or occupied for the *accessory* display of seasonal goods and merchandise, on an occasional and temporary basis by the building occupant and includes a seasonal *Garden Centre* but shall not occupy any *barrier free parking space*, any portion of a required fire *Lane*, a *Driveway* or any portion of a required *sight triangle*. (moved from C2-11 Zone)

**Owner**

Shall mean a mortgagee, lessee, tenant, occupant, or a person entitled to a limited estate or interest in land, a trustee in whom the land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.

**Park**

Shall mean an area of land, whether enclosed or not, which is devoted to recreational or leisure uses (e.g. *playground*, *play field*, *athletic field*, *field house*, *Community Centre*,

*bleachers, swimming pool, wading pool, **greenhouse**, botanical gardens, zoological gardens, bandstand, skating rink, tennis courts, bowling green, boat livery, bathing station, curling rink, refreshment concession, camping area, fair ground, arena, golf course etc.) [See also **Fairgrounds**, Golf Course]*

**Park - Private** (see *Recreational Commercial Establishment*)

**Park Model Trailer**

(By-law 3467)

Shall mean a trailer as defined under Section 9.39.1.1 of the *Ontario Building Code*, or any successor thereto, as a manufactured building used or intended to be used as a mobile seasonal recreational building of residential occupancy which is not to be used as a **Single-detached** or principal residence notwithstanding that it has been jacked up and its running gear removed.

**Parking Area**

Shall mean a **lot** or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of more than four *motor vehicles*, **accessory** or incidental to **permitted uses** in all zones, and includes any associated **parking spaces**, parking **Aisles**, pedestrian **Aisles**, or **Lanes** between **Aisles** but does not include a **Driveway**, *street* or **Public Laneway**.

**Parking Lot, Commercial** - see *Commercial Parking Lot*

**Parking Space**

Shall mean an area which has direct **Access** to a *street*, **Aisle**, **Lane** or **Public Laneway** used for the temporary parking of one motor vehicle.

**Parking Space, Barrier Free or Accessible**

Means a **parking space** designed and reserved for the temporary parking of a *motor vehicle* being used to transport a handicapped or disabled person and which is displaying appropriate, identifying, signage.

**Parking Space, Tandem**

Means: a **parking space** which has indirect **Access** to a *street*, **Lane**, or **Public Laneway** by virtue of being separated from the *street*, **Lane** or **Public Laneway** by another **parking space**.

**Parking Structure or Garage**

Means a **building** or **structure**, or a portion thereof, located above or below **Established Grade**, which is designed to shield motor vehicles from weather, and contains a **parking area**, and is the *principal use* or may be **accessory** to a **building** on the same **lot**.

**Patio**

Means an open space of land adjacent to a *residential use* which is surfaced with concrete, pavers, stone, wood or comparable material and is *at grade*, and is an

uncovered, outdoor area used as an extension to the interior of the home for private entertainment or leisure activities.

In a commercial setting, means an outdoor eating area, located on a private **lot**, or an authorized occupancy of public land, that is **accessory** to a **restaurant** where, on a seasonal basis, food and/or refreshments prepared on the **premises** are consumed.

### **Pawn Shop**

Shall mean a **premises** operated by a pawnbroker and used for the loan and/or exchange of money on articles or personal property at a given rate of interest.

### **Pedestrian Way**

Shall mean a public thoroughfare intended exclusively for pedestrians.

### **Permitted Use**

Means a *use* which is *permitted* in the *zone* where such *use* is located.

### **Person**

Shall include an individual, an association, a chartered organization, a firm, a partnership, a corporation, an agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

### **Personal Service Establishment or Use**

Shall mean an establishment wherein a personal service is performed. (*Examples include a barber shop, beauty salon, shoe repair, photographic store, **Laundromat** or a **Dry Cleaning Distribution Station**, pet grooming service or similar uses.*)

### **Pet Grooming Establishment or Service**

Means a **premises** wherein cleaning, clipping and grooming services are provided for **Domestic Pets**, but shall not include an **Animal Shelter** or *kennel*.

### **Pinball Machine - see *Arcade***

### **Place of Assembly**

Shall mean a **building** or part of a **building** specifically set aside for and primarily used for the operation of arts and craft shows, trade fairs, fashion shows, public meetings, banquets, conference meetings, civic, political, social or religious activities, a **private club**, *wellness centre*, or a fraternal organization and similar activities.

### **Place of Worship**

Means a **premises** owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, and may include churches, chapels, temples, parish halls, mosques and synagogues including a **place of assembly**, *offices* for the administration of the religious institution, a convent, a seminary, a monastery, rectory, manse, parsonage, and a **Cemetery**.

### **Playground**

Shall mean a park or part thereof which is equipped with active recreational facilities oriented to children. [See also **Park**]

### **Porch**

Shall mean a covered entrance to a **building** usually with a separate roof and unenclosed and used as an outdoor living area. [See also Veranda]

### **Premises** (By-law 3467)

Shall mean a **building** or part of a **building**, and/or a **lot** or part of a **lot**, which is used, reserved, rented or leased for the exclusive use of one residential household as a **Dwelling Unit** or one business/commercial occupant and in a multiple tenancy **building** or on a **lot** occupied by more than one **Dwelling Unit** or business/commercial occupant, each exclusive use area shall be a separate "premises".

### **Print or Copy Shop**

Means a **premises**, or part of **building**, occupied by a *business office* service that provides any of the following: photocopying, scanning or faxing; mail processing; receiving, compiling, finishing, laminating, or binding of documents; and publishing and/or packaging of documents but does not include the mass production and distribution of books, magazines, newspapers or other publications.

### **Private Club** – see **Club, Private**

### **Private Road**

Shall mean a private right-of-way over private property which affords **Access** to two or more abutting **lots** and which is not maintained by a **public authority**.

### **Product Distribution Centres** - see **Factory Outlet**

### **Provincial Highway** - see **Highway**

### **Public Authority**

Shall mean the Town of Perth and any Boards or Commissions thereof and any Ministry or Department of the Governments of Ontario or Canada, or other similarly recognized public utility or agencies established or exercising any power or authority under any special or general statute and includes any committee or local authority established by By-law of **Council**.

### **Public Street**

Shall mean any road or common highway affording the principal means of **access** to abutting properties which is owned and/or operated by a **public authority** or is to be **assumed** by a **public authority** in accordance with a subdivision or **development** agreement.



### **Public Use or Public Service Facility**

Shall mean the use of any land, **building or structure** or part thereof for the purpose of providing any **public service** or utility by the Town of Perth, Her Majesty in right of Ontario or Canada, or any Board, Commission, Ministry or Department thereof, any electrical, natural gas, steam, sewage disposal and drainage, telecommunications including storage, maintenance or repair facilities **accessory** to the said utilities.

### **Public Use Floor Space**

Shall mean the **floor area**(s) used for reception, office areas for reception staff or client services staff, or floor space that is leasable by the general public for temporary office or meeting room purposes within a commercial **building** primarily used for overnight accommodation, but does not include any rooms or **floor area** used as a **place of assembly**.

### **Queue, Minimum Vehicle Service**

(By-law 3358-36)

Shall mean shortest length of a **vehicle service queue** from its **Access** point to its exit point expressed as the number of motor vehicles or queuing spaces capable of occupying the queue.

### **Queue Space**

Shall mean the minimum area required for a motor vehicle in a **vehicle service queue** and shall have dimensions of 2.7 m by 6 m [8.85 ft. x 19.6 ft.]

### **Queue, Vehicle Service**

(By-law 3358-36)

Shall mean a motor vehicle **access lane** with a single **Access** point and single exit point which is used by business patrons to **access** a customer service window or a **loading / pickup** space for customers receiving purchased goods and services and which is separated from other **parking areas** and pedestrian spaces by barriers, or **lane** markers and signage.

### **Reconstruction or Renovation**

Shall mean the repair and restoration of a **building or structure** to a safe condition but shall not include its **replacement**.

### **Recreational Commercial Establishment**

(By-law 3467)

Shall mean **premises** where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, golf courses, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasias, band shell or open theatre, and other similar uses except as otherwise specifically defined in this by-law such as Adult Video Rental Outlet, **arcade** or **video arcade**, **bingo hall**, **casino**, or **entertainment establishment**.

### **Recreational Equipment**

Means: a portable **structure**, vessel, or vehicle that is designed and built to be carried by a **motor vehicle**, or a unit designed and built to be transported or operated under its own power or propelled power, for the purposes of providing recreation enjoyment or



travel, typically for two to four people, and may include boats, personal water craft, snowmobiles, all-terrain vehicles (ATVs) or other equipment used for recreational purposes and includes trailers for transporting such equipment.

### **Recreational Vehicle**

Shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term basis for living, sleeping or eating. The term recreational vehicle includes the following: motor homes, travel trailers, tent trailers, **park model trailers**, campers, a fifth wheel or converted bus but does not include a *mobile home* or **recreational equipment**. [See also **Mobile Home**]

### **Recreational Vehicle Sales, Storage and Repair**

Shall mean a **building** and/or **lot** which is used for the repair, display, storage and/or sale of boats, trailers, campers, snowmobiles and other **recreational vehicles**.

### **Redevelopment - see *Development***

### **Registered Plan**

Shall mean a plan legally registered as per the *Registry Act* or the *Land Titles Act*.

### **Replacement**

Shall mean: with respect to a **building or structure**, a re-building of the entirety of a **building or structure** with new materials; or extensive re-building of a **building or structure** after, or in a manner that results in, **demolition**.

### **Restaurant**

(By-law 3358-36)

Shall mean: a business **premises** where food and beverages, primarily prepared within the **premises**, are offered for sale to the public and where the food and beverages are served for consumption by patrons seated within the **premises** and which may include a take out service or seasonal **patio** seating as **accessory Uses**.

### **Restaurant, Drive-in**

(By-law 3358-36)

Shall mean: a business **premises** where food and beverages are prepared and offered for sale to the public primarily for consumption outside the business or off-site, which may provide in-door seating for 8 patrons or less and may provide outdoor seating for patrons, and at which parking facilities are provided for patrons to consume the food in their vehicles and includes any mobile food vendor operating from a commercial property.

### **Restaurant, with Drive-through Service**

(By-law 3358-36)

Shall mean: a **restaurant**, a portion of which is designed to permit food and beverages to be offered for sale to the public, by means of a service window for product delivery and service to clients using a motor **vehicle service queue** with the food and beverages sold at the service window normally consumed off-site.

**Restaurant, Drive-through / Takeout**

(By-law 3358-36)

Shall mean: a business **premises** with no indoor seating where food, prepared on or off the **premises**, is offered for sale to the public with consumption of all food occurring outside the business and primarily off site and which includes one or two windows for product delivery and service to clients using a motor **vehicle service queue**, with a maximum of four **parking spaces** provided on site.

**Restaurant, Take-out**

(By-law 3358-36)

Shall mean: a business **premises**, where food and beverages, largely prepared on the **premises**, are offered for sale to the public, which is designed and intended to predominantly serve pedestrian clients such that consumption of the food occurs primarily outside the business and off-site, which has a maximum indoor seating for six patrons and has no **drive-through service** [See also **café or snack bar**].

**Retail Store or Business**

Shall mean a **building** wherein goods, wares, merchandise, substances or articles are offered for sale to the general public, and may include the limited storage of goods, wares, merchandise, substances or articles, and shall not include any other use defined herein.

**Retail Store, Large Format**

Shall mean a **retail store** with a **gross floor area** exceeding 2,000 m<sup>2</sup> [21,525 ft.<sup>2</sup>]

**Right-of-way - see Easement****Risk Management Official**

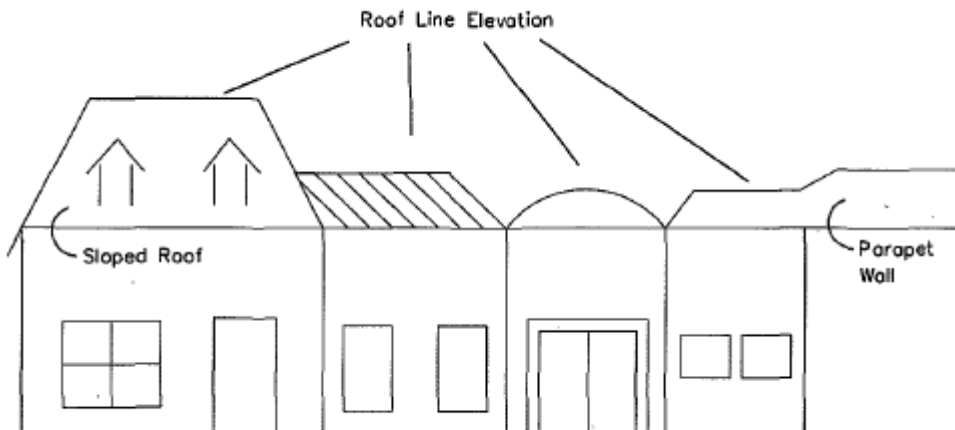
Shall mean a **person** appointed by the **Corporation** that is responsible for the enforcement of Part IV of the *Clean Water Act*, and who has the qualifications prescribed in Ontario Regulation 287/07, as may be amended.

**Road (See Public Street)****Roof Line Elevation**

(By-law 3358-45)

Means the highest elevation of a sloped roof or, in the case of a flat roof, the elevation of the roof or building wall or parapet wall whichever is highest, exclusive of any **accessory** mechanical equipment or equipment rooms, such elevation being measured from the **established grade** along the bottom of the wall and in the case of an articulated roof is measured at each change in elevation along any section of wall. (See Figure 12 - Roof Line Elevation)

Figure 12 - Roof Line Elevation



### **Rooming House**

Shall mean a dwelling within which a proprietor supplies **accommodation rooms** or **bachelor apartment** units without kitchens for a fee, generally on a weekly or monthly basis, for the temporary lodging of up to 10 persons and may provide meals or a common kitchen or dining facility but this use does not include a **bed and breakfast establishment**, a **boarding house**, a **hotel**, a **hostel**, a children's home, a Continuum of Care Facility, or other establishments otherwise classified or defined in this by-law.

**Row House** - see **Dwelling, Row house or Townhouse**

**Salvage Yard** -see **Wrecking Yard**

### **Satellite Dish/Receiver**

Shall mean a **structure** designed, used or intended to be used to send or receive signals to or from a satellite.

### **School**

Means a Provincially-approved institution for academic instruction and shall include a public, private or separate **school**, a vocational **school**, or a post-secondary **school** such as a college or university. [See also **Institutional Use**]

**Seasonal Trailer** - see **Recreational Vehicle**

### **Seating Capacity**

Shall mean the number of persons which can be accommodated in a **building** or **structure** or part thereof in a seated position on chairs, benches, forms or pews.

### **Seasonal Garden Centre**

Means an outdoor space associated with a **building supply store**, agricultural supply business, **Commercial garden centre** or grocery store, which is enclosed with a temporary fence a minimum 1.8 m in **height**, that is used for the temporary storage,

display and sale of plant material; plant growth media such as top soil, mulch, compost etc.; fertilizer; and gardening tools, equipment and accessories and may operate between May 1st and October 31st in any year.

### **Secondary Apartment**

Shall mean a separate and self-contained **dwelling unit** (e.g. includes cooking, sanitation and sleeping facilities) within or added to a single detached, **semi-detached** or **duplex** dwelling or a **dwelling unit** in a **dwelling, row house or townhouse** and which has a separate exterior entrance or independent **access** to an exterior entrance

### **Self-Storage Facility**

Means a commercial **building** or part of a **building** wherein items are stored in separate, secured storage areas or lockers that are individually rented or for hire and, where specifically permitted, may include the rental of space for exterior storage of **recreational equipment** and **recreational vehicles**.

### **Semi-Detached Dwelling - see *Semi-detached***

### **Seniors' Home or Residence**

Shall mean a dwelling for senior citizens which may be sponsored and administered by any public agency or may be privately operated and may include a **converted dwelling**. Such home may include **accessory Uses** such as recreational and laundry facilities, personal care services and eating facilities.

### **Seniors' Non-residential Care Facility**

Shall mean a **building** or part of a **building** or **premises** where amenities, activities and recreational facilities are provided for seniors under the supervision of a nurse or medical caregiver, but does not include any residential accommodation nor any facilities for occupancy of the **premises** by clients beyond purely incidental and occasional visits.

### **Sensitive Land Uses**

Shall mean **buildings**, amenity areas, or outdoor areas where *permitted*, routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby **Industrial Use** or outdoor storage use. Sensitive land uses may be part of the natural or built environment.

*Examples of sensitive land uses may include, but are not limited to: residential land, dwellings, day care centres, educational and health care facilities, outdoor sports and recreation facilities.*

### **Service Commercial Establishment or Use**

(By-law 3467)

Shall mean a business which primarily offers a service or delivers a product off site, generally involves a limited amount of "cash and carry" retailing of goods, and for which the business site primarily functions to provide a product advertising and display area and a **business office** with a limited amount of floor space used or needed for product storage and assembly areas and the retailing of accessories and parts.

*Examples of service commercial establishments include but are not limited to: appliance or electronic repair services, wood stove retailing, window or window covering sales and installation service, kitchen and cabinet installation and improvement service, satellite and communications equipment sales and service, catering services and similar uses*

### **Service Outlet or Shop**

Shall mean a **building** whether in conjunction with a **retail store** or not, used for the repair or servicing of goods, commodities, articles or materials, but not the manufacturing, processing or wholesaling thereof. Automotive repairs and services are not permitted under this definition.

### **Setback**

(By-law 3467)

Shall mean:

- a) Except in reference to a water body, shall mean the least horizontal distance between a **lot line** and the wall of a **building** and/or a **building line**.
- b) With reference to a water body, the least horizontal distance between the **high water mark** of the water body and the nearest **building line**.

### **Sewage and Water Systems**

Shall mean (municipal) piped sewage and water services that are connected to a centralized water and wastewater treatment facility.

### **Shopping Centre**

(By-law 3358-36)

Shall mean: a group of four or more commercial **premises** with a collective **gross leasable floor area** greater than 465 m<sup>2</sup> (5,000 ft.<sup>2</sup>), in which retail commercial, **service commercial** and **personal service uses** predominate; which is designed, developed and managed as a unit or commercial collective; is owned as a single holding, a **condominium** corporation or a commercial cooperative; and features shared off-street parking, commonly with shared street access/entrances, **driveways** and **lanes**; and which may include common interior **access** spaces, shared **loading areas**, shared pedestrian **access** features and shared signage.

### **Shoreline**

Shall mean those lands extending from the average annual water level which have potential and direct significant impact on near shore waters and the shore ecosystem through run-off, and where land use activity is primarily water oriented.

### **Showroom**

Shall mean a part of a **building** used for the display of samples, patterns or other goods and wherein orders are taken for merchandise which is stored in bulk in a **warehouse** which is part of the same **building**, generally for future delivery to customers.

### **Sight Distance**

(By-law 3467)

With respect to a **sight triangle**, shall mean the required length of one side of a **sight triangle** as measured from the point of intersection of two street-lines or a **driveway** to a specified point or distance along one street-line.

### **Sight Triangle**

Shall mean a triangular space, free of **buildings, structures** and obstructions, formed by the street-lines abutting a **corner lot** and a third line drawn from a point on a street-line to another point on a street-line, each such point being the required **sight distance** from the point of intersection of the street-lines as specified in this by-law. It may also include a space at the end of a **Driveway** and in such locations the edge of the **Driveway** shall correspond to a street-line for the purpose of this definition. (see Figure 13 - Illustration of Sight Triangles)

### **Single Detached Dwelling -see *Single-detached***

### **Snow Dump**

Means: a **lot** or part of a **lot** or the total of all portions of a **lot** which encompasses an area of 4,000 sq. m or more and which is used for the storage of snow for the duration of the winter season, whether delivered from off site or moved from other areas within a larger site, but does not include temporary snow banks resulting from snow clearing activities where the banks are regularly removed to an off-site or on site “snow dump” location. (for the purpose of this by-law a winter season will extend from the first snowfall exceeding 5 cm after November 1 to the last such snowfall or April 30th in the following year, which ever date represents the shorter time period.

### **Snow Dump – permanent**

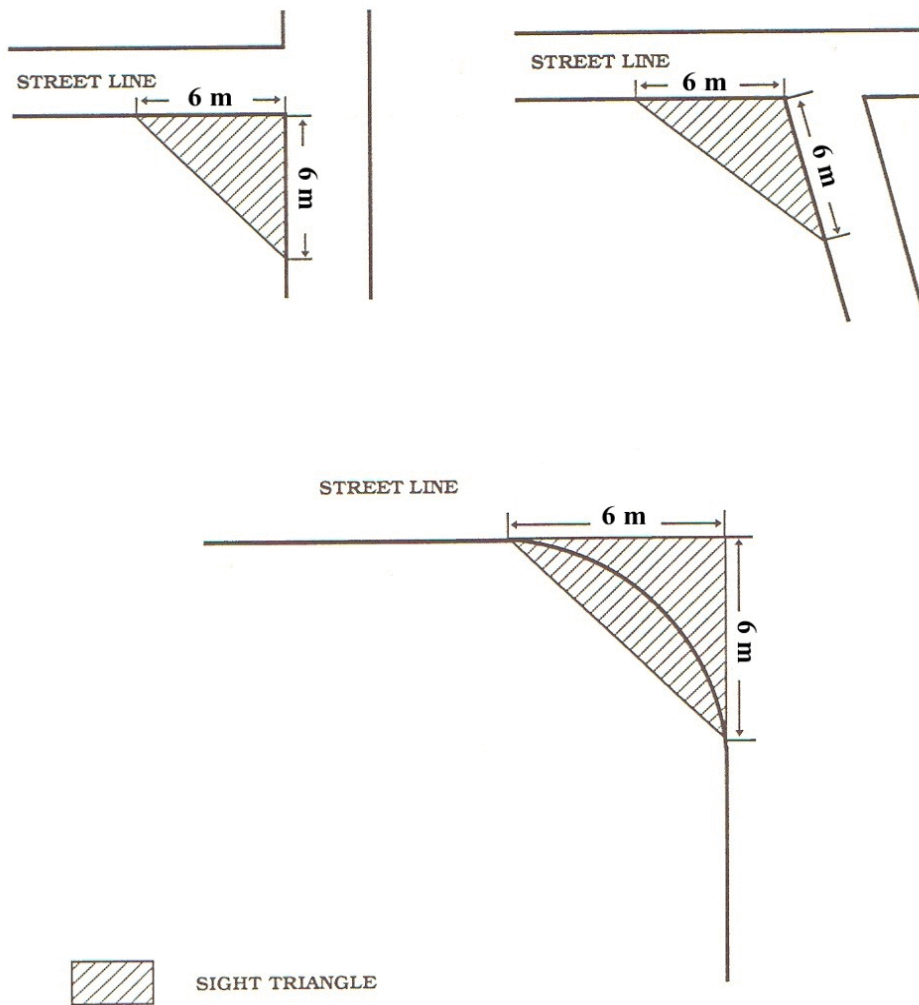
Means: a snow dump comprised of one consolidated area, or a collection of areas on a **lot**, with a footprint of 7,500 m<sup>2</sup> or more that is designed, used, or intended to be used, regularly for snow storage whether for one winter season or multiple seasons.

### **Snow Dump – emergency**

Means; a snow dump with an area of less than one (1) hectare that is established by the **Corporation** or by another government agency for the temporary storage of snow for one winter season or a portion of a winter season when the snow dump facilities normally used by the **Corporation** or another government agency are not available due to excess snow volume or emergency conditions whereby an unusual volume of snow requires additional snow storage for the purpose of facilitating efficient snow removal to restore use of roads and safe driving conditions.

Figure 13 - Illustration of Sight Triangles

### ILLUSTRATION OF SIGHT TRIANGLES



#### Solar Collector

Means a Class 1 or 2 ground mounted or rooftop mounted or wall mounted device under the *Green Energy and Green Economy Act, 2009* with a name plate capacity of less than or equal to 10 kW consisting of photovoltaic panels that collect solar power from the sun.



### **Solar Collector, Commercial**

Means a Class 3 ground mounted device under the *Green Energy and Green Economy Act, 2009* with a name plate capacity of greater than 10 kW consisting of photovoltaic panels that collect solar power from the sun.

### **Solarium**

Shall mean a glassed-in **structure** or room projecting from an exterior or *main wall* of a **building** which may be used for sunning, therapeutic exposure to sunlight, or for a use where the intent is to optimize exposure to sunlight.

### **Source Water Protection Plan**

Shall mean the Mississippi-Rideau Source Water Protection Plan, as applicable, prepared pursuant to the *Clean Water Act, 2006*.

### **Storage Container**

Means: a prefabricated new or used metal container or cargo box designed for the transportation or shipping of goods or for the storage of goods, merchandise or materials and may include a Sea-Can or shipping container but shall not include a *motor vehicle*, a dumpster, or recycling receptacle.

### **Storage Trailer**

Means: any unlicensed trailer, a mobile storage trailer, commercial trailer, or tractor-trailer, whether or not same is mounted on wheels that is used or intended to be used for the storage of goods, merchandise or materials that remains on one site for a period exceeding six months or more than 9 months in any 24 month period.

Store – see **Convenience Store**, **retail store**, and **shopping centre**

### **Storey**

Shall mean that portion of a **building** other than a *cellar*, **basement**, **crawl space**, or **mezzanine level** included between the surface of any floor and the surface of the floor, roof **Deck**, ceiling or roof immediately above it but shall exclude an unfinished **Attic**. [See also Figure 2 - Basement and Cellar Definitions] (see Figure 14 - Illustration Definition of "Storey") and any such space exceeding a **height** of 5 m shall be deemed an additional storey.

### **Storey, First**

Shall mean the storey that has its floor closest to grade and its ceiling more than 1.8m above grade

**Street** - see **Public Street**

### **Street or Road Allowance**

Shall have a corresponding meaning to that of **public street** or **private road**.

### **Street Line**

Shall mean the limit of the road allowance and is the dividing line between a **lot** and a **public street** or **private road** as shown on a survey, **registered plan** of subdivision, **Condominium** plan, compiled plan or the original plan of the Town of Perth.

### **Structure**

Shall mean anything **erected or constructed**, the use of which requires location on the ground or **attached** to something having location on the ground and, without limiting the generality of the foregoing, includes a **recreational vehicle**, a sign, a fence, a swimming pool, a **deck**, or a dock.

### **Studio**

Shall mean a **building** or part thereof used,

- a) as the workplace of a photographer, artist, artisan, cabinet maker, jewellery crafter, or comparable artist or craftsperson, where unique or custom made articles or goods are fabricated or created and may be offered for sale but does not include any **Industrial Use**.
- b) for the instruction of art, music, languages or similar disciplines.

### **Taxi Stand or Dispatch Office**

Means: lands and/or **premises** where chauffeured passenger automobiles or vehicles licenced as taxis by the Town of Perth are kept for hire and includes any administrative or communications offices for the management and dispatching of such automobiles.

### **Temporary Vehicle Shelter**

Means a prefabricated temporary, **accessory structure**, usually **Erect or Constructed** with a metal, wood or plastic frame and covered with a tarpaulin or other similar type of fabric or plastic cover, **used** primarily for the storage of a **Motor Vehicle** or other equipment and is designed to be dismantled or removed.

### **Tavern or Roadhouse**

Shall mean a "tavern" as defined by the *Liquor License Act*.

### **Tourist Establishment**

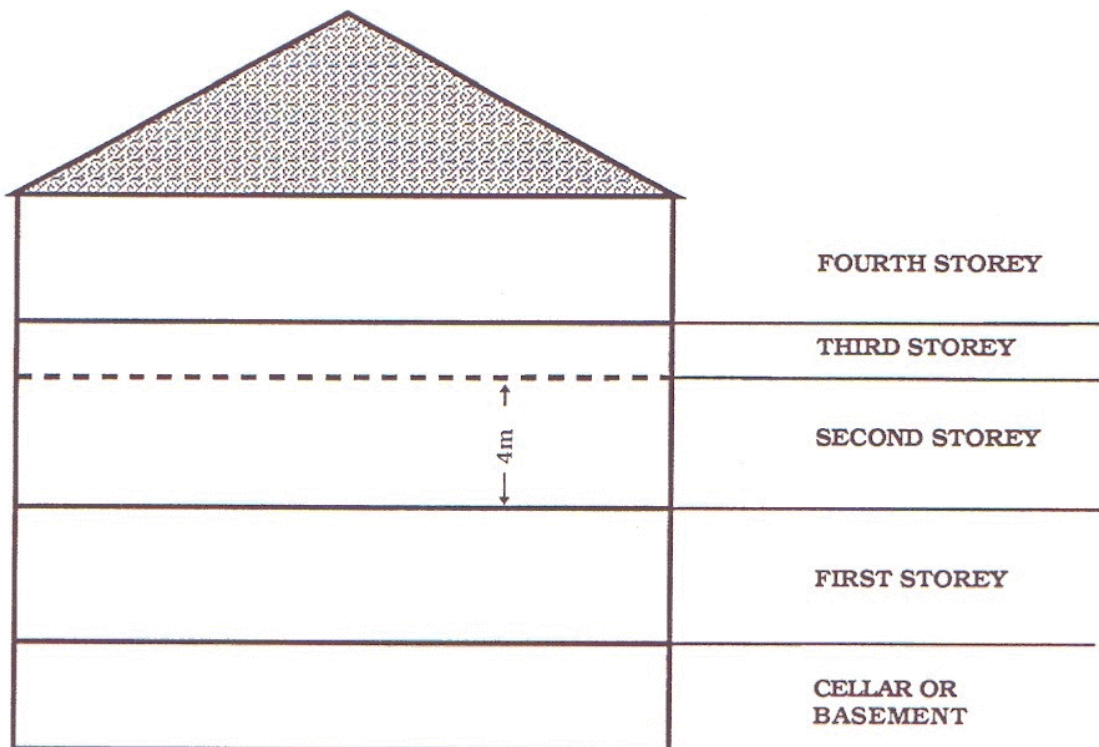
Shall mean **premises** to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including an **Inn, hotel, motel**, lodge or **bed and breakfast**, and rental cottage or cabin where more than 3 such rental units occupy the same property, including **accessory Uses** such as dining, meeting and beverage rooms and similar uses.

**Townhouse - see *Dwelling, Row house or Townhouse***

Figure 14 - Illustration Definition of "Storey"

## ILLUSTRATION DEFINITION OF "STOREY"

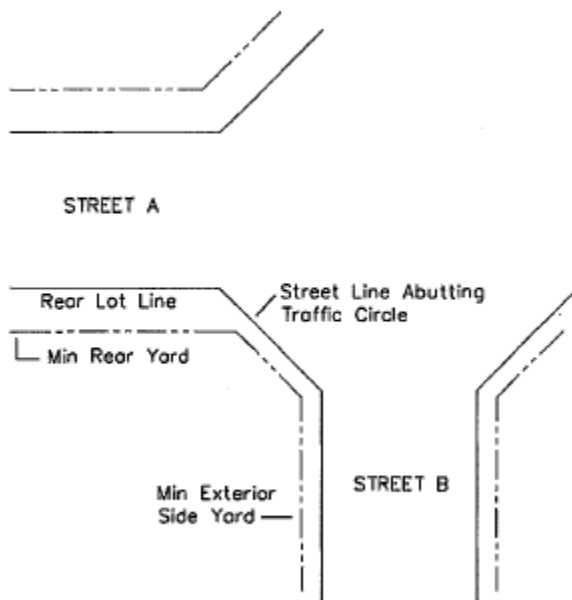
WHERE DISTANCE BETWEEN FLOORS  
EXCEEDS 4 METRES



**Traffic Circle /Roundabout** (from C2-11 Zone By-law 3358-45)

Means a road intersection, designed and used as an alternative to a signalized intersection or four-way stop, which is intended to accommodate a more continuous traffic movement around a landscaped island in the center of the intersection, and the boundaries of which shall be determined by and *setbacks* measured from the point(s) at which the intersecting road allowances deflect or widen to accommodate construction of the traffic circle (see Figure 15 - Traffic Circle).

Figure 15 - Traffic Circle



**Transportation Depot or Truck Terminal**

Shall mean land, or a **structure** or a **building** where **commercial vehicles** are kept for hire, rental and/or lease, or stored and/or parked for remuneration and/or from which such vehicles are dispatched for hire as common carriers and where such land, **structure** or **building** may be used for the storage and/or distribution of goods, wares, and merchandise.

**Transfer Station or Recycling Depot**

Means a special *waste management facility* which only serves as a temporary storage site for clean materials such as glass, paper, cardboard, plastic, white goods, metal, electronics and other similar products which will be transferred to another location for reuse. This definition does not include any other type of waste management system [See also **Waste Management Facility**].

**Trailer** (By-law 3467)

Shall mean a “trailer”, as defined under the Highway Traffic Act R.S.O. 1990, c. H-8 or any amendment thereto or replacement thereof.

**Trailer, Commercial** (By-law 3467)

Shall mean a “trailer”, used for the haulage of goods, materials and equipment for industrial, commercial or business purposes, including any vehicle designed for such use and/or customarily drawn by a commercial motor vehicle.

**Trailer, Domestic** (By-law 3467)

Shall mean a ‘trailer’, other than a semi-trailer, which is less than 6 m. in length, exclusive of the tongue and hitch, and which is used for the utility needs of a singular household including the hauling of personal **recreational equipment**, property maintenance tools and equipment and goods or materials necessary for residential property maintenance or repair.

**Trailer, Semi-** (By-law 3467)

Shall mean a ‘semi-trailer’ as defined under Highway Traffic Act Regulation 618, R.R.O., 1990 Reg 618 or any amendment thereto or replacement thereof.

**Use or Used**

Shall mean the purpose for which a **lot** or a **building, or premises, or a structure** or any portion or combination thereof, is designed, arranged, occupied or maintained.

**Utility Sheds**

Shall mean a one **storey accessory structure** not exceeding 22.3 m<sup>2</sup> [240 ft.<sup>2</sup>] and used for storage or domestic workshop purposes.

**Veranda**

Shall mean a roofed open gallery or portico **attached** to the exterior of a **building** and at least two sides of which are typically enclosed by the **building**.

**Video Rental Outlet**

Shall mean a **building** or part of a **building** wherein the primary use is the rental of video tapes and may include the rental of video cassette recorders, video cameras and video games.

**Wellness Centre**

Means a **premise** devoted to activities and uses promoting good health and includes the teaching and practice, in both individual and group sessions, of a range of holistic, alternative and integrative natural health practices and may include meditation, acupuncture, shiatsu, massage therapies, yoga, and healthy eating programs, and may include **accessory Uses** such as **administrative offices**, physical fitness rooms, and waiting rooms, directly associated with the **premises**, but excludes a **recreational commercial establishment**.

**Warehouse**

Shall mean a **building or structure** or portion thereof used or intended to be used for the *bulk storage* of goods, merchandise, or materials.

**Waste Disposal Site -see Waste Management Facility****Waste Management Facility**

Shall mean a site which is licensed or approved by the Ministry of Environment and Energy and/or its agents where garbage, refuse, domestic or industrial waste, excluding radioactive or toxic chemical wastes is disposed of or dumped. This definition shall include waste transfer stations and recycling depots.

**Water Body**

Shall mean any bay, lake, river, natural watercourse or canal but excluding a drainage or irrigation channel.

**Wetland**

Shall mean lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Lands being used for agricultural purposes, that are periodically "soaked" or "wet", or which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Wildlife Habitat**

Shall mean areas where plants, animals and other organisms live, and find adequate amounts of food, water shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual life cycle; and areas which are important to migratory or non-migratory species.

**Wind Farm**

Means: a collection of *wind turbines* placed in proximity to each other in one geographic area which are used in combination or operated collectively for the generation of mechanical or electrical energy.

**Wind Turbine**

Means: a Class 1 wind facility under the *Green Energy and Green Economy Act, 2009* with a nameplate capacity less than or equal to 3 kW being a machine designed and used for converting the kinetic energy in wind into mechanical energy or electrical energy

### **Wind Turbine, Commercial**

Means: a Class 2, 3, or 4 wind-facility under the *Green Energy and Green Economy Act, 2009* with a nameplate capacity greater than 3 kW being a machine designed and used for converting the kinetic energy in wind into mechanical energy or electrical energy.

### **Woodland**

Means: a treed area that provides environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and enables the sustainable harvest of a wide range of wood, wood fiber and plant derived products. Woodlands include treed areas, woodlots or forested areas a minimum of 1 hectare in size but will include smaller areas that encompass threatened or endangered tree species.

### **Working Drawings**

Shall mean sets of drawings, construction plans, blueprints and specifications necessary to obtain a Building Permit under the *Building Code Act*.

### **Workshop - see *Custom Workshop***

### **Wrecking Yard**

Shall mean a **lot** and/or **building** or **premises** where used goods, wares, merchandise, articles, motor vehicles, machinery or parts thereof are processed or sold for further use, dismantled or abandoned. This definition may include a **junk yard**, a salvage yard, a scrap metal yard, a recycling depot and an **automobile wrecking yard** on the **premises**.

### **Yard**

Shall mean an area of open land between a **main wall** of a **building** and a **lot line** that, except for landscaping or **accessory buildings** and projections specifically permitted elsewhere in this by-law, is unobstructed above grade. (See Figure 16 - Definition of Yard)

### **Yard, Front**

Shall mean a yard extending across the full width of the **lot** between the **front lot line** and a line drawn parallel or concentric thereto and through the point of the **main wall** of a **main building** closest to the **front lot line**. (See Figure 16 - Definition of Yard)

### **Yard, Rear**

Shall mean a yard extending across the full width of the **lot** between the **rear lot line** and a line drawn parallel or concentric thereto and through the point of the main wall of the **main building** closest to the **rear lot line**. Where there is no **rear lot line**, the Yard, Rear shall be measured from the intersection of the side lot lines to the closest point of the **main wall** of the **main building**. (See Figures 13 and 14)



**Yard, Side or Interior Side**

Shall mean a yard extending from the **front yard** to the **rear yard** between the **side lot line** and a line drawn parallel or concentric thereto and through the point of the **main wall** of a **building** closest to the **side lot line**. (See Figure 16 - Definition of Yard and Figure 18 - Example of Yard Definitions)

**Yard, Side Exterior**

Shall mean a **side yard** adjacent to a **public street**. (See Figure 16 - Definition of Yard)

**Yard, Side - Interior**

Shall mean a side yard other than an **exterior side yard**. (See Figure 18 - Example of Yard Definitions)

**Zone**

Shall mean a designated area of land use demarcated on the Schedules attached hereto.

**Zone Regulation**

Shall mean any provision of this By-law which is listed under the heading "Zone Regulations" and includes anything which is applicable to the zone or use.

**Zoning Administrator**

Shall mean the officer, employee or such other **person** as may from time-to-time be designated by **Council**, charged with the duty of enforcing the provisions of this By-law.

Figure 16 - Definition of Yard

## DEFINITION OF YARD

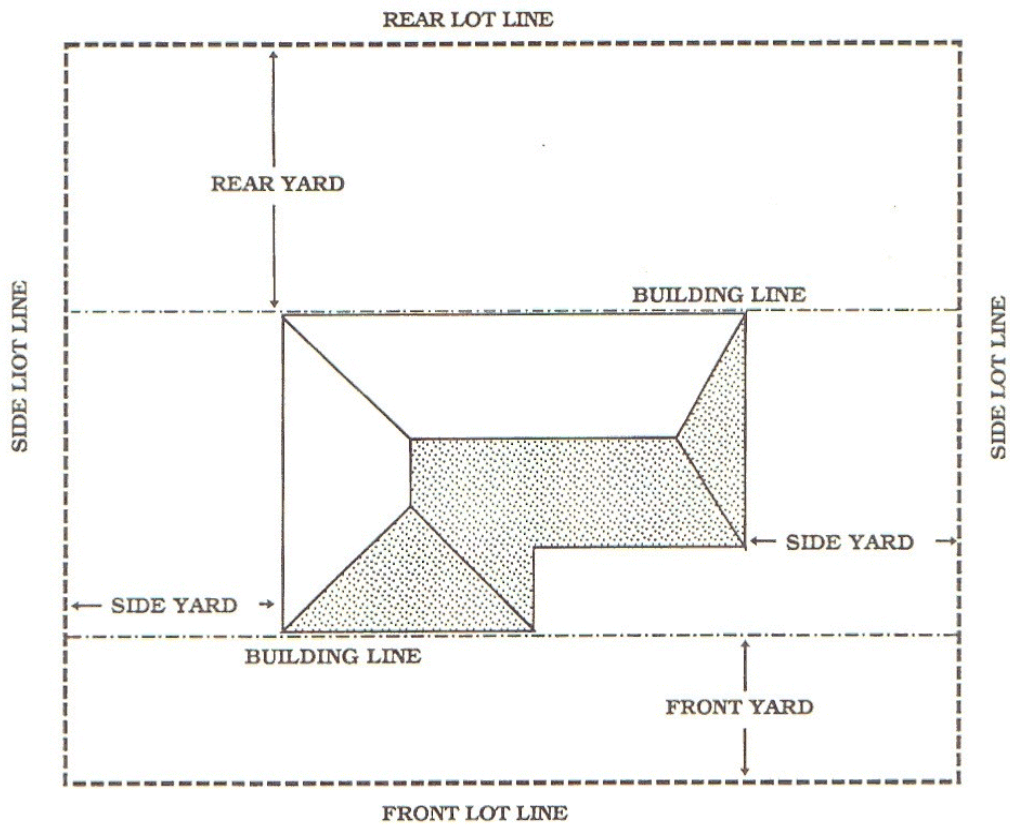


Figure 17 - Building Envelope

## BUILDING ENVELOPE

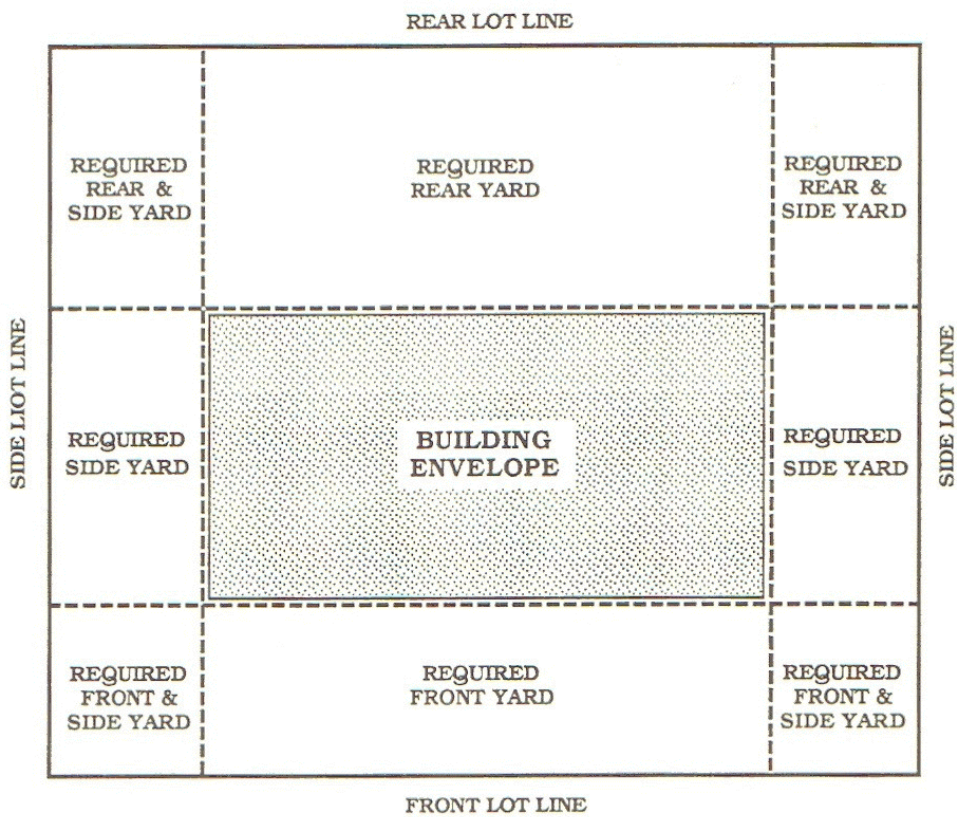
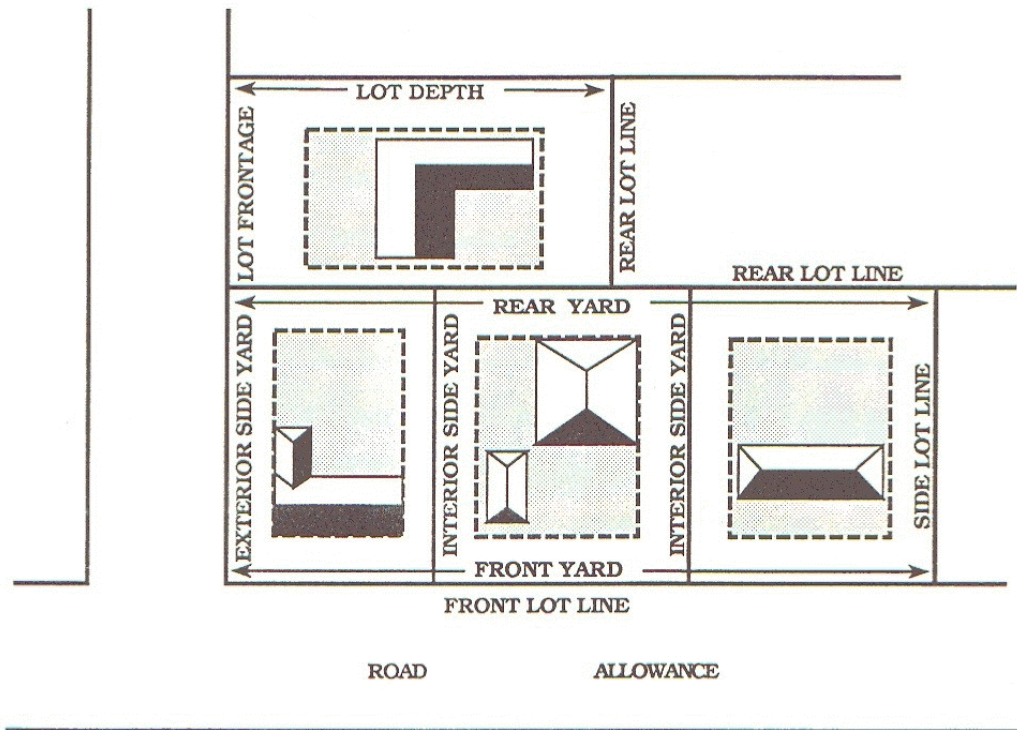


Figure 18 - Example of Yard Definitions

## EXAMPLE OF YARD DEFINITIONS



## Section 4. General Provisions

### Explanatory Note

The General Provisions section of the By-Law sets out the regulations which apply regardless of the specific zoning. Whereas each zone category stipulates site specific controls corresponding to such items as ***permitted uses*** and Building location and ***height*** restrictions, the General Provisions regulations are more general in nature, applying to a variety of uses regardless of zoning.

(NOTE: text shown in bold italic script are defined in the Definitions Section of this By-Law.)

#### 4.1. Accessory Buildings

1. Except as permitted in sentences 2, the minimum distance between free standing ***buildings*** or ***structures*** on the same ***lot*** shall be 2.4m (7.9 ft). The minimum distance measurement shall be taken horizontally from the outermost surface of each ***building*** or ***structure*** that faces another ***building*** or ***structure***.
2. Where an elevated platform such as, but not limited to, loading docks, ***decks***, ***porches***, and balconies are ***attached*** or abutting and servicing a ***building*** or ***structure***, the minimum distance described in sentence 1 shall be measured from the outermost platform edge of such an elevated platform to any other ***building*** or ***structure*** located on the same ***lot***.

Table 7 - Zone Regulations for Accessory Uses

Item	All Residential Zones	Non-Residential Zones	Exceptions/Additional Requirements
Minimum Front Yard	Same as <b><i>principal use</i></b> or <b><i>main building</i></b>	Same as <b><i>principal use</i></b> or <b><i>main building</i></b>	<ul style="list-style-type: none"> <li>• M1 Zone: 12 m [39.3 ft.] abutting a residential zone</li> </ul>
Minimum Exterior Side Yard	<ul style="list-style-type: none"> <li>• 4.5 m [14.7 ft.]</li> </ul>	<ul style="list-style-type: none"> <li>• C1, C1P Zones: 0.0 m [0.0 ft.]</li> <li>• C2 zone: 9 m [29.5 ft.]</li> <li>• C3, C4, C5 Zones: 3 m [9.84 ft.]</li> <li>• M1 Zone: 6 m [19.6 ft.]</li> </ul>	<ul style="list-style-type: none"> <li>• C1, C1P Zones: 9 m [29.5 ft.] abutting a residential zone</li> <li>• C3, C4, M1 Zones: 9 m [29.5 ft.] abutting a residential zone</li> <li>• C5 Zone: 6 m [19.6 ft.] + 1 m for each <b><i>storey</i></b> over 2 and</li> </ul>

Item	All Residential Zones	Non-Residential Zones	Exceptions/Additional Requirements
		<ul style="list-style-type: none"> <li>• M2 Zone: 7.5 m [24.6 ft.]</li> <li>• I Zone: 7.5 m [24.6 ft.]</li> <li>• WMF: 30 m [98.4 ft.]</li> </ul>	<p style="text-align: center;">10 m [32.8 ft.] from an <b>Existing</b> dwelling</p>
<b>Minimum Interior Side Yard</b>	1.2 m [3.93 ft.]	<ul style="list-style-type: none"> <li>• C1, C1P Zones: 0.0 m [0.0 ft.]</li> <li>• C2, C3, C4, C5, M1 Zones: 3 m [9.84 ft.]</li> <li>• M2 Zone: 4.5 m [14.7 ft.] one side and 6 m [19.6 ft.] other side</li> </ul>	<ul style="list-style-type: none"> <li>• C1, C1P Zones: 9 m [29.5 ft.] abutting a residential zone</li> <li>• C2, C3, C4, M1 Zones: 6 m [19.6 ft.] abutting a residential zone</li> <li>• C5 Zone: 6 m [19.6 ft.] + 1 m for each <b>storey</b> over 2 and 10m [32.8 ft.] from an <b>Existing</b> dwelling</li> <li>• M2 Zone: add 0.5 m [1.6 ft.] for every 2 m [6.5 ft.] over <b>height</b> of 11 m [36.0 ft.]</li> <li>• Lesser of <b>setback</b> of <b>main building</b> or ½ the <b>height</b> of <b>accessory structure</b> over 4.5 m [14.7 ft.]</li> </ul>
<b>Minimum Rear Yard</b>	1.2 m [3.93 ft.]	1.2 m [3.93 ft.]	<ul style="list-style-type: none"> <li>• Minimum <b>setback</b> of 30 cm [11.8 inches] shall apply to <b>eaves</b>, soffit, fascia and roof extension</li> <li>• Lesser of <b>setback</b> of <b>main building</b> or ½ the <b>height</b> of <b>accessory structure</b> when <b>height</b> is over 4.5 m [14.7 ft.]</li> </ul>
<b>Maximum Height</b>	4.5 m [14.75 ft.]	Same as <b>principal use</b> or <b>main building</b>	<ul style="list-style-type: none"> <li>• C3 Zone 4.5m [14.8 ft.]</li> </ul>

<b>Item</b>	<b>All Residential Zones</b>	<b>Non-Residential Zones</b>	<b>Exceptions/Additional Requirements</b>
<b>Maximum Lot Coverage</b>	Lesser of 10% of <i>lot area</i> or 25% of <i>Floor Area, Ground</i>	Lesser of 10% of <i>lot area</i> or 25% of <i>Floor Area, Ground</i>	<ul style="list-style-type: none"> <li>• <b>Lot Coverage</b> included as part of total <i>lot coverage</i></li> </ul>
<b>Bike Rack</b>	Minimum <b>Front Yard</b> R4: 1m	Minimum <b>Front Yard</b> all commercial and institutional zones: 1m	
<b>Carport or Garage - Private</b>	<ul style="list-style-type: none"> <li>• Minimum Front or <b>Exterior Side Yard</b>, all residential zones: 6 m [19.6 ft.] for a <b>carport</b> or <b>private garage</b></li> <li>• 0.0 m [0 ft.] <b>interior side yard</b> with a common party wall on a side lot line and 2 car bays minimum</li> </ul>		<ul style="list-style-type: none"> <li>• Maximum 10% <b>lot coverage</b> or <b>ground floor area</b> of 67 m<sup>2</sup> [721.2 ft<sup>2</sup>] whichever is less</li> </ul>
<b>Garden Suite</b>	<ul style="list-style-type: none"> <li>• Minimum Rear or Interior Side Yard: 3 m [9.84 ft.]</li> </ul>		<ul style="list-style-type: none"> <li>• Maximum <b>gross floor area</b>: 60 m<sup>2</sup> [645.8 ft.<sup>2</sup>].</li> </ul>

**4.1.1. Provisions for all accessory uses, buildings, and structures**

Where a *lot* is devoted to a *principal* use, **accessory uses, buildings, and structures** shall be **permitted** in all **zones** as set out in the list of permitted **accessory uses** for each specific **zone** and in compliance with Table 7 - Zone Regulations for Accessory Uses **and the following:**



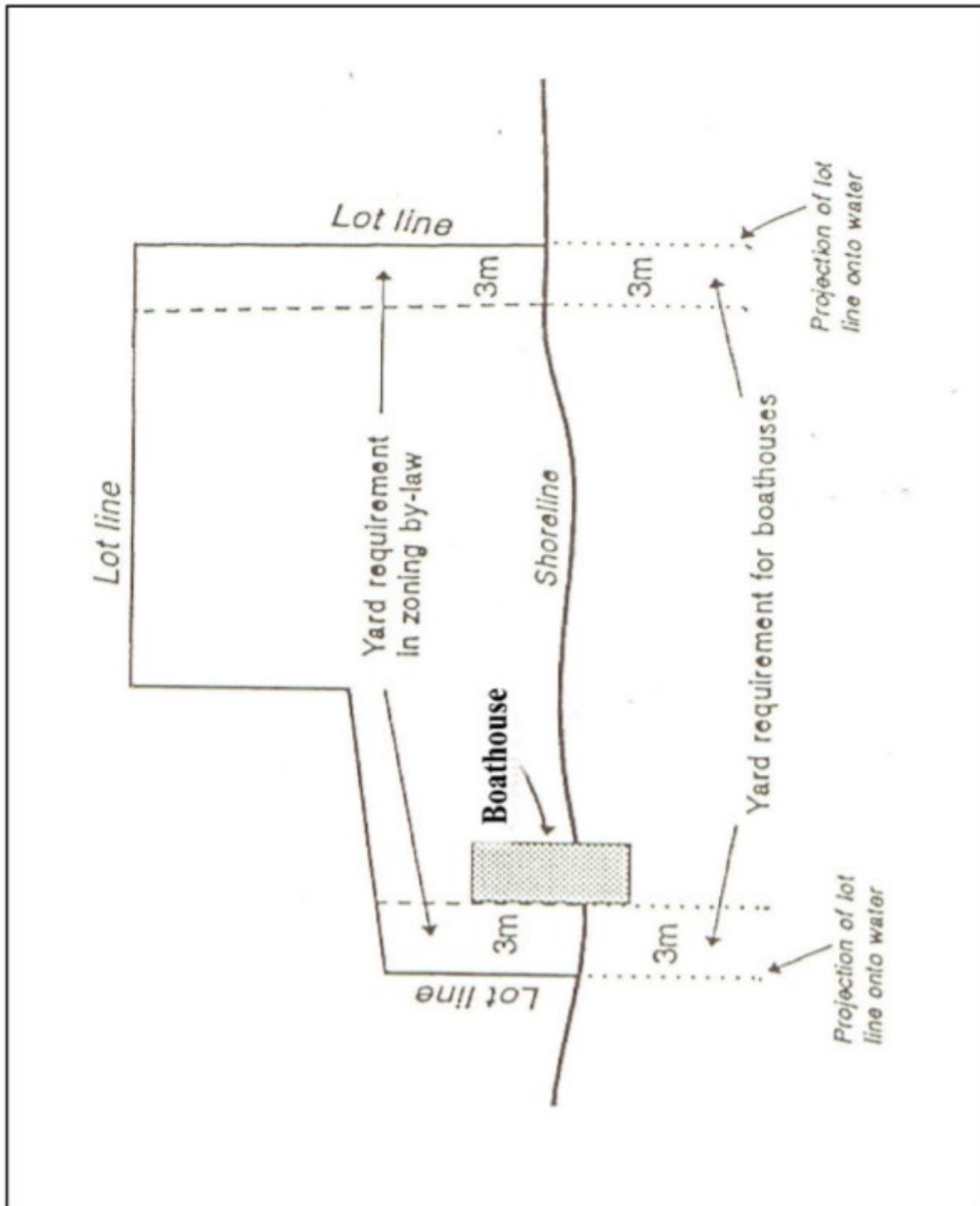
- a) All **accessory uses, buildings and structures** to a permitted **principal use** shall be located on the same **lot** and in the same **zone** as the **principal use or main building**. Where a **lot** has been severed by a public roadway or a natural feature such as watercourse or ravine, such a **lot** may be used for an **accessory use** provided that the **lot** is under the same registered ownership as the **lot** upon which the **principal use** is located.
- b) The use of any **accessory building** for human habitation is not permitted except where specifically listed as a **permitted use** (e.g. **accessory dwelling**).
- c) No **accessory building** in a residential zone shall be located within a **front yard** or an **exterior side yard** except that a **private garage** or carport in a Residential Zone may be located in a **front yard** or **exterior side yard** where such garage or carport has a minimum **setback** from the street-line of 6 m.
- d) **Accessory uses, buildings and structures** shall comply with the **zoning regulations** for the **zone** in which they are **permitted** per Table 7 - Zone Regulations for Accessory Uses. If there is no minimum **setback** or other **zone regulation** specified for a **permitted accessory building**, or **structure** then the minimum yard requirement or other **zone regulation** of the applicable **zone** for the **principal use** shall apply. Notwithstanding the preceding, the minimum **setback** for a garage entrance shall be 6 m and for a loading dock shall be 15 m.
- e) Bike racks are permitted in the **front yard** of all Commercial, Institutional and Residential Fourth Density Zones provided that the bike rack and the associated bicycle storage space is setback a minimum of 1 m from the **lot line**.
- f) **Accessory dwellings** shall conform to the **setback** requirements of the main **permitted use(s)**.
- g) Except where permitted in a specific zone, an **accessory building** or **structure** shall not exceed one **storey** and shall not exceed the maximum **height** specified in Table 7 - Zone Regulations for Accessory Uses.
- h) Notwithstanding any minimum yard requirement **detached** garages or carports with two or more vehicle parking bays may be located with the dividing wall or supports separating the parking bays mutually centered on a common **side lot line**.
- i) The area covered by **accessory buildings, structures and uses**, excluding unenclosed in-ground swimming pools, shall be included in the calculation of **maximum lot coverage**. The total **lot coverage** of all **accessory buildings and structures**, except as otherwise provided for within a specific zone or zone category, shall not exceed 10% of the **lot**

or 25% of the **floor area** of the **principal building(s)** on a **lot**, whichever is less (also see definition of **Maximum Lot Coverage**).

- j) An **accessory building** or **structure** may be used to house or shelter **domestic pets**.
- k) An **attached deck** shall be treated as part of the **principal building** when applying zoning regulations and is only an **accessory structure** if it is **detached**.
- l) Except where specifically permitted, animal husbandry or breeding domestic animals, livestock, or other animals, is not permitted in any residential zone.
- m) Despite paragraph 4.1.1 c) above, a shoreline **structure** such as a **marine facility** dock or wharf, pumping station or pump house may be located in any yard, where a **lot** abuts a navigable waterway, provided that the approval of any governmental authority having jurisdiction has been obtained and provided that the **marine facility**, dock or wharf is located not closer than 1 m [3.28 ft.] to the nearest adjacent **lot line** and does not encroach on adjacent **frontage** when the **lot** boundaries are extended into the water. (See Figure 19 - Yard Requirements for Boathouses)
- n) A **private garage** or car port shall not exceed a **floor area** or footprint of 67 m<sup>2</sup> (721 ft<sup>2</sup>) or a maximum **lot coverage** of 10%, whichever is less, except that, in any case a **floor area** or footprint of 20 m<sup>2</sup> shall be permitted.
- o) No **accessory building or structure** shall be located closer than 1.2 m (3.93 ft.) to an **interior side lot line** or to a **rear lot line** and a minimum **setback** of 30 centimetres (1 ft.) shall apply to all **eaves**, soffit, fascia or roof extensions. Any **accessory structure** exceeding a **height** of 4.5m (14.75 ft.) shall have a minimum **setback** from an **interior side lot line** or **rear lot line** equal to half the **height** of the **building** or the minimum **setback** required for a **principal building** on the **lot**, whichever is less. Except where specifically permitted, no **accessory building** shall be located within 4 metres (13 ft.) of the intersection of a **Driveway** with a **street-line**.
- p) **Accessory Buildings Prior to Erection of Main Building**  
No **accessory building** shall be **erected** prior to the erection of the **main building** on a **lot**, except where it is necessary for the storage of the tools, and materials for use in connection with the construction of the **main building or structure**, and no such **accessory building** shall, prior to the erection of the **main building**, be used for any purpose other than storage and shall not exceed a **floor area** or footprint of 20 m<sup>2</sup> on a **lot** zoned for residential use or 30 m<sup>2</sup> on a **lot** zoned for commercial or **Industrial Use**.

- q) A **green roof** is a permitted **accessory use** in any zone
- r) *See current Sign-By-law, as amended from time to time.*
- s) **Swimming Pools** – See current Swimming Pool By-law, as amended from time to time.
- t) **Legal non-conforming uses** shall be permitted to have **accessory uses** in compliance with the provisions in this section of this By-law and the **zone regulations** of the applicable **zone**.
- u) **Yard Sale**  
A yard sale is a permitted, occasional **accessory use** in a residential zone and is for the sale of excess goods and materials no longer of use to the household. A yard sale is not permitted as a home-based business and shall not be operated in the same manner as a home-based business. Yard sales may be held up to four days in a calendar month and up to a maximum of twelve (12) days per year.

Figure 19 - Yard Requirements for Boathouses



**4.1.2. Additional Dwelling Unit and Additional Dwelling**

Notwithstanding any provision of this By-Law to the contrary, where a single detached, **semi-detached** or **duplex** dwelling or a **dwelling unit** in a **dwelling, row house or townhouse** is permitted as a principal use

in a zone, an **additional dwelling** unit and an **additional dwelling**, as herein defined, are permitted on the same **lot** in accordance with the following provisions:

- a. The **additional dwelling** unit and **additional dwelling** shall comply with the provisions of the *Building Code Act*;
- b. The **additional dwelling** unit and **additional dwelling** shall be connected to the same water supply and sewage disposal system as the principal dwelling;
- c. The maximum **floor area** of the **additional dwelling** unit and **additional dwelling** shall not exceed 50% of the **floor area** of the principal dwelling, to a maximum of 67m<sup>2</sup> (721 ft<sup>2</sup>);
- d. The **additional dwelling** unit and **additional dwelling** shall share the **driveway** entrance to the **lot** with the principal dwelling, except for a **corner lot** which has **frontage** on two open and maintained public roads;
- e. Each **additional dwelling** or **dwelling unit** shall have one **parking space** that is provided and maintained for the sole use of the occupant;
- f. The **parking space** shall be demonstrated as a usable **parking space**, that is space that is clear and accessible;
- g. The **parking space** provided and maintained for the sole use of the occupant of an **additional dwelling** or **dwelling unit** may be a tandem **parking space** [defined as being a **parking space** that can only be accessed by passing through another **parking space** from a street, **lane** or **driveway**].
- h. An **existing accessory structure** that complies with all zoning provisions may be partially or fully converted to an **additional dwelling**, except that no **habitable room** window shall face an interior side lot line or rear lot line unless the **existing accessory building** conforms to the minimum side lot line and rear lot line setbacks required for the principal dwelling;
- i. A new **accessory building** may be **constructed** as an **additional dwelling** provided that it conforms to all applicable provisions for the principal dwelling, including but not limited to setbacks and **lot coverage**;
- j. The maximum permitted **height** of a new **Additional Dwelling** shall be 4.5m (14.7 ft);
- k. A site plan control application shall be submitted for **additional dwellings** but not **additional dwelling units**. The applicant will be required to enter into a site plan agreement with the Town. The site

plan process for **additional dwellings** will follow the Site Plan Control By-law.

- l. An **additional dwelling** unit and **additional dwelling** are permitted where the principal residence is a **detached** house, **semi-detached** house, or **row house**.
- m. The **additional dwelling** unit and/or **additional dwelling** shall be included in the calculation of **lot coverage**.
- n. A new **accessory building** may be **constructed** as an **additional dwelling** provided it conforms to all applicable provisions for the principal dwelling.
- o. An **additional dwelling** is not permitted as a second storey to an **existing** or new **accessory structure**.
- p. Standard fence requirements will be followed for **additional dwellings** to ensure privacy for the **additional dwelling** and adjacent property. This will be implemented as part of the site plan control process.

#### 4.2. Amenity Space

Notwithstanding any other provisions in this by-law to the contrary, an **amenity space** shall be provided at a minimum of 9 m<sup>2</sup> per **dwelling unit** for an apartment **building** of more than 10 units.

#### 4.3. Auto Services Stats, Gas Bar, Automobile Washing Establishment

Despite any other provisions contained in the By-law, for all zones within which an **auto service station**, gas bar, and/or automotive washing establishment is permitted the following shall apply:

- a. Minimum **lot frontage** on any street 36.5 m [119.7 ft.]
- b. Minimum **front yard** 9 m [29.5 ft.]
- c. Minimum **exterior side yard** 9 m [29.5 ft.]
- d. Minimum interior side yard non-residential 3 m [9.84 ft.]  
Minimum interior from a residential use 6 m [19.6 ft.]
- e. Minimum rear yard 5 m [16.4 ft.]
- f. Minimum setback from an overhead **canopy** to any **lot line** notwithstanding paragraphs a) through g) 2 m [6.56 ft.]
- g. Minimum setback of any pump island from any **lot line** notwithstanding paragraphs a) through g) 6 m [19.6 ft.]  
But in any case no **canopy** shall project over a street entrance or **driveway** or within 4.5 m of a **lot** with a residential use.
- h. Minimum width of a single entrance or exit 3.5 m [11.5 ft.]

- i. Minimum width of a combined entrance and exit 7 m [22.9 ft.]
- j. Maximum width of a single entrance or exit: 5 m [16.4 ft.]
- k. Maximum width of a combined entrance and exit 9 m [29.5 ft.]
- l. Minimum distance between any two entrances and/or exits 6 m [19.6 ft.].
- m. Minimum distance between an entrance or exit or a combined entrance and exit and the intersecting street lines on a **corner lot** 6 m [19.6 ft.]
- n. Minimum number of entrances 2
- o. Minimum setback of any above-ground **bulk fuel storage** tank from any **lot line** subject to paragraph r) 10 m [33 ft.]
- p. Minimum setback between a **car wash** and any residential **lot line** 20 m [65.6 ft.]
- q. All fuel storage tanks above or below ground for any fossil fuels or propane shall comply with the Technical Standards and Safety Act, 2000, the Ontario Propane Code and the Gasoline, Liquid Fuels Handling Code and no Building Permit shall be issued without the prior approval of any equipment or fuel storage facilities by the Technical Standards & Safety Authority.
- r. a baffle, curb or other traffic barrier at least 0.30 m [0.98 ft.] high shall be installed between the vehicle **parking area**, service and **access lanes** and the street lines so as to prevent vehicles from entering or leaving the property other than by way of the entrances and exits provided in this section.

#### 4.3.1. Separation of Car Wash from Residential Zone

Where an **automobile washing establishment** abuts a Residential Zone, the following requirements will apply:

- a. Despite any other requirements of this By-Law for a **lot** abutting lands zoned for residential use, a drive-through mechanical **automobile washing establishment** shall not be permitted on any **lot** having a **lot area** of less than 3,000 m<sup>2</sup> [0.74 ac.] and shall not be located closer than 20 m [65.6 ft.] to any **lot line** abutting such Residential Zone;
- b. No washing or drying operations will be permitted except within the **building** designed for the purpose of the **automobile washing establishment**;
- c. For a drive-through mechanical **automobile washing establishment**, the **building** shall be so designed that drying machinery and equipment within the **building** is furthest removed from the **lot line(s)** abutting a residential zone, and that cars exiting the **building** do so also from the side of the **building** which is furthest removed from the **lot line(s)** abutting a residential zone.



- d. A landscaped area of not less than 3 m [9.84 ft.] in depth from the **lot line(s)** which abut lands which are zoned for residential use shall be used for no other purpose than landscaping, including the planting of trees and shrubs and the erection and maintenance of screening, walls and fences.

**4.3.2. Required Vehicle Queue Space**

On **lots** where a mechanical, drive-through **automobile washing establishment** is to be **erected**, off-street vehicle service **queue spaces** shall be provided in accordance with the following provisions:  
Required number and location of **queue spaces**:

Type of car wash	Before each wash Bay	After each wash bay
conveyor type	10	2
automatic type	7	2
Manual type	4	1

**4.3.3. Landscaping**

Where any **lot** which is used or intended to be used for the purpose of an **auto service station** adjoins a street, then a strip of **landscaped open space** of a minimum width of 1.5 m [4.92 ft.] shall be provided along any **lot line** abutting a street and the said **landscaped open space** shall be continuous except for **aisles** or **driveways** required for **access** to the **lot**.

**4.4. Bed and Breakfast Establishments**

A **bed and breakfast establishment** is permitted as an **accessory** use within a **single-detached** in a Residential Zone, the Neighbourhood Commercial (C3) Zone, or the General Commercial (C1) Zone subject to the following requirements:

- a. The operator shall be residing on the **premises**.
- b. The **guest rooms** occupy up to 35% of the total **floor area**.
- c. Parking on the property shall meet the minimum required for the residential use and additional spaces shall be provided per the provisions of subsection 4.33, particularly articles 4.33.4 through 4.33.9, when applicable, and subsection 4.34 and the required **parking spaces** shall

be in place prior to occupancy of the **bed and breakfast establishment**. No more than two **parking spaces** in the **front yard**.

- d. **Bed and Breakfast Establishments** shall be subject to the **home based business** regulations of Subsection 4.19 of this By-law except the provisions of this section shall prevail in the event of a conflict.
- e. The **building** shall comply with the minimum yard requirements, except for the **front yard**, of the R1 Zone and the **lot** shall meet or exceed the minimum **lot area** and the minimum lot **frontage** requirements of the R1 zone and the minimum **lot area** required shall increase by 50 sq. m for each **guest room** over 2.
- f. No new **bed and breakfast establishment** shall be permitted on an abutting **lot** or the same side of the street within 60 m [196.8 ft.] of an **existing bed and breakfast establishment** measured from property line to property line
- g. A **lot** in a residential zone shall have **frontage** or an **exterior side yard** on: Drummond Street, Wilson Street West, Gore Street, North Street or Craig Street.
- h. Any landscaping and screening measures required under this By-law have been established or installed.
- i. The **lot** and **buildings** shall comply with any applicable requirements of the Town of Perth Property Maintenance and Occupancy Standards By-law 2228 or any successor thereto.
- j. A **bed and breakfast establishment** shall obtain and comply with any licensing by law established by the municipality

#### 4.5. **Buildings to be Moved**

No **building** or **structure** shall be moved within the limits of the Municipality, or shall be moved from outside the Municipality into the Municipality, unless the **building** or **structure** is a **permitted use** and satisfies all the requirements of the zone in which it is to be located, and a permit has been obtained from the **Chief Building Official**.

#### 4.6. **Canals or Water Diversion**

No canal shall be **constructed**, extended or water course **altered** without the prior approval of the Rideau Valley Conservation Authority and, if applicable, the Ministry of the Environment and Climate Change or the Ministry of Natural Resources and Forestry.

#### 4.7. **Cannabis Production and Processing**

Notwithstanding any other provision of this By-law, any **Cannabis** Production and Processing shall be subject to the following provisions:

- a. No lands, **building** or **structure** or portion thereof used for **Cannabis** Production and Processing purposes that is equipped with **air treatment control** situated in the Restricted Industrial Zone (I1) and General Industrial (I2) zones may be located no closer than 70 meters to any Residential Zone, Institutional Zone, or Open Space Zone;
- b. No lands, **building** or **structure** or portion thereof used for **Cannabis** Production and Processing purposes that is equipped with **air treatment control** situated in the Restricted Industrial Zone (I1) and General Industrial (I2) zones may be located closer than 150 metres to any Residential Zone, Institutional Zone, or Open Space Zone;
- c. A **building** or **structure** used for security purposes for **Cannabis** Production and Processing may be located in the required **front yard** and does not have to comply with the required minimum **front yard**, side yard, and rear yard
- d. Outdoor storage is prohibited on the property in which the **Cannabis** Production and Processing is located;
- e. **Cannabis** Production and Processing shall only be permitted within the zones as explicitly indicated in this Zoning By-law;
- f. All **development** in relation to the establishment of or expansion to a **Cannabis** Production and Processing shall be subject to Site Plan Control.
- g. **Cannabis** Production and Processing facilities will require 1 **parking space** for every 90 square metres of usable **floor area**.
- h. A **building** or **structure** used for security purposes for a **Cannabis** production facility may be located in the **front yard** and does not have to comply with the required minimum **front yard** setback;
- i. **Loading spaces** for a **Cannabis** production facility must be in a wholly enclosed **building**;
- j. All uses and activities associated with the **Cannabis** production facility, including growing, must take place entirely within a **building**.

#### **4.8. Cannabis Retail Store or Dispensary**

AGCO Setback Requirements as per Ontario Regulations 468/18. The AGCO is the provincial authority that licences **Cannabis** retail operators, authorizes **Cannabis** retail locations, and licenses senior store staff. Municipal governments have no licensing authority. The AGCO regulates and reviews all aspects of the retail operation including municipal and public input, and whether the proposed store location is consistent with the public interest as defined in the regulations.

The provincial government has committed to allowing private recreational **Cannabis retail stores** throughout Ontario starting April 1, 2019. As recreational **Cannabis** is a legal, controlled and regulated product, **Cannabis** stores will be considered like any other type of retail and, as such, no zoning changes are needed.

The AGCO will have a 15-day window for public and municipal government comments for each store site proposed by an approved operator. The legislation provides that municipal comments should focus on whether a proposed storefront location is in the public interest, as defined in the regulation. In the regulation, public interest is defined as public health or safety, protecting youth and eliminating the illegal market.

A **Cannabis retail store** cannot be located near a school or private school, as defined in the Education Act, if the proposed **retail store** is less than 150 metres away from the property line of the school or private school. This will be determined as follows:

- 1) When the school or private school is the primary or only occupant of a **building**, 150 metres shall be measured from the property line of the property on which the school or private school is located.
- 2) When the school or private school is not the primary or only occupant of a **building**, 150 meters shall be measured from the boundary of any space occupied by the school or private school within the **building**.

#### **4.9. Change of Use**

A use of **lot**, **building** or **structure** which, under the provisions hereof, is not permissible within the zone in which such **lot**, **building** or **structure** is located, shall not be changed except to a use which is permissible within such zone or where approved by the Committee of Adjustment and a permit has been obtained from the **Chief Building Official**.

#### **4.10. Cumulative Standards**

- a. Despite anything contained in this By-Law, where any land, **building** or **structure** is used for more than one purpose, all provisions of this By-Law relating to each use shall be complied with.
- b. When a **building**, **structure** or **lot** accommodates more than one use, the **delivery space** requirements, **loading space** requirements and **parking space** requirements for such a **building**, **structure** or **lot** shall be the sum of the requirements for the separate uses thereof, unless exempted elsewhere in this By-Law.

Example of cumulative standards: where a **lot** is to be developed for a commercial use and an accessory dwelling, the number of **parking spaces**

required would include the combined total of those for the commercial use plus those for the dwelling.

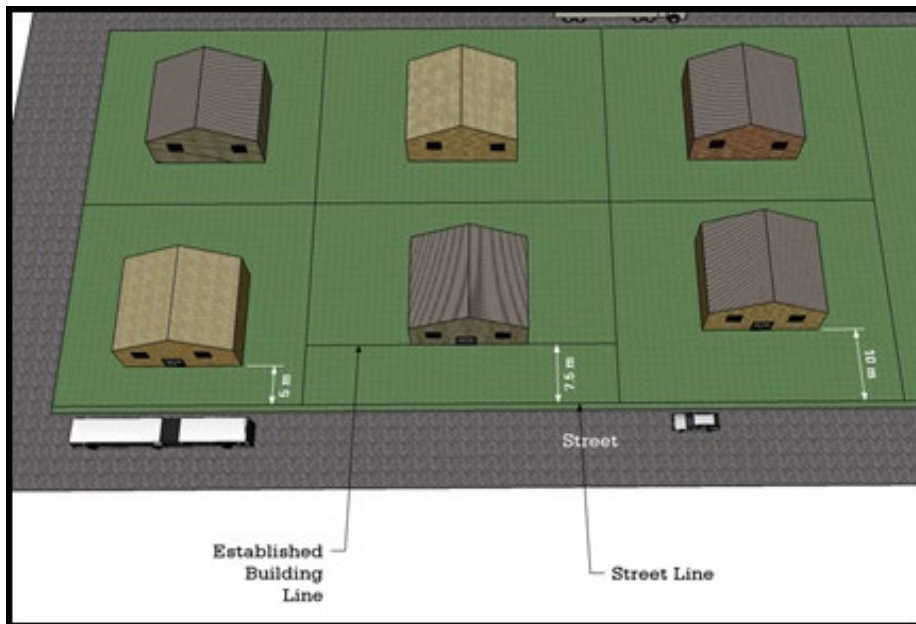
#### 4.11. Established Building Line

Notwithstanding the yard and setback provisions of this By-Law to the contrary, in any residential Zone, where there is an established **building line** extending on both sides of the **lot**, such permitted **building** or **structure** may be **ereected** closer to the street line than required by this By-Law provided such permitted **building** or **structure** is not **erected** closer to the street line than the established **building line** on the date of passing of this By-Law but in no case shall the setback be less than:

- 3m (9.8 ft) from the front or **exterior side lot lines**; or
- 6m (19.6 ft) from the front or **exterior side lot lines** for a garage or car port.

(See Figure 20 - Established Building Line in a Residential Zone)

Figure 20 - Established Building Line in a Residential Zone



#### 4.12. See Current Fence By-law, as amended from time to time

#### 4.13. Flood Plain

Modification of the **flood plain** through filling, excavation or by other means is prohibited unless otherwise permitted by the Rideau Valley Conservation Authority or other **public authority** having jurisdiction.

#### 4.13.1. Permitted Uses within the Flood Plain

- a. Regardless of the uses permitted in any zone, and subject to the approval of the Rideau Valley Conservation Authority or other **public authority** having jurisdiction, new **buildings** or uses within the **flood plain** shall comply with the following:
  - i. Permitted Uses
    - **buildings** or **structures** Intended for Flood or Erosion Control or Slope Stabilization
    - All **buildings** and **structures** in Existence on the Day of the Passing of this ByLaw
    - **Conservation Uses** excluding new **buildings** or partially enclosed **structures**
    - Parks inclusive of low-impact **buildings** or **structures**
    - Hydro-electric generating facilities or a utility corridor
    - A Marine Facility
    - Low impact **buildings** or **structures** such as a gazebo, garden or storage shed that do not connect to municipal water and sanitary systems or a utility corridor [See also 4.1.1 i)]
    - Infrastructure incidental to a water supply or waste water treatment facility such as a water intake or sewer outfall but not including the main **building** of a water filtration plant or waste water treatment facility
  - ii. Prohibited or Restricted Uses
    - Any **building** or **structure** which involves the storage, manufacture, treatment or disposal of hazardous or toxic materials, including but not limited to: ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities
    - Any **Institutional Use**, or the expansion or enlargement of an **existing** use including: **hospitals**, pre-schools, school nurseries, a **continuum-of-care facility**, long-term care homes and a **school**.
    - any essential emergency service such as those provided by fire, police and ambulance stations and electrical substations
- b. Extensions or enlargements to **existing** habitable or other **buildings** located in the **flood plain** (other than an **Institutional Use**) may be permitted where the **building** or **structure** is adequately flood proofed, subject to the approval of the Rideau Valley Conservation Authority and/or Parks Canada.

- c. For the purposes of this By-law, the regulatory flood elevation along the shores of the Tay River is established by **flood plain** mapping and regulations as established by the Rideau Valley Conservation Authority and /or Parks Canada.

#### **4.14. Frontage on and Access to a Public Street and Exemptions**

##### **4.14.1. Public Street**

No **building** or **structure** shall be **constructed** or placed in any zone unless the **lot** upon which such **building** or **structure** is to be **erected** has the minimum **frontage** on a **public street** (developed in accordance with municipal standards) as per the requirements of the respective zone within which the **lot** is situated or is a legal non-complying existing **lot** per article 4.32.3.

##### **4.14.2. Exemptions**

The requirements for **frontage** on a **public street** shall be exempted for the following circumstances:

- a. For a public utility.
- b. For a private utility or **communications facility** with right-of-way access
- c. For any passive outdoor recreational use or activity (e.g. recreational trails or similar activities).
- d. For a **permitted use** in a registered **condominium** where the design includes **access** to an improved **public street** and the **condominium** agreement provides for the ongoing year-round maintenance of any internal, **private road, lane, driveway**, or right-of-way that connects **parking spaces** or areas to an improved **public street**;
- e. For a commercial property where **access** to an improved **public street** is ensured by way of a permanent right-of-way or **easement** to a mutual entrance or over a private **lane** or **driveway**.

##### **4.14.3. Lands Subject to a Subdivision or Access Agreement**

- a. Despite subsection 4.14.1 Public Street, where a maintenance or subdivision agreement exists between the municipality and a land owner(s) and is registered on title, **frontage** on an unopened, un-assumed, or un-maintained **public street** shall be deemed to conform to the provisions of this section, provided that such **frontage** is in conformity with the zone regulations set out in the corresponding zone or any exception thereto.
- b. Despite subsection 4.14.1 Public Street, where an agreement has been entered into with the Municipality for **access** via an unopened road allowance or a closed road allowance is registered on title and provides an **easement** or **access** rights to an existing **lot** which is developed or intended to be used for a **permitted use**, such uses shall be deemed to comply with the **access** provisions of this By-law.



#### 4.14.4. Frontage on a Provincial Highway

In addition to all the municipal requirements, any **development** adjacent to a **provincial highway** is also subject to the requirements and permits of the Ministry of Transportation.

#### 4.15. Garden Suite

Subject to the, passing of Site Specific Temporary Use By-Law under Section 39 of the Planning Act, one **garden suite** shall be permitted as an **accessory** use to a permitted, single-detached or **Semi-detached** dwelling provided:

- a. The **lot** meets the minimum **lot area** of the applicable zone.
- b. That the maximum **Floor Area, Gross** is 60 m<sup>2</sup> [645.8 ft.<sup>2</sup>],
- c. That the maximum **height** of the **garden suite** is one storey up to 5 m [16.4 ft.]
- d. that the **garden suite** is located in a rear or interior side yard and shall meet the zone regulations for **building separation** and **lot coverage** in the zone in which the **garden suite** is located and is set back a minimum of 3 m [9.8 ft.] from any rear lot line.
- e. A **garden suite** shall only be permitted where the owner of the property has entered into an agreement with the municipality under the Municipal Act to register the name(s) of the occupant(s), to govern the appearance and maintenance of the dwelling and its removal when the dwelling has been vacated, the occupant(s) die, or the temporary use By-Law expires, whichever is applicable.
- f. A **garden suite** shall comply with the Building Code for year-round occupancy.

#### 4.16. Group Homes

- a. **Group Homes** shall be permitted in all zones that allow residential uses, provided they are licensed by the Province and/or approved under Provincial Statutes and the **lot** is located on an improved **public street**.
- b. All **group homes** shall be registered under the provisions of the Municipal Act and this registration shall be completed prior to the establishment of any such facility. At the time the **group home** is proposed to be established the sponsoring agency, group or **persons** shall furnish the following information:
  - the type and location of the **group home** proposed;
  - the number of residents;
  - the name of the licensing or approval agency within the province and proof of licensing or approval or financing;
  - plans for parking including visitor parking; and
  - architectural information pertaining to the facility.

#### **4.17. Height Exceptions**

- a. The **height** regulations set out in this By-Law shall not apply to any of the following:
  - i. Air conditioning system
  - ii. Chimney
  - iii. Church spire or belfry
  - iv. **Communications Facility**
  - v. Drying tower
  - vi. Elevator or stairway enclosure
  - vii. Enclosed mechanical and electrical equipment
  - viii. Farm buildings and **structures** such as a barn, silo or wind turbine
  - ix. Flag pole
  - x. Hydro electric transmission tower
  - xi. Lighting standards
  - xii. Lightning rods
  - xiii. Mechanical equipment penthouse occupying less than twenty-five percent (25%) of the area of the roof of the building on which it is located
  - xiv. Ornamental dome, cupola, turret or tower
  - xv. Receiving and transmitting antenna
  - xvi. Receiving stations and communications or cellular towers
  - xvii. **Satellite dish/receiver**
  - xviii. School gymnasium
  - xix. Solar panels or **solar collector**
  - xx. Theater or cinema **auditorium**
  - xxi. Ventilating fan or skylight
  - xxii. Water storage tower or tank
  - xxiii. **Wind Turbine/commercial wind turbine**
  - xxiv. The minimum **setbacks** in all directions for a **communications facility**
- b. Shall be the equivalent of the **height** of the tower except where such facility is authorized and/or approved by Industry Canada.

#### **4.18. Holding Zones**

- a. Any parcel or area of land in any Zone may be further classified as a **holding zone** with the addition of the suffix "h-". The intent is to signify **Council's** approval in principle to future **development** of the land for the purposes indicated by the symbol. The holding classification added to a given zone shall restrict **development** of the land until such time as the demand for the **development** of the land is sufficient to warrant immediate **development** or the conditions as set out in the Official Plan for removal of a holding symbol have been met (e.g. rehabilitation of a contaminated site).

- b. Where a **holding zone** applies, no lands shall be used and no **buildings** or **structures** shall be **erected** or used for any purpose other than **existing** uses. Any change from the holding status shall require an amendment to this By-Law and the Municipality may require that the applicant enter into an agreement for the **development** of the land prior to the amendment being approved.
- c. On land described as the easterly half of Pt. Lot 27 Conc. 10, geographic Township North Elmsley now, in the Town of Perth and municipally known as 2000 Rogers Road a holding provision shall not apply to prevent the **development** of a fenced, outdoor security enclosure for the temporary storage of vehicles, trailers, or construction equipment intended for use by a contractor for the purpose of serving off site clients, and accessory bins for temporary waste storage provided the enclosure is located within 107 (351 ft.) of the **front lot line** abutting South Street and extends no further than 35 m (115 ft.) from the **existing building**. Except when used for maintenance and repair of the **existing building**, equipment located within said enclosure is not to be operated on-site.”

#### **4.19. Home Based Businesses**

Despite any other provisions contained in this By-Law, for all residential zones within which **home based businesses** are permitted, the following provisions shall apply:

##### **4.19.1. Scope of Permitted Home Based Businesses**

The following uses shall be permitted in any zone where a home-based business is permitted:

- a. professional and consulting services (examples: architect, financial advisor, accountant, consultant, legal services, physician, teleworking, surveyor);
- b. instructional services (examples: music lessons, dance, art and academic tutoring) with a limit of 5 pupils;
- c. home craft businesses (examples: quilting, pottery, jewelry, visual arts, woodworking, small scale assembly);
- d. A Day nursery or **private home day care**;
- e. Distribution sales offices or mail order sales; or on-line sales and services of articles suitable for small parcel delivery, including but not limited to: cosmetics, clothing, crafts, small household appliances, and provided the product or service delivery is primarily from an off-site non residential location.

- f. offices for contractor s and trades (examples: plumbing, heating, electrician);
- g. repair services including but not limited to: small appliances, computers, and musical instruments, and not uses identified in subsection 4.17.2;
- h. high technology uses including but not limited to: internet services, office support or call center services, desk top publishing, and computer hardware and software development;
- i. a taxi service where limited to no more than two licensed taxis;
- j. personal care services (examples: hairdressing/cutting, massage therapist, esthetician).
- k. **Pet grooming establishment**, but not including overnight keeping of animals.
- l. A **catering establishment** but not including on-site food consumption.
- m. A Studio.
- n. Bed and Breakfast

#### 4.19.2. Prohibited Uses

Prohibited uses include a retail or wholesale store, **clinic, restaurant**, nursing or convalescent home, adult entertainment parlour, video rental outlet, an automotive use including mechanical repairs and body work. The incidental and limited retailing of products specifically fabricated on site shall be permitted. Products sold by a distributor (distribution sales) shall be permitted provided there is no on-site storage.

#### 4.19.3. Regulations for Home Based Businesses

- a. The **home based business** shall be clearly **accessory** to the main permitted residential use and shall be operated by the owner or occupant residing in the dwelling
- b. The home-based business shall not create nor become a public nuisance with regard to noise, traffic, parking, or health and safety.
- c. Except where expressly permitted, home-based businesses shall not be permitted in an **accessory building** or **structure** unless permission has been granted by the Committee of Adjustment where it has been determined that the impact of proposal on neighbouring properties is

deemed to be minor and the proposal complies with the Ontario Building Code.” There shall not be more than two (2) home-based business conducted within any one **dwelling unit**

- d. The parking required per subsection 4.33.6 shall be provided on-site before the business commences
- e. The home-based business(es) shall cumulatively not occupy a **floor area** equivalent to more than 25 % of the **net floor area** of the **dwelling unit** or a maximum of 47 m<sup>2</sup> [505.9 ft.<sup>2</sup>] whichever is less.
- f. Any machinery or equipment used shall be comparable to the tools customarily used in a domestic household, used by an artist or artisan or used in the office of a dentist or physician; shall not cause noise, odour, or dust impacts on adjacent residential uses; shall not require the installation of dedicated ventilation equipment, shall exclude welding equipment, and shall not interfere with television or radio signal reception on adjacent properties.
- g. No outdoor storage shall be permitted.
- h. The **home based business**(es) shall be legal with regard to any necessary permits or licenses, and regulations from the **Corporation** and any other applicable government body having jurisdiction. Proof of required permits and licenses shall be filed with the municipality annually and will be deemed to expire on the 31st of December of each calendar year and shall be renewed or resubmitted no later than the last business day in the month of January.

#### **4.19.4. Employees, Hours and Parking for Home Based Businesses**

- a. The home-based business shall not employ more than two (2) employees to work on-site who do not reside therein.
- b. Not more than 15% of the **lot area** shall be used for parking, and off-street parking shall not be accommodated on a front lawn or yard [See also 4.19.3 b) and e)]. The maximum number of home-based business related **parking spaces** permitted on a **lot** shall be four (4) including one per employee and spaces required for the business use shall be per Subsections 4.35 and 4.36. Such **parking spaces** shall be in addition to the **parking spaces** required for the residential use.
- c. The business shall not generate excessive traffic by regularly attracting parking demand in excess of the on-site parking and any permitted parking on the street immediately in front of the host property and shall not create a traffic hazard.

- d. All deliveries to the business shall take place on the same **lot** as the home-based-business, and in no case shall any on-street delivery be permitted.
- e. There shall not be more than two (2) commercially licensed vehicles parked at any one time on the property of the home-based business and any **commercial vehicles** or trailers used for the home-based business shall be parked behind the front **building** line.
- f. The home-based business shall maintain reasonable hours of business, and shall be subject to full compliance with the Municipality's Noise By-Law.
- g. The **home based business** shall not receive clients or deliveries between the hours of 21:00 h and 07:00 h.

#### **4.20. Illumination**

Illumination of **buildings, structures** and grounds shall be permitted provided:

- a. Illumination shall not cause direct or indirect glare on a street that may interfere with traffic or pedestrian safety.
- b. Illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signals.
- c. Illumination shall not cause direct or indirect glare on land or **buildings** in a residential zone.

#### **4.21. Keeping of Animals**

No animals other than household pets shall be kept in any zone except in association with a permitted kennel, **animal hospital** or **animal shelter**.

#### **4.22. Kennels and Animal Shelters**

- a. A **commercial or boarding kennel** shall only be permitted in an Industrial or Highway Commercial Zone.
- b. Private Kennels shall be permitted only by site specific zoning amendment.
- c. The minimum separation distance between a kennel and any **existing** residential dwelling or any **lot** in a residential zone shall be 200 m [656 ft.].

#### **4.23. Land Suitability for Use**

Despite any other provision of this By-Law, no **habitable building** or **structure** shall be, **erected, altered or used** on land which, by reason of its rocky, low

lying, marshy, unstable character or which is located or may be located on organic soil, unless:

- a. The proponent or applicant for **development** can demonstrate through professionally acceptable engineering techniques that the physical constraint can be mitigated or overcome, and
- b. That the proposed **development** complies to the provisions of Subsections 4.13 and 4.14 of this By-law, and
- c. That the requirements of the *Ontario Building* with respect to **construction** can be met.

#### **4.24. Landscaped Open Space, Planting Strips and Visual Buffer Strip**

Subject to the provisions of subsections 4.13, 4.14, 4.35 and 4.40, and exclusive of lands within the Open Space or Environmental Protections Zones, the area on any **lot** not legally used or required for **buildings** or **structures**, parking or vehicle access, or outdoor storage and outdoor display areas or another **permitted use**, shall be maintained as **landscaped open space** and the following specific provisions shall apply:

- a. Planting Strip or **Visual Buffer** Required.

Where, in any zone, a **parking area** comprised of, or required to have, more than four (4) off-street **parking spaces** abuts an **existing** residence or a **lot** in a residential zone, or where any **lot** in an Industrial or a Commercial Zone abuts an **existing** residence or a **lot** in a Residential Zone, then a continuous **landscaped open space** having a minimum width of 4.5 m (14.7 ft.) shall be provided along the abutting **lot line** of the **lot** and shall include a screening planting strip or visual **buffer strip**. Where the visual **buffer strip** is comprised of a solid wood or other opaque fencing a minimum of 1.8 m (6 ft.) high, the required **landscaped open space** for a **parking area** may be reduced to a width of 1.8 m.

In any case, a **parking area** for more than four vehicles or any parking lot for a commercial use, vehicle storage or vehicle display area shall maintain a **landscaped open space** strip 1 metre wide adjacent to any road allowance or any portion of a **lot line** not used for entrances, **lanes**, vehicle or pedestrian **access** facilities.

A continuous strip of **landscaped open space** a minimum of 4.6 m (15 ft.) in width shall be provided along the side and/or rear lot lines of any **lot** which is occupied by an **apartment dwelling** over three (3) storeys in **height** except that where such **lot** abuts any R1, R2 or R3 Zone Category the width of the **landscaped open space** strip shall have a minimum width of 6 m (19.7 ft.).



In any case, the width may be reduced to 1.8 m (6 ft.) where a planting strip or visual **buffer strip** is included.

b. Height of the Planting Strip or Visual **Buffer Strip**

The required height of a planting strip or visual **buffer strip** shall not be less than 1.75 m (5.75 ft.) and shall be measured in relation to the edge of the adjacent area to be screened. In such cases where the **established grade**, of the location at which the screen is to be created is less than the **established grade** of the edge of the adjacent area, the required height of the screen shall be increased in an amount equal to the difference in elevation. In the event that the **established grade** of the location at which the screen is to be created is greater than the **established grade** at the edge of the adjacent area, then the required height of the planting strip or visual **buffer strip** may be reduced an amount comparable to the difference in elevation but, in any case, shall be a minimum height of 1 m [3.28 ft.].

c. Interruption of **Landscaped Open Space** for **Driveways, Lanes** or Pedestrian Walks

In all cases where entrances, **driveways, lanes** or pedestrian walkways exist or are necessary for ingress or egress to a **lot** or portion thereof, they shall be permitted to extend through, and interrupt any required, **landscaped open space** but opaque gates shall be used where such features interrupt a required planting strip or **buffer strip**.

d. Merchandise in Landscaped Areas

No commodity, merchandise, stock in trade or other article of trade or commerce shall be placed, maintained or allowed to remain at any place within a required minimum landscaped planting strip or visual **buffer strip**.

e. Residential **Front Yards**

In any residential Zone at least 50% of the **front yard** shall be devoted to **landscaped open space**, (also see 4.28 - Lot Coverage – Impervious Surfaces). Where parking is permitted in a **Front Yard**, if there is a conflict between the minimum parking requirement per Subsections 4.33 Parking and Storage of Motor Vehicles, Bicycles – Drive Through Services and 4.34 Parking Requirements Table and this provision, the minimum parking requirement shall prevail. However, if there is a conflict between this provision and the maximum design provisions, e.g. maximum **driveway** width, the landscaping requirement shall prevail.

f. **Landscaped Open Space and Lot Area Calculations**  
Any land used for **landscaped open space** shall be included in any calculations of **lot area**, yard requirements, housing **density** etc. as set out in this By-Law.

g. **Existing Vegetation and Planting Conditions**  
Existing vegetation, in the form of mature trees and shrubs, shall be preserved within a required **landscaped open space** and on any lands in any zone to the maximum extent possible consistent with the siting of a **building** or **structure** and any minimum required yards or setbacks on such lands.

The selection of plant varieties shall be based on regional climatic conditions, constraints of location, effectiveness in screening adjacent properties, resistance to disease and insect attack, cleanliness and ease of maintenance. Planting materials shall be installed using acceptable horticultural practices and planting materials shall consist of healthy nursery stock.

All required plant materials shall be maintained in a healthy condition and wherever necessary replaced with new plant materials to ensure continued compliance with landscaping requirements. All required fences and walls shall be permanently maintained in good repair and presentable appearance and wherever necessary they shall be repaired or replaced.

h. **Site Plan Control**  
The provisions for **landscaped open space** or planting strips or visual **buffer strips** as set out in this Section, are minimum requirements and shall not be deemed to limit the **Corporation's** authority to impose other landscaping measures through the site plan control process.

i. **Landscaping Requirements Prevail**  
In any zone, where there is a conflict between a minimum yard or setback requirement and the minimum width of a **landscaped open space** area, planting strip or visual **buffer strip** required under the provisions of this subsection, then the landscaping provisions of this subsection shall prevail.  
(By-law 3358-36)

#### **4.25. Licenses, Permits, and Other By-laws**

Nothing in this By-Law shall exempt any **person** from complying with requirements of the **Building By-law** or any other By-Law in force within the Municipality or from obtaining any permit, license, permission, authority or approval required by this or any other By-Law of the Municipality. When the regulations or requirements of any department of Government impose greater restrictions imposed by this By-Law, then the greater restrictions shall apply.

#### 4.26. Loading/Delivery Space Requirements

For every **building** or **structure** hereafter **erected** for a commercial use, **Institutional Use** or **Industrial Use**, involving the frequent shipping, loading or unloading of, wares, merchandise or other goods, loading/delivery facilities or spaces in accordance with the following zoning regulations:

- a. Minimum **loading / delivery space height** clearance 4.25 m [13.9 ft.]
- b. Minimum **loading / delivery space** width 3.75 m [12.3 ft.]
- c. Minimum **loading / delivery space** length 90° to building 12 m [39.4 ft.]
- d. Minimum **loading / delivery space** length parallel to building 14 m [45.9 ft.]
- e. Minimum **aisle, lane, or driveway** width leading to a **loading / delivery space**: 6 m [19.6 ft.]
- f. Minimum setback between any required **loading / delivery space** and any **lot line** 3 m [9.8 ft.]
- g. Minimum setback between the side of an **aisle, lane, or driveway** leading to any required **loading / delivery space** any **lot line** 3 m [9.84 ft.]
- h. Minimum number of **loading / delivery spaces**:
  0. for **net floor area** less than 350 m<sup>2</sup> [3,767.4 ft.2]
  1. for **net floor area** over 350 m<sup>2</sup> to 2,500m<sup>2</sup> [3,767.4 ft.2 – 26,910.6 ft.2]
  2. for **net floor area** over 2,500 m<sup>2</sup> to 7,500 m<sup>2</sup> [26,910.6 ft.2 – 80,731.9 ft.2]
  3. for **net floor area** over 7,500 m<sup>2</sup> [80,731.9 ft.2]
- i. Despite preceding paragraph h), a use that creates or needs a **loading space** to operate shall comply with the zoning regulations in paragraphs a) through g) of this subsection.
- j. A **loading / delivery space** shall not project into a required minimum **front yard** or **exterior side yard**.
- k. The **loading / delivery space** regulations shall not apply to **existing buildings** or **structures**, or **loading / delivery spaces** but shall apply to any increase in the **net floor area** of an **existing building** or **structure** or creation of a new **loading / delivery space** after April 30, 2017.

- I. In the case of a **shopping centre**, individual **premises** shall be considered as single **buildings** for the purposes of calculating the requirement for **loading spaces** excluding any **premises** less than 185 m<sup>2</sup> [1,991 ft.2] from the initial determination, then the total **net floor area** of the **shopping centre** less the total **floor area** of all **premises** requiring or including a **loading space** shall be used as the basis to calculate the total number of required **loading spaces** in the **shopping centre**.

#### **4.27. Lot Coverage Exemption**

- a. Notwithstanding the definition of the term “Legal non-complying” or the maximum lot coverage specified in any residential zone category, on any **lot** abutting Garden Avenue, Harris Street, Treelawn Blvd., Perthmore Street or Decaria Blvd, within **Registered Plans** 27M-16, 27M-14, 27M-3, PL-88 or PL-28, any combination of **principal building** and/or **accessory structure existing** as of the date of this amendment (being March 22 2005) which have a **lot coverage** of up to 40% shall have legal complying status and any **existing** unenclosed **accessory structure** which increases **lot coverage** up to 45% shall have legal non-complying status.

#### **4.28. Lot Coverage – Impervious Surfaces**

- a. Residential Uses  
Regardless of any other provision herein, the maximum area of a **lot** that may be covered by impervious surfaces in a residential zone shall be 60%.
- b. Non-residential Uses  
Regardless of any other provision herein, the maximum area of a **lot** in a non-residential zone, other than the C1 Zone, that may be covered by impervious surfaces shall be 80%; but this shall not supersede any applicable minimum vegetated landscaping requirement. In the C1 zone the maximum lot coverage for impervious surfaces shall be 90%.

#### **4.29. Medical Marijuana Production Facilities**

Notwithstanding any other provisions in this by-law to the contrary, the following provisions shall apply to permit medical marihuana production facilities in the permitted zones specified in this by-law within the Town of Perth:

- a. A medical marihuana production facility shall comply with all provisions of the zone that it is located within;
- b. A medical marihuana production facility will be prohibited on a **lot** within a residential zone and on any **lot** containing a dwelling;

- c. A medical marihuana production facility shall be located at least 70 metres away from a **lot** in a Residential Zone and from any **lot** containing a **school**, **park**, **community centre**, or day nursery.
- d. No outdoor signage or advertising shall be permitted.
- e. **Parking spaces** and **loading spaces** must be provided in accordance with the Loading Provisions and Parking Provisions specified in this by-law. A medical marihuana production facility will be interpreted as an '**Industrial Use**' for the purposes of calculating the required number of **parking spaces** and **loading spaces**.
- f. Site Plan approval, in accordance with the Town of Perth Site Plan By-law, as amended, will be required prior to permitting any **development** and the use of a **lot** for the purposes of a medical marihuana production facility. Through the Site Plan approval process, the Town may require sustainable design features that reduce environmental and servicing impacts such as the use of recycled water and low impact **development** measures.
- g. Connection to municipal services is required.

#### **4.30. Minimum Distance Separation (Special Setbacks)**

Despite any zoning regulation or provision in this By-law, to the contrary, and except where specifically exempted, all land use, **buildings** or **structures** shall comply with the following:

##### **4.30.1. Waste Management Facility**

- a. No **development** shall be permitted within 30 m [98.4 ft.] of the licensed fill area of an active waste management facility.
- b. No **development** of a sensitive land use shall be permitted within 500 m [1,640 ft.] of a waste management facility, measured from the boundary of the licensed fill area to the property line of the sensitive land use. Relief from this setback may be granted by an application under the Planning Act where an environmental study has been undertaken and any adverse effects of the waste management facility are mitigated to the satisfaction of **Council** and/or the Ministry of the Environment and Climate Change.
- c. No waste management facility shall be located within 30 m [98.4 ft.] of any waterbody the **high water mark** of any waterbody or wetland.
- d. No waste management facility shall be permitted on land covered by water or in any area subject to flooding [also see article 4.13.1].

#### 4.30.2. Industrial Use

- a. **Class I Industry (Light Industrial)**: the minimum separation distance from a sensitive land use shall be 20 m [65.6 ft.] measured as the shortest horizontal distance between the **lot line** of the sensitive land use to the **lot line** of the **Class I Industry** Use. In the absence of said separation between the **lots**, the distance shall be 32 m [105 ft.] measured as the shortest horizontal distance from the property line of the **lot** zoned for or occupied by, a sensitive land use to the industrial **building** or use.
- b. **Class II Industry (Medium Industrial)**: the minimum separation distance from a sensitive land use shall be 70 m [230 ft.] measured as the shortest horizontal distance between the **lot line** of the sensitive land use to the **lot line** of the Class II Industrial Use. In the absence of said separation between the **lots**, the distance shall be 82 m [270 ft.] measured as the shortest horizontal distance from the property line of the **lot** zoned for, or occupied by, a sensitive land use to the **Class II Industry building** or use.
- c. **Class III Industry (Heavy Industrial)**: the minimum separation distance from a sensitive land use shall be 300 m [984 ft.] measured as the shortest horizontal distance between the **lot line** of the sensitive land use to the **lot line** of the **Class III Industry** Use. In the absence of said separation between the **lots**, the distance shall be 335 m [1,100 ft.] measured as the shortest horizontal distance from the property line of the **lot**, zoned for or occupied by, a sensitive land use to the industrial **building** or use. (By-law 3358-36)
- d. Where **Development** is proposed on an existing vacant **lot** the minimum separation distance, per preceding clauses a), b) and c) shall be measured from the nearest main wall of the **building** or **structure** occupied (or to be occupied) by the sensitive land use and the nearest main wall of the **building, structure, processing area, assembly or manufacturing area** occupied (or to be occupied) by the **Industrial Use**.

#### 4.30.3. Noise and Vibration

Setbacks and/or noise and vibration abatement measures shall apply for new residential **development** located within 250 m (820 ft.) of a railway line or a **provincial highway** where required as a result of a noise and vibration study and shall be implemented by amendment to this By-law where specific measures are identified. The minimum setback for any new residential unit from a rail corridor shall be 60 m and shall be 30 m from a road with a speed limit of 60 kph or greater.

#### 4.30.4. Wetland

No dwelling, non-residential, or **accessory building** or **structure** or an individual on site sewage service shall be permitted within 30 m [98.4 ft.] of the boundary of a significant wetland.

#### 4.31. Requirements of Natural Heritage Features

No use of land, **buildings** or **structures** except a **Conservation Use** shall be permitted within the distances prescribed below of an identified natural heritage feature as shown on the Zone Schedules to this By-Law except where an Impact Assessment and/or mitigating measures or conservation practices are implemented as approved by the **public authority** having jurisdiction:

##### Feature or Area

- Significant Portions of the habitat of Endangered & Threatened Species 120 m [393.7 ft.]
- Wetlands 120 m [393.7 ft.]
- **Fish Habitat** 30 m [98.4 ft.]
- Federally or Provincially Regulated Water Body 30 m [98.4 ft.]
- Significant Wildlife Habitat 120 m [393.7 ft.]
- **Areas of Natural and Scientific Interest** 120 m [393.7 ft.]

#### 4.32. Non-Conforming Uses and Non-Complying Buildings and Structures

##### 4.32.1. Non-Conforming Uses

Nothing in this By-Law shall apply:

- a. to prevent the use of any land, **building** or **structure** for any purpose prohibited by this By-Law if such land, **building** or **structure** was lawfully used for such purpose on the day of the passing of this By-Law, so long as it continues to be used for that purpose; or
- b. to prevent the **erection** for a purpose prohibited by this By-Law of any **building** or **structure** for which a permit has been issued under Section 5 of the Building Code Act, prior to the day of passing this By-Law, so long as the **building** or **structure** when **erected** is used and continues to be used for the purpose for which it was **erected** and provided that the permit has not been revoked under Section 8 of the Building Code Act ; or
- c. to prevent the repair or **replacement** in whole or in part, or the strengthening to a safe condition of any **building** or **structure** which does not conform with this By-Law, provided such action does not increase the **height**, size or volume or change the use of such **building** or **structure** (unless such change in use is in conformity with the By-law).



Where a non conforming use is replaced with another use that is in compliance, the non-confirming use will be deemed to have been discontinued and shall not be reintroduced.

#### **4.32.2. Non-Complying Uses, Buildings & Structures**

- a. Nothing in this By-Law shall prevent the repair or **replacement** in whole or in part, or the strengthening to a safe condition of a non-complying use, **building** or **structure** provided that such action does not further contravene this By-Law. Such repair or **replacement** shall not increase the **height**, size or volume or change the use of such **building** or **structure**, unless such changes are in conformity with the By-law. Efforts should be made to have the repair or **replacement** improve the non-complying nature of the **building** or **structure** without Committee of Adjustment approval.
- b. Nothing in this By-Law shall prevent an **accessory** use on a property with a non-complying **building** or **structure**, or an **Addition** being made to a non-complying **building** or **structure** which legally existed at the date of passing this By-Law, provided such **accessory** use or **addition** does not contravene any of the provisions of this By-Law.

#### **4.32.3. Lots Having Less Area and/or Frontage**

Where a **lot** having lesser **lot area** and/or **lot frontage** than that required by this By-law and is held under distinct and separate ownership from abutting **lots** at the date of the passing of this By-Law, or where such **lot** is created as a result of any expropriation or dedication required under the Planning Act, such smaller **lot** may be used and a **building** or **structure** may be **erected, altered** or used on such smaller **lot**, provided that all other requirements of this By-Law are met.”

#### **4.33. Human Occupancy Restriction**

Human habitation shall not be permitted in any of the following **buildings, structures**, or parts thereof:

- a. No truck, bus, coach or streetcar body, or motor vehicle of any kind (whether or not the same is mounted on wheels), excluding temporary occupancy of **recreational vehicles** where specifically permitted.
- b. Any **private garage**, residential **accessory building** or **structure** except where permitted by this by-law ), or an unfinished **building** or **structure** for which an occupancy permit (per the Building Code Act) has not been issued,

- c. Marine vessels or **structures** of any kind shall not be used for human habitation except as customarily associated with temporary marine recreational uses.

#### **4.34. Outdoor Storage and Outdoor Display**

No **lot**, or part thereof, shall be used for outdoor storage, or outdoor display except as permitted by this By-law and shall be directed to an area or location which has been specifically designed and set aside for such purpose, is fully integrated with the principal use of the **lot** and is in accordance with the following:

- a. Outdoor storage shall not be permitted within any required minimum **front yard** or minimum **exterior side yard** and no closer than 3 m [9.8 ft.] to any interior side lot line or rear lot line.
- b. Where an outdoor storage area abuts a residential zone or a **lot** with a residential use, the required setback of the outdoor storage area shall be 4.5 m [14.7 ft.]. A landscaped **buffer strip** or screen shall be provided between the storage area and any residential use and no materials shall be stacked or stored to extend higher than the buffer or screen.
- c. An outdoor display area is permitted as an **accessory** use in a highway Commercial (C2) Zone, to a permitted, **Industrial Use** or **public service** use provided that the outdoor display area does not reduce any required **parking area** or **loading space** area required by this By-law. All outdoor display areas shall be setback a minimum of 1 m [3.28 ft.] from any **front lot line** or interior side lot line, shall not locate in a sight triangle and except for a motor vehicle or **recreational vehicle** sales lot, shall not exceed a **lot coverage** of 10%.
- d. Temporary outdoor displays and sales areas (i.e. truck load sale, **farm produce stand** or **farmer's market** sidewalk sales or Christmas tree sales), are not permitted on required **parking areas** except on temporary basis being a maximum of three weeks in December and one week at any other time and shall be subject to any restrictions otherwise imposed by license or permit by the Municipality. Temporary outdoor sales and displays in any case shall not occupy more than 5 % of required parking and shall not obstruct a vehicle entrance, **aisle**, **lane** or **driveway**, and shall not be located in a **sight triangle**.
- e. Encroachment of a public right-of-way or street (sidewalk, boulevard, or road) by an outdoor sale or display is not permitted without the expressed written permission either by By-Law; or by resolution of **Council** for temporary encroachments.
- f. A yard sale is a permitted outdoor display and sales use in a residential zone and may occupy the required **driveway** and **parking spaces** for no more than 48 hours.
- g. Signage for an outdoor display and sales use shall comply with any Sign By-law that may be established by the Municipality from time to time.

## **4.35. Parking and Storage of Motor Vehicles, Bicycles – Drive Through Services**

### **4.35.1. General Exterior Parking Requirements**

- a. Except as provided herein, no motor vehicles shall be parked or stored in any zone (see Section 5 for list of zones) unless the motor vehicle is located within a garage, carport, **driveway**, **parking space**, or on a street where permitted by Municipal By-Law; and without limiting the preceding, no vehicle shall be parked or stored in any landscaped portion of a **front yard** except as may be necessary on a temporary basis for a delivery or for property maintenance, repair or construction purposes.
- b. No trailer of any kind shall be left parked on a Municipal street unless it is attached to a vehicle suitable for moving said trailer.
- c. The **driveways**, **lanes**, **aisles**, **loading spaces** and **parking spaces** shall be **constructed** of crushed stone, asphalt paving, concrete or concrete honeycomb block, paver stones, or similar materials and have a surface that is hard or hard packed, stable and **constructed** to prevent erosion of materials or dust moving off-site.
- d. Except as otherwise permitted in this By-law, all motor vehicle **parking spaces**, queuing spaces, and **loading spaces** must have an unobstructed **Access** to a **public street** by:
  - **Driveway**;
  - An **aisle** or **lane** connecting to a **driveway**;
  - A public **lane**; or
  - An **existing** right-of-way.
- e. Despite any provision of this by-law to the contrary, if an **existing parking space** is eliminated to provide **barrier free access** to a **building** or to create a **barrier free parking space**, the remaining parking, to the extent that it has legal non-complying status or is compliant with the requirements of this By-law, shall be considered to meet the requirements of this By-law provided:
  - A **Single-detached**, **Semi-detached** dwelling, **duplex** or **townhouse** dwelling maintains one standard **parking space** per **dwelling unit**;
  - the effect of eliminating the **existing parking space** would reduce a noncomplying **parking area** by more than one **parking space**;
  - the effect of eliminating the **existing parking space** would reduce a compliant **parking area** by more than three **parking spaces** or 10% of all required **parking spaces**, whichever amount is greater.

### **4.35.2. Parking for Residential Use**

- a. No **parking space** or **driveway** for a residential use shall be used for the parking or storage of a motor vehicle unless such vehicle is used in operations incidental to the residential use of the **lot** (i.e. **home based**)

**business**), and bears a motor vehicle license plate and sticker which is currently valid. By-law 3467)

- b. The minimum required **parking spaces** for a property, as determined by Section 4.34 Parking Requirements Table, shall be maintained and any additional parking for trailers or equipment shall be in addition to the minimum required spaces.
- c. In any R1, R2, R3 Zone, parking in the **front yard** shall be located on the **driveway**, except where otherwise specifically permitted in this By-law.
- d. In the R4 Zone parking in a **front yard** will be permitted but shall be limited to visitor and **barrier free** parking, shall comply with subsections 4.24 Landscaped Open Space, Planting Strips and Visual Buffer Strip and 4.28 Lot Coverage – Impervious Surfaces, and, if not located on a **driveway**, shall be separated from the **front lot line** by a vegetated **landscaped open space** with a minimum width of 1.5 m

#### 4.35.3. **Parking of Commercial and Recreational Vehicles in Residential Zones**

A **lot** in any residential zone shall not be used for parking or storage of any commercial motor vehicle, commercial trailers, **recreational vehicles** or **recreational equipment** except as follows:

- a. The owner or occupant of a dwelling, may use a garage or **parking space** located on the **lot** for parking or temporary storage of one (1) commercial motor vehicle operated by the owner or occupant provided the commercial motor vehicle does not exceed 4500 kg **Gross Vehicle Weight** (GVW) and further provided such commercial motor vehicle is not used in connection with any business or other use that is prohibited in this By-law.
- b. Commercial trailers shall be subject to provisions of clauses 4.33.3 (f) and (g) in the same manner as they apply to **recreational vehicles** and **recreational equipment**.
- c. No **Commercial Vehicle** or trailer shall be parked or stored on a **lot** which is being used for parking or storing a **recreational vehicle** or enclosed trailer for transporting **recreational equipment**.
- d. A vehicle in use by a public utility agency shall not be considered a **recreational vehicle** or **recreational equipment**.
- e. No **recreational equipment** or **recreational vehicle** shall be stored or parked on a **lot** unless a main **building** has been **constructed**.
- f. A **recreational vehicle** or **recreational equipment** shall not exceed 6.98 m (22.9 ft.) in length, exclusive of a hitch or tongue and

- g. Only one **recreational vehicle** or enclosed trailer for transporting **recreational equipment** shall be permitted for each **dwelling unit** on a property.
- h. A **private garage** may be used for the housing or storage of any **recreational equipment** or **recreational vehicle**.
- i. On a **lot** used for more than four residential units, the parking of **recreational vehicles** and **recreational equipment** shall be limited to a fully enclosed **building** or an enclosure or enclosed area, located in a rear yard, and fully screened from view from adjacent residential **lots**, streets or public open space areas. Parking and storage of **recreational vehicles, recreational equipment** and/ or commercial motor vehicles shall be limited to one per residential unit and shall not include commercial trailers.
- j. Trailers parked for off-season storage shall be maintained road-worthy and in such condition that they may be removed from the property with twenty-four (24) hours' notice.
- k. A maximum of 10 % of the **lot area** may be occupied for the outdoor parking or storage of commercial trailers, **recreational vehicles**, and **recreational equipment**

Table 8 - Requirements for Storage Containers and Storage Trailers

<b>Item</b>	<b>Commercial Zones</b>	<b>Industrial Zones</b>
<b>Maximum Permitted Lot Coverage and Number of Storage Containers and Storage Trailers (Units) permitted per lot</b>	<p>Whichever of the following provisions which is most restrictive shall apply;</p> <ul style="list-style-type: none"> <li>-maximum of 3 units whether <b>storage containers</b> or <b>storage trailers</b> or a combination thereof in a C2 zone only</li> <li>- no limit where the C2 <b>permitted use</b> is for the commercial display and sale of <b>storage containers</b> or where the <b>permitted use</b> is a commercial <b>self-storage facility</b></li> <li>- Except where <b>permitted</b> as a <b>principal use</b>, the maximum <b>lot coverage</b> provisions of <b>accessory use</b> provisions for the applicable zone shall apply.</li> </ul>	<p>Whichever of the following provisions which is most restrictive shall apply;</p> <ul style="list-style-type: none"> <li>- maximum of 3 units whether <b>storage containers</b> or <b>storage trailers</b> or a combination thereof in M1, M2 and MP <b>zones</b></li> <li>-not <b>permitted</b> in any source protection, environmental and open space zones</li> <li>- Except where <b>permitted</b> as a <b>principal use</b>, the maximum <b>lot coverage</b> provisions of <b>accessory use</b> provisions for the applicable zone shall apply.</li> </ul>

<b>Item</b>	<b>Commercial Zones</b>	<b>Industrial Zones</b>
<b>Maximum Dimensions</b>	-3 m (width) by 12.1 m (length) by 2.9 m ( <b>height</b> ) and a maximum <i>Floor Area, Gross</i> of 36.3 m <sup>2</sup> per unit	-3 m (width) by 12.1 m (length) by 2.9 m ( <b>height</b> ) and a maximum <i>Floor Area, Gross</i> of 36.3 m <sup>2</sup> per unit
<b>Location</b>	<p><b>-rear yard or interior side yard</b> only except on a temporary basis</p> <p>-all other applicable <b>setbacks</b> continue to apply</p> <p>-minimum 1.5 m or as prescribed in the Ontario Building Code, whichever is the greater distance separation from any other building wall face located on the same property.</p>	<p>-No restriction provided unit(s) set back a minimum of 30 m from <b>street line</b></p> <p>-all other applicable <b>setbacks</b> shall continue to apply</p> <p>-minimum 1.5 m, or as prescribed in the Ontario Building Code, whichever is the greater distance separation from any other building wall face located on the same property.</p>
<b>Location Restriction</b>	Not <b>permitted</b> on any required fire access route, <b>parking space</b> , parking <b>aisle</b> , <b>driveway</b> , <b>stacking lane</b> , on a required landscape <b>buffer strip</b> , or in a <b>site triangle</b>	Not <b>permitted</b> on any required, fire access route, <b>parking space</b> , parking <b>aisle</b> , <b>driveway</b> , <b>stacking lane</b> , on a required landscape <b>buffer strip</b> or in a <b>site triangle</b>
<b>Maximum Height Restriction</b>	See applicable zoning provision	See applicable zoning provision
<b>Ventilation and Explosion Relief Panels</b>	Required as per the declared use contained within the Site Plan Agreement	Required as per the declared use contained within the Site Plan Agreement
<b>Fencing</b>	Use of <b>storage containers</b> and <b>storage trailers</b> for the purpose of screening or fencing is prohibited	Use of <b>Storage Containers</b> and <b>Storage Trailers</b> for the purpose of screening or is fencing prohibited
<b>Advertising on a Storage Container or Storage Trailer</b>	Advertising Signs are permitted to be installed in accordance to the <b>Town's</b> Sign By-law, as amended, on permanent a	Advertising Signs are permitted to be installed in accordance to the <b>Town's</b> Sign By-law, as amended, on permanent a



<b>Item</b>	<b>Commercial Zones</b>	<b>Industrial Zones</b>
	<b>Storage Container or Storage Trailer</b>	<b>Storage Container or Storage Trailer</b>

#### **4.35.4. Driveways**

Except as otherwise stipulated in a specific zone or an entrance control By-law of the Town of Perth, **driveways** shall comply with Table 9 - Driveways and the following requirements:

- a. **Driveway** width shall mean the width of the **driveway** as measured from one edge of the paved surface, gravelled surface or area improved or used for motor vehicle **access** to the opposite edge along the line commencing where the **driveway** intersects the street-line and shall apply along the entire length or extent of the **driveway** within the lesser of the existing **front yard** or the required minimum **front yard** from the street to its termination,
- b. A maximum of one **driveway** per **lot** shall be permitted in an R1 or R2 zone or on a **lot** occupied by a **single-detached**, except where the **lot** is a **through lot** or is a **corner lot** in which case one **driveway** per road **frontage** shall be permitted.
- c. Each **driveway** in a residential zone shall have no more than one point of **access** to a street or road; i.e. where **lots** qualify for two **driveways** they shall not connect.
- d. The minimum separation distance between a **driveway** with two **lanes** and a **driveway** on an abutting **lot** or a permitted second **driveway** on the same **lot** shall be 2.4 m. [7.9 ft.]
- e. Except in a C1 Zone category, there shall be a sight triangle with a site distance of 4 m where a **driveway** intersects a street-line.
- f. **Driveways** for non-residential uses shall not pass through a Residential Zone.
- g. In addition to the above, all **driveways** shall be subject to the Municipality's requirements for entrances and/or the requirements for site plan control or other applicable standards.
- h. The **driveway** for a commercial or **Industrial Use** shall have a width between 6 m and 7.6 m not including any rounded / curved element to facilitate **commercial vehicle** turning movements at the entrance to the street. A commercial or industrial **driveway** may have a greater maximum width of 8.2 m where it accesses a **provincial highway, County** road or a street designated as an Arterial Road per the Official Plan for the Town of Perth. **Council** may authorize a **driveway** of up to 10 m in width where



the road authority is requiring or will permit the entrance to consist of three *lanes*.

Table 9 - Driveways

Use	Width of Driveway			
	One-Lane Minimum	One-Lane Maximum	Two-lane Minimum	Two-Lane Maximum
Residential: <i>lot frontage</i> < 10 m [32.8 ft.] **	2.6 m [8.5 ft.]	3 m [9.8 ft.]	n/a	n/a
Residential: <i>lot frontage</i> 10 m-19.9 m [32.8 ft.-65.2 ft.] **	2.6 m [8.5 ft.]	4 m [13.1 ft.]	5.5 m [18 ft.]	6.1 m [20 ft.]
Residential: <i>lot frontage</i> 20 + m [65.6 ft.] **	2.6 m [8.5 ft.]	4 m [13.1 ft.]	5.5 m [18 ft.]	6.7 m [22 ft.]
Residential - apartment: 4 units or more	3.35 m [11 ft.]	4.6 m [15 ft.]	6.1 m [20 ft.]	7.3 m [24 ft.]
Non-Residential	4.5 m [14.7 ft.]	6.1 m [20 ft.]	7 m [22.9 ft.]	9.1 m [30 ft.]

Table 10 - Location of Driveway Entrance on a Corner Lot

	Minimum Distance between Driveway and Intersection Street Lines	
	Local Road	Collector/Arterial Road
Residential R1, R2 Zone	7 m [22.9 ft.]	15 m [49.2 ft.]
Residential R3, R4 Zone	15 m [49.2 ft.]	15 m [49.2 ft.]
Non-Residential Use	15 m [49.2 ft.]	15 m [49.2 ft.]

Minimum angle between *driveway* and intersecting street line is 60° for all Zones.

\*\* for residential *lots* occupied by less than 4 *dwelling units*

See parking diagrams:

Figure 21 - Parking Diagram - No Garage or Carport

Figure 22 - Parking Diagram - One Car Garage or Carport

Figure 23 - Parking Diagram - Two Car Garage or Carport

Figure 24 - Parking Diagram - Minimum Driveway Separation  
 Figure 25 - Parking Diagram - Corner Lot

**4.35.5. Parking Construction and Coverage in Residential Zones**

- a. The **driveways, lanes, aisles, loading spaces** and **parking spaces** shall be **constructed** of crushed stone, asphalt paving, concrete or concrete honeycomb block, paver stores, porous material or similar material.
- b. No more than fifty percent (50%) of the area of any required minimum **front yard**, or for a **townhouse** the **front yard** abutting each unit, shall be used or **constructed** as a **driveway** or **parking space** in any residential zone.
- c. No more than thirty percent (30%) of the **lot frontage**, or the maximum width of **driveway** per Table 9, whichever is less, shall be used or **constructed** as a **driveway** in any R1 or R2 zone or on a **lot** occupied by a **single-detached**, except in accordance with paragraph d) below.
- d. Despite paragraph b) and c) above, where the **lot** or **front yard** is less than 10 m wide or the **existing buildings** prevent the minimum parking requirement from being met elsewhere on the **lot**, up to 60% of the **front yard** may be **constructed** for a **driveway** or **parking spaces** subject to the requirements of Table 9; but in any case this provision shall only apply to permit one additional **parking space**.

In the event of a discrepancy between a diagram and the text, the text shall prevail.

Figure 21 - Parking Diagram - No Garage or Carport

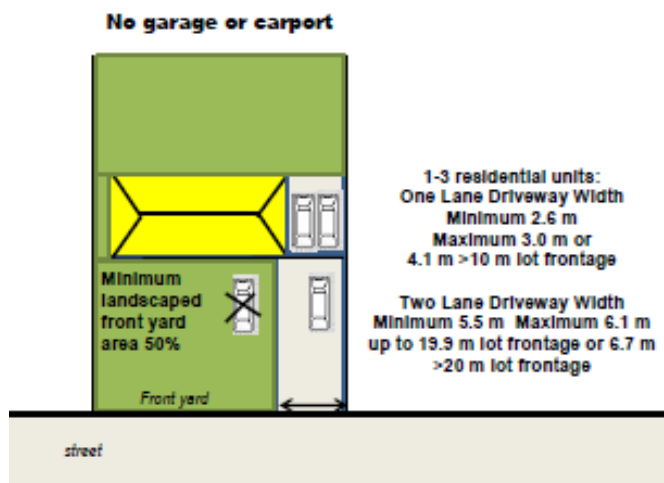


Figure 22 - Parking Diagram - One Car Garage or Carport

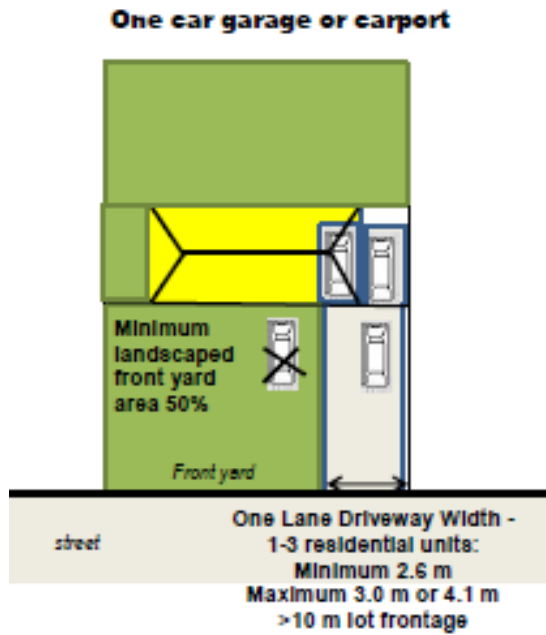


Figure 23 - Parking Diagram - Two Car Garage or Carport

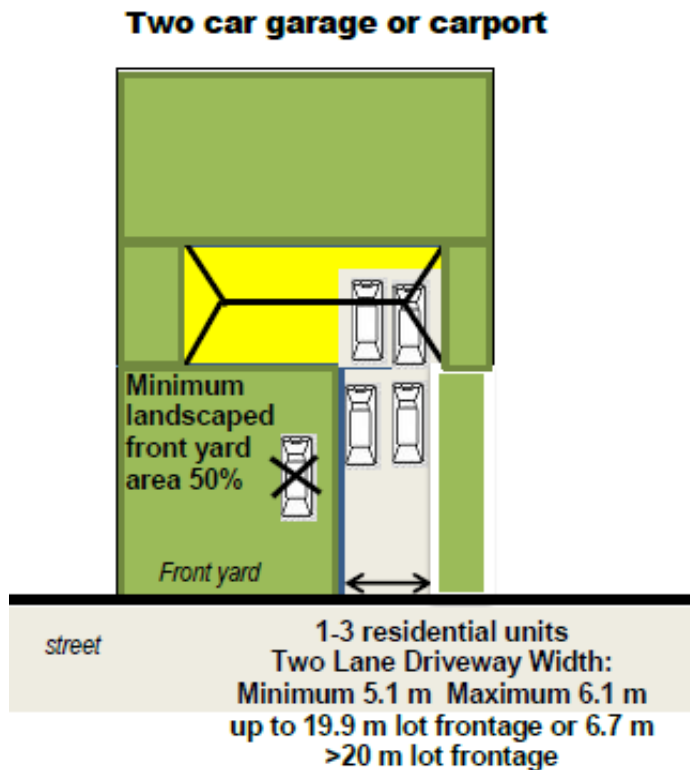


Figure 24 - Parking Diagram - Minimum Driveway Separation

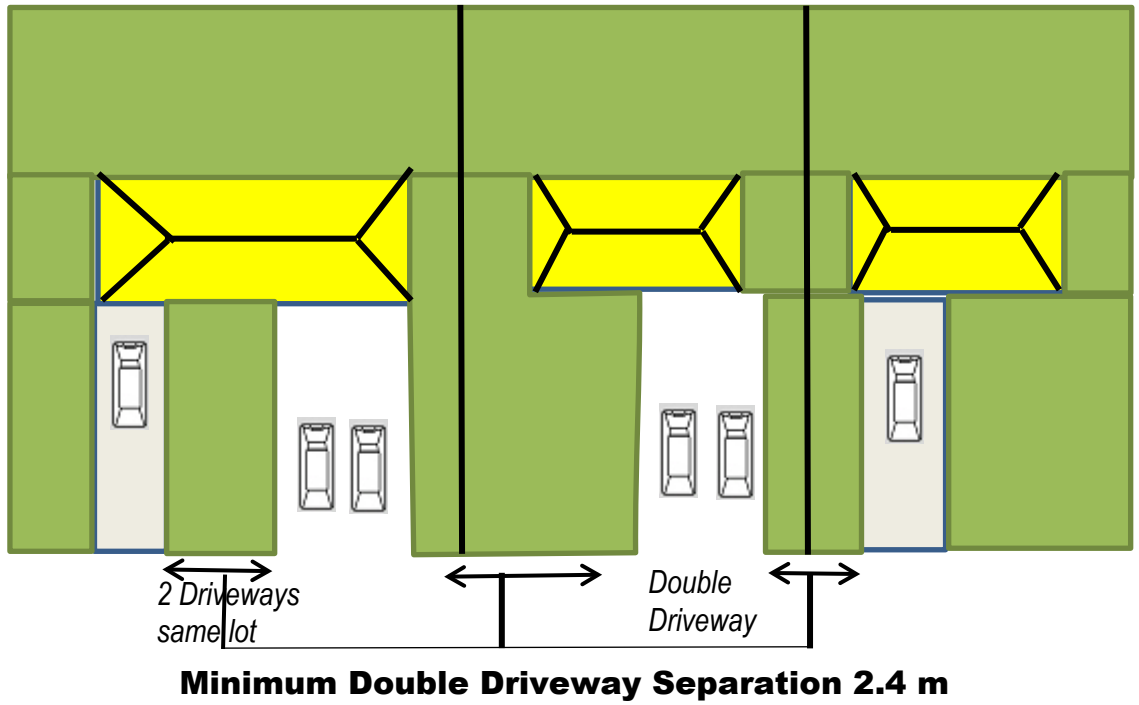
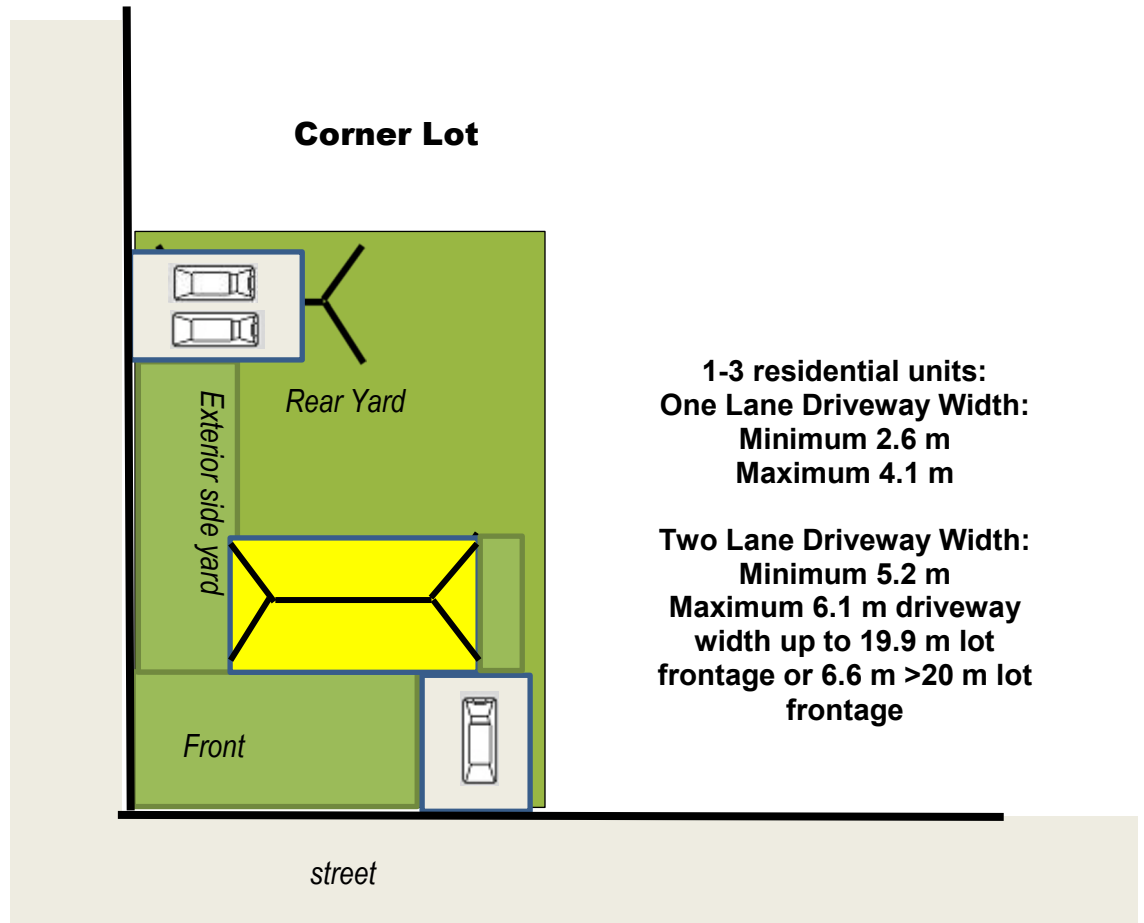


Figure 25 - Parking Diagram - Corner Lot



#### 4.35.6. Tandem Parking Spaces

Tandem **parking spaces** are permitted for residential uses when the required residential parking is four spaces or less. Other than for a home-based business, tandem **parking spaces** are not permitted for parking serving a commercial use; except on a **driveway** used exclusively by a residence **accessory** to a commercial use.

#### 4.35.7. Parking Area for more than Four Vehicles

In any zone, where a **parking area** is designed to accommodate more than four vehicles, the following provisions shall apply:

- The **parking area** shall be **constructed** of crushed stone, asphalt paving, concrete, paver stones, or similar materials
- Parking areas** shall be designed and **constructed** with at least one (1) entrance **lane** and one (1) exit **lane** for motor vehicles, with each **parking space** having **access** to **driveways**, **lanes** and/ or **aisles** without the necessity of moving any other motor vehicle.

- c. Ingress and egress directly to and from every **parking space** shall be by means of a maneuvering **aisle** having a width of at least 6 m [19.7 ft.] for two-way traffic, 4.5 m for one-way traffic and parallel parking and 4 m [13.1 ft.] for one-way traffic where parking is angled.
- d. A **driveway** or **lane** which does not provide ingress and egress directly to a **parking space**, shall have a minimum width of 3.35 m [11 ft.] where designed for one-way vehicular circulation and a minimum width of 6.1 m [20 ft.] where designed for two-way vehicular circulation.
- e. Scale drawings shall be submitted with the application for the **building** permit, to show all entrances and exits, and such parking facilities, and all proposed and **existing parking space, driveways** and maneuvering **aisles** will comply with the applicable zoning regulations.
- f. Except as provided in paragraph 4.32 2 d., **parking spaces** required for an apartment **building** shall not be provided in any required **front yard**, or any required **exterior side yard**

#### 4.35.8. Dimensions of Parking Spaces

**Parking spaces** required by this By-law shall meet the minimum dimension requirements in Table 11.

Table 11 - Required Size of Parking Spaces

Type	Width	Length	Vertical Clearance
<b>Standard (90 degrees)</b>	2.6 m [8.5 ft.]	Min. 5.5 m [18 ft.]	2.4 m [7.8 ft.]
<b>Angle (less than 90 degrees)</b>	2.6 m [8.5 ft.]	Min. 5.5 m [18 ft.]	2.4 m [7.8 ft.]
<b>Parallel</b>	2.4 m [7.8 ft.]	Min. 6.7 m [22 ft.]	2.4 m [7.8 ft.]
<b>Small Car (where permitted)</b>	2.4 m [7.8 ft.]	Min. 4.8 m [15.7 ft.] Max 5.2 m [17 ft.]	2.4 m [7.8 ft.]
<b>Barrier-Free – Off-Street Passenger Vehicle (see diagram and article 4.32.10.)</b>	Type A - 3.4 m [11.1 ft.] Type B - 2.4 m [7.8 ft.]	5.5 m [18 ft.]	2.75 m [9 ft.]
<b>Barrier-Free – Off-Street Van</b>	4.6 m [15 ft.]	6 m [19.6 ft.]	3.8 m [12.4 ft.]
<b>Barrier-Free – Parallel</b>	4.1 m [13.4 ft.]	7 m [22.9 ft.]	2.75 m [9 ft.]
<b>Coach or Bus</b>	12 m [39.3 ft.]	3.5 m [11.4 ft.]	3.8 m [12.4 ft.]
<b>Heavy Vehicle</b>	3.5 m [11.4 ft.]	16 m [52.4 ft.]	1.7m [15.4 ft.]

**4.35.9. Calculation of Required Parking**

- a. The total number of **parking spaces** shall be calculated as the cumulative sum of all types of **parking spaces** required (e.g. standard, barrier-free, other).
- b. Where the calculation of the required **parking spaces** results in a fraction, the required number of **parking spaces** shall be rounded to the next highest whole number.
- c. Unless otherwise specified elsewhere in this By-Law, where two or more uses are permitted in any one **building** or on any one **lot**, the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street **parking spaces** so calculated shall be the required number of **parking spaces**.

**4.35.10. Barrier-Free Parking**

- a. **Barrier free parking space** shall be required for any use requiring 10 standard **parking spaces** or more and the minimum number of **barrier free parking spaces** shall be calculated in accordance with the standards set out in Table 12 below:

Table 12 - Barrier-Free Parking Requirements

<b>Required Parking Spaces</b>	<b>Number / % of Barrier Free Spaces</b>
<b>For parking from 10 to 15 spaces</b>	1 space required
<b>For 16 to 100 required spaces</b>	Add 5% of the <b>parking spaces</b> , minimum of 2 spaces
<b>For 101 to 300 required spaces</b>	Add 3 % of the spaces over 101
<b>For 301 to 700 required spaces</b>	Add 2% of the spaces over 301
<b>For 701 or more required spaces</b>	Add 1% of the spaces over 701

**Sample calculation** - a new use requiring 750 **parking spaces** would need to provide:

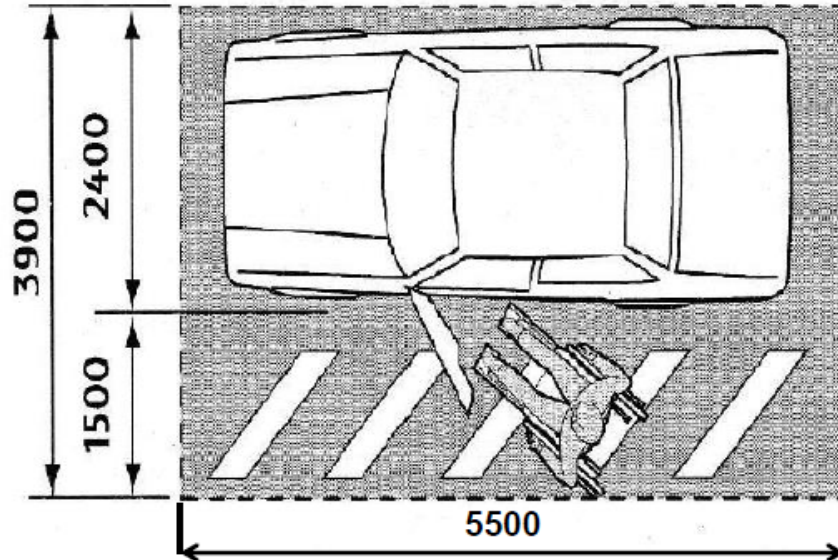
$1 + 4 + 9 + 8 + 5 = 27$  **barrier free parking spaces** and 723 standard **parking spaces**

- b. **Barrier free parking spaces** shall be designed consistent with O. Reg. 191/11 and O. Reg. 413/12, and any amendment thereto or subsequent provincial standard and at a minimum shall meet the following:
  - i. Where a single **barrier free parking space** is required it shall be a Type A space with an abutting **access aisle** 1.5 m wide per Table 12
  - ii. Where two or more **barrier free parking spaces** are required half of the spaces shall be of a Type A design and the other half may be a Type B space [per Table 11] with an abutting **access aisle** 1.5 m wide between each two spaces. If there are an uneven number of spaces required, the additional space may be of Type B design.



- iii. Each **barrier free parking space** shall have an abutting 1.5 m wide **access aisle** but where two **barrier free parking spaces** abut, the required **access aisle** may be located between the spaces.

Figure 26 - Example of a Type B Barrier Free Parking Space



#### 4.35.11. Parking Requirements for Existing Buildings

The **parking space** requirements shall not apply to any **existing building** so long as the **gross floor area** is not increased and no change in use occurs. If an **addition** is made to the **building** or **structure** which increases the **gross floor area**, or a change in use occurs, then any increase in the required number of **parking spaces** for the additional **floor**

**area** or the change in use in excess of two **parking spaces** shall be provided or cash-in-lieu of parking shall be required.

#### **4.35.12. Parking Requirements in Town of Perth's Downtown (Town Core)**

Despite the provisions of, Table 13, the following **parking space** requirements shall apply within the General Commercial (C1) Zone:

##### **a. Change of use within Existing Buildings**

Where the use of an **existing building** is changed, no additional **parking spaces** or cash-in-lieu of parking shall be required where there is no change in the **floor area** dedicated to client use or where such change only increases the number of **parking space** by one space.

##### **b. Enlargement of Existing Buildings or Infill Buildings**

Where an **existing building** is enlarged, either in conformity with the applicable zoning provisions, through an amendment to this By-Law or through a minor variance, the parking requirements or cash-in-lieu of parking as set out in article 4.33.14 shall apply for the enlargement or addition, only if such enlargement or **addition** has the effect of increasing the **parking space** requirement by more than two spaces. The additional off-street parking shall be determined, in accordance with the parking required in Table 13 – Parking Requirements. The additional parking needed for a change in use, expansion, or enlargement shall not be calculated to require any existing deficiencies in the minimum number of **parking spaces** to be provided; e.g. existing use has 2 spaces but should have 6, new use requires 9 spaces, [9-6-2] so one new space is needed.

#### **4.35.13. Alternative Location of Parking Space(s)**

The required parking for any **permitted use** shall be provided on the same **lot** as the use the parking is required to serve with the following exceptions:

- a. Where **Council** has authorized the leasing of municipally owned **parking spaces** for the exclusive use of a specific business, agency or land owner;
- b. Where **Council** approves the leasing of the required parking on lands within 60 m of the subject property under the terms of a site plan agreement or **development** agreement executed with the Municipality;
- c. Where the owner/operator provides evidence of a permanent **easement** for the required **parking spaces** within 60 metres of the property for which the parking is required;
- d. Where the owner has completed an agreement with the Municipality to provide Cash-in-lieu of parking.

#### **4.35.14. Cash-in-lieu of Parking**

Where site configuration or other constraints prevent or render undesirable the provision of some or all **parking spaces** required to permit a change of

use or **building** expansion, then the owner or developer may opt to make up the **parking space** deficiency by providing Cash-in-lieu of Parking. The parking fund so established shall be devoted to assist in the provision of additional parking facilities in the Downtown. The fee for cash-in-lieu of parking shall be determined from time to time by resolution of **Council**.

#### **4.35.15. Bicycle Parking and Storage**

- a. A **bicycle parking space** shall have a minimum width of 0.6m and a length of 1.8m and shall be located adjacent to a structural element or in a rack securely anchored to the ground, to which the bicycle can be secured.
- b. Bicycle parking may be located within any yard, but not within a sight triangle.
- c. Required **bicycle parking spaces** may be located in **parking areas**, indoors or in a **landscaped open space** area but no **bicycle parking space** shall impede **access** to a **building** or occupy a required **parking space**
- d. Bicycle parking and **bicycle parking areas** shall be separated from vehicular parking by a physical barrier or a minimum 1.5 m of open space.
- e. **Existing buildings, buildings** with less than 200 m<sup>2</sup> GFA, seniors' homes and residential **buildings** with less than five (5) **dwelling units** are exempt from bicycle parking.
- f. Any **building**, with a GFA exceeding 200 m<sup>2</sup> [2,152 ft.<sup>2</sup>] used for a commercial use, **Institutional Use**, or an **Industrial Use** shall install **bicycle parking spaces** equal to 5% of the required motor vehicle **parking spaces** with a minimum requirement of two (2) spaces and a maximum requirement of twenty (20) spaces, which shall be located within 15 m [49.2 ft.] of the main entrance of the **building**.
- g. Any **apartment dwelling**, except an **existing building** or a seniors apartment **building**, with five (5) or more **dwelling units** shall provide five (5) **bicycle parking spaces** within 15 m [49.2 ft.] of the main entrance of the building.

#### **4.35.16. Provisions for Drive-through Services**

Despite any other zone regulation in this By-law, where a use of land, **building** or **structure** incorporates a drive-through facility, the following zone regulations shall apply

- a. No portion of a motor **vehicle service queue** for a **restaurant, with drive-through service** or a **drive-through / takeout restaurant** and no **parking area** for a **drive-in restaurant** shall be located within 30 m of a residential zone or a property where a residential use is the principal use except:
  - i. Where there is a noise barrier wall having a minimum height of 2.4 metres and/or a **building** located between a **vehicle service queue** or the **parking area** for a **drive-in restaurant** and any portion of a property line shared with an abutting residential property, the minimum separation shall be 15 metres [49.2 ft.];

- ii. This provision shall not apply to a **restaurant** with a **drive-through service** which existed on or before November 1, 2005, or its modification or **replacement** on the same **lot**.
- b. No portion of a **minimum vehicle service queue** shall extend into a parking lot.
- c. Except as stipulated for specific **restaurant** uses in Table 4.31.D, the **minimum vehicle service queue** shall be designed to include a minimum of ten (10) **queue spaces**.
- d. The **minimum vehicle service queue** requirement shall apply for each service window from which food or a service is delivered to patrons, or in the case of a **drive-through / takeout restaurant**, every two food service windows.
- e. Except where otherwise specified in this By-law, a Queuing **lane** for any drive-through service shall be designed to accommodate a minimum of eight (8) motor vehicles or **queue spaces**.
- f. A **drive-through service** shall be a permitted **accessory** use in the C2, C5, M1, M3 and MP zones except as otherwise restricted in this By-law.
- g. A **drive-through service** shall comply with the zone regulations applicable to the principal use in the zone in which the drive-through facility is located.
- h. Any **restaurant** with a **drive-through service** or a **drive-in restaurant** shall have an entrance onto a **provincial highway**, an arterial road or a collector road, as assigned in the Official Plan for the Town of Perth or shall have **access** to a local road from a **corner lot** location immediately abutting a **provincial highway**, an arterial road or a collector road. In any other location where **access** is only onto a local road, this type of **restaurant** use shall only be permitted where all abutting properties are zoned for commercial use.
- i. A **restaurant, with drive-through service, a drive-through / takeout restaurant** or a **drive-in restaurant**, other than any **existing** restaurants, shall not locate, on a property with **frontage** on Foster Street, Market Square or on Gore Street between Brock Street and Foster Street.”
- j. An entrance for a **drive-through / takeout restaurant**, a **restaurant** with a **Drive-through Service** or a **drive-in restaurant**, shall not locate within 100 m of an elementary school property or within 150 m of an elementary school building, whichever distance is greater, except:
  - i. Where the school property and the restaurant types specified are: not in the same **Block** and do not face the same street; or do not face the same section of the street and do not have **frontage** or **access** onto the same side of the street; the setback may be reduced to 75 m from an elementary school property or within 100 m of an elementary school building, whichever distance is greater ;
  - ii. The setback shall not apply to a restaurant with a **drive-through service** which existed on or before November 1, 2005, or its modification or **replacement** on the same **lot**.

#### 4.36. Parking Requirements Table

In any zone, the owner or occupant of any **building** or **structure erected**, enlarged or changed in use after the date of passing of this By-law shall provide off-street **parking spaces** in accordance with the minimum number of **parking spaces** set out in Table 13 – Parking Requirements as follows:

[**Parking Space** caution: the parking standards herein are minimums. Property owners are encouraged to provide parking based on their anticipated needs, particularly in areas where no on street parking is available and for residential uses as there is no over-night on-street parking in winter months]

Table 13 – Parking Requirements

USE	NUMBER OF REQUIRED PARKING SPACES
<b>Residential:</b> <ul style="list-style-type: none"> <li>• Single detached</li> <li>• <b>Semi-detached</b></li> <li>• <b>Duplex</b></li> <li>• Linked</li> <li>• Row or town house</li> </ul>	Two (2) spaces per <b>Dwelling Unit</b> . <b>Parking spaces</b> shall include any combination of a garage, carport, <b>Driveway</b> or <b>Tandem Parking Spaces</b> .
<b>Residential:</b> <ul style="list-style-type: none"> <li>• <b>apartment dwelling</b></li> <li>• <b>Dwelling, Multiple</b> unit</li> <li>• <b>Stacked Dwelling, Row house or Townhouse</b></li> <li>• <b>Triplex, Dwelling</b></li> </ul>	Minimum required <b>parking spaces</b> shall be 1.5 per unit (1.25 per bachelor unit). In apartment <b>buildings</b> with more than six (6) units, visitor <b>parking spaces</b> are required to be identified and are calculated at 15% of the required <b>parking spaces</b> . In no case shall tenant parking be less than one space per <b>Dwelling Unit</b> .
<b>Residential</b> one bedroom <b>Dwelling Unit</b> (non-senior), <b>Converted Dwelling, accessory apartment, bachelor apartment</b> , any un-specified residential unit	Regardless of any other standard 1 space per <b>Dwelling Unit</b>
<b>Residential:</b> • senior citizen <b>apartment dwelling</b> , retirement living facility	0.25 spaces per <b>Dwelling Unit</b> plus one per staff person; plus one visitor <b>parking space</b> for every 10 units and in any case at least one visitor space



USE	NUMBER OF REQUIRED PARKING SPACES
<b>Bed and Breakfast Establishment</b>	1 <b>parking space</b> per <b>Guest Room</b> in addition to <b>parking spaces</b> required for the <b>Dwelling Unit</b> .
<b>Group Home</b>	1 <b>parking space</b> per 3 supervised residents plus the required parking for the dwelling - 3 <b>parking spaces</b> minimum
<b>Home Based Business</b>	- as per type of business and floor space with a minimum of one space per business and a maximum of four business – <b>parking spaces</b> in addition to the required residential parking
Home Based physician, dentist, physiotherapist or other medical health professional, who has established an office for consultation or treatment	Three (3) <b>parking spaces</b> in addition to <b>parking spaces</b> required for the <b>Dwelling Unit</b> .
<b>Boarding House</b>	0.5 <b>parking spaces</b> per rented room in addition to the minimum required residential parking
<b>Rooming House</b>	1 <b>parking space</b> for every three (3) persons to be accommodated based on the maximum permitted capacity with a minimum of two spaces.
<b>NON-RESIDENTIAL USES</b>	
<b>Animal Shelter, Commercial Kennel</b>	1 <b>parking space</b> per 30 m <sup>2</sup> [322.9 ft. <sup>2</sup> ] of <b>Floor Area, Gross</b> .
<b>Automotive Uses: Auto Body Shop</b> , auto repair shop, <b>Auto Service Station</b> , gas bar, card-lock facility, <b>Garage – Commercial, Bulk Fuel Depot</b> , card-lock facility, gas bar, <b>recreational vehicle</b> repair and garage, <b>Car Rental Agency</b>	3 <b>parking spaces</b> per service bay plus 1 <b>parking space</b> for every 30 m <sup>2</sup> [322.9 ft. <sup>2</sup> ] of <b>Floor Area, Net</b> : minimum 6 <b>parking spaces</b>
<b>Brewery, Distillery or Winery, Micro-brewery,</b>	1 <b>parking space</b> per 40 m <sup>2</sup> [430.5 ft. <sup>2</sup> ] of <b>Floor Area, Gross</b> ; <b>and in any case not less than 3 spaces</b>

USE	NUMBER OF REQUIRED PARKING SPACES
<b>Building Supply Store, contractor's yard</b> , commercial equipment or motor vehicle storage yard, <b>Garden Centre</b> , lumber yard, <b>Commercial Greenhouse, Nursery or Garden Centre, Commercial Greenhouse, Nursery or Garden Centre</b>	1 <b>space</b> for each 22 m <sup>2</sup> [236.8 ft. <sup>2</sup> ] of retail <i>Floor Area, Gross</i> , plus 1 <b>parking space</b> for each 500 m <sup>2</sup> [5,382.1 ft. <sup>2</sup> ] of warehousing; and in any case not less than 5 spaces –also see outdoor storage req.
<b>Business Office, Professional and/or Business, Professional and/or Administrative Office, Banks or Financial Institution</b>	One (1) space for each 30 m <sup>2</sup> [322.9 ft. <sup>2</sup> ] of <i>Floor Area, Gross</i>
<b>Clinic</b>	3 spaces per doctor or professional practitioner plus one space for each administrative employee
<b>Continuum-of-Care Facility</b> (e.g. chronic care facility, <b>Nursing Home</b> , retirement home)	1 <b>parking space</b> for every 10 patient beds. Plus 1 <b>parking space</b> per 30 m <sup>2</sup> [322.9 ft. <sup>2</sup> ] of <i>Floor Area, Gross</i> or one space per number of staff (based on maximum shift), whichever is less.
<b>Crisis Care Facility</b>	2 <b>parking spaces</b> minimum. Plus the required parking for a dwelling, or if not located in a dwelling, 1 space per 38 m <sup>2</sup> [409 ft. <sup>2</sup> ] of <i>Floor Area, Gross</i>
<b>Day nursery</b> (child or adult), <b>private day care</b>	Greater of 1 <b>parking space</b> per classroom or 1 <b>parking space</b> per 40 m <sup>2</sup> [430.5 ft. <sup>2</sup> ] of <b>gross floor area</b> and in any case not less than 3 spaces
Equipment rental, sales or service establishment, <b>Automotive Sales Establishment</b> , automotive leasing establishment, <b>recreational vehicle</b> sales establishment, <b>recreational vehicle</b> leasing establishment:	<ul style="list-style-type: none"> <li>- business office -per business office standard</li> <li>- service bays - per Automotive uses standard</li> <li>- showroom 2 per 100 m<sup>2</sup> <b>gross floor area</b></li> <li>- any other area 1 per 100 m<sup>2</sup> <b>gross floor area</b></li> <li>- in the absence of a show room or service bays not less than 3 spaces dedicated to customer parking.</li> </ul>



USE	NUMBER OF REQUIRED PARKING SPACES
<b>Factory Outlet</b> , Retail Outlet <b>accessory</b> to an industry or wholesale business	1 <b>parking space</b> per 28 m <sup>2</sup> [301.3 ft. <sup>2</sup> ] of <b>Floor Area, Gross</b> in addition to the parking for the principal use.
<b>General business: Animal Day Care Establishment, Bake Shop, Catering Establishment</b> , commercial and <b>Personal Service Establishment</b> , dry cleaning or laundry outlet, <b>Laundromat, Pet grooming establishment</b> , rental store, service outlet or shop, video rental outlet, and any commercial uses not specified elsewhere in this table	One (1) space per 23.2 m <sup>2</sup> [252 ft. <sup>2</sup> ] of <b>Floor Area, Gross</b> with a minimum of 1 space (over 929 m <sup>2</sup> [10,000 ft. <sup>2</sup> ] <b>Floor Area, Gross</b> see shopping center standards)
<b>Farmer's Market, Flea Market</b> (external exhibiting space only)	1.5 spaces per individual vendor table or booth with a minimum of 10 <b>parking spaces</b>
<b>Hostel</b>	1 <b>parking space</b> per every 6 guests accommodated for the first 40 guests accommodated, and 1 per 12 guests accommodated thereafter.
<b>Hotel, motel, Inn</b> , tourist establishment	1 space per guest unit room, plus 1 space for every 9.3 m <sup>2</sup> [100.1 ft. <sup>2</sup> ] of <b>public use floor area</b> plus one space per employee based on maximum daytime requirement [ <b>restaurant</b> or <b>place of assembly Floor Areas</b> shall be calculated per the standards for those uses].
<b>Industrial Mall, Light Industry, Bakery; Food and Dairy Products Industry</b> indoor agricultural production, medical marihuana production facility	1 space per 70 m <sup>2</sup> [753.4 ft. <sup>2</sup> ] of <b>Floor Area, Gross</b> per <b>premises</b> up to 1,858 m <sup>2</sup> [20,000 ft. <sup>2</sup> ], plus 1 space for each additional 100 m <sup>2</sup> [1,076.4 ft. <sup>2</sup> ] of <b>Floor Area, Net</b> up to 5,000 m <sup>2</sup> [53,821.3 ft. <sup>2</sup> ] per <b>premises</b> ; plus 1 additional space for every 232 m <sup>2</sup> [2,497.3 ft. <sup>2</sup> ] <b>Floor Area, Net</b> thereafter. <b>Warehouse</b> space calculated separately.
<b>Industry, Medium or Heavy;</b>	1 space per 70 m <sup>2</sup> [753.4 ft. <sup>2</sup> ] of <b>Floor Area, Gross</b> up to 1,858 m <sup>2</sup> [20,000 ft. <sup>2</sup> ], plus 1 space for each additional 125 m <sup>2</sup> [1,345.5 ft. <sup>2</sup> ] of <b>Floor Area, Net</b>

USE	NUMBER OF REQUIRED PARKING SPACES
	up to 5,000 m <sup>2</sup> [53,821.3 ft. <sup>2</sup> ]; plus 1 additional space for every 250 m <sup>2</sup> [2,691 ft. <sup>2</sup> ] of <b>Floor Area, Net</b> thereafter. <b>Warehouse</b> space calculated separately.
<b>Industrial Storage Use</b> or <b>Commercial Storage Use</b> including a <b>warehouse</b> , cold storage facility, <b>wholesale facility</b>	1 <b>parking space</b> per 200 m <sup>2</sup> [2,152 ft. <sup>2</sup> ] of <b>Floor Area, Gross</b> or portion thereof up to 1,858 m <sup>2</sup> [20,000 ft. <sup>2</sup> ] plus 1 additional space for every 250 m <sup>2</sup> [2,691 ft. <sup>2</sup> ] <b>Floor Area, Net</b> thereafter.
<b>Hospital</b>	One (1) space for every three (3) beds or each 37.2 m <sup>2</sup> [400.4 ft. <sup>2</sup> ] of <b>Floor Area</b> , whichever is greater
Outdoor storage area, exclusive of seasonal uses	1 <b>parking space</b> per 1,000 m <sup>2</sup> [10,764.2 ft. <sup>2</sup> ] of <b>lot area</b> in outdoor storage use - minimum of 2 <b>parking spaces</b> for an <b>accessory use</b> - minimum of 5 <b>parking spaces</b> if it is the principal use.
Outdoor <b>patio, accessory</b> to commercial use, exclusive of temporary <b>patio</b> (one-time use – 5 months or less)	For outdoor <b>patio</b> space that exceeds 50% of the indoor client seating capacity or 40% of the <b>Gross Leasable Floor Area</b> of a <b>restaurant, restaurant, with drive-through service</b> or a <b>tavern</b> , parking shall be provided at rate of 1 space for 4 seats or 1 space per 15 m <sup>2</sup> [161.4 ft. <sup>2</sup> ], whichever is greater
<b>Place of Assembly: private clubs, Auditorium</b> , banquet and meeting halls, <b>Bingo Hall, Casino, Community Centre</b> , museum, <b>Entertainment Establishment, Funeral Home, Place of Worship, recreational establishment, arena, cinema, theatre</b> and similar places of public assembly,	1 space for every 5 seats, fixed or otherwise; or, where there are no seats, 1 space for every 20 m <sup>2</sup> [215.2 ft. <sup>2</sup> ] of <b>Floor Area, Net</b> or 1 space for every 5 persons of rated capacity, whichever is greater. In a <b>shopping centre</b> where the parking for other uses meets or exceeds that of the <b>Place of Assembly</b> the assembly parking requirement is reduced by 20%.

USE	NUMBER OF REQUIRED PARKING SPACES
<p><b>Recreational Commercial Establishment</b>, Miniature Golf Course, <b>Driving Range</b>, tourist outfitters establishment</p>	<p>2 <b>parking spaces</b> per tee area plus 1 <b>parking space</b> per 10 m<sup>2</sup> [107.6 ft.<sup>2</sup>] of <b>Floor Area, Net</b> in clubhouse, office, and staff areas, plus parking per requirements in this table for <b>restaurant</b>, banquet hall, or other facilities as may be provided.</p>
<p><b>Restaurant</b>, (By-law 3358-36)</p>	<p>1 <b>parking space</b> for every four (4) patrons accommodated as per the maximum rated occupancy/capacity under <i>the Ontario Building Code</i> or 1 <b>space</b> for each 10 m<sup>2</sup> of <b>gross floor area</b> whichever is greater.</p>
<p><b>Restaurant, Drive-in</b> (By-law 3358-36)</p>	<p>2 <b>parking spaces</b> for each 10 m<sup>2</sup> of <b>gross floor area</b> and one space for every six units of outdoor seating with a minimum of 8 spaces.</p>
<p><b>Restaurant, with Drive-through Service</b> (By-law 3358-36)</p>	<p>1.4 <b>parking spaces</b> for each 10 m<sup>2</sup> of <b>gross floor area</b> with a <b>minimum vehicle service queue</b> designed to accommodate 10 <b>queue spaces</b> before the service window with not less than 6 <b>queue spaces</b> before the food order board, and not less than 2 <b>queue spaces</b> from the food service window to the queue exit;</p>
<p><b>Restaurant, Drive-through / Takeout</b> (By-law 3358-36)</p>	<p>Minimum of 5 <b>parking spaces</b> with a <b>minimum vehicle service queue</b> of 10 <b>queue spaces</b> and the queue designed to accommodate not less than 6 <b>queue spaces</b> before the order station, and not less than 2 <b>queue spaces</b> from the food service window to the queue exit.</p>
<p><b>Restaurant, Take Out</b> (By-law 3358-36)</p>	<p>2 <b>parking spaces</b> for each 10 sq. m of patron service area or one space for each 2 units of patron seating, whichever is greater, with a minimum of 2 spaces.</p>

USE	NUMBER OF REQUIRED PARKING SPACES
<b>Retail Store or Business:</b> grocery store, <b>Bake Shop</b> , printing and processing service shop, <b>service commercial establishment</b> less than 929 m <sup>2</sup> [10,000 ft. <sup>2</sup> ]	One (1) space per 23.2 m <sup>2</sup> [252 ft. <sup>2</sup> ] of <b>gross leasable floor area</b> with a minimum of 1 space (over 929 m <sup>2</sup> [10,000 ft. <sup>2</sup> ] <b>gross leasable floor area</b> see small shopping center standard)
<b>Retail Store or Business</b> , small <b>shopping centre</b> exceeding a <b>gross leasable floor area</b> 929 m <sup>2</sup> [10,000 ft. <sup>2</sup> ] less than 2,000 m <sup>2</sup> [21,525 ft. <sup>2</sup> ]	40 <b>parking spaces</b> plus 1 space for each 28 m <sup>2</sup> (300 ft. <sup>2</sup> ) of <b>gross leasable floor area</b> from 929 m <sup>2</sup> [10,000 ft. <sup>2</sup> ] to 2,000 m <sup>2</sup> [21,525 ft. <sup>2</sup> ] Maximum of 1 space per 18.6 m <sup>2</sup> (200 ft. <sup>2</sup> ) of <b>gross leasable floor area</b>
<b>Shopping Centre</b> or <b>large format retail store</b> 2,000 m <sup>2</sup> [21,525 ft. <sup>2</sup> ] <b>gross leasable floor area</b> or more **	75 <b>parking spaces</b> plus 1 space for each 30 m <sup>2</sup> (300 ft. <sup>2</sup> ) of <b>Gross Floor Area</b> over 2,000 m <sup>2</sup> [21,525 ft. <sup>2</sup> ] Maximum of 1 space per 19.5 m <sup>2</sup> (210 ft. <sup>2</sup> ) <b>gross leasable floor area</b> which shall increase to 1 space per 18.6 m <sup>2</sup> (200 ft. <sup>2</sup> ) of <b>gross leasable floor area</b> if the minimum <b>landscaped open space</b> is established and maintained at 20%
** calculation of <i>Floor Area, Gross</i> to determine the applicable <b>shopping centre</b> parking standard will include floor space used or allocated for cinemas, theatres, <b>restaurants</b> and building supply establishments but the parking required for those uses shall be separately calculated based on the applicable standards in this table.	
Self-Storage Facility	1 <b>parking space</b> per 100 storage units; none required for 20 or less
School – elementary	1.5 spaces per teaching classroom
School - secondary or commercial	Three (3) spaces per teaching classroom
Tavern, Public House, Road House, Nightclub	3 <b>parking spaces</b> per 100 m <sup>2</sup> [1,076.4 ft. <sup>2</sup> ] of <b>net floor area</b> or portion thereof

USE	NUMBER OF REQUIRED PARKING SPACES
Truck terminal	1 <b>parking space</b> per 1,000 m <sup>2</sup> [10,764.2 ft. <sup>2</sup> ] of <b>lot area</b>
Uses not otherwise specified	1 space per 28 m <sup>2</sup> [301.3 ft. <sup>2</sup> ] of <b>Floor Area, Gross</b>

**4.37. Permitted Projections**

Every part of any minimum required yard shall be open and unobstructed from the ground to the sky by any **building** or **structure** except those **structures** listed in Table 14 - Provisions for Permitted Projections shall be permitted to project into the minimum required yards for the distances specified where the minimum yard or setback requirements are currently met.

Table 14 - Provisions for Permitted Projections

Structure	Maximum Projection into a minimum required Yard or an existing yard where specified
<b>Belt courses, chimney breasts, cornices, gutters, pilasters, sills, or other ornamental structures, exterior staircases, stoops, landings - all yards</b>	0.5 m [1.64 ft.] into any yard or half the depth of the <b>Existing</b> yard, whichever is less.
<b>Eaves - all yards</b>	<b>Front Yard, Exterior Side Yard, and rear yard</b> – 1.2 m [3.93 ft.]; <b>Interior side yard</b> – 0.6 m [1.97 ft.] or half the depth of the <b>Existing</b> yard, whichever is less.
<b>Window bays - Front Yard and rear yard only</b>	1 m [3.28 ft.] including <b>Eaves</b> and cornices; to a Maximum width - 3 m [9.84 ft.]
<b>Balconies, canopies, porches, verandas at ground level or first storey extending into a front or rear yard. (Projections into the side yard or onto a Driveway or Pedestrian Way shall not be permitted.)</b>	<b>Front Yard</b> - 1.5 m [4.92 ft.] Rear yard - 3 m [9.84 ft.] But in any event not more than half the depth of the yard or within 3 m [9.84 ft.] of a road or in a sight triangle
<b>Balconies and canopies located above the first storey extending into a front or rear yard. (Projection into a side yard not permitted.)</b>	<b>Front Yard</b> 1.2 m [3.93 ft.] Rear yard - 2.4 m [7.87 ft.]

Structure	Maximum Projection into a minimum required Yard or an existing yard where specified
<b>Open porches and Decks (excluding stairs) – Front Yard and rear yard only</b>	<b>Front Yard</b> - 2.4 m [7.87 ft.] <b>Rear yard</b> – half the depth of the yard
<b>Fences, garden trellises and similar landscaping features, all plant materials, clothes poles, flag poles, uncovered paved patios, retaining walls, landscaping features, similar accessories,</b>	No maximum into any yard subject to compliance with any applicable sight triangle requirements, subsections <u>4.12</u> and <u>4.40</u> and limits to impervious surfaces.
<b>Barrier Free architectural structures i.e. ramps</b>	As set out in the <i>Ontario Building Code</i>
<b>Fire Escapes, antennae towers, satellite dishes</b>	1.5 m [4.92ft.] into a <i>side yard</i> or <i>rear yard</i>
<b>Air conditioner or Heat pump or similar device</b>	1.2.m (3.93 ft.) into a <b>Front Yard</b> , or <b>Exterior Side Yard</b> ; no limit into a <i>rear yard</i> ; not permitted in a minimum <i>side yard</i> and in any case, not within 3m of a <i>dwelling</i> on a separate <b>lot</b> . In the C1 Zone, no air conditioner shall only be permitted in the <i>rear yard</i> at the <i>ground level</i> or the <i>first storey</i> .
<b>Solar collector, wind turbine non-commercial</b>	No maximum into any rear yard only provided they are no closer than 3 m [9.84 ft.] to an interior side yard or rear yard lot line or within a minimum <b>Exterior Side Yard</b>
<b>Commercial Solar Collector, commercial wind turbine</b>	No maximum into any yard provided they are no closer than 3 m [9.8 ft.] to an interior side yard or rear yard lot line or 10 m [32.8 ft.] or a distance equal to the height of the installation, whichever is greater, from any street line

#### **4.38. Prohibited Uses**

Except as specifically permitted in this By-Law, the following uses are prohibited:

- a. Adult Entertainment Parlour and Body Rub Parlour; and
- b. The use or storage of bulk storage tanks on any **lot**; and
- c. The storage of inoperative rail cars, streetcars, buses, truck bodies or trailers without wheels; and

- d. The parking or storage of commercial motor vehicles and inoperative farm vehicles on a vacant **lot**; and
- e. The outdoor storage of partially dismantled and/or unlicensed motor vehicles or **recreational vehicles**, or trailers or motor vehicle or trailer parts; and
- f. Obnoxious uses; and
- g. Smelters, ethanol plants, the manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, coal oil, creosote, explosives, fireworks, glue, petroleum, tar or other gases; and
- h. The bulk storage of industrial chemicals, and hazardous waste, or liquid industrial waste as defined under the Environmental Protection Act, R.S.O., c. E.19, as amended, and
- i. In any commercial zone, the operation of an **arcade** or **video arcade** shall not be permitted within 400 m [1,312.3 ft.] of a **school**.

#### **4.39. Railway Setbacks**

Notwithstanding any other provision of this By-law, no residential **building** or **structure**, **Institutional Use**, use including overnight accommodation, **Clinic**, or open space use, shall be **erected** closer than 30.0 metres from any principal main-line railway right-of-way or corridor or secondary main-line railway right-of-way or corridor.

#### **4.40. Source Water Protection Overlay Area**

- a. The following provisions take precedence over the provisions of the underlying zone. They apply to land uses within an area affected by the Source Water Protection Overlay in order to restrict **development** in **Intake Protection Zones**, and areas where groundwater protection due to vulnerability of aquifers or significant groundwater recharge areas as shown on Schedule "A" to this By-law to:
  - i. Provide for the protection of municipal water supplies from contamination.
  - ii. Prohibit the establishment or expansion of specific land uses that pose a risk of contaminating the groundwater or surface water that supply municipal drinking water systems.
  - iii. Apply a holding provision within areas that are associated with a Significant Groundwater Recharge Area to remain until the **development** impact is demonstrated to be consistent with the Official Plan source protection policies;
  - iv. The Risk Management Official (RMO) is that **person** or agency appointed by the Town to uphold and implement specific provisions of the Mississippi-Rideau Source Protection Plan in accordance with the Clean Water Act;
- b. Specific Provisions
  - i. All applications for **development** within the Source Water Protection Overlay with **IPZ** scores of 8, 9 or 10 shall be accompanied by a



- completed Source Protection Activity Checklist unless exempted by the Municipality.
- ii. No holding provision prohibiting Building Permit or Site Plan Control approval shall be removed within the Source Water Protection Overlay area without the potential impact upon Source Water being reviewed and accepted by the Municipality in consultation with the Source Protection Authority.
  - iii. Properties having parts lying within more than one sensitivity rating, as shown on Overlay Schedule 'A1', or only having a part of the property within the Overlay Schedule, shall be subject to the restrictions applicable to the more sensitive rating. Notwithstanding the preceding, **Council**, or a staff **person** delegated by **Council**, will have the authority, in consultation with the Source Protection Authority, to apply the lesser restriction where a land use or activity will clearly be limited to the area with the lower sensitivity rating.
  - iv. The **Intake Protection Zone** area with a sensitivity score of 10 is here by subject to or effectively a holding provision and no **building** shall be **erected** without this holding provision being removed or modified. The hold will be lifted for residential purposes that are on full municipal water and sanitary sewer services.
  - v. Any proposed use that has the potential to use, store or undertake the following types of activity, or which may use any of the items listed in this Section, shall be prohibited in the **IPZ** score areas as specified:
    1. Sewage Treatment Plant Effluent Discharges in areas having **IPZ** scores of 8, 9, or 10
    2. Industrial Effluent Discharge within areas having **IPZ** scores of 8, 9, or 10
    3. Combined Sewer Discharge outlet within areas having **IPZ** scores of 8, 9, or 10
    4. Sewage Treatment Plant By-pass discharge within areas having **IPZ** scores of 8, 9, or 10
    5. Waste disposal sites, as defined or described by the Mississippi-Rideau Source Protection Plan, within areas having **IPZ** scores of 8, 9, or 10
    6. Large Storage of Sewage (e.g. treatment plant storage tanks) within areas having **IPZ** scores of 9 or 10;
    7. Stormwater Management Facility within areas having an **IPZ** score of 10:
    8. fuel storage at a bulk plant, gas station or refinery within an area with an **IPZ** score of 10,
    9. road salt storage of more than 5,000 tonnes within an area with **IPZ**- score of 9 and more than 500 tonnes within an area with an **IPZ** score of 10;
    10. Permanent snow dump sites shall be less than 1 ha in an area with an **IPZ** score of 9 and shall not be located in area with an

- IPZ** score of 10. Notwithstanding the preceding an emergency snow dump is permitted in an **IPZ** with a score of 9.
11. Commercial or bulk storage of fertilizer in amounts exceeding 2,500 kg within an area with an **IPZ** score of 10
  12. Commercial or bulk storage of pesticides within areas having **IPZ** scores of 9, or 10;
  13. **Development** not connected to municipal sanitary sewer services within an area having an **IPZ** score of 10.
- vi. The areas identified within **IPZ** Zones on Schedule A1 shall be deemed to be subject to a holding provision with respect to the **development** of following uses and activities and the holding provision will not be removed until in consultation with the RMO the source protection requirements have been met.
1. Fuel storage supply for on-site heating within an area with an **IPZ** score of 10
  2. Agricultural manure storage or manure application within areas having **IPZ** scores of 8, 9, or 10;
  3. Large scale drainage management projects within areas having **IPZ** scores of 8, 9, or 10;
  4. Major construction projects (such as high **density** residential uses, industrial **building**, **shopping centre**, business park, residential subdivision, or solar farm) within areas having **IPZ** scores of 8, 9, or 10.

#### **4.41. Rooming House, Boarding House and Hostels**

- a. A rooming house may only be permitted in a residential zone which permits multi-unit dwellings and in the Local Commercial C3 Zone and a **hostel** may only be permitted by way of amendment to this By-Law.
- b. No rooming house or **hostel** shall be located closer than 300 m [984 ft.] in a straight line distance to any other rooming house, **boarding house** or **hostel**.
- c. Dwellings being converted to rooming houses shall be permanent **single-detached dwellings** or two unit dwellings only. Rooming house units in mobile homes are prohibited.

#### **4.42. Sight Triangle**

##### **a. Prohibited Uses**

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

- i. a **building, structure**, or use which would obstruct the vision of drivers of motor vehicles;
- ii. a fence, tree, hedge, bush or other vegetation greater than 0.8 m [2.62 ft.] except a chain link or wire fence per subsection 4.12;
- iii. any portion of a **delivery space, loading space, driveway** or **parking space**;

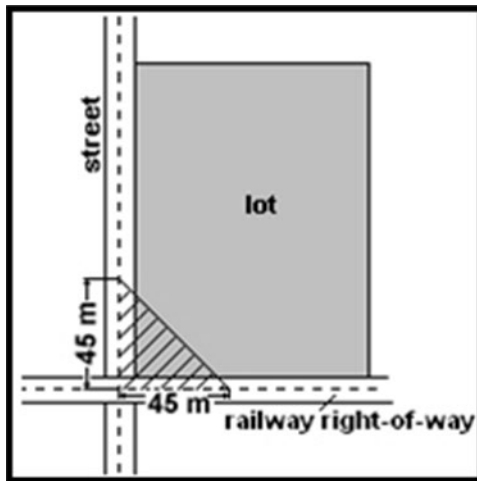
- iv. a berm or other ground surface which exceeds the elevation of the street by more than 0.8m [2.62 ft.]

**b. Sight Distances**

For the purposes of this By-Law, the following sight distances shall apply: (see the definitions of sight distances and sight triangle for measurement of distances)

- i. no distance requirement in lands zoned General Commercial (C1) Zone -(Downtown Sector);
  - ii. Six (6) m [19.6 ft.] from a street intersection in all other zones.
  - iii. 3.65 m (12 ft.) from a **driveway** intersection with a street in all other zones
- c. Despite the above, in any zone where any street crosses a railway at the same grade the railway shall be deemed to be a street and a sight distance of 45 m [147.6 ft.] shall be required measured from the point of intersection of the centre line of the railway right-of-way and the street line abutting the **lot** [see Figure 27 - Railway Sight Triangle].

Figure 27 - Railway Sight Triangle



**4.43. Signs**

See current Sign By-law, as amended from time to time.

**4.44. Storage Containers and Storage Trailers**

- a. In Commercial or Industrial zones, temporary (six months or less) or permanent (greater than six months) storage containers and storage trailers shall be permitted in specified zones in accordance with the zone regulations as set in this By-law and may require the owner of the property to enter into, or amend an existing Site Plan Agreement with the town where, upon review of a proposal, town staff are of the opinion that such an agreement would benefit the interests of either party.

- b. Permanent (greater than six months) Storage containers and storage trailers shall be permitted in specified zones in accordance with the zone regulations as set out in Table 15 - Storage Containers and Storage Trailers of this by-law and subject to any licensing requirement of the Municipality as may be established from time to time by Bylaw under the *Municipal Act*.

Table 15 - Storage Containers and Storage Trailers

Item	Commercial Zones	Industrial Zones
Maximum Permitted <b>Lot Coverage</b> and Number of <b>Storage Containers</b> and <b>Storage Trailers</b> (Units) <b>permitted</b> per <b>lot</b>	<p>Whichever of the following provisions which is most restrictive shall apply;</p> <ul style="list-style-type: none"> <li>-maximum of 3 units whether <b>storage containers</b> or <b>storage trailers</b> or a combination thereof in a <b>C2 zone only</b></li> <li>- no limit where the C2 <b>permitted use</b> is for the commercial display and sale of <b>storage containers</b> or where the <b>permitted use</b> is a commercial <b>self-storage facility</b></li> <li>- Except where <b>permitted</b> as a <b>principal use</b>, the maximum <b>lot coverage</b> provisions of <b>accessory use</b> provisions for the applicable zone shall apply.</li> </ul>	<p>Whichever of the following provisions which is most restrictive shall apply;</p> <ul style="list-style-type: none"> <li>- maximum of 3 units whether <b>storage containers</b> or <b>storage trailers</b> or a combination thereof in M1, M2 and MP <b>zones</b></li> <li>-not <b>permitted</b> in any source protection, environmental and open space zones</li> <li>- Except where <b>permitted</b> as a <b>principal use</b>, the maximum lot coverage provisions of <b>accessory use</b> provisions for the applicable zone shall apply.</li> </ul>
Maximum Dimensions	-3 m (width) by 12.1 m (length) by 2.9 m ( <b>height</b> ) and a maximum <i>Floor Area, Gross</i> of 36.3 m <sup>2</sup> per unit	-3 m (width) by 12.1 m (length) by 2.9 m ( <b>height</b> ) and a maximum <i>Floor Area, Gross</i> of 36.3 m <sup>2</sup> per unit
Location	<p><b>-rear yard or interior side yard</b> only except on a temporary basis</p> <ul style="list-style-type: none"> <li>-all other applicable <b>setbacks</b> continue to apply</li> <li>-minimum 1.5 m or as prescribed in the Ontario Building Code,</li> </ul>	<p>-No restriction provided unit(s) set back a minimum of 30 m from <b>street line</b></p> <ul style="list-style-type: none"> <li>-all other applicable <b>setbacks</b> shall continue to apply</li> </ul>

Item	Commercial Zones	Industrial Zones
	whichever is the greater distance separation from any other building wall face located on the same property.	-minimum 1.5 m, or as prescribed in the Ontario Building Code, whichever is the greater distance separation from any other building wall face located on the same property.
Location Restriction	Not <b>permitted</b> on any required fire access route, <b>parking space</b> , parking <b>Aisle</b> , <b>Driveway</b> , <b>stacking lane</b> , on a required landscape <b>Buffer Strip</b> , or in a <b>site triangle</b>	Not <b>permitted</b> on any required, fire access route, <b>parking space</b> , parking <b>Aisle</b> , <b>Driveway</b> , <b>stacking lane</b> , on a required landscape <b>Buffer Strip</b> or in a <b>site triangle</b>
Maximum Height Restriction	See applicable zoning provision	See applicable zoning provision
Ventilation and Explosion Relief Panels	Required as per the declared use contained within the Site Plan Agreement	Required as per the declared use contained within the Site Plan Agreement
Fencing	Use of <b>Storage Containers</b> and <b>Storage Trailers</b> for the purpose of screening or fencing is prohibited	Use of <b>Storage Containers</b> and <b>Storage Trailers</b> for the purpose of screening or is fencing prohibited
Advertising on a <b>Storage Container</b> or <b>Storage Trailer</b>	Advertising Signs are permitted to be installed in accordance to the <b>Towns</b> Sign By-law, as amended, on permanent a <b>Storage Container</b> or <b>Storage Trailer</b>	Advertising Signs are permitted to be installed in accordance to the <b>Towns</b> Sign By-law, as amended, on permanent a <b>Storage Container</b> or <b>Storage Trailer</b>

- c. Additional Provisions for permanent Storage Containers and Storage Trailers: A storage container and a storage trailer shall be considered as an **accessory** use except where specifically permitted as principal use or occupied by a principal use for non-storage purposes.
- i. The space occupied by Storage containers and/or storage trailers shall be screened from a **public street**, a residential zone or a residential use by a landscaped **buffer strip** or opaque fence a minimum of 2 m in height except on a **lot** in an Industrial Zone that permits outdoor storage that has industrial **lots** on all other sides – **exterior side yards** shall be screened.

- ii. A storage container or a storage trailer shall be maintained in a sound and functional condition suitable for the intended use, with fully operational doors, completely weather resistant walls and roof and fully compliant with the property standards or property maintenance by-laws as may be established by the Municipality under the Municipal Act from time to time.
- d. Temporary Storage containers and storage trailers
- i. In a commercial or industrial zone Storage containers and storage trailers may be used for temporary **accessory** storage (one to six months) to a **principal building** in a commercial or an industrial zone provided the Storage containers and storage trailers is parked in a side or rear yard, has a setback equal to the **exterior side yard** of the **principal building** or 4.5 m (15 ft.) from any **exterior side lot line** and are not permitted on any required fire access route , parking **aisle, driveway**, stacking lane, on a required landscape **buffer strip**, or in a site triangle.  
  
The number of temporary commercial trailers plus any Storage containers and storage trailers shall not exceed a maximum of six. This limit shall not apply on a site for loading or unloading or storage of commercial trailers where the principal use is a trucking or transportation depot. Stacking of temporary Storage containers is prohibited.
  - ii. In a residential zone one Storage container or storage trailer may be used for the temporary storage of household related items, such as but not limited, furnishings, personal belongings, materials, tools or equipment not related to any commercial or industrial enterprise, for a period of up to one month in a calendar year.
  - iii. Notwithstanding clauses 4.42 c i and 4.42 c ii this section shall not be deemed to prevent the use of a storage container or storage trailer as a temporary use in any zone where required for the storage of building materials or equipment or use as a field office associated with construction on the same **lot** provided a valid Building Permit is in place. Despite the location limitations, such temporary storage unit may be located in any yard except in a sight triangle. (See also Subsection 4.40 Sight Triangle).

#### **4.45. Streets Parks, Playgrounds, and Community Gardens**

In any zone established by this By-Law, **public streets**, walkways, bike paths and parks, **playgrounds** and **community gardens** are permitted.

#### **4.46. Temporary Buildings or Structures during Construction**

- a. Nothing in this By-Law shall prevent the use of land or the use or **erection** of a temporary **building** or **structure** or a scaffold or other equipment

essential to the construction in progress for which a **building** permit has been granted, but only until such time as the work has been finished or abandoned or such equipment is no longer required.

- b. In addition, temporary accommodation for a business or other use which is intended to occupy a **building** or **structure** which is under construction with the work in progress on such **building** or **structure**, may be temporarily permitted on the same **lot** in the form of a mobile, re-locatable, portable or transportable **building** or **structure** provided:
  - i. Approval is obtained from the **Corporation** through a motion of **Council** or under a legally binding agreement.
  - ii. Such temporary accommodation is removed from the **lot** immediately upon completion of construction, abandonment of construction.
  - iii. Nothing in this By-law shall prevent the use of land or the use or **erection** of a temporary real estate sales or rental office for which a **building** permit has been issued and/or approval is obtained from the **Corporation**.

#### **4.47. Through Lots**

Where a **lot** is a **through lot**, the requirements for **front yards** contained in this By-Law shall apply to each yard abutting a street.

#### **4.48. Use by Public Authority or Public Utility**

The provisions of this By-Law shall not apply to limit the use of any land or to the **erection** or use of any **building** or **structure** for a utility installation or municipal infrastructure for the purpose of **public service** by the Municipality, any **public authority**, any department of the Government of Ontario or Canada or any public utility including any Hydro One facilities or federally or provincially regulated utility or communication service pursuant to the Planning Act, provided that where such land, **building** or **structure** is located in a Residential Zone or on a **lot** adjacent to a Residential Zone:

- a. no goods, materials or equipment shall be stored in the open except in accordance with the relevant zone provisions;
- b. the **lot coverage**, setback and yard requirements of the zone in which such land, **building** or above ground **structure** is located shall be complied with, except for gas, telephone, cable and electric power (i.e. poles, towers, lines and similar elements);
- c. any **building** or **structure Erect or Constructed** in a Residential Zone under the authority of this section shall meet the regulations of the zone and be designed and maintained in general harmony with the residential buildings of the type permitted in the zone;
- d. Any **building erected** under the authority of this section shall not be used for the purpose of an office except for a government building;
- e. the **parking space** and loading regulations as set out in this By-law shall be complied with.



- f. **Communications Facilities** shall comply with Industry Canada Standards for construction and safety. A **communications facility** shall only be permitted in an Industrial Zone.
- g. Secondary uses, such as active and passive recreation, agriculture, **community gardens**, other utilities, and uses such as parking lots and outdoor storage areas that are **accessory** to adjacent lands uses, are encouraged on hydro corridor lands, where compatible with surrounding land uses. However, a proponent should be aware of the primacy of electricity transmission and distribution facilities and that secondary uses require technical approval from Hydro One Networks.

#### **4.49. Water and Sewage Disposal Services**

No **building** permit shall be issued for any **building** or **structure** which requires municipal water and sewer services unless such services are available and have the capacity to service such **development** or are to be installed subject to a valid subdivision or **development** agreement providing for such services i.e. all **development** shall be connected to municipal water and sewer services unless otherwise exempted by the Building Code.

## Section 5. Interpretation

### 5.1. Zone Classification

For the purposes of zoning, the Planning Area is divided into Zones which are applicable to the Town of Perth. These zones are named and described in the following sections, the boundaries of which are shown on the attached Schedule 'A', also herein referred to as a zoning map', which forms part of this By-law. These zones may be referred to by the name or the symbol set opposite the name of the zone below:

<b>Zone</b>	<b>Zone Symbol</b>
<b>Residential Zones</b>	
Residential First Density	R1
Residential Second Density	R2
Residential Third Density	R3
Residential Fourth Density	R4
<b>Commercial Zones</b>	
General Commercial	C1
General Commercial Professional	C1P
Highway Commercial	C2
Neighbourhood Commercial	C3
Service Commercial	C4
Business Park Commercial	C5
<b>Industrial Zones</b>	
Restricted Industrial	M1
General Industrial	M2
Waste Management Facility	WMF
<b>Institutional Zone</b>	
Institutional	I
<b>Environmental Zones</b>	
Open Space	OS
Environmental Protection	EP

### 5.2. Use of Zone Symbols

The symbols listed in subsection 5.1 may be used to refer to any of the uses of land, **buildings** and **structures** permitted by this By-law in the said zones and whenever in this By-law the word "zone" is used, preceded by any of the said symbols, such zone shall mean any area delineated on the zoning map and designated thereon by the said symbol.

### **5.3. Holding Designation**

Any zone classification detailed in subsection 5.1 above may be placed in a “Holding” classification by adding to the zone designation the word “Holding” or the letter “-h” as the case may be. For example, a Residential First Density “R1” Zone would become a Residential First Density- Holding “R1-h” Zone.

Except as otherwise provided for within a specific zone, where the **holding zone** symbol is applied, the use of lands so zoned shall be limited to **existing** uses and **conservation uses** and no **building** expansion or new **buildings** and **structures** shall be permitted. An **existing building**, which is in use or in a condition suitable for safe occupancy at the time the holding provision is applied, may be repaired or replaced on the original foundation or footprint provided there is no change in the dimensions or volume of the **building**. (By-law 3467)

Except as otherwise provided within a specific zone, the intent of applying the holding provision is to prevent **development** on vacant lands or the intensification of existing **development** until such time as appropriate subdivision, **condominium** or site plans have been approved, suitable arrangements for connection to municipal servicing have been made and the availability of adequate water supply and sanitary treatment capacity are confirmed. (By-law 3358-46) See original By-law for holding provisions.

### **5.4. Interpretation of Zone Boundaries**

Where any zone boundary is uncertain on the Zoning Map, the following rules shall apply:

- a. Unless otherwise shown, the boundaries of the zones as shown on the Zoning Map are the centre lines of a **highway, public street or lane** or unopened road allowance and the projection thereof, including a **public street, road or lane** which has been closed whereupon the adjoining zone or zones shall extend to the centre line of the closed **public street, road or laneway**. Where a shoreline road allowance has been closed, the adjoining zone on the landward side shall extend and include all of the closed road allowance on the affected **lot**;
- b. A boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;
- c. A boundary indicated as following the shoreline shall follow such shoreline, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- d. Where zoning boundaries are indicated as approximately following **lot lines** shown on a **registered plan** of subdivision, reference plan, mining claim, municipal or geographic township or Town boundary, such **lot lines** shall be deemed to be the said boundary;
- e. A boundary indicated as following the limits of the Town of Perth or the Planning Area shall follow such limits;

- f. Where zoning boundaries are indicated as approximately parallel to the line of any street and the distance from such street is not indicated, such zoning boundaries shall be construed as being parallel to such street-lines and the distance therefrom shall be determined by the use of the scale shown on the zoning map;
- g. Where any zone boundary or a dimension is left uncertain after application of the above provisions then the boundary or dimension shall be determined from the zoning map using the scale bar thereon demenor.

#### **5.5. Multiple Zones Applying to One Property**

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 zone where such portion of the lot is located. Each such portion of the lot shall be considered as a separate lot for the purposes of determining zone provisions, except the EP zone shall be included in the *lot area* calculation.

#### **5.6. Correction of Minor Administrative Errors**

Where the intent of the By-law is maintained, minor modifications or revisions of an administrative or technical nature to correct: section numbering, spelling, grammar or formatting, or that do not change the regulatory intent or effect of the By-law will not require an amendment to this By-law.

## Section 6. Residential First Density (R1) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Residential First Density (R1) Zone except in accordance with the following provisions.

### 6.1. Permitted Uses

Table 16 - Permitted Uses

Principal Use	Accessory Use
<ul style="list-style-type: none"> <li>• <b>Single-detached</b></li> <li>• <b>Dwelling, - Linked</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Home Based Business</b> (see <a href="#">4.19</a>)</li> <li>• <b>accessory use, building or structure</b> (see <a href="#">4.1</a>)</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Group Home</b> (see <a href="#">4.16 Group Homes</a>)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>accessory use, building or structure</b> except a <b>Home Based Business</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Public Use or Public Service Facility</b> (see <a href="#">6.3 Additional Requirements</a>)</li> </ul>	<b>accessory use, building or structure</b> (see <a href="#">4.1 Accessory Buildings</a> )

### 6.2. Zone Requirements

Table 17 - Zone Requirements

	- <b>Single Detached Dwelling</b> - <b>Linked Dwelling</b> - <b>Group Home</b>	- <b>Accessory Use</b>
<b>Minimum Lot Area per Dwelling Unit</b>	450 m <sup>2</sup> [4,843,9 ft. <sup>2</sup> ]	n/a
<b>Minimum Lot Frontage</b>	15 m [49.2 ft.]	n/a
<b>Minimum Front Yard</b>	6 m [19.7 ft.]	6 m [19.7 ft.]
<b>Minimum Rear Yard</b>	6 m [19.7 ft.]	Per <a href="#">Table 7</a>
<b>Minimum Interior Side Yard</b>	-1 <b>storey</b> 1.2 m [3.93 ft.] + 0.6 m [1.97 ft.] for each additional <b>storey</b> or part thereof	Per <a href="#">Table 7</a> 0.0 m for unenclosed <b>Deck at grade</b>
<b>Minimum Exterior Side Yard</b>	4.5 m [14.7 ft.]	Per <a href="#">Table 7</a>

	- <i>Single Detached Dwelling</i> - <i>Linked Dwelling</i> - <i>Group Home</i>	- <i>Accessory Use</i>
Maximum Height	10.6 m [34.7 ft.]	Per <u>Table 7</u>
Maximum Lot Coverage refer to Subsection 4.1.1 para. i. and Subsection <u>4.28 Lot Coverage – Impervious Surfaces</u>	35%	Per <u>Table 7</u> -additional 5% for unenclosed structures/pools
Maximum No. Dwelling Units per lot (excluding a <i>Garden Suite</i> )	1	n/a

### 6.3. Additional Requirements

- a. The zone requirements for a **single-detached dwelling** shall apply to a permitted **public use or public service facility**.
- b. A **garden suite** is a **permitted use** only where a Temporary Use By-law has been enacted.
- c. All room sizes shall conform to the Building Code.
- d. Subject to the requirements in Section 4 - General Provisions (e.g. see for example Section 4.17 - Home Based Businesses) no **person** shall **erect**, display, maintain any sign on a **lot** or **building** used for residential purposes, except a sign containing the name, address and profession of a resident or occupant, not more than 0.4 m<sup>2</sup> [4.3 ft.<sup>2</sup>] and shall not include any commercial advertising.
- e. See also the **lot coverage** exemption under subsection 4.27.

### 6.4. Exception Zones

See also Section 22 – Exceptions to Zones

**R1-1 Residential First Density Exception One** (By-law 3200, 3482; and 3358-58)

**Permitted Uses:**

- **Single-detached**
- Bed & Breakfast establishment

**Regulations:**

- R1 standards apply except:

- min. yards for **parking area**: front - 22.8 m [74.8 ft.]; side yard - 4.5 m [14.7 ft.] and rear yard - 13.6 m [44.6 ft.]
- required parking: 2 spaces for **dwelling unit** plus 1 space per guest bedroom
- one two-faced sign maximum
- max. sign area 1.8 m<sup>2</sup> [19.3 ft.<sup>2</sup>]
- min. setback of sign from **front lot line**: 1.5 m [4.9 ft.]
- max. sign height 2.7 m [8.8 ft.]
- min. **lot area**: 1.2 ha [2.9 ac.]

Notwithstanding any provision or definition of this By-law to the contrary, a **bed and breakfast establishment** in the R1-1 Zone may consist of up to six (6) **accommodation rooms** provided no more than 50% of the **floor area** of the **existing** dwelling is used for all elements of the operation of the said establishment.

Notwithstanding any provision of article 4.32.7 to the contrary, the principal **access lane** from Drummond Street may have a width of less than 6 m provided the **existing parking area** is not increased in size by more than 20%.

Outdoor **parking areas** on the property shall not exceed 142 sq. m (5000 sq. ft.) with a maximum of 8 vehicles associated with the **bed and breakfast establishment**. New outdoor **parking spaces** or areas in excess of the above noted 20% shall be located in the **front yard** or **exterior side yard**.

Any expansion of the **existing parking area** shall be screened from the abutting properties in direct line of sight of the **parking spaces** by either the **construction** of an opaque wooden fence or the planting of evergreen trees or shrubs or any combination thereof. If placed adjacent to the property line, a fence shall have a minimum height of 1.5 m and if placed immediately adjacent to the **parking area** the fence shall have a minimum height of 1.2 m. Screening vegetation shall be a minimum of 1 m in height at planting and have a height at maturity of not less than 1.5 m and individual specimens shall be planted with a maximum separation of 1 m on centre or a minimum separation of 15 cm between specimens, whichever is greater.”

Notwithstanding any provision of the By-law to the contrary, one sign with a surface area between 1 m<sup>2</sup> and 3 m<sup>2</sup> is permitted and the minimum setback from any **lot line** for such a sign shall be 3m. The **existing** non complying sign shall be deemed to comply with the by-law provided it is not relocated or replaced with a setback from the **front lot line** of less than 3 m.

All other provisions of the relief granted pursuant to variance file S-12/07 shall continue to apply.

(See original By-law number 3482 for holding provisions.)



## R1-2 Residential First Density Exception Two

(By-law 3657)

Notwithstanding any *permitted uses* under subsection 6.1 to the contrary or any zoning requirements under subsections 4.28 or 6.2, to the contrary, on land within the R1-2 Zone the following zone requirements shall apply:

- an exterior opening in any habitable **structure** or any habitable space shall not extend below an elevation of 134.32 m Geodetic.
- minimum **front yard** 4 m (13 ft.), except that a 1 storey veranda a maximum of 4 m in **height** and not wider than the width of the main **building**, may have a reduced yard of 2.2m (7.2 ft.) and a one storey garage with a maximum **height** of 4.3 m (14 ft.) may have a **front yard** of 3 m where the angle between the garage door and the street-line is 90° or more.
- minimum rear yard/water setback 3.3 m for a dwelling to a maximum building width of 11.6 m with a minimum of 7.5 m for all **accessory structures**.
- minimum westerly side yard 20 m for all **structures**
- maximum **lot coverage** 22% for all **structures** with a maximum lot coverage of 50m<sup>2</sup> (538 ft.<sup>2</sup>) for a garage and a maximum lot coverage for a **detached accessory building** of 11 m<sup>2</sup>
- max. number of garages is one (1)
- max. number of **driveways** is one (1)
- minimum vegetated **buffer strip** – 3 m wide buffer extending inland from the top of bank for the Tay River and extending along the top of the bank from a point corresponding to the imaginary plain of the easterly wall of the **detached** dwelling extended to the river and proceeding easterly to the eastern side lot line. Said **buffer strip** shall be comprised of shrubs, trees, native grasses, and wildflowers, and with exception of such plantings needed to establish or maintain the **buffer strip** shall not be disturbed by horticultural practices or mowing save as may be required from time to time to address noxious weeds as specifically identified under Provincial Statute or regulation from time to time.
- a breezeway shall only be enclosed on a maximum of 3 sides and except as necessary for load bearing elements, any wall that does not form part of a dwelling or garage shall not extend below the minimum elevation for building openings as specified above.
- Notwithstanding any provisions of this by-law pertaining to non-complying **buildings** and **structures**, the **existing detached accessory building** on the westerly end of the property may only be repaired and shall not be replaced or reconstructed.

## R1-3-h Residential First Density Exception Three -holding

(By-law 3358-91)

Despite Section 6.1, lands within this zone are within the New Residential Growth Area designation of the Official Plan and are intended for a mix of

residential **development** that includes medium and high **density** uses. The holding provision is intended to remain in place until a mixed-use subdivision is approved together with the required servicing extensions.

## Section 7. Residential Second Density (R2) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Residential Second Density (R2) Zone except in accordance with the following provisions.

### 7.1. Permitted Uses

Table 18 - R2 Permitted Uses

Principal Use	Accessory Use
<ul style="list-style-type: none"> <li>• <b>Single-detached Dwelling, - Linked</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Home Based Business</b> (see <u>4.19</u>)</li> <li>• <b>accessory Uses, buildings or structures</b> (see <u>4.1</u>)</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Group Home</b> (see <u>4.16</u>)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>accessory Uses, buildings or structures</b> except a <b>Home Based Business</b></li> </ul>
<ul style="list-style-type: none"> <li>• <b>Public Use or Public Service Facility</b> (see <u>7.3</u>)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>accessory Uses, buildings or structures</b> except an <b>additional dwelling</b> or <b>Home Based Business</b> (see <u>4.1</u>)</li> </ul>

### 7.2. Zone Requirements

Table 19 - R2 Zone Requirements

	- <b>Single Detached Dwelling</b> - <b>Linked Dwelling</b> - <b>Group Home</b>	<b>Accessory Use</b>
Minimum <b>Lot Area</b> per <b>Dwelling Unit</b>	- 366 m <sup>2</sup> [3,940 ft. <sup>2</sup> ] except <b>corner lot</b> -420 m <sup>2</sup> [4,520.9 ft. <sup>2</sup> ]	n/a
Minimum Lot Frontage	- 12.2 m [40 ft.] except <b>corner lot</b> - 14 m [45.9 ft.]	n/a
Minimum <b>Front Yard</b>	6 m [19.7 ft.]	6 m [19.7 ft.]
Minimum <b>Rear Yard</b>	6 m [19.7 ft.]	Per <u>Table 7</u>
Minimum <b>Interior Side Yard</b>	-1 <b>storey</b> 1.2m [3.93 ft.] - 2 or more <b>storeys</b> 1.2m [3.93ft.] +0.3m [0.98 ft.] for each additional <b>storey</b> or part thereof	Per <u>Table 7</u> -0.0m [0.0 ft.] for unenclosed <b>Deck at grade</b> .
Minimum <b>Exterior Side Yard</b>	4.5m [14.7 ft.]	Per <u>Table 7</u>
Maximum Height	10.6m [34.7 ft.]	Per <u>Table 7</u>
Maximum Lot Coverage refer to Section <u>4.1.1 para i)</u> and Section <u>4.28</u>	40 % for all <b>buildings and structures</b> .	Per <u>Table 7</u> - plus -additional 5% for unenclosed structures/pools

	- <i>Single Detached Dwelling</i> - <i>Linked Dwelling</i> - <i>Group Home</i>	<i>Accessory Use</i>
Maximum No. <i>Dwelling Units</i> per lot	1	n/a

### 7.3. Additional Requirements

- a) The zone requirements for a **single-detached dwelling** shall apply to a permitted **public use or public service facility**.
- b) A **garden suite** is a **permitted use** only where a Temporary Use By-law has been enacted.
- c) All room sizes shall conform to the Building Code.
- d) Subject to the requirements in Section 4 - General Provisions (e.g. see for example, Section 4.19 Home Based Businesses) no **person** shall **erect**, display, maintain any sign on a lot or **building** used for residential purposes, except a sign containing the name, address and profession of a resident or occupant, not more than 0.4 m<sup>2</sup> [4.3 ft.<sup>2</sup>] and shall not include any commercial advertising.
- e) See also the **lot coverage** exemption under subsection 4.28.

### 7.4. Exception Zones

See also Section 22 – Exceptions to Zones

#### R2-1 -Residential Second Density Special Zone

(By-law 2600)

##### **Permitted Uses**

- **Single-detached dwelling**
- **Accessory Uses** thereto
- **Home Based Business**

##### Regulations

- R2 standards apply except:
- min. **lot area**: 165 m<sup>2</sup> [1776 ft.<sup>2</sup>]
- min. **lot frontage**: 12.2 m [40 ft.]
- min. yards: front - 4.6 m [15 ft.]; rear - n/a; side - 0.9 m [2.9 ft.]
- max. **building height**: 10.6 m [34.7 ft.]
- max. lot coverage: 60%
- commercial uses limited to 1st floor
- signage, ingress and egress, **loading spaces** for commercial uses limited to rear and side yards
- front or **exterior side yards** for residential use only
- required parking: 1 space/**dwelling unit**

- commercial parking in rear or side yard only and screened
- min. width **landscaped open space** along street-line except **parking area** or **driveway** 4.6 m [15 ft.]

## R2-2 Residential Second Density Exception Two

(By-law 2991)

### Single Detached Dwelling

- converted **Single-detached dwelling** to maximum of 2 units

### Accessory Uses

- R2 standards apply except:
- no further reduction of undersized yards permitted

## R2-3 Residential Second Density Exception Three

(By-law 3623)

Notwithstanding the maximum lot coverage requirements established under subsection 7.2, on land within the R2-3 Zone, the maximum lot coverage for all enclosed or partially enclosed buildings and **structures** shall be 40 % and an additional 5% **lot coverage** is permitted for unenclosed **accessory structures**, including **attached porches** or **decks** with a surface elevation up to 1 metre above the finished grade.

## R2-4 Residential Second Density Exception Four

(By-law 3632)

Notwithstanding any zoning requirements established under subsection 7.2, to the contrary, on land within the R2-4 Zone the following zone requirements shall apply:

- minimum **lot area** 232 m<sup>2</sup> (2,500 ft.<sup>2</sup>)
- minimum **front yard** 2.5 m (8.2 ft.)
- minimum rear yard 4.5 m (14.76 ft.)
- maximum lot coverage 40 %

(See original By-law for holding provisions.)

## R2-5 Residential Second Density Exception Five Zone

(By-law 3358-42)

- Notwithstanding any provision of Section 3 and Section 4 or subsection 7.2 to the contrary, the minimum **lot frontage** in the R2-5 Zone shall be 18.2 m (60 ft).
- Notwithstanding any provision of Section 4 or subsection 7.2 to the contrary, the minimum **front yard** for a **single-detached dwelling** or any projecting **deck**, **porch** or veranda with a roof shall be 3 m but shall remain 6 m for a garage as per the second paragraph of subsection 4.11.

- c. Notwithstanding any provision of Section 4 or subsection 7.2 to the contrary the minimum rear yard for a **single-detached dwelling** shall be 4.88 m (16 ft).
- d. Notwithstanding any provision of Section 4 or subsection 7.2 to the contrary, the minimum rear yard for an **attached** garage one storey in **height** shall be 2.7 m (9 ft.).
- e. Notwithstanding any provision of Section 4 or subsection 7.2 to the contrary, the maximum lot coverage shall be 40% for all **buildings** and **structures**.
- f. Notwithstanding any provision of Section 4 or subsection 7.2 to the contrary, the minimum **lot area** shall be 371.6 m<sup>2</sup> (4,000 ft<sup>2</sup>).

## R2-6 Residential Second Density Exception Six Zone

(By-law 3358-49)

Notwithstanding any provision of subsections 4.1, or 7.2 to the contrary, in the R2-6 Zone the following requirements shall apply:

- i. The maximum total **lot coverage** for all enclosed or partially enclosed **buildings** and **structures** shall be 40% and up to 45% **lot coverage** is permitted for unenclosed **accessory structures**, including **attached porches** or **decks** with a **deck** surface elevation up to 60 cm above the finished grade, but subsection 4.1.1 paragraph i) shall continue to apply.
- ii. Where the distance between the **front lot line** and the rear lot line is 26 m (85.3 ft.) or less, up to 5 m (16.4 ft) of the main wall for the **principal building** may be **constructed** with a minimum rear yard of 4 m (13 ft.) provided that the portion of the **principal building** with the reduced rear yard shall be limited to one storey and a maximum **height** of 6 m; and any portion of the **principal building** 21.5 m (70 ft) or more from the **front lot line** shall have a minimum rear yard of 6 m; and further provided that the following minimum rear yard separation distances between **buildings** and **structures** on separate lots are maintained:
  - 1) **10m** between **buildings** or fully or partially enclosed **structures** with a **floor area** or **lot coverage** of 28 m<sup>2</sup> (300 ft<sup>2</sup>) or more
  - 2) **7.5m** between **buildings** or fully or partially enclosed **structures** with a **floor area** or **lot coverage** exceeding 28 m<sup>2</sup> (300 ft<sup>2</sup>) and a free standing fully or partially enclosed **accessory structure** with a **floor area** or **lot coverage** less than 28 m<sup>2</sup> (300 ft<sup>2</sup>)  
7.5 m
  - 3) **6m** between **buildings** or fully or partially enclosed **structures** with a **floor area** or **lot coverage** exceeding 28 m<sup>2</sup> (300 ft<sup>2</sup>) and an unenclosed **accessory structure**, **deck** or platform with a surface elevation of 60 cm or less above the finished grade

- 4) **3m** between free standing fully or partially enclosed **accessory structures** with a **floor area** or **lot coverage** less than 37 m<sup>2</sup> (300 ft<sup>2</sup>) and/or a **deck** or platform with a surface elevation more than 60 cm above the finished grade and a similar **structure** on an abutting lot

For the purpose of the R2-6 Zone a “minimum rear yard separation distance” shall mean the shortest distance between two **structures** on separate lots measured across a rear lot line.

## **R2-7 Residential Second Density Exception Seven Zone**

(By-Law 3358-70)

Notwithstanding any provision of subsections 4.1, 4.19, or 7.2 to the contrary, in the R2-7 Zone a **home based business** is permitted in an **existing accessory building** subject to the following requirements:

- i. A **home based business** operating in the **accessory building** shall be limited to: a home craft business including furniture manufacture and assembly, a contractor’s office and assembly shop, a repair service, a distribution sales office or mail order office, and a professional or consulting service but excluding a medical or dental service.
- ii. The **home based business** shall not include or provide any instructional service.
- iii. The **accessory building** occupied for the **home based business** shall not exceed a **lot coverage** of 69 m<sup>2</sup> (742 ft.<sup>2</sup>);
- iv. A **home based business** shall not operate within both the residence and an **accessory building**, except that a business office space of up to 9.3 m<sup>2</sup> (100 ft.<sup>2</sup>) will be permitted within the residence for a non office use in the **accessory building**.
- v. The **accessory building** occupied for the **home based business** shall have a minimum side yard abutting a residential zone of 3 m (9.8ft.) and a minimum rear yard of 27.5 m(90 ft.);
- vi. There shall be a maximum of one employee other than the resident business owner/operator.
- vii. The minimum parking required for a permitted **home based business** shall be three spaces. However, a fourth **parking space** located beside or behind the **accessory building** shall be created if there is an employee.
- viii. Except for the **floor area** exemption per clause iii) above, articles 4.19.3 and 4.17.5 that is the Regulations and the Signage requirements for a **home based business** shall apply.”



**R2-8 Residential Second Density Exception Eight Zone**

(By-law 3358-117)  
(54 Garden Ave)

Notwithstanding any zoning requirements established under subsection 7.2, to the contrary, on land within the R2-8 Zone the maximum lot coverage shall be 43%.

**R2-9 Residential Second Density Exception Nine Zone**

(By-law 3358-120)  
(13 Queen Street)

- a. The minimum front yard shall be 4.6 metres.

**R2-10 Residential Second Density Exception Ten Zone**

(By-law 3358-121)  
(59 South Street)

Notwithstanding any provision of subsections of 7.1, 7.2, or other provisions of this by-law, a **farm produce stand** shall be an additional permitted use, subject to the following provisions:

- a. Minimum Front Yard: 4.5 metres
- b. Maximum Lot Coverage: 6%
- c. Minimum driveway entrance and exit width: 4.0 metres
- d. Minimum width of one-way parking aisles: 3.0 metres
- e. Minimum width of planting strip: 1.0 metre
- f. Minimum required number of parking spaces: 4
- g. All other provisions of the R2 zone shall apply.

## Section 8. Residential Third Density (R3) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Residential Third Density (R3) Zone except in accordance with the following provisions.

### 8.1. Permitted Uses

Table 20 - R3 Permitted Uses

Principal Use	Accessory Use
<ul style="list-style-type: none"> <li>• <b>Single-detached Dwelling, - Linked</b> (By-law 3467)</li> <li>• <b>Group Home</b> (see 4.16)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Garden Suite</b> (see 4.15)</li> <li>• <b>Home Based Business</b> (see 4.19)</li> <li>• <b>accessory Uses, buildings or structures</b> (see 4.1)</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Semi-detached Dwelling</b></li> <li>• <b>Duplex Dwelling</b></li> <li>• <b>Accessory Apartment</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>accessory Uses, buildings or structures</b> (see 4.1)</li> <li>• <b>Home Based Businesses</b> (see 4.19)</li> <li>• See 4.1.2</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Boarding House</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>accessory Uses, buildings or structures</b> (see 4.1)</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Public Use or Public Service Facility</b> (see 8.3)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>accessory Uses, buildings or structures</b> (see 4.1)</li> </ul>

### 8.2. Zone Requirements

Table 21 - R3 Zone Requirements

	-Single Detached Dwelling -Linked Dwelling	- Semi-detached Dwelling - Duplex Dwelling	Boarding House	Accessory Use
Minimum Lot Area	- 325 m <sup>2</sup> [3,500 ft. <sup>2</sup> ] except <b>corner lot</b> -420 m <sup>2</sup> [4,520.9 ft. <sup>2</sup> ]	464.52 m <sup>2</sup> (5,000 ft <sup>2</sup> ) or 232.26m <sup>2</sup> (2,500 ft <sup>2</sup> ) per <b>Dwelling Unit</b>	540 m <sup>2</sup> [5,812.7 ft. <sup>2</sup> ] for 1 <sup>st</sup> 4 units plus 92.9 m <sup>2</sup> [1000 ft. <sup>2</sup> ] for each additional unit thereafter	n/a
Minimum Lot Frontage	- 10 m [33 ft.] except <b>corner lot</b> - 12.2 m [40 ft.]	15.25 m [50 ft.] 7.62 m (25 ft.) per unit	n/a	n/a

Minimum <b>Front Yard</b>	6 m [19.7 ft.]	6 m [19.7 ft.]	6 m [19.7 ft.]	6 m [19.7 ft.]
Minimum Interior Side Yard	-1 <b>storey</b> 1.2 m [3.93 ft.] + 0.3 m [0.98 ft.] for each additional <b>storey</b> or part thereof	1.2 m [3.93 ft.] + 0.6 m [1.9 ft.] per <b>storey</b> or partial storey above the first	greater of 4.57 m [15 ft.] or ½ the <b>building height</b>	Per <u>Table 7</u> -0.0 m [0.0 ft.] for unenclosed <b>deck at grade</b>
Minimum Rear Yard	6 m [19.7 ft.]	6 m [19.7 ft.]	6 m [19.7 ft.]	Per <u>Table 7</u>
Minimum <b>Exterior Side Yard</b>	4.5 m [14.7 ft.]	4.5 m [14.7 ft.]	6 m [19.7 ft.]	Per <u>Table 7</u>
Maximum Height	10.6 m [34.7 ft.]	10.6 m [34.7 ft.]	10.6 m [34.7 ft.]	Per <u>Table 7</u>
Maximum Lot Coverage refer to Section <u>4.1.1</u> para i) and Section <u>4.28</u>	40 %	40%	40%	Per <u>Table 7</u> plus additional 5% for unenclosed <b>structures/</b> pools

### 8.3. Additional Requirements

- a. The zone requirements for a **single-detached dwelling** shall apply to a permitted **public use or public service facility**.
- b. A **garden suite** is a **permitted use** only where a Temporary Use By-law has been enacted and shall only be permitted as an **accessory** use to a **single-detached**.
- c. All room sizes shall conform to the Building Code.
- d. The minimum interior side yard shall not apply to the party wall of a **semi-detached** dwelling.
- e. **Group Housing** shall be permitted subject to meeting the zone requirements set out in Section 8.2 for each dwelling in the group.
- f. **Converted Buildings**  
Where a **building** is **altered** to a dwelling in an R3 Zone and an **existing** yard is less than the yard requirement, then the dwelling may be **altered** provided that such **alteration** does not further reduce the non-complying yard.

- g. Notwithstanding the minimum interior side yard requirement specified above, the following reduced requirements shall apply to side yards between **linked dwelling** units provided the units are **constructed** in conformity with the requirements of the Ontario Building Code in force and effect at the time of **construction**:
- i. Minimum side yard shall be 60 centimetres (2 ft.) where there are no exterior openings in the facing main wall
  - ii. Where there is no **lot line** between the side walls of **linked dwellings** the minimum separation between units shall be 1.2 metres (4 ft.) provided there are no exterior openings in the facing main wall. See also the **lot coverage** exemption under subsection 4.25.(By-law 3467)

#### 8.4. Exception Zones

See also Section 22 – Exceptions to Zones

##### **R3-1 Residential Third Density Exception One** (By-Law 2647, 2649)

R3 Zone uses permitted

R3 Standards apply except no reduction to **existing** non-complying yards

##### **R3-2 Residential Third Density Exception Two** (By-law 2773)

Permitted Uses

R1 or R2 uses or an **apartment dwelling** with a maximum of three (3) units.

Any non-complying portion of the **existing building** may be converted for residential use.

##### **R3-3 Residential Third Density - Exception Three** (By-law 2918)

Permitted Uses

Any R3 use

- retirement home
- row housing
- **Building** converted to apt.
- **Inn**

Regulations

- R3 zone standards apply except:
- min. **lot area** for row house: 220 m<sup>2</sup> [2,368.1 ft.<sup>2</sup>]
- max. **density**: 37 units/net ha for **buildings** on lots 9, 10 and 17
- max. **lot area** for **Institutional Use**: 3,055 m<sup>2</sup> [32,884.8 ft.<sup>2</sup>] on lots 7, 8, 9 and 10 only
- min. **lot area** for **Inn**: 2,325 m<sup>2</sup> [25,026.9 ft.<sup>2</sup>]
- min. **lot frontage** for **Inn**: 42.5 m [139.4 ft.]
- min. interior side yard for **Inn**: 6 m [19.7 ft.]

- max. **building height** for **Inn**: lesser of **existing height** or 10.6 m [34.7 ft.]
- max. lot coverage for **Inn**: 436 m<sup>2</sup> [4693.2 ft.<sup>2</sup>]
- min. **landscaped open space** for **Inn**: 35%
- max. seating capacity for **restaurant**: 50 seats
- min. parking for **Inn**: 1 space per guest suite plus 9.3 m<sup>2</sup> [100 ft.<sup>2</sup>] for **public uses** except **restaurant** plus 1 space for every 4 seats in **restaurant** except that two seats shall be subtracted for each **accommodation room** or suite

### R3-4 Residential Third Density Exception Four

(By-Law 3298)

Uses Permitted- on the main floor of 57 Wilson St. W.

- one **dwelling unit** or;
- a **clinic** excluding laboratories, pharmacies or dispensaries;
- editorial, management and financial consultants;
- offices for surveyors and drafting services;
- offices for non-profit or **public service** uses, as well as legal, planning, accounting, architect, interior design, and engineering services; and
- a **bed and breakfast establishment**.

Uses Permitted - on the second floor of 57 Wilson Street W.

- is limited to one **dwelling unit**.

Uses Permitted at 59 Wilson St. W.:

- a **single-detached** or **duplex**;
- a **home based business**; and shared parking facility to be used by residents and employees/clients of 57 Wilson St. W.

Uses Prohibited

- a **clinic** at 59 Wilson St. W
- any use at 57 or 59 Wilson St. W. that would result in the total parking requirement for the combined uses on both lots exceeding 10 vehicles;
- a commercial use or **home based business** on a second floor
- a commercial use, **home based business** or **bed and breakfast establishment** at 57 Wilson Street W. if there is no **access** to parking at 59 Wilson St W.
- A **home based business** in any **building** used for more than one **dwelling unit**.

Provisions – R3 standards apply except:

- min. yard setbacks shall be the **existing** setbacks.
- a maximum of 8 **parking spaces** at 59 Wilson St. W. plus one turnaround space and max. of 2 **parking spaces** at 57 Wilson St. W.

- min. width landscaped buffer at 59 Wilson St. W: 4.5 m [14.7 ft.] along front and rear lot lines except the **driveway** and 2.13 m [7 ft.] along northerly **lot line**. Landscaped buffer to be maintained.
- maximum of 3 employees working in a business at 57 Wilson Street West other than a **clinic** except that there may be 4 employees where an employee is a resident at either 57 or 59 Wilson Street.
- maximum no. of employees working in a **clinic** at 57 Wilson St West. shall be 3 of which one may be a licenced physician or health care provider, with a maximum of 4 and two licenced health care providers where one of the providers is a resident of either 57 or 59 Wilson St. W.
- site plan approval required prior to construction of a **parking area**

**R3-5 Residential Third Density Exemption Five Zone** (By-Law 3429, 3358-36)  
(1 Victoria Street)

In addition to the uses permitted pursuant to subsection 8.1, a **bed and breakfast establishment** with a maximum of two **guest rooms** shall be permitted on land zoned “R3-5”.

**R3-6 Residential Third Density Exemption Six Zone** (By-Law 3488)  
(3 Drummond Street)  
(By-Law 3502)  
(53 Wilson Street)

- In addition to the uses permitted pursuant to subsection 8.1, a **bed and breakfast establishment** with a maximum of three **accommodation rooms** shall be permitted on land zoned “R3-6” provided that the **floor area** used for any aspect of the **bed and breakfast establishment** is less than 50% of the **floor area** of the **existing** dwelling.
- Notwithstanding any provision of subsection 4.33 articles 4.33.4 and 4.33.7 to the contrary, up to five **parking spaces** are permitted in the R3-6 Zone without separate entrance and exit **lanes** or independent **access** to each **parking space** and a **driveway** width of up to 8.53 m (28 ft.) is permitted as long as the current parking configuration is maintained.

**R3-7 Residential Third Density Exception Seven Zone** (By-law 3654)  
(9-17 McLean Blvd)

Notwithstanding any zoning requirements established under article 4.33.4 or subsection 8.2, to the contrary, on land within the R3-7 Zone the following zone requirements shall apply:

- minimum **lot area** 464 m<sup>2</sup> (5,000 ft.<sup>2</sup>)
- minimum **lot frontage** 15 m (49.2 ft.)

- maximum lot coverage 40 %
- maximum **driveway** width:
  - with two separate **driveways** 2.74 m (9 ft.) per **driveway**
  - with two abutting **driveways** 5.5 m (18 ft.)

### R3-8 Residential Third Density Exception Eight Zone

(By-law 3358-42)

- a. Notwithstanding any provision of Section 3 and Section 4 or subsection 8.1 to the contrary, in the R3-8 Zone, the second **dwelling unit** shall be limited to a one- bedroom apartment with a **floor area** not greater than half the first **floor area**.
- b. Notwithstanding any provision of Section 3 and Section 4 or subsection 8.2 to the contrary the following requirements shall apply:
  - i. the minimum rear yard in the R3-8 Zone shall be 1.2 m (4 ft.);
  - ii. the minimum side yard shall be 4.88 m (16 ft.) except that for the **existing** one storey addition to the original **building** the minimum side yard shall be 3.35 m (11 ft.);
  - iii. the minimum **lot area** shall be 371.6 m<sup>2</sup> (4,000 ft<sup>2</sup>);
  - iv. the minimum number of **parking spaces** required shall be three;
  - v. an unenclosed **porch** with a maximum floor or **deck** area of 4 m<sup>2</sup> may be **constructed** with no minimum **exterior side yard**;
  - vi. the maximum lot coverage for a main residential **building** shall be 40% and additional 5% **lot coverage** is permitted for **attached accessory structures** exclusive of a garage.
- c. Notwithstanding any provision of the By-law to the contrary, the **existing** enclosed **porch** in the **exterior side yard** shall have legal non conforming status provided it is structurally compliant with the Ontario Building Code.

### R3-9 Residential Third Density Exception Nine Zone

(By-law 3358-47, 3358-93)

(20 Thom St.)

- a. Notwithstanding any provision of Section 3 and Section 4 or subsection 8.1 to the contrary, in the R3-9 Zone, a **boarding house** is not permitted.

### R3-10 Residential Third Density Exception Ten Zone

(By-law 3358-52)

- a. Notwithstanding any provision of Section 3 and Section 4 or subsection 8.1 to the contrary, in the R3-10 Zone, one **additional dwelling** unit is permitted in the form of an ancillary bachelor suite or an **accessory** apartment unit provided the maximum **floor area** of the bachelor suite or **accessory** apartment unit is 58 m<sup>2</sup> (625 ft<sup>2</sup>) and the minimum number of **parking spaces** is three.

### R3-11 Residential Third Density Exception Eleven Zone

(By-law 3358-59)

- a. Notwithstanding any provision of Section 3 and Section 4 or subsection 8.1 to the contrary, in the R3-11 Zone, one **additional dwelling** unit is



permitted in the form of an ancillary **bachelor apartment** or an **accessory** apartment unit provided the maximum **floor area** of the **bachelor apartment** unit or **accessory** apartment unit is 44.5 m<sup>2</sup> (480ft<sup>2</sup>) and the minimum number of **parking spaces** is three.

**R3-12 Residential Third Density Exception Twelve Zone** (By-law 3358-64)

Notwithstanding any provision of subsections 4.1 or 8.2 to the contrary, in the R3 12 Zone the maximum lot coverage for all enclosed or partially enclosed **structures** shall be 38% and up to 43% for unenclosed **porches** or **decks** with a **deck** surface elevation up to 60 cm above the finished grade but subsection 4.1.1 paragraph i) shall continue to apply.

**R3-13 Residential Third Density Exception Thirteen Zone** (By-law 3358-81)

- a. Notwithstanding article 4.33.4 and Table 9, the maximum **driveway** width shall be 5.25 m (17.22 ft.).
- b. Notwithstanding the requirement in subsection 8.2, the minimum **lot frontage** shall be 15.24 m (50 ft.)
- c. The maximum **Density** requirement in subsection 8.2 does not apply.

**R3-14 Residential Third Density Exception Fourteen Zone** (By-Law3359-96)

- a. Notwithstanding any provision of subsection 8.2 to the contrary, the subject property permits two residential units and in recognition of the pre-**existing** legal non-complying status, two off-street **parking spaces** are required through a formal agreement located within 300 metres of the subject property plus one on site **parking space** as of the date this by-law was passed.

**R3-15 Residential Third Density Exception Fourteen Zone** (By-Law 3358-99)

- a. Despite any provision of Section 4.19 or Section 8 to the contrary, the following zone requirements shall apply within the R3-15 Zone
  - A **home based business** shall be permitted in the **accessory building**
  - One non-illuminated sign having a total area not exceeding 1.83m<sup>2</sup> (6ft<sup>2</sup>) may be used to advertise the **home based business**.”

## Section 9. Residential Fourth Density (R4) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Residential Fourth Density (R4) Zone except in accordance with the following provisions.

### 9.1. Permitted Uses

Table 22 - R4 Permitted Uses

Principal Use	Accessory Use
<b>Multiple Dwelling</b> Unit Row or Townhouse Dwelling <b>Stacked Townhouse</b> Dwelling <b>Apartment Dwelling</b> <b>Converted Dwelling</b> (See <u>9.3</u> ) Rooming House	<b>Accessory Uses</b> , buildings, or <b>structures</b> except a <b>garden suite</b> (see <u>4.1</u> ) <b>Home Based Business</b> (see <u>4.19</u> ) <b>Accessory Apartment</b> (see <u>4.1.2</u> )
<b>Public Use or Public Service</b> (see <u>9.3</u> )	<b>Accessory Uses</b> , buildings or <b>structures</b> (see <u>4.1</u> )

### 9.2. Zone Requirements

Table 23 - R4 - Zone Requirements

	Row or Townhouse Dwelling	Apartment Dwelling Stacked Townhouses	Accessory Use
<b>Minimum Lot Area</b>	250 m <sup>2</sup> [2,691 ft. <sup>2</sup> ] per end dwelling and 165 m <sup>2</sup> [1,776 ft. <sup>2</sup> ] per interior <b>Dwelling Unit</b>	464.52 m <sup>2</sup> (5,000 ft <sup>2</sup> ) for 1 <sup>st</sup> 4 units plus 46 m <sup>2</sup> [495.1 ft. <sup>2</sup> ] for each additional unit thereafter	n/a
<b>Minimum Lot Frontage</b>	6 m [19.7 ft.] per <b>Dwelling Unit</b>	7.5 m [24.6 ft.]	
<b>Minimum Front Yard</b>	6 m [19.6 ft.]	6 m [19.7 ft.]	6 m [19.7 ft.]

	Row or Townhouse Dwelling	Apartment Dwelling Stacked Townhouses	Accessory Use
<b>Minimum Interior Side Yard</b>	2 m (6.7 ft.) for less than 3 <b>storeys</b> 3 m [9.48 ft.] for three <b>storeys</b> or more	2 m (6.7 ft.) for less than 3 <b>storeys</b> 3 m [9.84 ft.] for 3 <b>storeys</b> ; 4.5 m [14.7 ft.] for more than three <b>storeys</b> (also see 9.3)	Per <u>Table 22 - R4 Permitted Uses</u>
<b>Minimum Rear Yard</b>	6 m [19.7 ft.]	6 m [19.7 ft.] (See <u>9.3 Additional Requirements</u> )	Per <u>Table 22 - R4 Permitted Uses</u>
<b>Minimum Exterior Side Yard</b>	4.5 m [14.7 ft.]	4.5 m [14.7 ft.]	Per <u>Table 22 - R4 Permitted Uses</u>
<b>Maximum Height</b>	10.6 m [34.7 ft.]	12 m [39.3 ft.]	Per <u>Table 22 - R4 Permitted Uses</u>
<b>Minimum Separation Distance Between Buildings</b>	3.6 m (12 ft.)	See <u>9.3 Additional Requirements</u>	n/a
<b>Maximum Lot Coverage refer to Section 4.1.1 Paragraph i) and Sections 4.27 and 4.28</b>	35% per end <b>dwelling unit</b> , 45% per interior <b>dwelling unit</b> , and 40% for one contiguous <b>townhouse</b> building	35%	Per <u>Table 22 - R4 Permitted Uses</u> -additional 5% for unenclosed structures/pools
<b>Minimum Landscaped Open Space</b>	35%	35%	n/a

### **9.3. Additional Requirements**

1. The minimum interior side yard shall not apply to the party wall of a **semi-detached** dwelling or a **row or townhouse** dwelling.

2. A **garden suite** is a **permitted use** only where a Temporary Use By-law has been enacted all room sizes shall conform to the Building Code.
3. A **group home** is permitted per Subsection 4.16.
4. For any **row or townhouse** dwelling, a screened outdoor privacy area shall be provided abutting each dwelling unit having a minimum depth of 3 m (9.8 ft.).
5. **Apartment Building Yards**

Despite any minimum provision in subsection 9.2, where the R4 Zone abuts any other residential Zone the minimum **interior side yard** and/or the minimum **rear yard** for a **building** exceeding three stories shall be the minimum specified in subsection 9.2 or a distance equal to one third the **height** of the **building**, whichever is greater.

6. **Converted Dwelling**

No **Converted Dwelling** shall be permitted unless:

- i. The **building** is 20 years or more in age at the date of the passing of this By-Law or is an **existing converted dwelling**.
  - ii. The **dwelling unit** area in the original dwelling before conversion is 130 m<sup>2</sup> [1,399.3 ft.<sup>2</sup>] or more and is located on more than one (1) storey.
  - iii. The dwelling contains no more than four (4) **dwelling units** after conversion with a lot width of 12 m [39.3 ft.] or more nor more than two (2) units if the lot width is less than 12 m [39.3 ft.]
  - iv. The zone standards comply with the standards set out in the R2 Zone (Section 7) except that where any **existing** yard is less than the required yard in the R2 Zone, such dwelling may be **altered** to a **converted dwelling** provided such **alteration** does not reduce the **existing** undersized yard or yards.
7. **Distance Separation Between apartment dwellings**

Where more than one (1) **apartment dwelling** is **erected** on the same lot (see **group housing**), the distance between **buildings** shall not be less than half the average **height** of the apartment **buildings** except where the **buildings** are at right angles or not less than 70°, then the distance between the closest points of the main wall of the **buildings** may be reduced to 6 m [19.7 ft.] or one-third (1/3) the **height** of the **buildings**, whichever is less but in any case shall not be less than the minimum necessary for a fire route or fire lane, when required.

8. **Group Housing**

**Group Housing** shall be permitted subject to meeting the zone requirements set out in Subsection 9.2 for each dwelling in the group.

9. **Subdivided Row house or Townhouse** (By-law 3358-56)

Where a lot developed with a **row house or townhouse** is subdivided into separate parcels based on the common /partition walls between the **dwelling units** such that each **dwelling unit** is located on a free-hold lot, then, notwithstanding any requirement of subsection 9.2 to the contrary, the lot encompassing an interior **row house or townhouse** dwelling shall have a minimum **lot area** of 185.8 m<sup>2</sup> (2,000 ft<sup>2</sup> ) and a maximum lot coverage of 55% for enclosed **structures** with an additional 5% for unenclosed **accessory structures** provided that no **structure** exceeding 45% **lot coverage** has more than two stories or a maximum **height** of 7.5 m (24.6 ft), whichever is less and further provided the **building** on the original lot complies with all requirements of the applicable R4 Zone category.

#### 9.4. Exception Zones

See also Section 22 – Exceptions to Zones

##### R4-1 Residential Fourth Density Exception One (By-law 2606)

###### **Permitted Uses**

- *Converted Dwelling*
- accessory uses

###### Regulations

- R4 standards apply except **existing lot area** to be maintained

##### R4-2 Residential Fourth Density Exception Two (By-law 2737)

###### **Permitted Uses**

- residential dwelling(s) may be renovated, **erected or constructed**

###### Regulations

- R4 standards apply except:
- no openings, vehicular or pedestrian **access** to be below 133.36 m [437.5 ft.] elevation but parking and pedestrian encroachments permitted
- min. elevation finished 1<sup>st</sup> floor 133.81 m [439 ft.] or 134.17 [440.1 ft.] if a dwelling
- parking in **front yard** permitted

##### R4-3 Residential Fourth Density Exception Three (By-law 2790)

###### **Permitted Uses**

- lesser of 60 **dwelling units** or 21.25 units/ha
- **Group Housing**
- recreation centre as an **accessory** use

###### Regulations

- R4 standards apply except:

- min. elevation finished 1st floor 135 m [442.9 ft.]
- min. **building** separation 5 m [16.4 ft.]
- max. permitted projections 1.5 m [4.9 ft.] into side yard not exceeding one storey (sun **deck**, stairs and landings)

#### R4-4 Residential Fourth Density Exception Four

(By-law 2949)

##### **Permitted Uses**

- max. of 18 **dwelling units**

##### Regulations

- R4 standards apply except: -min. **building** separation: 3 m [9.8 ft.]
- no openings below 134.98 m [442.8 ft.] **flood elevation**

#### R4-5 Residential Fourth Density - Exception Five

(By-law 2994)

##### Regulations

R4 standards apply except:

- max. number of residential units: 26
- min. setback: 30 m [98.4 ft.] from **high water mark**
- no openings below 134.98 m [442.8 ft.] flood elevation

#### R4-6 Residential Fourth Density Exception Six

(By-law 3112)

##### **Permitted Uses**

- **Single-detached**
- -converted **single-detached** to 3 units max.
- **-Accessory uses**

##### Regulations

R4 standards apply except:

- min. **front yard** 1.69 m [5.5 ft.] where **side yard** abuts adjacent lot 31, Plan 8828
- min. **side yard setback**: 0.88 m [2.88 ft.]
- 2 **parking spaces** required

#### R4-7 Residential Fourth Density Exception Seven

(By-law 3283)

##### **Permitted Uses**

- **apartment dwelling** for seniors
- **accessory** office space
- space for in-house personal services

##### Regulations

- -R4 standards apply except:
- max. **building height**: four stories to a maximum of 13 m [42.6 ft]
- max. **density**: 159 **dwelling units** in **apartment buildings**

- required parking: .25 spaces per unit plus one space per employee with a minimum of 55 **parking spaces** of which 12 spaces may be compact car spaces with a minimum width of 2.43 m (8 ft.) and a length of 4.8 m (15.75 ft)
- notwithstanding that the lands may be separately conveyable, in the R4-7 Zone, the maximum **density** and minimum parking requirements shall be based on all **development** on contiguous parcels within the zone boundary.
- notwithstanding subsection 4.33.5, parking shall be permitted in the **front yard** provided a landscaped area or planting strip not less than 1.5m wide is provided between a **parking area** and a road allowance.
- notwithstanding any provision of this By-law to the contrary, on a lot subject to the R4-7 Zone and the EP-3 Zone, calculation of **lot coverage** will be based on the entire area of the lot regardless of the location of zone boundaries and the minimum yard or **setback** requirements shall be measured from the property **lot lines** not the zone boundaries.
- The minimum **side yard** abutting land in an R2 zone shall be 6 m [19.7 ft.].
- Notwithstanding any landscaping provision of the By-law to the contrary, where a solid wood privacy **fence** 1.8 m high is installed the minimum **landscaped open space** required may be reduced to 1 m: within the first 12 m of the **front yard** abutting the road starting at a point 3 m from the limit of the road and within 3 m of a **parking lot** in the **rear yard**; and may be reduced to 2 m abutting the southerly side of a **driveway** in the **rear yard** and nil on the northerly side of a **driveway** in the **rear yard**.
- Notwithstanding any parking provision of the By-law to the contrary, a maximum of eight **parking spaces** may directly **access** or abut a cul-de-sac at the terminus of Alma Street provided they are visitor **parking spaces** that are not occupied overnight.
- The **lot line** abutting Alma Street is the **front lot line** and the shore **lot line** abutting the Tay River is the **rear lot line**. (See **original By-law number 3477 for holding provisions**.)

#### R4-8 Residential Fourth Density Exception Eight

(By-law 3496)

- a. Notwithstanding any provision of subsection 9.1 to the contrary, land zoned R4-8 shall only be used for **townhouse development**.
- b. Notwithstanding any provision of subsections 4.1 or 9.2 to the contrary, the minimum street **setback** for any portion of a garage shall be 6 m.
- c. Notwithstanding the definition of "**front lot line**", and the provisions of subsections 4.11 (**established building line**) and 4.35 (permitted projections), on land zoned R4-8 the **lot line** abutting Beckwith Street



shall be the **front lot line** and all **buildings and structures**, save for the permitted projections in the first three rows of the table in subsection 4.3 1, shall be subject to the minimum **front yard** requirement.

- d. Notwithstanding any provision of subsections 4.33 or 9.2 to the contrary or clause "c)" above, where vehicle **access** is provided over a shared entrance and a **lane** to the rear of individual units, then the minimum **building setback** from the **front lot line** for a **main wall** shall be 4 m (13 ft) and the minimum **setback** between a **street-line** and **porches**, **verandas**, access **decks**, stoops and stairs, or any part thereof, shall be 2 m (6 ft.).

#### R4-9 Residential Fourth Density Exception Nine

(By-law 3534)

- a. Notwithstanding any provision of subsection 9.1 to the contrary, land zoned R4-9 shall only be used for an **apartment, or buildings** with three or more **dwelling units**.
- b. Notwithstanding any provision of subsections 4.1 or 9.2 to the contrary, the minimum street **setback** for any portion of a garage with an entrance facing the street or with an **angle to the street** of less than 80 degrees shall be 6 m.
- c. Notwithstanding the definition of "**front lot line**", and subsection 4.35 (permitted projections), on land zoned R4-9 the **lot line** abutting Lustre Lane shall be the **front lot line** and all **buildings and structures**, save for the permitted projections in the first three rows of Table 14 in subsection 4.35 and unenclosed **porches** or steps on the first floor, shall be subject to the minimum **front yard** requirement.
- d. Notwithstanding any provision of subsections 4.33 or 9.2 to the contrary to clause "c)" above, where vehicle **access** and parking is provided over a shared entrance and a **lane** to the rear of individual units or in a common **parking area** in a **side or rear yard**, then the following requirements shall apply:
  - i. minimum **building setback** from the **front lot line** for a **main wall** - 4 m (13 ft.)
  - ii. the maximum for the permitted projections in the first four rows of Table 14, and awnings shall be 2 m (6.6 ft.) in the **front yard** with no other **front yard** projections except as provided for in the seventh and eighth rows of Table 14.
  - iii. the minimum **exterior side yard** or **setback** from an **exterior side lot line** for all **buildings and structures** shall be 3 m with a maximum projection of 1 m for **eaves** only with no other **exterior side yard** projections from the minimum **setback** except as provided for in the seventh and eighth rows of Table 14.

- iv. the maximum **height** for construction at the minimum yards and **setbacks** provided for in clauses i) and iii) above shall be 10 m and for every additional metre of **building height**, or any part thereof, there shall be a corresponding increase in the yards and **setbacks** provided for under said clauses.
- e. No **building or structure** shall be permitted below an elevation of 134.91 m
- f. Minimum **interior side yard** or **setback** from an **interior side lot line** for all **buildings and structures**, inclusive of **accessory structures** and first floor projections except as provided for in the seventh row of the table in subsection 4.3 1, shall be 6.5 m
- g. Minimum rear yard or **setback** from the **rear lot line** for all **buildings and structures**, inclusive of **accessory structures** and first floor projections except as provided for in the seventh row of the table in subsection 4.3 1, shall be 5 m
- h. Notwithstanding any provision of By-law 3358, to the contrary, for the purposes of determining yards and **setbacks** from the **rear lot line**, in the R4-9 Zone, the Zone boundary opposite the **Front Lot Line** shall be considered the **rear lot line**. *(See original By-law for holding provisions.)*

**R4-10 Residential Fourth Density Exception Ten** (By-law 3587 and By-law 3358-36)  
(61 – 63 Brock Street,  
155 Gore Street)

- a. Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, the **lot line** abutting Gore Street shall be the **front lot line** and the minimum **front yard** setback shall be 3 m.
- b. Notwithstanding any other provision of this By-law to the contrary, any vehicle entrance to a garage or car port that has **angle to the street access** of less than 60 degrees shall have a minimum **setback** from the street of 6 m.
- c. Notwithstanding any provision of subsection 9.2 to the contrary, the minimum **interior side yard** for an **apartment dwelling** shall be 2.34 m (8 ft.) for any **building** having 2 stories or less.

All other provisions of the R4 zone shall apply.  
*(Includes a holding provision limiting apartment use.)*

**R4-11 Residential Fourth Density Exception Eleven**

(By-law 3623)  
Perthmore Phase V

Notwithstanding the maximum **lot coverage** requirements established under subsection 9.2, on land within the R4-11 Zone, the maximum **lot coverage** for all enclosed or partially enclosed **buildings and structures** shall be 40% and an additional 5% **lot coverage** is permitted for unenclosed **structures**, including **attached porches or Decks** with a surface elevation up to 1 metre above the finished grade. (See **original By-law for holding provisions.**)

**R4-12 Residential Fourth Density Exception Twelve Zone**

(By-law 3358-37)  
(60 Halton Street)

- a. Notwithstanding any provision of this By-law to the contrary and notwithstanding that the lands subject to the R4-12 Zone may be subdivided into multiple lots, **condominiums**, or ownerships, for the purposes of determining maximum **lot coverage** and the minimum **landscaped open space** all lands within the R4-12 Zone shall be considered as one lot.
- b. Within an individual, conveyable lot, **block** or parcel within the R4-12 Zone the maximum **lot coverage** shall be 55% with an additional 5% permitted for **accessory structures** that have no walls or roof provided that the maximum **lot coverage** for all **buildings and structures** within the lands encompassed by the R4-12 Zone shall be 45% with an additional 5% for open **decks**.
- c. Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, the maximum **lot coverage** for all **apartment dwellings** with respect to all lands within the R4-12 Zone shall be 20%.
- d. Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, for all lands encompassed by the R4-12 Zone the minimum **landscaped open space**, exclusive of all **driveways, parking areas**, walkways, **patios** or any other impervious surface shall be 35% and on an individual lot, **block** or parcel shall be 20%.
- e. Notwithstanding any provision of subsection 9.1 to the contrary, land zoned R4-12 shall be used for a mix of residential dwelling forms in accordance with the following:
  - i. minimum number of **dwelling units** 30
  - ii. minimum number of **dwelling units** in an **apartment building** 12
  - iii. maximum number of **single-detached dwellings** 10
  - iv. maximum number of **dwelling units** in an **apartment building** 20
  - v. maximum number of **dwelling units** 50
- f. Notwithstanding any provision of Section 4 or subsection 9.1 to the contrary, within the R4-12 zone, within lands subject to a **Condominium**,

one bedroom **dwelling units** within an **apartment dwelling** may be converted to rentable home business suites, for use of members of the **Condominium** in lieu of home-based business space within the **dwelling unit** of the **Condominium** member. Similarly, one bedroom apartment suites may be converted into rentable overnight accommodation suites for guests of **dwelling unit** owners that are members of the **Condominium**. The maximum number of apartment units that may be converted for either business space or overnight accommodation suites shall be equal to eight percent of the number of **dwelling units** within the **Condominium** membership up to a maximum of four converted units. Each converted unit shall have an independent exterior entrance and a maximum **floor area** of 46 m<sup>2</sup> (495 ft.<sup>2</sup>).

- g. Notwithstanding any provision of Section 4 or subsection 9.1 to the contrary, within the R4-12 zone, within lands subject to a **Condominium**, a **place of assembly**, in the form of a room with an independent exterior entrance or a standalone **building**, with a **floor area** of up to 100 m<sup>2</sup> (1,076 ft.<sup>2</sup>), exclusive of washroom space, may be provided for the use of, or for lease to, members of the **Condominium**.
- h. Notwithstanding any provision of this By-law to the contrary, within the R4-12 Zone, the maximum number of lots, **blocks** or parcels for **single-detached dwellings** shall be 10 .Notwithstanding any provision of subsections 4.1 or 9.2 or the R4-12 Zone to the contrary, the minimum street setback for a garage with a vehicle entrance facing the street or having an **angle to the street** of less than 80 degrees shall be 6 m.
- i. Notwithstanding any provision of subsections 4.1 or 9.2 or the R4-12 Zone to the contrary, the minimum street setback for a garage with a vehicle entrance facing the street or having an **angle to the street** of less than 80 degrees shall be 6m.
- j. Notwithstanding any provision of subsections 4.33 or 9.2 to the contrary, where vehicle **access** and parking is provided over a shared entrance and a **lane** to the rear of individual units or in a common **parking area**, then the following requirements shall apply:
  - i. minimum **building setback** from the **front lot line** for a **main wall** shall be:
    - 4 m (13 ft.) for any part of a **building** which has one **storey** and/ or a **building height** not greater than 4.5 m;
    - 5 m (16 ft) for any part of a **building** which consists of 1.5 to 2 **storeys** and/ or a **building** with a **height** between 4.5 m and 7.5 m;
    - 5.5 m (18 ft) for any part of **building** which has more than two **storeys** and/ or a **building height** exceeding 7.5 m
    -

- ii. the maximum for the **permitted projections** in the second and fourth rows of Table 14, for awnings shall be 1.5 m (5 ft.) in the **front yard**.
- iii. notwithstanding any provision of subsections 4.24 or 4.40 or this clause to the contrary, no **structure** or vegetation shall exceed a **height** of 1 m within 4 meters of any street entrance to a **driveway** or **lane**.
- iv. notwithstanding any provision of subsection 9.2 to the contrary the minimum **exterior side yard** or **setback** from an **exterior side lot line** shall be 3 m.
- k. Notwithstanding any provision of Section 4, subsection 9.2 or article 9.4 R-12 to the contrary, the minimum **setback** from the easterly boundary of the R4-12 Zone for any **building** shall be: 7.5 m
- l. The minimum **setback** between a street-line and an **apartment dwelling** shall be: 25 m
- m. Notwithstanding any provision of subsection 9.2 to the contrary, the minimum **rear yard** or **setback** from the **rear lot line** for all **main buildings** shall be 4.5 m where the **rear lot** line abuts land subject to an **easement** for vehicle **access** or used for common open space and landscaping and the minimum **interior side yard** for a **detached or semi-detached dwelling** abutting such an **easement** or land in common open space use shall be a 1.2m (3.9ft) for the first two **storeys** of a **building** or part of a **building** to a maximum **height** of 7.5m.
- n. Notwithstanding any provision of subsection 9.2 to the contrary, in the R4-12 Zone, the minimum **lot frontage** required for a **single-detached dwelling** shall be 10.2m and the minimum **lot frontage** required for a **semi-detached dwelling** shall be 14m. In the event a **semi-detached dwelling** is subdivided one **dwelling unit** may have a minimum **lot frontage** of 6m.
- o. Notwithstanding any provision of subsection 9.2 to the contrary, a **dwelling unit** on a lot with **access** to a common green space and common **parking areas** through an ownership established under a **Condominium** the minimum **lot area** requirement shall be reduced to the following:
  - i. **Single-detached** 250 m<sup>2</sup>
  - ii. **Duplex, Triplex, Dwelling** dwelling 154 m<sup>2</sup> per dwelling
  - iii. **Semi-detached** dwelling 198 m<sup>2</sup> per dwelling
  - iv. **Townhouse** (exterior unit) 175 m<sup>2</sup>
  - v. **Townhouse** (interior unit) 142 m<sup>2</sup>
  - vi. **Apartment Dwelling** 1,394 m<sup>2</sup>
- p. Notwithstanding any provision of subsections 4.33 or 4.34 to the contrary, the parking requirement for **development** within the R4-12

Zone shall be determined on the basis of the type of dwelling or use but where **access** to a common **parking area** within the R4-12 Zone is ensured through an ownership established under a **Condominium**, the parking for a specific **dwelling unit** or use owned by a member of the **Condominium** will not be determined based on the use of individual lots, **blocks** or parcels but shall be determined based on the total number of each **dwelling unit** type in the **Condominium** within the R4-12 Zone. The parking on individual lots, **blocks** or parcels shall be provided as per paragraph s) below.

- q. Notwithstanding any provision of subsections 4.33 or 4.34 to the contrary, where **access** to visitor parking in a common **parking area** within the R4-12 Zone is ensured through an ownership established under a **Condominium** then the minimum parking requirement for a one bedroom unit shall be reduced to 1.1 spaces per unit and the parking required for a two bedroom **duplex or semi-detached dwelling** shall be 1.25 spaces per unit.
- r. Notwithstanding any provision of subsections 4.33 or 4.34 to the contrary, where **access** to a common **parking area** within the R4-12 Zone is ensured through an ownership established under a **Condominium** then:
  - i. a **single-detached dwelling, duplex, semi-detached, or triplex** shall only be required to provide one **parking space** per **dwelling unit** on the lot, **block** or parcel encompassing the **dwelling unit** and the balance of the required parking for the dwelling shall be located in the common **parking area**; and
  - ii. or a **townhouse** or **fourplex dwelling** no **parking spaces** shall be required on the lot, **block** or parcel encompassing the **dwelling unit** provided the required **parking spaces** are located within 60 m of the individual **Dwelling Units** in the **townhouse** or **fourplex** in the common **parking area**.
  - iii. the **parking area** for an **apartment dwelling** shall abut the **building** or be located within 30 m of the **building**.

**R4-13 Residential Fourth Density Exception Thirteen** (By-law 3358-34, 3358-36)  
(4 Harris St)

- a. Notwithstanding any provision in subsection 9.2 to the contrary, for any **building** exceeding two stories or a **maximum height** of 7 m, a minimum **setback** of 6 m shall apply from any **lot line** shared with an abutting residential lot.
- b. Notwithstanding any provision of subsection 9.2, to the contrary a minimum **setback** of 6m shall apply to any **dwelling unit** where an entrance to the **dwelling unit** or a window with an area exceeding 1.5 square metres orients to a rear **lot line** of an abutting residential lot.



- c. Notwithstanding any provision of subsection 9.2, to the contrary, the **rear yard setback** may be reduced to 3 m where the side of a **dwelling unit** orients to the rear **lot line**, no **dwelling unit** entrance faces the **rear lot line**, and no window with an area exceeding 1.5 square meters orients to the **rear lot line**.
- d. Notwithstanding any provision of subsection 4.12 or subsection 9.2 to the contrary, an opaque privacy **fence** a minimum of 1.8 m in height supplemented by vegetation that will provide a visual screen to a minimum height of 3 m at maturity shall be required along any property boundary that form the **rear lot line** of an abutting residential lot for any **Development** that exceeds two stories or a maximum **height** of 7.5m.
- e. Notwithstanding any provision of By-law 3358 to the contrary, where a **parking space**, other than a garage, is placed within 3 m of an abutting residential lot, an opaque privacy **fence**, a minimum of 1.8 m in **height**, shall be constructed within 1 m of the common **lot line** between the **parking space** and the **lot line** and said **fence** shall have a width extending not less than one metre to either side of the **parking space or parking area**. (See *original By-law for holding provisions.*)

**R4-14 Residential Fourth Density Exception Fourteen** (By-law 3358-39)

- a. Notwithstanding any provision of Section 3 and Section 4 or subsection 9.2 to the contrary, the **minimum lot frontage** for a multiple-residential **building** of three or more units shall be 18.2 m (60 ft.) and shall be measured as the total of the **frontage** for each **dwelling unit** with a shared or common wall in a given **building** regardless of whether a **dwelling unit** is on a separately conveyable **lot**.
- b. Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, the minimum **lot frontage** for a **Single-detached** shall be 12.2 m and for a **building** with 2 **dwelling units** shall be 6.1 m per unit.
- c. Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, parking for a multiple residential **building** with more than two **Dwelling Units** or for any **townhouse** unit shall be located in a **rear yard**.
- d. Notwithstanding any provision of subsections 4.33 or 9.2 to the contrary, where vehicle **access** and parking is provided over a shared entrance and a **lane** to the **rear yard** of individual units or to a common **rear yard parking area**, then the following requirements shall apply:
  - minimum **building setback** from the **front lot line** for a **main wall** shall be:
  - 4 m (13 ft.) for any part of a **building** which has one **storey** and/ or a **building height** not greater than 4.5 m;



- 5 m (16 ft.) for any part of **building** which consists of 1.5 to 2 **storeys** and/or a **building** with a **height** between 4.5m and 7.5 m;
  - 5.5 m (18 ft.) for any part of **building** which has more than two **storeys** and/ or a **building height** exceeding 7.5m.
- e. Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, the minimum **exterior side yard** shall be 3 m.
- f. Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, the maximum number of **dwelling units** on all parcels in the R4-14 Zone shall be eight and the maximum **density** shall be one **dwelling unit** per 220 m<sup>2</sup> (2,368 ft.<sup>2</sup>) of **lot area**.
- g. Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, for a **townhouse dwelling** or a multiple-residential **building** with three or more **dwelling units**, the minimum **interior side yard** from the southerly **side lot line** shall be 1.5m

**(See original By-law for holding provisions.)**

**R4-15 Residential Fourth Density Exception Fifteen Zone -Reserved – file closed**

**R4-16 Residential Fourth Density Exception Sixteen Zone** (By-law 3358-49)

Notwithstanding any provision of subsections 4.1, or 9.2 to the contrary, in the R4-16 Zone the following requirements shall apply:

- i. The maximum total **lot coverage** for all enclosed or partially enclosed **buildings and structures** shall be 40% and up to 45% **lot coverage** is permitted for unenclosed **accessory structures**, including **attached porches or decks** with a **deck** surface elevation up to 60 cm above the finished grade, but subsection 4.1 paragraph i) shall continue to apply and the minimum **setback** between an **accessory building** and a **rear lot line** shall be 1.2 m (4 ft.).
- ii. Principal uses permitted in the R3 Zone shall be permitted on lands zoned R4-16

**R4-17 Residential Fourth Density Exception Seventeen Zone**

(By-law 3358-50 and 50-01)

- a. Notwithstanding any provision of subsection 9.1 to the contrary, an **apartment dwelling** is not permitted in the R4-17 Zone.
- b. Notwithstanding any provision of subsections 4.1, or 9.2 to the contrary, in the R4-17 Zone the following requirements shall apply:
  - i. Regardless that the ownership of the land or that each unit in a **townhouse** dwelling may be divided into separate parcels, **lot coverage** shall be calculated on the basis of all lands associated in ownership with all the units in a **townhouse building** and the

maximum total **lot coverage** shall be 50% with up to a maximum of 55% for unenclosed **accessory structures**, such as **attached porches or decks** with a **deck** surface elevation up to 60 cm above the finished grade, but subsection 4.1.1 paragraph i) shall continue to apply.

- ii. A **side yard** of 1.2 m is permitted for **buildings** up to 5.5 m in **height** where there are no **eaves** or building drainage **structures** other than a fully enclosed drain pipe in the side yard.
- iii. The minimum **setback** from the **rear lot line** for all **accessory buildings** and **structures** other than a **fence** shall be 2.6 m.
- iv. Notwithstanding paragraph a) above or subsection 4.34, the two (2) **townhouse** units described as Parts 1 and 2; and Parts 4 and 5, Reference Plan 27R-10106 and municipally known as 21 and 25 Perthmore Street, may be modified to include a second **dwelling unit** provided there is a minimum of three **parking spaces**
- v. Notwithstanding subsection 4.33.4 on the two parcels referenced in preceding clause iv) a maximum **driveway width** of 5.2 m is permitted.

**R4-18 Available – application file closed**

**R4-19 Available for use – missed**

**R4-20 Residential Fourth Density Exception Twenty Zone**

(By-law 3358-60)  
20 Robinson

- a. Notwithstanding any provision of subsection 9.1 to the contrary an **apartment dwelling** shall not be permitted in the R4-20 Zone
- b. Notwithstanding any provision of subsection 4.24 or subsection 9.2 to the contrary, the **parking area** within the R4-20 zone may have a **landscaped open space buffer** with a reduced minimum width of 1.2 m (4 ft.) provided that a solid board privacy **fence** a minimum of 1.82m (6 ft.) in **height** and extending the entire length of the **parking area** and projecting a minimum of one metre beyond the limit of the **parking area** is located within the landscaped strip and the **fence** is constructed in a manner that provides not less than 90% visual screening for its entire length.
- c. Notwithstanding any provision of subsections 4.33, 4.34 or 9.2 to the contrary, the minimum parking requirement in the R4-20 Zone shall be one space per **dwelling unit** plus three guest/overflow **parking spaces**.
- d. Notwithstanding any provision of Section 4 to the contrary, a **sight triangle** with a minimum site line distance of 4 m shall be maintained at the intersection of a **driveway** with a **public street** where the **driveway**

provides **access** to a **parking area** with **parking spaces** for more than 4 vehicles

**R4-21 Residential Fourth Density Exception Twenty-one Zone** (By-law 3358-76)  
(101 Wilson St. W)

- a. Notwithstanding any provision of subsections 4.24, 9.2, or 9.3 to the contrary, in the R4-21 Zone the minimum **landscaped open space buffer** abutting a **parking area** may be reduced to 1m from a **parking area** provided the buffer includes a solid board screening **fence** or continuous hedge not less than 1.2 m (4 ft.) in **height**.
- b. Notwithstanding any other provision of this By-law to the contrary, any habitable **building** shall be located a minimum of 30 m from the property boundary of land owned or occupied by a railway operator and used as a rail corridor.

**R4-22 Residential Fourth Density Exception Twenty-Two Zone** (By-law 3358-83)  
(6 Isabella St.)

- a. Notwithstanding subsection 4.33.4 article c, the **existing** second entrance to Isabella Street located to the east of the main entrance and providing **access** to a **parking area** in the **side yard**, is hereby deemed to be a legal **noncomplying** use **accessory** to a residential occupancy and no other entrance is permitted.
- b. Notwithstanding subsection 4.33.4 article a Table 9 - Driveways, the width of the **existing** main **driveway**, being directly in front, and more or less equal to the width, of the **existing building**, is hereby deemed to be a legal **non-complying** use **accessory** to a residential occupancy.
- c. Notwithstanding any requirement in subsection 9.2 to the contrary, the minimum **setback** for a habitable **building** from the boundary of a **lot** or parcel of land occupied by a rail way shall be 30 m (99.8 ft.).”

**R4-23 Residential Fourth Density Exception Twenty-Three Zone** (By-law 3358-80)  
(36 Harris St.)

- a. **Lot frontage** on a **private road** within a registered **Condominium** will be deemed to be equivalent to and measured in the same manner as **frontage** on a **public street**.
- b. Notwithstanding subsection 9.1 only **semi-detached dwellings**, **townhouse dwellings**, or an **apartment dwelling** with a maximum of 6 units, are permitted in the R4-23 Zone

- c. Notwithstanding any requirement in subsection 9.2 to the contrary, there shall be minimum **building setback** of 6 m from the **rear lot line** of an abutting lot in an R1, R2 or R3 zone category for a **building** of two **storeys** or less and the minimum **setback** shall increase to 7.5 m for a **building** with more than two **storeys** or a **height** of 8 m or more.
- d. Within all lots subject to the R4-23 Zone the maximum total number of **dwelling units** is 16.”

**R4-24 Residential Fourth Density Exception Twenty-Four Zone** (By-law 3358-92)  
(34 George Ave.)

For a **building** with four **dwelling units** or less the standard R4 Zoning requirements and all General provisions shall apply except the westerly side yard shall be 4 m.

Despite any provision of Section 4 or subsections 9.2 or 9.3 to the contrary, for a **building** with more than four **dwelling units** the following zone requirements shall apply within the R4-24 Zone:

- a. The minimum number of required **parking spaces** shall be six.
- b. One of the required **parking spaces** may be a small car space.
- c. One **parking space** in the rear yard may have a reduced length of 5.5 m (18 ft.)
- d. The entry and exit **lanes** may be located separately on either side of the **building** with two points of **access** to the street and the westerly **lane** shall be the entry **lane** and each **lane** shall have a width of 3 m.
- e. No entrance shall be permitted on Sunset Blvd.
- f. One standard **parking space** designed to **barrier free** standards will also be permitted in the **front yard** abutting the easterly exit **lane**.
- g. A **parking area** in the R4-24 zone shall be buffered by landscaped space not less than 45 cm wide and a screening fence providing a minimum of 90% **visual buffering** from 10 cm above grade to 2 m above grade along each side lot line extending from the point of intersection with the rear lot line to 6 m along each side yard. Visual **access** to the **parking area** from Sunset Blvd will be obstructed by a hedge, shrubs or a screening fence.
- h. A minimum of 42% of the **front yard** shall be landscaped space.
- i. The minimum **front yard** for the north-westerly corner of the **building** shall be 4.9 and the interior limit of the **front yard** shall extend in a straight line such that at the point where the minimum side yard setback from the easterly side yard intersects the front **building** line the **front yard** will have a minimum setback of 6 m from the **front lot line**.

- j. The minimum side yard shall be 4 m (13.1 ft.).
- k. The minimum rear yard shall be 9 m (30 ft.)
- l. The maximum lot coverage shall be 25%.
- m. The minimum **landscaped open space** shall be 22%
- n. No **detached accessory buildings** are permitted.

**R4-25 Residential Fourth Density Exception Twenty-Five Zone** (By-law 3358-94)  
(240 Gore St. E)

Despite any provision of Section 4 or subsections 9.1, 9.2, or 9.3 to the contrary, a **continuum of care facility, a seniors home or residence and a senior's non-residential care facility** are permitted in the R4-25 zone and the following zone requirements shall apply:

- a. The **lot line** along Rideau Ferry Road shall be the **front lot line**.
- b. The minimum **front yard** for any storey above three storeys shall be 7m (23 ft.).
- c. The maximum **building height** shall be 14.5 m (47.5 ft.)
- d. The maximum number of **stories** shall be four
- e. The minimum **rear yard** shall be 10 m for a main **building** with less than three stories and 30 m for a main **building** of three stories or more.
- f. The minimum southerly **side yard** shall be 30 m.
- g. No setback will be required between single storey **buildings or structures** used as a pedestrian or service delivery link between main **buildings, accessory buildings** or the boundary with the C3-6 Zone provided such **buildings or structures** do not exceed a maximum width [extending between the outer limit of exterior walls] of 6.5 m
- h. A maximum of 5% of required parking may be small car spaces
- i. a screening fence shall providing a minimum of 90% **visual buffering** from 10 cm above grade to 1.8 m above grade.
- j. Except for vehicle entrances, 100% of the minimum **front yard** shall be landscaped space.
- k. Compliance with the minimum parking requirement shall be determined based on the total number of **parking spaces** in the R4-25 Zone and the C3-6 Zone.

**R4-26 Residential Fourth Density Exception Twenty-Six Zone** (By-law 3358-120)  
(15 Victoria Street)

- a. The front lot line shall be deemed the Victoria Street lot frontage.

- b. The minimum front yard shall be 3m.
- c. The minimum landscaped open space shall be 20%.
- d. Notwithstanding the requirements of Section 4.28 Lot Coverage – Impervious Surfaces, the maximum area of a lot that may be covered by impervious surfaces shall be 75%
- e. The minimum required number of parking spaces shall be 24, inclusive of four visitor spaces.

## Section 10. General Commercial (C1) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the General Commercial (C1) Zone except in accordance with the following provisions.

### 10.1. Permitted Uses

- **Accessory Use, building or structure** (see 4.1 Accessory Buildings)
- **Additional Dwelling** except where prohibited (see 10.3)
- **Audio/Visual Studio**
- **Bake Shop**
- **Bank**
- Bed & Breakfast Establishment
- **Business, Professional and/or Administrative Office**
- **Car Rental Agency**
- **Clinic**
- **Commercial Parking Lot**
- **Convenience Store or Confectionary Store**
- **Dry Cleaning Distribution Station**
- **Entertainment Establishment** excluding an **Arcade** or **video Arcade**
- **Factory Outlet**
- **Farmer's Market**
- **Funeral Home**
- **Hotel**
- **Industrial Use (Existing use only)**
- **Institutional Use**
- **Laundromat**
- Park
- **Parking Area, Parking Garage**
- **Personal Service Establishment**
- **Place of Assembly**
- Printing and Publishing Establishment
- **Private Club**
- **Public Use or Public Service Facility**
- **Recreational Commercial Establishment**
- **Restaurant** – all defined types except a **Drive-through** or **Take-out** restaurant [Also refer to subsection 4.33.16 and 4.34]
- **Retail Store**
- **Shopping Centre**
- Tavern or Road House
- Taxi Stand
- Terminals including public transit terminals
- Video rental outlet
- Wellness Center



## 10.2. Zone Requirements

Minimum **Lot Area** n/a

Minimum **lot frontage** n/a

Minimum Yards:

- **Front Yard** n/a
- Rear Yard 6 m [19.7 ft.]
- Interior or **Exterior Side Yard** n/a except where a C1 zone abuts a Residential Zone 9 m [29.5 ft.]
- also refer to general provision 4.24 i. Landscaping Requirements Prevail

Maximum **building height** 12 m [39.3 ft.]

Maximum Lot Coverage 80% inclusive of Section 4.28 Lot Coverage – Impervious Surfaces

## 10.3. Additional Requirements

1. Where any lot used for a commercial use abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the commercial use lot which abuts the residential use lot unless the outside display is completely hidden by an opaque screen or buffer.
2. No **parking space** shall be located within 3 m [9.8 ft.] of any window of a residential use.
3. No **additional dwelling** may be located in a **building** or **structure** used for an automotive use, **Hotel**, **motel**, **public use** or **public service**. An **additional dwelling** shall be located on the second storey of a **building** provided the unit complies with the Building Code and has a separate **access** to the street level.
4. An **apartment dwelling** shall be permitted as part of a **mixed-use**. In a **Mixed-use** the ground floor and a second storey may be used for a permitted commercial use. An **apartment dwelling** shall comply with the R4 Zone requirements for parking.
5. **Accessory buildings** and **structures** are subject to the provisions of Table 7 - Zone Regulations for Accessory Uses
6. **Motels** and **Hotels**  
Where the exterior wall of a **guest room** contains a **habitable room** window, such wall shall be located not closer than 7.5 m [24.6 ft.] from any interior side or rear lot line.

7. **Landscaped Open Space**

The provisions of Subsection 4.24 shall apply to any Commercial use in a C2 Zone that abuts a Residential Zone.

8. **Commercial Parking Lot**

Lands shown as “CP” on Schedule “A” shall only be used for a **commercial parking lot**.

9. Notwithstanding any provision of By-law 3358, to the contrary, land zoned T304 may be used for the temporary **construction** or placement of one portable showcase unit for the purpose of displaying and marketing products, goods, wares, services or merchandise. Said unit shall have a maximum lot coverage of 71 sq. m., a maximum **building height** of 4.7 m and a minimum **front yard** of 15 m or the minimum **building** setback standard required to obtain a **building** permit from the Ministry of Transportation, whichever is greater; all other provisions of the C2 Zone shall apply.

**10.4. Exception Zones**

See also Section 22 – Exceptions to Zones

**C1-1 General Commercial Exception One Zone RESERVED**

**C1-2 General Commercial Exception Two Zone** (By-law 3295)

Notwithstanding any provision of Subsection 10.1 to the contrary, in the C1-2 Zone a Car rental, **clinic**, **convenience store**, **dry cleaning establishment**, **entertainment establishment**, **Farmer's Market**, **funeral home**, **hotel**, **restaurant**, Tavern or Road House, Taxi Stand, and Terminals are not permitted.

Notwithstanding any provision of Section 10 to the contrary, in the C1-2 Zone a **dwelling unit** is permitted on any floor within the **building**- except when a use involving motor vehicles is present.

C1 standards apply except the **existing building** shall be subject to:

- min. side yard: **existing** side yard setbacks:
- westerly side yard 0.41 m [1.34 ft.];
- easterly side yard 3.15 m [10.3 m]

**C1-3 General Commercial Exception Three Zone** (By-Law 3358-82)

- a. Notwithstanding any provision of Section 10 to the contrary, in the C1-3 Zone a ground floor residential unit with a maximum **floor area** of 38 m<sup>2</sup> (409 ft.<sup>2</sup>) within the footprint of the **existing building** is permitted with a minimum setback of 7.3 m (24 ft.) from the front wall facing Gore St with rear yard **access** and subject to the creation of one new **parking space** for the unit.
- b. Notwithstanding any provision of Section 4 to the contrary, in the C1-3 Zone up to two **parking spaces** can be provided at the “small car space” standard (see original amending By-law for holding provisions)

**C1-4(-h) General Commercial Exception Four Zone** (By-law 3358 – 90)  
54-58 Wilson St. W.

- a. Notwithstanding any existing lot ownership or lot boundaries, all lands within the C1-4 zone shall be considered one lot for the purposes of determining all zoning requirements.
- b. Notwithstanding the definition of **front lot line**, the **lot line** abutting Wilson Street West shall be the **front lot line** for lands within the C14 Zone.
- c. No Commercial use is permitted in the C-4 Zone until all existing residential uses are vacant.
- d. Notwithstanding any provision of the C1 Zone to the contrary, the minimum **exterior side yard** for any **building** or **accessory structure** adjacent to Leslie Street will be 3 m.
- e. Notwithstanding any provision of subsection 4.24 to the contrary, a **parking area** in the C1-4 zone shall be buffered from Leslie Street by a screening fence on the interior limit of the **exterior side yard**, providing a minimum of 90% **visual buffering** from 10 cm above grade to 1.8 m above grade.
- f. No Commercial entrance from the C1-4 Zone will be permitted onto Leslie Street.
- g. No Commercial signage shall be **erected** in the **exterior side yard** facing Leslie Street other than a wall mounted sign of a corporate or business logo with a maximum area of 0.6 m<sup>2</sup> (6.5 ft.<sup>2</sup>).
- h. The placement of up to four **parking spaces** on abutting lands outside the C1-4 to meet the minimum parking requirement is hereby approved.

\*\* Check original by-law process – holding provision is in effect)

### **C1-5 General Commercial Exception Five Zone [Modified TU-6 Zone]**

Notwithstanding any provision of subsection 10.1 to the contrary, within the C1 5 Zone, only a parking lot **accessory** to a commercial use is permitted subject to the following requirements:

- a. a **parking area** shall have a landscaped buffer a minimum of 3.5 m wide with an interior solid, screening fence a minimum of 2.2 m high .
- b. no **structure** other than a solid screening fence or **structures accessory** to the **parking area** shall be permitted.
- c. a solid screening fence shall consist of opaque panels or overlapping wood construction designed to entirely screen visual **access** to the parking lot from Leslie Street extending from a height of 10 cm above grade to the top of the fence.

### **C1-6 Reserved**

## Section 11. General Commercial Professional (C1P) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the General Commercial Professional (C1P) Zone except in accordance with the following provisions.

### 11.1. Permitted Uses

- **Accessory** Use, **building** or **structure** (see 4.1)
- **Additional Dwelling**
- **Bank**
- **Business, Professional and/or Administrative Office**
- Law and Legal Offices
- **Single-detached** Dwelling
- **Duplex** Dwelling
- **Semi-detached** Dwelling

### 11.2. Zone Requirements

#### Residential Uses

The zone standards shall be as set out in R1, R2 or R3 zone for a **Single-detached dwelling, semi-detached** dwelling or **duplex** dwelling respectively. (See Section 6, Section 7, and Section 8)

#### 1. Commercial Uses

Minimum **lot area** ..... n/a

Minimum **lot frontage** ..... n/a

Minimum Yards:

- **Front Yard** ..... 14m [45.9 ft.]
- Rear Yard ..... 6 m [19.7 ft.]
- Interior or **Exterior Side Yard** ..... n/a or 9 m [29.5 ft.] when zone abuts a Residential Zone
- also refer to general provision 4.22 i)

Maximum **building height** ..... 12 m [39.3 ft.]

Maximum Lot Coverage ..... 80%

Inclusive of Subsection 4.28

### 11.3. Additional Requirements

1. No **parking space** shall be located within 3 m [9.8 ft.] of any window of a residential use.

2. An **additional dwelling** shall be located on the second storey of a **building** provided the unit complies with the Building Code and has a separate **access** to the street level.
3. **Accessory Buildings** and **structures** are subject to the provisions of Table 7 - Zone Regulations for Accessory Uses
4. **Landscaped Open Space**  
The provisions of Subsection 4.24 shall apply to any Commercial use in a C1P Zone that abuts a Residential Zone.

#### 11.4. Exception Zones

See also Section 22 – Exceptions to Zones

#### C1P-1 General Commercial Professional Special Zone

(By-Law 2656)

1. C1P uses Permitted
2. C1P Zone regulations apply except:
  - no min. **lot area**
  - no min. **lot frontage**
  - min. yards:
    - front and rear - 6 m [19.7 ft.];
    - interior side - 0.6 m [1.9 ft.];
    - exterior side - 4 m [13.1 ft.]
  - max. **building height**: 12.2 m [40 ft.]
  - max. lot coverage: 30%
  - max. **landscaped open space**: 50%
  - max. **lot area** for parking: 20%
  - landscaped exterior side yard 10.7 m [35.1 ft.] wide subject to encroachments by existing **porches**, stairs, and sidewalks
  - **parking area** limited to rear of **building** the land between the **building** and North Street but not to encroach on **landscaped open space**

#### C1P-2 General Commercial Professional Exception Two Zone

(By-law 2733)

- C1P uses Permitted
- C1P Regulations apply except:
  - no min. **lot area**
  - no min. **lot frontage**
  - min. yards:
    - front and rear - 6 m [19.7 ft.];
    - interior side - 0.6 m [1.9 ft.];
    - exterior side - 4 m [13.1 ft.]
  - max. **building height**: 12 m [39.3 ft.]
  - max. lot coverage: 40%
  - max. **landscaped open space**: 40%

- max. **parking area**: 20%
- **Existing** setback applies to side yard abutting residential zone provided yard is landscaped with plantings and a fence to provide a visual screen
- encroachments of **existing porches**, stairs and sidewalks permitted into landscaped area
- **Accessory** garage shall be permitted to encroach into a rear yard provided a minimum rear yard of 0.5 m [1.6 ft.] is maintained.

### C1P-3 General Commercial Professional Exception Zone

(By-law 2925)

- C1P standards apply except:
- -no min. **lot area** or **lot frontage**
- -min. yards: front 2.25 m [7.38 ft.]; rear 22.5 m [73.8 ft.]; interior side 2.1 m [6.8 ft.]
- -max. **building height: existing** or 12 m [39.3 ft.]
- -max. lot coverage and **parking area** 25% each
- -max. **landscaped open space** 50%
- visual screen required for interior side yard abutting residential zone

### C1P-4 General Commercial Professional Exception Four Zone

(By-law 3358-35)

- a. In addition to the uses permitted under subsection 11.1, in the C1P4 Zone a radio or broadcast studio and a financial consulting service are permitted.
- b. Notwithstanding any provision of subsection 11.2 to the contrary, in the C1P4 Zone the following requirements shall apply:
  - i. Minimum **lot area** 232 m<sup>2</sup> (2,500 ft.<sup>2</sup>);
  - ii. Minimum rear yard 3 m (9.8 ft.);
  - iii. Minimum interior side yard 3 m (9.8 ft.);
  - iv. Minimum **exterior side yard** 3 m (9.8 ft.);
  - v. Minimum landscaping width 1.2 m (4 ft.) for a commercial use, with a privacy fence not less than 2.1 m (7 ft.) high;
  - vi. Wilson Street shall be the **front lot line**.
  - vii. there shall be no parking requirement for the portion of the **building** floor space occupied by a radio or broadcast studio.
  - viii. **Council** hereby authorizes up to two off-site **parking spaces** located within 60 m of the subject property where the owner of a business on site provides a copy of a written undertaking from the owner of the **parking spaces** confirming reserved use of the spaces and confirming that the Town will be notified within one week of any change in the parking arrangement. In the absence of such off-site parking, if the use on-site requires more than four **parking spaces** the owner shall make a cash-in lieu of parking payment to the Town. (See original By-law for holding provisions.)



**C1P-5 General Commercial Professional Exception Five Zone** (By-law 3358-43)  
(68 North Street, 91 Peter Street)

- a. In addition to the uses permitted under subsection 11.1, in the C1P 5 Zone a **parking area** with a maximum of 9 vehicles for an off-site business located within 100 m of the property is permitted provided no other commercial use or **home based business** is operating on the property.
- b. The **parking area** for an off-site commercial use shall only serve one off site business until such time as the abutting properties may be zoned for commercial use.
- c. The maximum number of **parking spaces** on site shall be 11 and the maximum lot coverage for a **parking area, lanes** and **driveways** shall be 60%.
- d. Notwithstanding any provision of subsections 4.24, 4.33 or 11.2 to the contrary, in the C1P 5 Zone the following requirements shall apply:
  - i. Minimum landscaping width for a commercial use or **parking area** with a solid board privacy fence not less than 2.1 m (7 ft.) high 1m (3.3 ft.) along the westerly side lot line and 0.3 m (1 ft.) along the easterly side lot line
  - ii. In lieu of a commercial entrance with an ingress **lane** and an egress **lane**, a one way through traffic **lane** with the entrance on Peter Street and the exit on North Street shall be permitted.  
(See original By-law for holding provisions.)

**C1P-6 General Commercial Professional Exception Six Zone** (By-law 3358-57)

- a. In addition to the uses permitted under subsection 11.1, in the C1P 6 Zone a **bake shop** and **accessory** retail use with a maximum **floor area** of 35 m<sup>2</sup> is permitted.
- b. Notwithstanding any provision of By-law 3358 to the contrary, in the C1P-6 Zone the following requirements shall apply:
  - i. Establishing or adding of one or more non-residential uses with a **gross floor area** between 35 m<sup>2</sup> and 70 m<sup>2</sup> shall only be permitted if three **parking spaces** are created on site;
  - ii. Establishing or adding non-residential uses with a **gross floor area** exceeding 70 m<sup>2</sup> shall only be permitted if on-site parking consistent with the requirements of subsections 4.33 and 4.34 or equivalent parking off site or cash-in-lieu is approved by **Council**;
  - iii. Minimum **front yard** nil for the first two stories to a maximum **building height** of 7.5 m (25 ft.) and 3 m (9.8 ft.) for each full or partial story exceeding a **height** of 7.5 m (25 ft.);
  - iv. Minimum side yard nil for the first two stories to a maximum **building height** of 7.5 m (25 ft.) and 1.5 m (5 ft.) for each full or partial story exceeding a **height** of 7.5 m (25 ft.);

- v. Maximum Lot Coverage 45%;
- vi. Minimum landscaped buffer for **parking area** with four vehicles may be reduced to 1 m adjacent **parking spaces** and nil abutting the **driveway** where the **parking area** is developed with a permeable surface and a solid wood opaque screening fence a minimum of 1.8 m (6 ft) in height is established along any **lot line** where the abutting lot is in a residential zone category.

#### **C1P-7 General Commercial Professional Exception Seven Zone** (Bylaw 3358-61)

Notwithstanding any provision of subsections 4.33, 4.34, 11.1, 11.2 or 11.3 to the contrary, the following provisions shall apply in the C1P-7 Zone:

- a. other than entry or common **access** areas, a permitted commercial use shall only occupy one floor of the **building**.
- b. There are no **parking spaces** on-site as of the date this By-law is passed. However, in recognition of the preceding **Institutional Use**, land in the C1P-7 Zone is deemed to have legal non-complying status for up to four **parking spaces** with respect to the parking required for the permitted commercial uses,
- c. a permitted commercial use shall be limited in floor space or shall operate in a manner that will not create a parking demand, determined per subsections 4.33 and 4.34 herein, that exceeds four **parking spaces**.
- d. signage for a a permitted commercial use shall comply with subsection 4.41.
- e. a residential use is permitted on the subject property only when there is a formal agreement between the owner and another property owner that ensures **access** to a minimum of two overnight off-street **parking spaces**. For two residential uses on site there must be a minimum of three overnight off-street **parking spaces** available.
- f. one or more **parking spaces** may be located anywhere on the lot except within 1.2 m of the rear lot line.

#### **C1P-8 General Commercial Professional Exception Eight Zone** (Bylaw 3358-62)

- a. Notwithstanding any provision of subsection 4.24 to the contrary, an **existing driveway** may be used for commercial purposes provided any **parking spaces** accessed by the **driveway** are fully screened from an abutting residential property by either an opaque solid wood privacy fence a minimum of 1.8 m in height or screening evergreen vegetation of comparable height; however no such screen shall extend closer than 6 m to the **front lot line**.

- b. Notwithstanding any provision of subsections 4.33, 4.34, 11.1, 11.2 or 11.3 to the contrary, the following provisions shall apply in the C1P-8 Zone:
- i. Any entrance from the **lot line** abutting Tysick Avenue shall be limited to entry and parking for a single residential **dwelling unit** and shall not connect to any **driveway** or parking linked to South Street.
  - ii. signage for a a permitted commercial use shall comply with the following:
    - one promotional sign for an on-site business
    - minimum setback from South Street 4.5 m
    - maximum area of sign 1.14 m<sup>2</sup> (12 ft<sup>2</sup>)
    - internally lit or back lit signage shall be prohibited.

**C1P-9 General Commercial Professional Exception Eight Zone** By-law 3358-112  
(8 Gore Street West)

1. C1P Uses Permitted
2. C1P Zone regulations apply except:
  - Residential Second Density (R2)
  - Minimum lot area per dwelling unit for Single Detached Dwelling to be 200 m<sup>2</sup>
  - Minimum Lot Frontage dwelling unit for Single Detached Dwelling to be 9m
  - Minimum Front and Interior Side Yards n/a

## Section 12. Highway Commercial (C2) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Highway Commercial (C2) Zone except in accordance with the following provisions.

### 12.1. Permitted Uses

- **Accessory Use, building or structure** (see 4.1 Accessory Buildings)
- **Animal Hospital**
- **Audio/Visual Studio**
- **Automotive Sales Establishment**
- **Auto Service Station**
- **Automobile Washing Establishment**
- **Bakery**
- **Bank** (in a **shopping centre**)
- **Bingo Hall**
- **Business, Professional and/or Administrative Office**  
(**Existing, accessory** to another permitted use or in a **shopping centre**)
- **Building Supply Store** or Depot
- **Bulk Fuel Depot** (**Existing** uses only)
- **Car Rental Agency**
- **Card Lock Facility**
- **Catering Establishment**
- **Clinic** (in a **shopping centre**)
- **Commercial Greenhouse, Nursery or Garden Centre**
- **Commercial Parking Lot**
- Contractor's Yard
- **Custom Workshop**
- **Entertainment Establishment** excluding an **Arcade** or **video Arcade**
- **Factory Outlet**
- Farm Implement Sales and Service
- **Farm Produce Stand**
- **Flea Market**
- **Funeral Home**
- Furniture and Home Supply Store
- Gas Bar
- **Hotel**
- **Industrial Use** (**Existing** uses only)
- **Laundromat** (in a **shopping centre**)
- Mail-order Facility
- Microbrewery
- Mini Warehouse and Public Storage
- Miniature Golf Course
- **Motel**

- Park
- **Parking Area**
- **Private Club**
- **Public Use or Public Service Facility**
- **Recreational Commercial Establishment**
- **Recreational Vehicle Sales, Service and Repair**
- **Restaurant** – all defined types [also refer to subsections [4.33.16](#) and [4.34](#)]
- **Retail Store**
- **Shopping Centre**
- Tavern or Road House
- Terminals including public transit terminals
- Video rental outlet (in a **shopping centre**)
- Warehouse
- Wellness Centre (in a **shopping centre**)
- Wholesale Establishment

## 12.2. Zone Requirements

Minimum <b>Lot Area</b>	929 sq. m [10,000 ft <sup>2</sup> ] (By-law 3467)
Minimum <b>lot frontage</b>	15 m [49.2 ft.]
Minimum Yards:	
<ul style="list-style-type: none"> <li>• <b>Front Yard</b></li> <li>• Rear Yard</li> </ul>	12 m [39.3 ft.] 7.5 m [24.6 ft.] or 15 m [49.2 ft.] when zone abuts a Residential Zone
<ul style="list-style-type: none"> <li>• Interior Side Yard</li> </ul>	3 m [9.84 ft.] or 6 m [19.7 ft.] when zone abuts a Residential Zone
<ul style="list-style-type: none"> <li>• <b>Exterior Side Yard</b></li> <li>• Also refer to general provision <a href="#">4.24.Landscaped Open Space, Planting Strips and Visual Buffer Strip</a></li> </ul>	9 m [29.5 ft.]
Maximum <b>building height</b>	9 m [29.5 ft.]
Maximum Lot Coverage <u>Impervious Surfaces</u>	40% also see Section <a href="#">4.28 Lot Coverage –</a>
Minimum <b>landscaped open space</b> landscaping	15% with a minimum of 10% vegetated

Maximum **gross leasable floor area** for new **buildings** or **building** expansions for **retail stores**, **factory outlet** stores, business offices or a **shopping centre** shall be 828 sq. m [8,912.8 sq. ft.] but in any case this provision shall not apply to those lands lying south westerly of the intersection of Dufferin Street and Wilson Street comprised of Parts 1 to 3, Plan 27R-4486 and commonly known as the Perth Mews Mall. (By-law 3467)

Minimum **floor area** for a **catering establishment, entertainment establishment, recreational commercial establishment, retail store, factory outlet** store or a business or professional office, which is not located within a **shopping centre** 465 m<sup>2</sup> [5,000 ft.<sup>2</sup>] per individual **premises**. (By-law 3467)

### **12.3. Additional Requirements**

1. Where any lot used for a commercial use abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the commercial use lot which abuts the residential use lot unless the outside display is completely hidden by an opaque screen or buffer.
2. No **parking space** shall be located within 3 m [9.8 ft.] of any window of a residential use.
3. **Accessory buildings** and **structures** are subject to the provisions of Table 7 - Zone Regulations for Accessory Uses
4. **Motels** and **Hotels**  
Where the exterior wall of a **guest room** contains a **habitable room** window, such wall shall be located not closer than 7.5 m [24.6 ft.] from any interior side or rear lot line.
5. **Landscaped Open Space**  
The provisions of Subsection 4.24 Landscaped Open Space, Planting Strips and Visual Buffer Strip shall apply to any Commercial use in a C2 Zone that abuts a Residential Zone.
6. Setbacks on **Provincial Highway 7**  
Notwithstanding any other provision of this By-law to the contrary, the minimum setback for any new **building construction** from center-line of the right-of-way for Highway 7 (Dufferin St.) shall be 32 m [105 ft.] or the setback required for a construction permit from the Ministry of Transportation, or any subsequent road authority, whichever is greater.
7. Shopping Centre Requirements
  - a. A new **shopping centre** is permitted only on a lot meeting the minimum **lot area** requirements of this Zone.
  - b. The maximum **gross leasable floor area** of a **shopping centre** shall be 9,000 m<sup>2</sup> [96,878.3 ft.<sup>2</sup>]

### **12.4. Exception Zones**

See also Section 22 – Exceptions to Zones

**C2-1 Special Service Highway Commercial Exception One** (By-law 2402)  
C2 Regulations apply except:

- no new **building** within a **flood plain** or within an area subject to flood regulation without a permit from the Rideau Valley Conservation Authority
- no min. **lot area**
- min. **lot frontage**: 15.2 m [49.8 ft.]
- min. yards: front - 12.2 m [40 ft.]; rear - 7.6 m [24.9 ft.] interior side - 6 m [19.7 ft.]
- max. **building height**: 10.6 m [34.7 ft.]

**C2-2 Highway Commercial Exception Two** (By-law 2847)

C2 regulations apply except:

- no street **frontage** required and
- min. setback requirement for hydro substation of 1.2 m [3.93 ft.]

**C2-3 Highway Commercial Exception Three** (By-law 2988)

Permitted Uses: C2 uses and **single-detached dwelling** and **accessory uses**.

Regulations:

- C2 zone requirements apply to commercial uses
- R2 requirements apply to **single-detached dwelling**
- no further reduction of undersized yards permitted

**C2-4 Highway Commercial Exception Four** (By-law 3260)

Permitted Uses: C2 uses and **convenience store**

Regulations: C2 requirements apply except:

- max. **gross floor area**: 180 m<sup>2</sup> [1,937.5 ft.<sup>2</sup>]
- min. side yard: 0.67 m [2.19 ft.]
- min. gas pump setback from street-lines 3.6 m [11.8 ft.]
- min. setback for sign from Gore Street street-lines: 1.04 m [3.4 ft.] and 0.82 m [2.69 ft.] from other **lot lines** for **existing** signs or sign by-law setback for new signs
- min. **landscaped open space**: 2 m [6.56 ft.] along north side lot line abutting residence – not applicable if lots merge in ownership.
- required fence or vegetative buffer/visual screen: 1.8 m [5.9 ft.] **height** along north side lot line
- maintain existing vegetative buffer along rear lot line

**C2-5 Highway Commercial Exception Five** (By-law 3282 and 3628)

C2 requirements apply except:

- max. **gross floor area**: 6,350 m<sup>2</sup> [68,353 ft.<sup>2</sup>]
- min. width **landscaped open space** buffer: 3 m [9.8 ft.] along the **lot line** abutting 116A Drummond Street
- min. **parking spaces**: 248 provided the **gross floor area** for **retail store** use does not exceed 3,880 m<sup>2</sup> [41,765 ft.<sup>2</sup>], of which a



minimum **floor area** of 300m<sup>2</sup> [3,229 ft.<sup>2</sup>] shall be for indoor **garden centre** use,

- the total number of garage service bays does not exceed 10 and the outdoor **garden centre** does not exceed 560 m<sup>2</sup> [6,028 ft.<sup>2</sup>]

#### **C2-6 Highway Commercial Exception Six**

(OMB File No. 2960069)

##### **Permitted Uses**

- C2 uses
- **Personal Service Establishment**
- Cinema
- **Convenience Store**

Regulations:

C2 requirements apply except:

- -max. **gross leasable floor area** of supermarket use 3,460 m<sup>2</sup> [37,244.3 ft.<sup>2</sup>]
- min. **lot frontage**: 140 m
- min. **front yard**: 7.5m [24.6 ft.]
- max. **height** 10.5 m [34.4 ft.]
- max. **barrier free parking space**: 12 spaces

#### **C2-7 Highway Commercial Exception Seven**

(By-law 3339)

C2 Requirements apply except:

- min. rear yard: 3.96 m [12.99 ft.]
- min. width of landscaped buffer along west **lot line**: 4.5 m [14.76 ft.]:

#### **C2-9 Highway Commercial Exception Nine**

(By-law 3555)

- a. Notwithstanding the definition of "**front lot line**", on land zoned C2-9 the **lot line** abutting Drummond Street W. shall be the **front lot line**
- b. Notwithstanding any provision of subsections 4.1 or 12.2 to the contrary, the following requirements shall apply:
  - i. Minimum rear yard or setback from the rear lot line for all **buildings** and **structures**, inclusive of **accessory buildings** and first floor projections, except as provided for in the seventh row of the Table 14 in subsection 4.35 6 m
  - ii. Minimum **exterior side yard** 4.5 m
  - iii. Minimum interior side yard inclusive of **accessory buildings** 3 m
  - iv. Maximum **accessory building height** 5 m
  - v. Maximum total **gross leasable floor area** for all **buildings** partially or fully occupied by a retail use 4,645 sq. m
  - vi. Maximum **building height** shall be 6.5 m at the minimum interior side yard and it shall increase by 1 m for each 1 m increase in the interior side yard but no **building** shall exceed a **height** of 9.2 m

- vii. Maximum lot coverage for outdoor display areas, outdoor **garden centre** or **accessory** outdoor commercial storage area, or any combination thereof 50%
- viii. Notwithstanding clause 9 b) ii) above, a minimum **exterior side yard** of 3 m shall apply for a **building** extension or an **accessory structure** 4.5 m or less in **height** where such **building** extension or **accessory structure** is **constructed** solely of support and framing members and enclosed only with trellis type construction elements; or for a temporary, seasonal **structure**, which is removed during a contiguous period extending from November 1st in one year until May 1st in the following year.
- c. Notwithstanding clauses 9 b) ii) and 9 b) iv) above, if future **development** results in the northerly interior side lot line becoming an **exterior side lot line**, the minimum setback for an **accessory building**, which is functioning as a visual **buffer strip**, shall be 3 m.
- d. Notwithstanding any provision of subsections 4.1 or 12.2 to the contrary, on land zoned C2-9, within 50 metres of the northwesterly corner of the lot, one **building** may have a reduced **front yard** of 6 m provided that in any plane parallel to the **front lot line** between the reduced setback and the standard minimum **front yard** of 12 m the maximum width of the **building** in the plane does not exceed 10 m.
- e. Notwithstanding any provision of this By-law to the contrary, a maximum of 40 percent of the **front yard** may be occupied by one **accessory** outdoor storage area and a maximum of 50 percent of the **front yard** may be occupied for all **accessory** outdoor storage, outdoor **garden centre** or outdoor display uses combined.
- f. An **accessory** outdoor storage area, except for a public road entrance, shall be visually screened from any portion of a public road allowance within 20 metres of the **accessory** outdoor storage area or any adjacent residential use as per the landscaping provisions herein.
- g. Notwithstanding any provision of the definition of a "**sight triangle**" to the contrary, the northwesterly corner of the lot shall be considered a sight triangle and shall be subject to the provisions of subsection 4.40. This provision shall not apply if the northerly side lot line does not abut a road allowance upon the registration of a plan of subdivision on the abutting lands
- h. Notwithstanding any provision of subsection 4.24 to the contrary, on land zoned C2-9 **landscaped open space** buffer areas shall be provided in accordance with the following:
  - i. a **landscaped open space** buffer between an **accessory** outdoor commercial storage area and a **front lot line** shall have a minimum width of 4.5 m and, exclusive of entrance sight triangles, shall consist of any combination of berms, fencing, ground cover and

vegetation to provide a visual barrier 1.8 m in height and a visual screen to a height of 4.5 m at plant maturity.

- ii. where an **accessory** outdoor commercial storage area is adjacent to a side lot line, a **landscaped open space** buffer 3 m in width shall be maintained and shall consist of a combination of ground cover, a mix of evergreen and deciduous trees and shrubs which, in combination with either an opaque wooden privacy fence a minimum of 1.8 m in height or a **building**, shall provide a visual barrier, at plant maturity, to a height of 4.5m. Where a **building** is used as part of the visual barrier, then sufficient trees and shrubs shall be planted such that, at maturity, up to 30 % of any 6m section of the **building** will be visually screened along its entire length.
- iii. a **landscaped open space** area with a minimum width of 1.5 m shall be maintained along the rear property line and shall consist of existing or new vegetation, which at maturity will provide a 50% visual screen to a minimum height of 1.8 m.
- iv. For the purpose of the C2-9 Zone, an **accessory** outdoor commercial storage area shall mean part of a lot comprised of a contiguous outdoor area, which is enclosed by a **building**, fence, or berm, or any combination thereof, which is used for the purpose of storing building construction products and merchandise and other products, supplies, goods, wares, or merchandise in bulk for the purpose of their sale from the principal retail, wholesale or building supply operations on site.
  - i. For the purpose of the C2-9 Zone an outdoor product display area shall mean part of a lot comprised of a clearly delineated outdoor area, which is used for exhibiting completely assembled products, goods or merchandise for the purpose of marketing and selling such products, goods or merchandise from a business operating on the lot.
  - j. For the purpose of the C2-9 Zone, an outdoor **garden centre** shall mean part of a lot comprised of a contiguous outdoor area with clearly delineated boundaries, which is used for the display and sale of lawn and garden equipment, outdoor furnishings, gardening tools, supplies and materials, plants and gardening accessories.
  - k. Notwithstanding any provision of By-law 3358, to the contrary, on land zoned C2-9 no product, goods, wares, merchandise, materials, garbage or waste shall be placed outdoors accept in an outdoor storage area, outdoor product display area, outdoor **garden centre**, loading area or enclosed waste storage area. (See original By-law for holding provisions.)

## C2-10 Highway Commercial Exception Ten

(By-law 3358-38)  
(125-127 Wilson)

- a. Notwithstanding the uses permitted under any definition in Section 3 or **accessory** use under Section 4 or permitted pursuant to subsection 12.1, in the C2-10 Zone the following uses are not permitted:
- **Auto Service Station,**
  - **Auto Repair Garage,**
  - **Auto Body Shop,**
  - **Automobile Washing Establishment,**
  - **Card Lock Facility,**
  - Contractor's Yard,
  - Farm Implement Sales and Service,
  - Mini Warehouse and Public Storage,
  - **Recreational Vehicle Sales**
  - Service and Repair,
  - Warehouse
- b. Notwithstanding paragraph 10 a) above, an **administrative office** for a contracting business is permitted in the C2-10 Zone and the **existing accessory structure** on the lands known as 125 Wilson Street W being Pt Park Lot 7, lots 125, 135 and 136 Plan 8828 may be used for the storage of supplies and equipment for a contracting business with an office on site;
- c. Notwithstanding the uses permitted under Section 12.1, in the C2-10 Zone an administrative /sales office for an **automotive sales establishment** is only permitted in a **building existing** on the day the C2-10 Zone comes into effect and there shall be no more than 30 vehicles on display or in storage for sales purposes. The **existing accessory structure** on the lands known as 125 Wilson Street W being Pt Park Lot 7, lots 125, 135 and 136 Plan 8828 may be used for the washing, cleaning and preparation of vehicles for sale as an incidental use to an **automotive sales establishment** but no **building**, nor any portion of the lands in the C210 Zone shall be used to undertake mechanical repairs to a motor vehicle or as an **auto body shop**.
- d. Where one of the **existing** principal dwellings is **demolished**, the **existing accessory structure** may be used for an **administrative office** for a contracting business or an administrative /sales office for an **automotive sales establishment** and may be expanded by up to 10% for the purposes of adding washrooms and creating a formal business entrance area.
- e. Within the C2-10 Zone, an **outdoor storage area**, exclusive of a vehicle storage and display area, shall be limited to a maximum of 10% of the lot, shall be located in the rear yard, shall not extend into the minimum landscaped buffer area and shall be fully screened from public road allowances and from adjacent lots.
- f. Within the C2-10 Zone, a motor vehicle storage and display area for an **automotive sales establishment** shall be located within 38 m (125 ft.) of Welland Street.

- g. Notwithstanding any provision of Section 4 to the contrary, the **lot line** abutting Wilson Street shall be the **front lot line**.
- h. Notwithstanding the minimum **front yard** requirement under subsection 12.2, the minimum **front yard** in the C2-10 Zone shall be 9 m (29.5 ft.).
- i. Notwithstanding the Minimum Rear Yard requirement under subsection 12.2, the minimum rear yard in the C2-10 Zone shall be: 6 m (19.7 ft.) for a **building** or portion of a **building** one storey or less than 4.9 m in **height**; 7.5 m for a **building** or portion of a **building** 4.9 m to 7.5 m in **height**; and shall equal the **height** of the **building** for any **building** greater than 7.5 m in **height**.
- j. Notwithstanding any other provision of By-law 3358 to the contrary, the **existing accessory building**, in the rear yard of the lot currently known as 125 Wilson Street W., shall not be enlarged or expanded in any manner and shall not be used for any principal use permitted in the C2-10 Zone save and except as provided for under clauses 12.4 10 b), c) and d) herein.
- k. Notwithstanding any other provision of By-law 3358 to the contrary, and article 4.32.2 in particular, the **existing accessory building**, in the rear yard of the lot currently known as 125 Wilson Street W., shall not be **demolished** and replaced save and except to the extent that the **building** is damaged by fire or other calamity caused by the forces of nature and beyond the control of the owner.
- l. Notwithstanding any provision of By-law 3358 to the contrary, no **addition** to an **existing structure** shall be located within 6 m of a street-line and no **existing main building or structure** shall be expanded by more than 10 %.
- m. Notwithstanding any provision of By-law 3358, including the established **building** line provisions, and any other provision of the C2-10 Zone to the contrary, except as provided for under clause 12.4 10 d) and l) above, any new **structure** within the C2-10 Zone shall be **constructed** in accordance with the minimum yard, setback and landscaping provisions of the C2-10 Zone and no new **structure** shall be **constructed** other than as provided under said clause h) until the **existing accessory structure** on the lands known as 125 Wilson Street W being Pt Park Lot 7, lots 125, 135 and 136 Plan 8828 is **demolished**.
- n. No street entrance permitting **access** to a new commercial **building** shall locate on or within 20 m of Wilson Street
- o. Notwithstanding any provision of Section 4 to the contrary, in the C2-10 Zone the minimum width of **landscaped open space** between a **building** or a **parking area** and:
  - Wilson Street shall be 6 m (19.7 ft.)
  - Elliot Street shall be 3 m (9.8 ft.)
  - Welland Street shall be 2 m (6.6 ft.)
  - a lot in a residential zone 4.5 m (15 ft.).
- p. Notwithstanding any provision of Section 4 to the contrary, other than a directional sign, or a ground sign, no **accessory** sign shall be permitted

in a minimum **landscaped open space**; a pylon sign shall not be **accessory** to an **existing structure** and if a **building** is **erected** at the minimum **front yard** a pylon sign shall not be a permitted **accessory** use.

- q. Notwithstanding any provision of Section 4 or subsection 12.2 or article 12.4 10 clause j) to the contrary, in the C210 Zone where a new **building** is **constructed** within 10 m of the northwesterly property corner abutting the intersection of Wilson St. W. and Elliott Street and where the **front yard** and the **exterior side yard** abutting Elliot Street are used solely for **landscaped open space** and pedestrian walkways, the following zone requirements shall apply:
- i. Minimum **front yard** 6 m (19.7 ft.)
  - ii. Minimum **exterior side yard** 6 m (19.7 ft.);
  - iii. Minimum **landscaped open space** abutting a lot in a residential zone may be reduced to 3 m (9.8 ft.) where a privacy fence not less than 2.1 m (7 ft.) high is **erected** together with the planting of trees capable of providing a 50% visual screen to a height of 6 m at maturity. and may be reduced to 2 m (6.6 ft) where the specified fencing and tree planting is provided and no **parking space** faces the residential **lot line**.;
  - iv. The General Business parking requirement as per Table 4.33 under subsection 4.33 shall be reduced to one **parking space** per 20 m<sup>2</sup> (215 ft.<sup>2</sup>). (By-law 3358-38)  
(See original By-law for holding provisions.)

**C2-11 Highway Commercial Exception Eleven Zone** (By-law 3358-45)

- a. Notwithstanding the uses permitted under any definition in Section 3 or **accessory** use under Subsection 4.1 or permitted pursuant to Subsection 12.1, in the C2-11 Zone the following uses are not permitted:
- **Auto Service Station**;
  - **Auto Repair Garage**;
  - **Auto Body Shop**;
  - Full service **Bank** or Bank branch;
  - **Bulk Fuel Depot**;
  - **Card Lock Facility**;
  - Contractor's Yard;
  - Farm Implement Sales and Service;
  - **Funeral Home**;
  - Mini Warehouse and Public Storage;
  - **Personal Service Establishment**;
  - **Recreational Vehicle Sales, Service and Repair**; or a
  - Warehouse other than a warehouse **accessory** to another **permitted use**.
- b. In addition to the uses permitted in Subsection 12.1 and notwithstanding any provision of article 12.4.11. paragraph a) above to the contrary, in



the C2-11 Zone a Service Commercial Establishment, all defined **restaurants**, a financial services establishment, a **personal service use accessory** to another **permitted use**, and a drive through service are permitted.

- c. For the purposes of the C2-11 Zone the following definitions, terms and interpretations shall apply:
- i. “**Articulated Wall Design**” text moved to definitions section
  - ii. “**Bicycle Parking Space**” text moved to definitions section
  - iii. “Drive Through Service” text moved to definitions section
  - iv. Financial Services Establishment” shall mean a business not directly affiliated with a chartered **bank** or trust company that offers financial advisory services, various forms of credit, and/or investment and savings services, or mortgage brokerage services.
  - v. “**Gross Leasable Floor Area (GLFA)**” for the purpose of the C2-11 Zone shall mean the *Floor Area, Gross* designated for the exclusive use and occupancy of an owner or tenant or used as a single **premises**, and includes any **basement, mezzanine** or upper **floor areas**, as expressed in square metres and measured from the centre lines of partition walls between **premises** and/or the exterior face of outside walls, but shall exclude:
    - Any utility room occupied by mechanical, electrical, heating, cooling or similar equipment that serves the **building**;
    - publicly accessible space not used for the sale or display of merchandise including: washrooms, balconies, hallways, stairways, elevator shafts, landings and similar void spaces;
    - offices or rooms used for building management or custodial purposes;
    - staff locker rooms and lunch rooms;
    - enclosed parking or loading areas;
    - storage areas that are **accessory** to a principal use to a maximum of 10% of the **floor area** of the principal use.  
(see Maximum **gross leasable floor area**, article 12.4.11 para c) vi. below)
  - vi. **Gross Leasable Floor Area** – retail grocery-for the purpose of the C2-11 Zone, any **floor area** used for, or dedicated to, food preparation activities including: baking, cooking, or the preparation and assembly of sandwiches, food trays and platters or gift baskets (but not the display areas for such items) shall be excluded from the calculation of the gross leasable **floor area** for a retail grocery store but shall be included in the calculation of the maximum **gross leasable floor area** permitted for all other uses.
  - vii. Landscaping Definitions:
    - “Enhanced Landscaped Area (ELA)” - means a vegetated landscaped area, a minimum of 4.5 m (14.7 ft) in width that includes:



1. a berm, opaque wood fence, or wall, or any combination thereof, a minimum of 2 m (6.6 ft) in height;
2. tree plantings which, together with the preceding feature, will provide a visual screen at plant maturity to a minimum height of:
  - a. 4.5 m (14.7 ft.) when the ELA is adjacent to an outdoor storage area /use, a **commercial vehicle** parking and loading area or is screening a **building** that is up to 8 m (26.25 ft.) in height; or
  - b. 7.5 m (24.6 ft) when the ELA is screening a **building**, or a portion of a **building**, exceeding a height of 8 m (26.25 ft).

An enhanced landscaped area may be interrupted by a **driveway** or pedestrian walkway extending across the width (narrow axis) of the ELA.

- “Hard Surfaced Landscape Area” text moved to definitions section
  - “Vegetated Landscaped Area” text moved to definitions section
- viii. “Maximum Gross Leasable Floor Area” shall mean the maximum total of the **gross leasable floor area** for all **buildings** within the C2-11 Zone.
  - ix. “Parking Facility” means an area designed or intended to provide a total of 250 **parking spaces** or more either as a single **parking area** or as a cluster of two or more adjacent **parking areas** that are not more than 8 m (26 ft) apart and the perimeter of which is established by a property boundary, a **building**, or the curb or side of the travelled surface of a **driveway** or **lane**.
  - x. “Permanent Outdoor Storage and Display Area” shall mean any area of outdoor space **accessory** to a **permitted use**, that is enclosed with a **building**, fence, or berm, or any combination thereof, and may be partially covered or enclosed, which is used on a year-round basis for the bulk storage and display of building construction products and merchandise and other products, supplies, goods, wares, or equipment for the purpose of their sale by the principal retail, wholesale, building supply or **garden centre** business.
  - xi. text moved to definitions section
  - xii. text moved to definitions section.
  - xiii. text moved to definitions section.
  - xiv. text replaced with standards in General provisions
  - xv. text moved to definitions section).
- d. Notwithstanding any requirement of Subsection 12.2, or any other provision of the By-law to the contrary, in the C2-11 zone the following requirements shall apply:
    - i. The **lot line** abutting Dufferin St. (Hwy 7) shall be the **front lot line**.

- ii. The northerly limit of the C2-11 Zone running parallel to Dufferin Street shall be considered the rear lot line.
- iii. Notwithstanding any other minimum yard or **building** setback, **lot coverage**, maximum **gross leasable floor area** requirement, parking, loading or landscaping provision in Section 4 or Section 12 to the contrary, the requirements provided for in Table C2-11 [see Figure 1.1] attached hereto and forming part of this By law shall apply in the C2-11 Zone.
- iv. Notwithstanding the minimum **exterior side yard**, or the minimum rear yard setback, where the municipality takes or requires a road widening the minimum setback shall be reduced to 6 m (19.6 ft.) or, where a **building** exists, the setback created by the road widening, whichever is less.
- v. Notwithstanding any minimum yard or setback requirement of the C2-11 Zone to the contrary, no portion of any **building** shall extend:
  - within 6 m (19.6 ft) of a street intersection or the intersection of an entrance with a street; or
  - within 2 m (6.6 ft) of a required site triangle; whichever setback is greater.
- e. Notwithstanding any other provision of By-law 3358 to the contrary, for the purpose of applying all provisions and requirements of the C2-11 Zone all lands within the zone boundary shall be considered as one lot regardless that the lands and/or **buildings** may be legally divided and registered as multiple, separate ownerships.
- f. Notwithstanding any definition or provision of By-law 3358 to the contrary, for the purpose of applying all provisions and requirements of the C2-11 Zone Municipally owned land abutting a property boundary shall be considered to be a **public street** and the Zone boundary shall be considered a street line regardless of whether a **public street** has been established by By-law prior to the C2-11 Zone coming into effect.
- g. Notwithstanding any provision of Subsections 4.34, 4.35, 4.33 to the contrary, in the C2-11 Zone a seasonal **garden centre** may occupy part of a required on-site **parking area** but shall not exceed a maximum area of 1,115 m<sup>2</sup> (12,000 ft<sup>2</sup>).
- h. Notwithstanding the maximum **gross leasable floor area** or **gross floor area** as specified in Table C211 [Figure 1.1] or article 12.4.11. clauses k. ii) iii) below, where additional **lot area** is permanently committed as vegetated **landscaped open space** in excess of the minimum 20% **landscaped open space** required, the maximum **gross leasable floor area** permitted, including **floor area** occupied by retail uses, shall be increased by 75 m<sup>2</sup> (807 ft<sup>2</sup>) for each 25 m<sup>2</sup> (269 ft<sup>2</sup>) of additional vegetated **landscaped open space** that includes the planting of one tree. The maximum increase permitted shall be 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) of glfa or an increase of 557.4 m<sup>2</sup> (6,000 ft<sup>2</sup>) in the **gross floor area**; whichever is greater.

- i. Notwithstanding any provision of Section 4 to the contrary, and except where the side of a parking facility in the C2-11 Zone abuts a lot in another commercial or industrial zone category, a parking facility shall include the following **landscaped open space** elements:
- i. **Landscaped Open Space** areas shall be provided on the perimeter or any side of the parking facility, or portion thereof, more than 12 m (39.4 ft.) from the front wall of a **building** (the wall encompassing the primary public access/entry) and shall have the following design features:
- a minimum width of 4 m (12 ft)
  - a 2 m (6.6 ft.) wide sidewalk throughout its length
  - the balance of the **landscaped open space** shall be comprised of vegetated landscaped area with trees having an average of 6 m (19.6 ft.) spacing between trunk centers.
- The perimeter **landscaped open space** areas may be interrupted only with **driveways** or **access lanes** to the **parking areas**.
- A vegetated **landscaped open space** area abutting a **public street** and meeting the provisions of Table C2-11 Item 15 c) [Figure 1.1] shall be equivalent to a required landscaped side. A treed, vegetated landscaped area a minimum of 3 m (9.8 ft.) wide and abutting a property boundary other than a street line shall also be considered to address the perimeter landscaped area required under this Subsection.
- ii. a **landscaped open space** area 4 m (12 ft.) wide including the same design elements as article 12.4.11. para i) clause i. above, shall be located between the **parking areas** in a parking facility. The **landscaped open space** area may be used for snow storage and may be interrupted with one **access** or connecting lane for vehicles for each 50 m (164 ft.) segment, or part thereof, in the length of the landscaped area.
- iii. where the vegetated component of the perimeter **landscaped open space** areas are widened by 0.5 m, (i.e. a total width of 4.5 m) the landscaped area provided for under article 12.4.11 para i) clause ii. above may be narrowed to 3 m (9.8 ft.).
- iv. Where vegetated landscaped area exceeding the 15% minimum is provided and alternate locations for the trees required under clause ii are established through a site plan agreement, **Council** may **alter** the landscaped area required under clause ii above to remove the requirement for trees, reduce the width and permit the sidewalk to be replaced with an at grade pedestrian walkway and may **Alteration** the width of any perimeter landscaped area.
- j. Notwithstanding any provision of Subsection 4.42 to the contrary, no **accessory** sign shall be permitted in a minimum **landscaped open**

**space** area abutting a street other than directional signage, a maximum of four ground signs, and a maximum of one pylon sign. The one pylon sign shall be located in a **front yard** or **exterior side yard** within 20 m (65.6 ft.) of a **public street** entrance; or within 30 m (98.4 ft) of the **front lot line** and shall not be placed on a **building**. All signage shall comply with the Sign and Merchandise Display By-law 3257.

- k. The following Holding Provisions shall be applied to the C2-11 Highway Commercial Exception Eleven Zone to address various conditions and issues that need to be addressed before some forms of **development** or some expansion of **development** will be permitted. These holding provisions are as follows: C2-11-h,-h1, -h2, -h3. The issues to be addressed under each holding provision applied are as follows:
- i. The effect of the holding (-h) provision shall be to prohibit any commercial use or occupancy of the subject lands, other than uses existing as of the day By-law 3358 was passed, or a retail use of less than 828 m<sup>2</sup> (8,912.8 ft<sup>2</sup>) located within 177 m (580.7 ft.) of Dufferin Street until a site plan process has been completed to the satisfaction of the Town of Perth to ensure adequate parking, entrance, buffering, screening landscaping, storm water management, servicing and utility design and traffic management; the submission of a lighting plan that will ensure low level, cut off and directional lighting is used and there is no light spillage off-site; a noise impact report identifying anticipated noise sources with recommendations for limiting noise impacts on adjacent areas intended for residential use; a **development** agreement has been completed to the satisfaction of the Town of Perth and the Ministry of Transportation pertaining to off-site servicing improvements; any permits required from the Ministry of Transportation have been obtained.
  - ii. The effect of the (-h1) holding provision shall be to prohibit a **restaurant**, an **automobile washing establishment** or a **laundromat** until a report prepared by a qualified engineer evaluating the potential sanitary treatment demand and sanitary sewage collection demand prepared by a qualified engineer has been submitted to and accepted by the Town of Perth and any conditions of the report or recommendations by municipal staff have been implemented under a site plan agreement and/or another formal agreement acceptable to the Town of Perth.
  - iii. The effect of the -h2 holding provision shall be to limit **development** to the maximum **gross leasable floor area** and maximum *Floor Area, Gross* specified in table C2-11 [Figure 1.1]. Upon removal of this holding provision, the maximum **gross leasable floor area** will increase to 15,050 m<sup>2</sup> (162,000 ft<sup>2</sup>) and the maximum **gross floor area** will increase to 18,060 m<sup>2</sup> (194,400 ft<sup>2</sup>). The ( h2) holding provision may be removed upon the following conditions being met:

- The date of construction for additional **development** is after the first day of January 2016.
  - The owner demonstrates to the satisfaction of the Town of Perth that the commercial floor space occupancy rate in the downtown, being the lands designated Central Area District in the Official Plan, is not less than 90% and was not less than 90 % in the same month one year prior to the request to remove the –h2 provision.
  - No vacant commercial floor space outside the C2-11 zone, existing at the time this by-law is passed has been, redeveloped or occupied for retail use with a gross leasable floor space of 464.5 m<sup>2</sup> (5,000 ft<sup>2</sup>) or more and the Town has no active building or planning applications providing for such **development**.
  - No commercial **building** existing outside the C2-11 zone at the time this by law is passed has been expanded by 464.5 m<sup>2</sup> (5,000 ft<sup>2</sup>) or more for retail use and the Town has no active planning applications providing for such **development**.
  - Other than land within the C2-11 Zone, no land that is vacant at the time this by-law is passed has been developed for retail use with a gross floor space in excess of 464.5 m<sup>2</sup> (5,000 ft<sup>2</sup>) and the Town has no active planning applications providing for such **development**.
  - The owner submits a report by a qualified economic consultant which confirms to the satisfaction of the **Council** of the Town of Perth that the economic growth, population growth, employment rate, income levels, sales per square foot, and market recapture predicted to occur by 2016 in the Kircher Research Associates (KRA) report dated February 2007 and addendum report dated May 2008 have been achieved.
  - Article 12.4.11. Para k) clause iii) 1. and 3. through 5. above do not apply where the report provided for in Article 12.4.11. Para k) clause iii) 6. demonstrates to the satisfaction of the **Council** of the Town of Perth that the specified growth and performance indicators from the KRA report have been exceeded to the extent that additional **development** may be accommodated notwithstanding that one or more of the **developments** referred to in Article 12.4.11. Para k) clause iii) 4. and 5. have taken place.
- iv. The effect of the –h3 holding provision shall be to limit **development** within the C2-11 Zone to a maximum **gross leasable floor area** of 15,050 m<sup>2</sup> (162,000 ft<sup>2</sup>) and a maximum **gross floor area** of 18,060 m<sup>2</sup> (194,400 ft<sup>2</sup>) Upon removal of the –h3 holding provision, the maximum **gross leasable floor area** will increase to 15,979 m<sup>2</sup> (172,000 ft<sup>2</sup>) and the maximum **gross floor area** will

increase to 19,175 m<sup>2</sup> (206,400 ft<sup>2</sup>). The (-h3) holding provision may be removed upon the following conditions being met:

- The date of construction for additional **development** is after:
  1. the first day of January 2021; or
  2. at least 75% of the maximum **gross floor area** permitted in the C2-11 Zone upon removal of “-h2” holding provision has been completed for a minimum of 36 months; whichever of these conditions establishes the longest period after removal of the “-h2” provision.
- The owner demonstrates to the satisfaction of the Town of Perth that the commercial floor space occupancy rate in the downtown, being the lands designated Central Area District in the Official Plan, is not less than 90% and was not less than 90 % in the same month one year prior to the request to remove the –h3 provision.
- No vacant commercial floor space, existing at the time the “ h2” holding provision was removed has been redeveloped or reoccupied for a single retail **development** with a floor space in excess of 464.5 m<sup>2</sup> (5,000 ft<sup>2</sup>) within the past 36 months and the Town has no active building or planning applications providing for such **development**.
- No commercial **building** existing at the time the “–h2” holding provision was removed has been expanded by 464.5 m<sup>2</sup> (5,000 ft<sup>2</sup>) or more for retail use within the past 36 months and the Town has no active planning applications providing for such **development**.
- Other than land within the C2-11 Zone, no property that was vacant at the time “–h2” holding provision was removed has been developed for retail use with a floor space in excess of 464.5 m<sup>2</sup> (5,000 ft<sup>2</sup>) within the past 36 months and the Town has no active planning applications providing for such **development**.
- The owner submits a report by a qualified economic consultant/market analyst, which confirms to the satisfaction of the Town of Perth that the economic growth, population growth, employment rate, income levels, sales per square foot, and market recapture predicted to occur by 2020 in the KRA report and supplementary report dated February 2007 and May 2008 have been achieved or exceeded.
- Article 12.4.11. Para k) clause iv) 1. and 3. through 5. above do not apply where the report provided for in Article 12.4.11. Para k) clause iv) 6. demonstrates to the satisfaction of the **Council** of the Town of Perth that the specified growth and performance indicators from the KRA report have been exceeded such that additional **development** may be accommodated notwithstanding



- that one or more of the **developments** referred to in Article 12.4.11. Para k) clause iv) 3. 4. and 5. have taken place.
- v. In the event that the – h2 and/or the – h3 holding provision have not been removed as of January 1st 2023 then the conditions applicable to Article 12.4.11. Para k) clauses iii) and iv) above shall be deemed to have been met and the – h2 and – h3 holding provisions shall cease to apply:
- On January 1st 2025; or
  - 24 months after **development** on site exceeds a **gross leasable floor area** of 12,727 m<sup>2</sup> (137,000 ft<sup>2</sup>); whichever is later; and at that time **development** may proceed to the maximum **gross leasable floor area** and the maximum **gross floor area** permitted pursuant to Article 12.4.11. Para k) clause iv)”
- I. Table C-2-11 [Figure 1.1] attached hereto is hereby incorporated into and forms part of this bylaw. For the purposes of this By-law, in the case of any inconsistencies or conflicts between the text of the By-law and the table attached hereto as Table C-2-11, the terms of the text shall govern.

**C2-12 Highway Commercial Exception Twelve** (By-Law 3358-100)  
Notwithstanding the **permitted uses** identified in Section 12.1, an **auto repair garage** and a truck terminal shall be additional **permitted uses** on lands zoned C2-12



## Section 13. Neighbourhood Commercial (C3) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Neighbourhood Commercial (C3) Zone except in accordance with the following provisions.

### 13.1. Permitted Uses

- **Accessory Use, building or structure** (see 4.1 Accessory Buildings)
- **Additional Dwelling**
- **Convenience Store or Confectionary Store**
- **Institutional Use**
- **Public Use or Public Service Facility**
- **Personal Service Use**
- Professional Offices or **Clinic**
- Uses at the same scale and with the same requirements as a **home based business** (per section 4.19 Home Based Businesses) but independent of a residence
- Residential up to two units
- Wellness Centre

### 13.2. Zone Requirements

Minimum **lot area** ..... 450 m<sup>2</sup> [4,843.9 ft.<sup>2</sup>]

Minimum **lot frontage** ..... 15 m [49.2 ft.]

Minimum Yards:

- **Front Yard** 7.5 m [24.6 ft.]
- Rear Yard 7.5 m [24.6 ft.] or  
10.6 m [34.7 ft.] when zone abuts a Residential Zone
- Interior or Side Yard 3 m [9.84 ft.] or  
6 m [19.7 ft.] when zone abuts a Residential Zone
- **Exterior Side Yard** 6 m [19.7 ft.]
- also refer to general provision 4.24 i) Landscaping Requirements  
Prevail

Maximum **floor area** of Commercial Use ..... 180 m<sup>2</sup> [1,937.5 ft.<sup>2</sup>]

Maximum **building height** ..... 7.5 m [24.6 ft.]

**Maximum Lot Coverage** ..... 35%

Refer to Section 4.1.1 Provisions for all accessory uses, Buildings, and structures para i) and Section 4.28 Lot Coverage – Impervious Surfaces

### 13.3. Additional Requirements

- a. Where any lot used for a commercial use abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the commercial use lot which abuts the residential use lot unless the outside storage is completely hidden by an opaque visual screen or buffer.
- b. No **parking space** shall be located within 3 m [9.8 ft.] of any window of a residential use.
- c. An **additional dwelling** may be located on the 1st or 2nd storey of a **building** provided the unit complies with the Building Code and has a separate **access** to the street level.
- d. **Accessory buildings** and **structures** are subject to the provisions of Table 7
- e. **Landscaped Open Space** – The provisions of Subsection 4.24 Landscaped Open Space, Planting Strips and Visual Buffer Strip shall apply to any Commercial use in a C3 Zone that abuts a Residential Zone.

### 13.4. Exception Zones

See also Section 22 – Exceptions to Zones

**C3-1 Neighbourhood Commercial Exception One** (By-law 2389)  
Provisions from Section 22

The only **permitted use** shall be a **Clinic**

**C3-2 Neighbourhood Commercial Exception Two** (By-law 3240)  
**Provisions moved from Section 22**

C3 requirements apply except:

- Setbacks shall be as per locate survey attached to By-law 3240
- commercial use limited to existing 108 m<sup>2</sup> [1162.5 ft.<sup>2</sup>] on main floor
- required parking: 9 spaces; - 2 accessed from Drummond Street East reserved for customers and 7 accessed from Craig Street reserved for commercial and residential tenants

**C3-3 Neighbourhood Commercial Exception Three Zone** (By-law 3501)

- a. Notwithstanding Despite any provision of subsection 13.1 to the contrary, on land zoned C3-3, the only **permitted uses** shall be a **clinic**, an **institutional use**, a **public use or public service facility** and **additional dwellings**.
- b. Despite any provision of subsection 13.2 to the contrary, on land zoned C3-3, the following zone provisions shall apply:
  - i. Maximum **floor area** for Commercial Use 510 m<sup>2</sup> (5,490 ft.<sup>2</sup>)
  - ii. Minimum westerly interior side yard 3 m (9.8 ft.)

- iii. Maximum **building height** 8 m [26.2 ft.]
- iv. Maximum number of **dwelling units** 4

**C3-4 Neighbourhood Commercial Exception Four Zone**

**205 Gore St. E**

(By-law 3558-78 and -84)

- a. Notwithstanding any provision of subsection 13.1 Permitted Uses or Section 4 General Provisions to the contrary, on land subject to the C3-4 Zone, **dwelling units** are permitted as a principal use of the property subject to the following:
  - i. Maximum number of **dwelling units** 3
  - ii. Maximum number of dwellings with three or more bedrooms 2
  - iii. Maximum number of **dwelling units** when a commercial use is on site 1
  - iv. Parking for **dwelling units** with two bedrooms or less 1 space per unit
- b. Notwithstanding any provision of subsection 13.1 Permitted Uses or Section 4 General Provisions of By-law 3358 to the contrary, a computer retail and repair services store shall be a **permitted use** in addition to all of the **permitted uses** listed in Section 13.1 Permitted Uses and the ancillary residential uses per article a) above.
- c. Off-street **parking spaces** located in the **front yard** between the **building** and the street line of 205 Gore Street East shall be line painted to clearly demarcate each **parking space**. The dimensions for demarcating **parking spaces** shall be as set out in article 4.33.8 Dimensions of Parking Spaces for a standard **parking space**.
- d. The maximum **gross leasable floor area** for any permitted commercial use shall be 140 m<sup>2</sup> (1,507 ft.<sup>2</sup>).

**C3-5 Neighbourhood Commercial Exception Five Zone**

(By-law 3558-86)

(183 Gore St. E)

- a. In addition to the uses permitted in subsection 13.1 Permitted Uses, a **single-detached dwelling** and the **home based business** uses listed in article 4.19.1 Scope of Permitted Home Based Businesses are permitted in the C3-5 Zone.
- b. Any permitted business or non-residential use shall occur within a wholly enclosed **building** and the provisions of articles 4.19.3 Regulations for Home Based Businesses and 4.19.4 Employees, Hours and Parking for Home Based Businesses apply to uses in the C3-5 Zone except that the maximum number of employees, in addition to the owner, shall be two.
- c. Other than repair work, there shall be no new exterior openings to the **existing building** located within 3 m of the rear lot line with respect to the walls facing the rear or northerly side lot line.

- d. The **existing building**, located within 3 m of the rear lot line, was an **accessory building** and compliant with the rear yard requirement of Bylaw 3358 prior to the passage of this amendment. Upon this by-law coming into effect and the **building** being occupied for business purposes it will become a legal non-complying **principal building**. Notwithstanding Subsection 4.32, the **building** shall not be modified in any dimension and, except where the **building** is damaged or destroyed by fire or other calamity beyond the control of the owner, if the **building** is **Demolished** by the owner, any **replacement building** shall comply with the minimum rear yard requirement of the C3 Zone.
- e. Notwithstanding any provision of subsection 4.22 to the contrary, the **driveway** and **parking area** in the C3-5 zone will be buffered from an abutting residential use by a screening fence, providing a minimum of 90% **visual buffering** from 10 cm above grade to 1.8 m above grade and extending along the side lot line starting 7m from the **front lot line** and extending to a point 15 m from the **front lot line**.
- f. Notwithstanding any provision of subsections 4.34 and 4.35 to the contrary, in the C3-5 zone a **detached** dwelling with one bedroom shall only require one **parking space**.

**C3-6 Neighbourhood Commercial Exception Six Zone** (By-Law 3358-94)  
(240 Gore St E)

Despite any provision of Section 4 General Provisions or subsections 13.1 Permitted Uses, 13.2 Zone Requirements or 13.3 Additional Requirements to the contrary, a pharmaceutical dispensary, a **retail store** and a **restaurant** are permitted in the C3-6 Zone and the following zone requirements shall apply.

- a. Maximum number of **retail stores** excluding a dispensary 2.
- b. Maximum number of **restaurants** 1.
- c. Maximum **floor area** for a **restaurant** 233 m<sup>2</sup> (2,500 ft.<sup>2</sup>)
- d. Maximum **floor area** per commercial **premises** other than a medical **Clinic** 200 m<sup>2</sup> (2,150 ft.<sup>2</sup>)
- e. Maximum total **gross leasable floor area** for commercial use 1,115 m<sup>2</sup> (12,000 ft.<sup>2</sup>).
- f. The **front lot line** shall be Gore Street (Rideau Ferry Road).
- g. For any portion of the **front yard** that is not part of a required sight triangle the minimum **front yard** for a **building** with a **height** of 7.5 m or less shall be 3 m.
- h. For any portion of the **exterior side yard** that is not part of a required sight triangle the minimum **front yard** for a **building** with a **height** of 7.5 m or less shall be 3 m.
- i. A **building constructed** with a **front yard** or **exterior side yard** of 3m shall not exceed two-stories.
- j. Maximum number of **apartment dwelling** units 35
- k. No setback will be required between single storey **buildings** or **structures** used as a pedestrian or service delivery link between main **buildings**,

**accessory buildings** or the boundary with the R4-25 Zone provided such **buildings** or **structures** do not exceed a maximum width [extending between the outer limit of exterior walls] of 6.5 m

- l. Compliance with the minimum parking requirement shall be determined based on the total number of **parking spaces** in the R4-25 Zone and the C3-6 Zone.
- m. No more than one entrance, comprised of ingress and egress **lanes**, shall be permitted in the C3-6 Zone.

No change in use of the property shall be permitted until the holding provision is removed. The holding provision shall only be removed once a site plan and connections to municipal services are ensured pursuant to an agreement.

## Section 14. Service Commercial (C4) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Service Commercial (C4) Zone except in accordance with the following provisions.

### 14.1. Permitted Uses

- A **catering establishment**
- A Mini Warehouse / Rental Storage Facility
- A Printing or Publishing Establishment
- A Veterinary **Clinic** with no outdoor facilities for animals
- The sale and service of non-pharmaceutical medical, or dental supplies and equipment
- The sale and service of office furniture and equipment
- Uses **accessory** to one of the above **permitted uses**
- No **permitted use** shall include the repair of motor vehicles or combustion engines or the exterior venting of paint or solvent fumes

### 14.2. Zone Requirements

Minimum **lot area** 2000 m<sup>2</sup> [21,528.5 ft.<sup>2</sup>]

Minimum **lot frontage** 30 m [98.4 ft.]

Minimum Yards: also refer to general provision [4.24 i](#)

- **Front Yard** 7.5 m [24.6 ft.]
- Rear Yard 10 m [32.8 ft.]
- Interior or Side Yard 3 m [9.84 ft.]
- Side Yard abutting Residential Zone 6 m [19.7 ft.]
- **Exterior Side Yard** 7.5 m [80.7 ft.]

Minimum **landscaped open space** 25%

Maximum Lot Coverage 20% Refer to Subsection [4.1.1\(i\)](#)  
and also see Subsection [4.28](#)

Maximum **building height** 7.5 m

Maximum number of Stories 2

Maximum number of **parking spaces** 15

Maximum number of uses/**premises** 2

Outdoor storage and display of goods or products None

No **parking space** shall be located within the **Front Yard** or within 3 metres of a **Dwelling Unit** on another lot.

Notwithstanding any provision of subsection [4.35](#) to the contrary, the largest contiguous storage area shall be subject to the same parking requirement as a warehouse.

**accessory buildings** and **structures** are subject to the provisions of [Table 7](#)

### **14.3. Exception Zones**

See also Section 22 – Exceptions to Zones



## Section 15. Business Park (C5) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Business Park (C5) Zone except in accordance with the following provisions:

### 15.1. Permitted Uses

- **Animal Shelter** (limited to lands fronting on **County** Road 511)
- Artist, artisans or crafts studios and associated or ancillary retail outlets
- **Audio/Visual Studio**
- **Bakery** and / or **Bake Shop**
- **Business, Professional and/or Administrative Office**
- **Café or Snack Bar**
- **Clinic**
- **Custom Workshop**
- **Dry Cleaning Establishment**
- **Factory Outlet**
- **Industrial Uses**, Class One only
- **Laundromat**
- Microbrewery
- **Personal Service Establishment**
- **Place of Assembly**
- **Public Service use**
- **Private Club**
- **Recreational Commercial Establishment**
- **Restaurant**
- **Retail Store**, including a **Convenience Store or Confectionary Store**
- Service Commercial Uses, including: a **Catering Establishment**, a mini warehouse/ personal storage facility, a printing or publishing establishment, the sale and service of non-pharmaceutical medical, or dental supplies and equipment, the sale and service of office furniture and equipment.
- Sound, music, photography and / or video studio
- Taxi Stand
- Video rental outlet
- Warehousing

### 15.2. Zone Requirements

Minimum **lot area** 2000 m<sup>2</sup> [21,528.5 ft.<sup>2</sup>]

Minimum **lot frontage** 30 m [98.4 ft.]

Minimum Yards: also refer to general provision 4.22 i)

- **Front Yard** 7.5 m [24.6 ft.]
- **Rear Yard** 10 m [32.8 ft.]
- **Interior or Side Yard** 3 m [9.84 ft.]

- Yard abutting Residential use or Zone 6 m [19.7 ft.] plus one metre for each story over two with a minimum set back of 10m from an **existing** dwelling
  - **Exterior Side Yard** 7.5m [24.6 ft.]
  - also refer to general provision 4.22 i)
- Minimum **Landscaped Open Space** 15%
- Maximum Lot Coverage 40%
- refer to Subsection 4.1.1 para. i. and also see Subsection 4.28
- Maximum **Building Height** 15 m [49.2 ft.]
- Outdoor Storage of goods or products None

### **15.3. Additional Requirements**

- a. The maximum total **floor area** for all **factory outlet** and **retail stores**, which are not **accessory** to or associated with another **permitted use** for the purpose of selling the goods of the associated use, shall be 828 m<sup>2</sup> (8,912.8 ft.<sup>2</sup>).
- b. The Maximum number of **restaurants** shall be one per each 4,000 m<sup>2</sup> (43,056 ft.<sup>2</sup>) of **floor area** in the C5 Zone.
- c. The Maximum total **floor area** for all business or professional offices, which are not **accessory** to or associated with another **permitted use**, shall be 828 m<sup>2</sup> (8,912.8 ft.<sup>2</sup>).
- d. **Accessory buildings** and **structures** are subject to the provisions of Table 7 - Zone Regulations for Accessory Uses
- e. For the purpose of the C5 Zone a **café or snack bar** shall mean an establishment or an **accessory** use to another **permitted use** where food and / or beverages are prepared for sale to the public, which generally provides either a convenience food menu or a limited specialty menu; has a maximum **floor area** of 20 m<sup>2</sup> (215 ft.<sup>2</sup>), exclusive of patron seating, maximum seating for 10 patrons; and shares a common washroom with another use or with **public use** space. A **café or snack bar** shall not be a **restaurant**.
- f. The maximum number of **café or snack bar** uses shall be 2 for every 4,000 m<sup>2</sup> (43,056 ft.<sup>2</sup>) in a **building**, or 1 for every 1,000 m<sup>2</sup> (10,764 ft.<sup>2</sup>) net floor space for other **permitted uses** excluding a **restaurant** or any residential use, whichever is greater.
- g. A **retail store** or suite that is not **accessory** to or associated with another **permitted use** in a **building** shall have a **floor area** of less than 65m<sup>2</sup> or greater than 186m<sup>2</sup>.
- h. **Public service** and public assembly uses, may include: offices of a **public service** agency, health and recreational services and facilities, **private clubs**, youth and cultural services and training services other than an

elementary school, day care center, a shelter providing overnight occupancy or an emergency service use.

- i. **Dwelling Units**, where permitted, and retail, **restaurant**, personal service, **clinic**, business and professional office, and **public service**, and public assembly uses which are not **accessory** to another **permitted use**, shall be considered sensitive land uses.
- j. Where a site is zoned for a mixed-use **development** and permits any sensitive land use, then no use requiring or involving the bulk storage, processing, or high volume use in production, of toxic, highly flammable or hazardous materials or gasses stored under pressure shall be permitted in the same **building**.
- k. Where a site is zoned for mixed-use **development**, sensitive and non-sensitive uses shall not share a **common hallway**, and shall not share a common wall except where suites have a firewall separation and are environmentally separate with respect to ventilation.
- l. Where residential uses are permitted by site specific amendment to the by-law, then, except for home offices or suites designed for “live-work” purposes, residential uses / units and non-residential / units shall not have their principal entrances on a **common hallway**. Residential uses shall be separated from other uses by the creation of an exclusive **access** / entrance to the exterior of the **building** limited to residential use or by installation of fire and security doors to create an exclusive residential uses area.

#### **15.4. Exception Zones**

See also Section 22 – Exceptions to Zones

##### **C5-1 Business Park Exception One Zone** (By-law-3514 1 Sherbrooke St) (By-law 3358-108 16 Conlon Drive)

- a. On land within the C5-1 Zone one **accessory** apartment unit, for occupancy by a building manager or custodian is permitted provided the apartment unit does not exceed a **floor area** of 80 m<sup>2</sup> (861 ft.<sup>2</sup>) and all other uses and provisions of the C5 Zone shall apply. (By-law 3358-74)
- b. Work live units are permitted in the C5-1 Zone and for the purposes of this zone shall be defined as: a business **premises** with an **accessory** living space for the business owner/operator where the **floor area** dedicated to business use is clearly predominant and distinguishable from mixed-use space and physically separated from the dedicated residential use space. There shall be one primary entrance serving the work-live unit and **access** to the exclusive residential use space shall be through the business use space. The needs of business occupancies will take precedence over the quiet enjoyment expectations of the residential, in that there may be some

evident, noise, odours or other impacts, as well as employees, walk in trade or sales.

- c. **Permitted uses** in a Work-Live unit will include:  
**Home Based Business permitted uses** per article 4.19.1 Scope of Permitted Home Based Businesses excluding daycares and taxi services and Business Park Permitted Uses excluding **restaurants**, video rental, **place of assembly, private clubs, recreational commercial establishment** and **Industrial Uses**.

All uses will be subject to provisions of **home based business** articles 4.19.2 and 4.19.3 and no hazardous wastes or storage of toxic, volatile or highly inflammable substances is permitted.

- d. Despite any other provision of the C5 Zone, C5-1 Zone, or Section 4 to the contrary, Work-live units shall be subject to the following requirements:

- i. Minimum unit size: 83.6 m<sup>2</sup> (900 ft.<sup>2</sup>)
- ii. Maximum unit size: 200 m<sup>2</sup> (2,150 ft.<sup>2</sup>)
- iii. Percentage Floor space use in Work/live units:
  - 50% commercial (min),
  - 35% dedicated residential use space (max) or 56 m<sup>2</sup> (600 ft<sup>2</sup>) whichever is less with a maximum of two bedrooms, except that the **existing** unit on the third floor (#302) may have up to 57.6 m<sup>2</sup> (620 ft<sup>2</sup>) of residential use space;
  - 15% mixed-use space (max) or 18.6 m<sup>2</sup> (200 ft.<sup>2</sup>) whichever is less;
- iv. Minimum dedicated residential floor space: - 29 m<sup>2</sup> (312 ft.<sup>2</sup>)
- v. Work-live units shall be located entirely within 20 m (66 ft.) of the **exterior side lot line** abutting Sherbrooke Street to maintain an adequate separation from the railway and may occupy up to 50% of the leasable floor space of the **building** within this maximum setback to a maximum of 12 units.
- vi. Parking:
  - dedicated residential use space one (1) space
  - business use one (1) space plus one space for a business **floor area** exceeding 46.5 m<sup>2</sup> (500 ft.<sup>2</sup>) plus one space for each employee.
- vii. Maximum Number of Employees: two (2).
- viii. The dedicated residential use area shall include all sleeping, cooking and bathroom spaces and must be physically and visually separated from the business floor space.

- ix. Only one work-live unit or **accessory** apartment shall be permitted on the main floor and shall occupy no more than 20% of the leasable **floor area** and the work-live unit will be subject to all preceding requirements.
- x. Dedicated business **floor area** shall be determined or demonstrated by a change in floor covering and/or an evident barrier and the presence of equipment or furniture clearly designed and intended for the exclusive use of the permitted business/commercial occupancy.

**C5-2 Business Park Exception Two Zone** (By-law 3574 1881 Rogers Road)

Despite any provision of subsection 15.3 to the contrary, on land zoned C5-2 a maximum **floor area** of 2,325 m<sup>2</sup> (25,027 ft.<sup>2</sup>) shall be permitted for **business, professional or administrative offices**. All other provisions of the C5 zone shall apply. (See original By-law for holding provisions.)

**C5-3 Business Park Exception Three Zone** (By-law 3471)  
(105 – 115 Dufferin St.)

Despite any provision of this By-law to the contrary, on land within the C2-8 Zone, one **accessory** one-bedroom apartment unit, for occupancy by a person employed by the building owner as a building manager or custodian, may be permitted provided the apartment does not exceed a **floor area** of 62.5 sq. m (672 sq. ft.) and one additional **parking space** is allocated for exclusive use of the occupant.

**C5-4 Business Park Exception Four (C5-4) Zone** (By-law 2990)  
Formerly M1-1 Zone (8, 10 Herriott, 18 Sherbrooke, 25 Riverside Dr.)

**Permitted Uses**

- C5 uses excluding a **restaurant**, other than a **Café or Snack Bar**
- **Dwelling Unit**

C5 requirements apply except:

- i. no further reduction of non-complying yards permitted
- ii. R2, R3 or R4 zone requirements apply to exclusive residential uses
- iii. the maximum number of residential **Dwelling Units** on all lots subject to the C5-4 Zone shall be 5 with 3 **Dwelling Units** permitted on lands municipally known as 8 and 10 Herriott Street and 2 **Dwelling Units** permitted on the lands municipally known as 18 Sherbrooke Street.
- iv. 1 **parking space** per 32.5 m<sup>2</sup> [349.8 ft.<sup>2</sup>] of non-residential floor space
- v. 1.2m [3.93 ft.] landscaped **Buffer Strip** applies to any border of a **parking area** abutting a residential use
- vi. vehicular **Access** across Crown Land prohibited except for the existing legal right-of-way
- vii. min. interior side yard for **accessory building** 0.3 m [.98 ft.]
- viii. no **building** openings below 133.39 m [437.6 ft.] flood elevation.
- ix. new **Development** shall require a storm-water management plan.

- x. Vehicular and pedestrian **Access** to be above flood elevation
- xi. Lands in the C5-4 Zone are subject to Rideau Valley Conservation Authority (RVCA) regulation and all new **Development** shall require a permit from the Authority
- xii. A new residential use shall only be permitted when a contiguous safe **Access** route above the regulatory flood elevation for pedestrians and emergency vehicles is demonstrated to the satisfaction of the RVCA.

**C5-5 Business Park Exception Five (C5-5) Zone**

(By-law 2386)

Formerly M2-1 Zone Provisions moved from Section 22

(127 Smith Dr. Conlon Farm)

C5 requirements apply except:

- min. **lot area**: 1,393.5 m<sup>2</sup> [15,000 ft.<sup>2</sup>]
- min. **lot frontage**: 22.9 m [75.1 ft.]
- min. **Front Yard**: 7.6 m [24.9 ft.];
- min. **Exterior Side Yard**: 7.6 m [24.9 ft.]
- min. interior side yard: 4.6 m [15 ft.]
- min. rear yard: 12.2 m [40 ft.];
- max. lot coverage: 65%
- min. **Landscaped Open Space**: 10%

## Section 16. Restricted Industrial (M1) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Restricted Industrial (M1) Zone except in accordance with the following provisions.

### 16.1. Permitted Uses

- **Accessory use, building** or **structure** (see 4.1 Accessory Buildings)
- **Accessory** commercial use or service outlet
- **Class I Industry Use**, including a **bakery**
- Mini Warehouse
- Warehouse
- **Cannabis** production and processing
- **Cannabis** processing facility

### 16.2. Zone Requirements

Minimum <b>lot area</b>	930 m <sup>2</sup> [10,010 ft. <sup>2</sup> ]	See also <u>16.3</u> paragraph f)
Minimum <b>lot frontage</b>	23 m [75 ft.]	
Minimum Yards:		
• <b>Front Yard</b>	7.5 m [24.6 ft.] or 12 m [39.3 ft.] where zone abuts a Residential Zone	
• Rear Yard	6 m [19.7 ft.] or 12 m [39.3 ft.] where zone abuts a Residential Zone	
• Interior Side Yard	3 m [9.84 ft.] one side, 6 m [19.7 ft.] other side or 12 m [39.3 ft.] where zone abuts a Residential Zone - See also subsection 16.3 paragraphs g) and h)	
• <b>Exterior Side Yard</b>	6 m [19.7 ft.] or 9 m [29.5 ft.] where a residential zone is located within 20 m [65.6 ft.] see article 4.27.2	
•	also refer to general provision 4.22	
Maximum <b>building height</b>	12 m [39.3 ft.]	
Maximum Lot Coverage	50% refer to Subsection <u>4.1.1</u> para. i. and also see Subsection <u>4.28</u>	
Minimum <b>landscaped open space</b>	10%	

### 16.3. Additional Requirements

- a. Where any lot used for an **Industrial Use** abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the **Industrial Use** lot which abuts the residential use lot unless the outside storage is completely hidden by an opaque visual screen or buffer.
- b. No **parking space** shall be located within 3 m [9.8 ft.] of any window of a residential use.
- c. **Landscaped Open Space**  
The provisions of Subsection 4.24 shall apply to any **Industrial Use** in a M1 Zone that abuts a Residential Zone.



- d. **Accessory buildings** and **structures** are subject to the provisions of Table 7
- e. Minimum Distance Separation  
The provisions of Subsection 4.27 shall apply to any **Industrial Use** in a M1 Zone that abuts a Residential Zone or a sensitive land use.
- f. Notwithstanding the Minimum **lot area** in subsection 16.2 above, the Minimum **lot area** for an interior unit in an industrial **building** divided vertically into separate **Condominium** units shall be 372 m<sup>2</sup> [4,000 ft.<sup>2</sup>] where **access** to the unit is by a common **private road** or laneway connecting to a public road entrance.
- g. Notwithstanding any provision of subsection 16.2 to the contrary, the minimum side yard of 3 m shall increase by a ratio of 0.5m of side yard to 1 m of **height** for each metre or portion thereof, of **building height** over 8 m and the minimum side yard of 3 m shall increase by 0.5 m for each 464.5 m<sup>2</sup> of building **floor area**, or portion thereof over 1,858 m<sup>2</sup> but in any case the minimum side yard required shall not exceed 6 m.
- h. Notwithstanding any provision of subsection 16.2 or this subsection to the contrary, the minimum side yard requirement shall not apply to the common wall or party wall of a unit in an industrial **building** divided vertically to create separate units in a **Condominium** where **access** to the unit is by a common **private road** or laneway connecting to a public road entrance.
- i. Notwithstanding any provisions of subsection 16.2 or this subsection to the contrary, the Maximum Lot Coverage for an interior unit in an industrial **building** divided vertically into separate **Condominium** units shall be 60% provided the overall Maximum Lot Coverage for all **buildings** within the **Condominium** is 50%.

#### 16.4. Exception Zones

See also Section 22 – Exceptions to Zones

**M1-1 Restricted Industrial Exception One** (By-law 2990)  
Now C5-4 Zone due to Official Plan Designation change to Business Park

**M1-2 Restricted Industrial Limited Commercial Exception Two** (By-law 3015)  
(By-law 3358-111 2000 Rogers Road)

##### **Permitted Uses**

- Professional and Business Offices
- **Personal Service Uses**
- financial establishment excluding **bank** & trust company
- private service clubs
- **retail stores** excluding a **convenience store**
- **Light Industrial** or **service commercial establishment**

##### **Regulations**

M1 Requirements per Subsection 16.2 apply except:

- no further reduction of **non-complying** yards
- max. **floor area** for individual or any combination of **permitted uses** other than a light industry or **service commercial** use: 178.4 m<sup>2</sup> [1,920.3 ft.<sup>2</sup>]
- storm water management plan required before any new structural **development**
- no **buildings** below 133.39 m [437.6 ft.] flood elevation.
- Vehicular and pedestrian **access** to be above flood elevation
- Lands in the C5-4 Zone are subject to Rideau Valley Conservation Authority (RVCA) regulation and all new **development** shall require a permit from the Authority

**M1-3 Special Restricted Industrial Exception Three Zone** (By-law 2435)  
Despite Section 16.2, the min. **interior side yard** shall be 30.5 m [100 ft.]

**M1-4 Restricted Industrial Exception Four Zone** (By-law 3358-71)

- a) Notwithstanding the definition of light **Industrial Use**, in the M1-4 Zone an **outdoor storage area** is permitted as an **accessory use** to an equipment repair, welding and metal fabrication shop.
- b) Notwithstanding any provision of subsections 4.1, 16.1 or 16.2 to the contrary, in the M1-4 Zone an **outdoor storage area** shall be subject to the following:
  - i) The **outdoor storage area** shall be located in a fenced enclosure in a **rear yard** or southerly **side yard**.
  - ii) Equipment or vehicles waiting repair or delivery may be stored anywhere in the **outdoor storage area** but the outdoor storage of unassembled parts, raw materials, goods, or supplies for the main business shall be subject to a minimum **setback** of 36 m from the northerly **side lot line**.
  - iii) Prior to placing parts, goods or materials in the **outdoor storage area**, or assembling a **structure** used for that purpose, such that the stored parts, goods or materials would extend above a height of 2 m then the Owner shall establish a vegetated **Buffer Strip** and/or screening **fence** compliant with subsection 4.22 of the By-law in the existing vegetated space or modification or any section of **fence** within 70 m of any lot used for residential purposes.

## Section 17. General Industrial (M2) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the General Industrial (M2) Zone except in accordance with the following provisions.

### 17.1. Permitted Uses

- **Accessory** Use, **building** or **structure** (see 4.1 Accessory Buildings)
- **Accessory** commercial use or service outlet
- **Animal Shelter, Commercial Kennel**
- **Auto Body Shop**
- **Auto Repair Garage**
- **Bulk Fuel Depot**
- **Class I Industry** Use
- **Class II Industry** Use
- **Commercial Garage**
- **Custom Workshop**
- Metal working and woodworking
- Transportation Depot or Truck Terminal
- Transfer Station or Depot
- Warehouse
- Welding Shop
- **Cannabis** production and processing
- **Cannabis** processing facility

### 17.2. Zone Requirements

Minimum **Lot Area** 2,000 m<sup>2</sup> [21,527 ft.<sup>2</sup>]

Minimum **lot frontage** 26 m [85 ft.]

Minimum Yards:

- **Front Yard** 7.5 m [24.6 ft.]
- **Rear Yard** 7.5 m [24.6 ft.] abutting another industrial zone and 12 m [39.3 ft.] abutting any other zone.
- **Interior Side Yard** 4.5 m [15 ft.] one side, 6m [19.6 ft.] other side – See also **See also 15.3 e)**
- **Exterior Side Yard** 7.5m [24.6 ft] – See also 17.3f)
- Also refer to general provision 4.24 i

Maximum **Building Height** 24 m [78.7 ft.]

Maximum Lot Coverage 65% refer to Subsection 4.1.1 para i) and also see Subsection 4.28

Minimum **Landscaped Open Space** 10%

### 17.3. Additional Requirements

- a. Where any lot used for an **Industrial Use** abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the **Industrial Use** lot which abuts the residential use lot unless the outside storage is completely hidden by an opaque visual screen or landscaped **Buffer Strip**.
- b. No **parking space** shall be located within 3 m [9.84 ft.] of any window of a residential use.
- c. **Landscaped Open Space**  
The provisions of Subsection 4.24 shall apply to any **Industrial Use** in a M1 Zone that abuts a Residential Zone.
- d. **Accessory buildings** and **structures** are subject to the provisions of Table 7 - Zone Regulations for Accessory Uses
- e. **Minimum Distance Separation**  
The provisions of Subsection 4.30 shall apply to any **Industrial Use** in a M2 Zone that abuts a Residential Zone or a sensitive land use.
- f. Notwithstanding any provision of subsection 17.2 to the contrary, the minimum side yard of 4.5 m shall increase by a ratio of 0.5 m of side yard to 2 m of **height** for each 2 metres, or portion thereof, of **Building Height** over 11 m and the minimum side yard of 4.5 m shall increase by 0.5 m for each 464.5 m<sup>2</sup> of building **Floor Area**, or portion thereof over 3,716 m<sup>2</sup> but in any case the minimum side yard required shall not exceed 8 m.
- g. No outdoor storage shall be permitted within 70 m of a residential use or in an **Exterior Side Yard** abutting a residential zone or where a residential use or zone is located on the opposite side of an abutting street – see also article 4.30.2.  
(By-law 3358-36)

### 17.4. Exception Zones

See also Section 22 – Exceptions to Zones

#### **M2-1 General Industrial Exception One** (By-law 2386)

Now C5-5 Zone due to Official Plan Designation change to Business Park

#### **M2-2 General Industrial Exception Two** (By-law 3164)

M2 Uses Permitted including **Bulk Fuel Depot**

M2 requirements apply except:

- min. **lot area**: 12,688 m<sup>2</sup> [136,577 ft.<sup>2</sup>]
- min. **lot frontage**: 122 m [400 ft.]
- min. yards: front 10 m [32.8 ft.], rear and interior side 15 m [49.2 ft.]
- max. **Building Height** 10 m [32.8 ft.]
- max. lot coverage: 57%

- min. **Landscaped Open Space**: 10%

### **M2-3 General Industrial Exception Three**

(By-law 3467)  
(Perth Soap Site)

Lands zoned M2-3 shall only be used for the parking, loading and movement of **commercial vehicles** as an **accessory** function to an **Industrial Use**.

Notwithstanding any provision of this By-law to the contrary, the landscaping and **buffer strip** provisions of subsection 4.22 shall apply along the northerly and westerly boundaries of lands in the M2-3 Zone except that the width of the required buffer space may be reduced to 3 metres where an opaque wooden fence a minimum of 2 metres in height is provided together with vegetation, which when mature, will create a visual screen to a minimum height of 5 metres and which is a minimum of 3 metres in height at the time of planting.

### **M2-4 General Industrial Exception Four**

(By-law 3467)

Except for a **bulk fuel depot** or the bulk storage of toxic or highly flammable goods and materials, all uses permitted in the M2 Zone shall be permitted in the M2-4 Zone. Notwithstanding the preceding sentence, the **permitted uses** shall be limited to Class 1 industries, **custom workshops** and Warehousing when institutional or recreational uses are occupying any portion of the lands or the **buildings** within the M2-4 Zone.

### **M2-5 General Industrial Exception Five**

(By-law 3624)

(2005 Rogers Road)

(By-law 3358-36)

- a. In addition to the uses permitted under subsection 17.1, land zoned M2-3 may also be used for automotive service uses including: an **automobile washing establishment**, auto parts and accessories sales, automotive audio services, **auto body shop**, and/or auto detailing service, a transmission shop, **auto repair garage** and **auto service station** or a **card lock facility** but this shall not include an **automotive sales establishment** or an **automobile wrecking yard**.
- b. The provisions of subsection 4.2 also apply

## **Section 18. Waste Management Facility (WMF) Zone**

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Waste Management Facility (WMF) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

### **18.1. Permitted Uses**

- Waste Management Facility
- Recycling Depot or Transfer Station
- Municipal Composting facility

### **18.2. Zone Requirements**

Minimum Yard Requirements

- All Yards 30.0m (98.4 ft.)

### **18.3. Additional Requirements**

- a. Minimum Distance Separation  
The provisions of Section 4.30 shall apply to any Waste Management Facility in a WMF Zone that abuts a Residential Zone or a sensitive land use.
- b. All waste management facilities shall comply with the applicable provisions of the Environmental Protection Act.

## Section 19. Institutional (I) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Institutional (I) Zone except in accordance with the following provisions.

### 19.1. Permitted Uses

- **Accessory** use, **building** or **structure** (see 4.1 Accessory Buildings)
- **Crisis Care Facility**
- Day Nursery
- **Hospital**
- **Institutional Use**
- **Continuum-of-Care Facility**
- Museum
- **Place of Assembly**
- **Place of Worship**
- **Public Use or Public Service Facility**
- School (public or private)
- Senior's Home or Residence
- Senior's Non-residential care Facility

### 19.2. Zone Requirements

Minimum **Lot Area** n/a

Minimum Yard Requirements

- **Front Yard** 6 m [19.7 ft.]
- Rear Yard 9 m [29.5 ft.]
- Interior Side Yard 4.5 m [14.7 ft.]
- **Exterior Side Yard** 7.5 m [24.6 ft.]

Maximum **height** 10.6 m [34.7 ft.]

Maximum Lot Coverage 30% Refer to Subsection 4.1.1(i) and also see Subsection 4.28

### 19.3. Additional Requirements

**Accessory buildings** and **structures** are subject to the provisions of Table 7.

### 19.4. Exception Zones

See also Section 22 – Exceptions to Zones

#### I-1 Institutional Exception One Zone

(By-law 3190)

##### **Permitted Uses**

- a. I Zone uses
- b. business office
- c. law and legal office
- d. professional service
- e. **Clinic**



- f. financial office excluding **Bank** or trust company  
Institutional standards apply for provisions

### I-2 Institutional Exception Two

(By-law 3316)

Any use permitted in an (I) Institutional Zone, as well as, an undertaking establishment (**Funeral Home**) and related **accessory uses** on the main and **basement** floors and a residential use on the top floor of the **existing structure** situated of Lot A, Part Lt 2, RP 8828 (15 Victoria St) and a residential use within the **existing structure** on Lot C, Part Lt 2, RP 8828 (13 Queen St)

The standards for the “I-2” Zone shall be the same as for the “I” zone except that:

- Any minimum yard setback deficiencies associated with the **Existing structures** on the subject lands will be recognized as per the Topographic Plan dated December 6, 1971 attached to by-law 3316;
- That 4.6 m and 3.5 m wide buffers shall be required to include appropriate vegetative plantings as per the attached Site Plan Drawing No. SP -3 dated December 13, 1999; and
- That all other relevant provisions this By-law shall apply to the subject lands

### I-3 Institutional Exception Three Zone

(By-law 3570)

- Notwithstanding any provision of subsection 19.1 to the contrary, land zoned I-3 may also be used for a **Clinic** or a **Business, Professional and/or Administrative Office**

### I-4 Institutional Exception Four Zone

(By-law 3358-40)

- a. Notwithstanding any provision of subsection 4.22 to the contrary, in the I-4 Zone, where a privacy fence is **Erect or Constructed** or where a continuous hedge a minimum of 1.2 m in height at planting is established the landscaped buffer for the **parking area** may be reduced to a width of 3 meters and where a **building** is **Erect or Constructed** at the minimum side yard, the side yard shall be developed as a landscaped buffer.
- b. Notwithstanding article 4.32.7, within the I-4 Zone a parking **access lane** may have a reduced width of 3.3 m (11 ft.) for 10 m of its length for the purpose of retaining an existing mature tree.
- c. In addition to the uses permitted under subsection 19.1, land in the I4 Zone may also be used for a medical **Clinic**, physiotherapy **Clinic** or a **Business, Professional and/or Administrative Office**.
- d. Notwithstanding any provision of subsection 19.2 to the contrary, in the I4 Zone the following requirements shall apply:
  - i. Minimum interior side yard 2 m (6.6 ft.);
  - ii. Minimum rear yard 7.5 m (25 ft.);

- iii. Maximum **Front Yard** 8.5 m (27.9 ft.);
- iv. No exterior opening to habitable **building** space shall be located below an elevation of 133.69 m.

### I-5 Institutional Exception Five Zone

(By-law 3358-44)  
(8 Craig Street)

- a. Notwithstanding the uses permitted under subsection 19.1, land in the I5 Zone may only be used for one or more of the following: a **Place of Assembly** or **Place of Worship**; a dental or medical **Clinic**, a physiotherapy **Clinic**, a medical supply outlet, a **Business, Professional and/or Administrative Office**; a **Personal Service Establishment**.
- b. Notwithstanding the uses permitted under subsection 19.1, or any other provision of this By-law to the contrary, no dwelling, no residential occupancy, and no day nursery, school, **Nursing Home, or a Long-Term Care Facility** or any use with overnight accommodations shall be permitted in the I-5 Zone.
- c. Notwithstanding the uses permitted under subsection 19.1, or permitted under any other provision of this By-law, no **building** with a **Basement** or cellar may be **Erect or Constructed** in the I 5 Zone.
- d. Notwithstanding any provision of subsection 19.2 to the contrary, in the I5 Zone the following requirements shall apply:
  - i. Minimum rear yard 90 m. (295 ft.);
  - ii. Maximum lot coverage 650 m<sup>2</sup> (6,996.5 ft.<sup>2</sup>)
  - iii. No exterior opening to habitable **building** space shall be located below an elevation of 133.14 m.

(See original By-law for holding provisions.)

### I-6 Institutional Exception Six Zone

(By-law 3358-48)  
(South Street)

- a. Notwithstanding the uses permitted under subsection 19.1, land in the I6 Zone may only be used for one or more of the following: a **Place of Assembly** or **Place of Worship**; a dental or medical **Clinic**, a physiotherapy **Clinic**, a medical supply outlet, a **Business, Professional and/or Administrative Office**; a **Personal Service Establishment**.
- b. Notwithstanding the uses permitted under subsection 19.1, or any other provision of this By-law to the contrary, no dwelling, no residential occupancy, and no day nursery, school, **Nursing Home, or a Long-Term Care Facility** or any use with overnight accommodations shall be permitted in the I-6 Zone.
- c. Notwithstanding any provision of subsection 19.2 to the contrary, in the I6 Zone the following requirements shall apply:
  - i. Minimum **Front Yard** 9 m (29.5 ft.)
  - ii. Minimum rear yard 30 m. (98 ft.);
  - iii. Minimum interior side yard 30 m. (98 ft.)
  - iv. Minimum setback from south-easterly lot corner 70 m (230 ft.)

(See original By-law for holding provisions.)

**I-7 Institutional Exception Seven Zone**

(By-law 3358-91)

In addition to the uses permitted in the Institutional zone, a ***Single-detached*** or an ***accessory*** apartment unit are permitted but conversion to a ***Single-detached*** requires creation of a ***parking space*** on the property.

## Section 20. Open Space (OS) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Open Space (OS) Zone except in accordance with the following provisions.

### 20.1. Permitted Uses

- **Cemetery**
- **Conservation Use**
- Golf course
- Natural areas for passive recreational activities
- Marine Facility
- Public or **private park** or **playground**, beach, picnic area, botanical gardens, zoological gardens, bathing stations, bandstands, fire tower
- Recreational facilities such as a sports field, tennis courts, skateboard or roller blade facility
- Recreational trails for cyclists, jogging, cross-country skiing, snowmobiling, walking, hiking, **recreational vehicle park** on lands owned by the municipality whether operated or not by the municipality
- **Accessory Uses, buildings** or **structures** to the foregoing **permitted uses** including an eating establishment, a retail sales outlet

### 20.2. Zone Requirements

Minimum <b>Lot Area</b>	No minimum
Minimum <b>lot frontage</b>	No Minimum
Minimum Yard for <b>buildings</b>	15 m [49.2 ft.]
Minimum Setback of any <b>buildings</b> from the <b>High Water Mark</b>	30 m [98.4 ft.]
Maximum Lot Coverage	30%

### 20.3. Additional Requirements

**Accessory buildings** and **structures** are subject to the provisions of Table 7

### 20.4. Exception Zones

See also Section 22 – Exceptions to Zones

**OS-1 - Open Space Exception One Zone**

(By-law 2396)  
(**Fairgrounds**)

#### **Permitted Uses: Fairgrounds**

- a. OS standards apply except:
  - min. setback from any **lot line** abutting a residential zone: 15.25 m [50 ft.]
  - maintain **Existing** setbacks for abutting non-residential uses
  - max. lot coverage 50%

**OS-2 Open Space Exception Two Zone**

By-law (2596, 2965)

#### **Permitted Uses:**

- **Fairgrounds**

- Health Care offices or administrative facilities within an **Existing building**
- an **additional dwelling**
- residential uses permitted in the R3 Zone
- **Landscaped Open Space**
- **parking area** for a public **Hospital**, health care offices or admin facilities

#### Regulations

- a. OS standards apply except:
  - min. yards: **Existing** yards where abutting residential area
  - no **building** enlargements for **Existing buildings**
  - min. yard between perimeter fencing of heliport and residential zone: 29 m [95.1 ft.]
  - min. landscaped (visual) open space screen: 2.1 m [6.8 ft.]
  - R2 standards apply but no reduction of non-complying yards
  - min. width **Landscaped Open Space**: 4.6 m [15 ft.]

See also ...

## Section 21. Environmental Protection (EP) Zone

No **person** shall use any land or **erect, alter** or use any **building** or **structure** in the Environmental Protection (EP) Zone except in accordance with the following provisions.

### 21.1. Permitted Uses

- **Conservation Uses**
- Low impact **buildings** or marine **structures** such as a gazebo, wharf or dock, boat slip, garden or storage shed or utility corridor
- Public or **private park**
- Wildlife or natural heritage features
- Passive recreational uses including conservation and educational activities such as an interpretation kiosk, boardwalk, viewing **structure** or passive recreational trails.

### 21.2. Zone Requirements

**Lot area, Frontage** and yard requirements shall be those **Existing** on the date of the passing of this By-law.

### 21.3. Additional Requirements

- a. No **buildings** or **structures** are permitted other than those required for flood or erosion control, bank stabilization, watercourse protection or which are public or private works which must be located in the zone by nature of their use and are constructed in accordance with accepted scientific and engineering practices. In particular, no use, **building** or **structure** which involves the storage of hazardous or toxic materials e.g. ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities, nor any **Institutional Use** shall be permitted to be constructed, enlarged or expanded in a **Flood Plain**. (Subsection 4.11 shall also apply.)
- b. No removal or addition of landfill or any kind, whether originating on site or elsewhere, shall be permitted without the written approval or authority of the Rideau Valley Conservation Authority or the **public authority** having jurisdiction.
- c. The provisions of this zone shall not apply to prevent the strengthening or restoration to a safe condition of any **building** or **structure** of **Alteration** or repair of an **Existing building** or **structure** provided such **Alteration** or repair will not increase the **height**, size, or volume or change the use of such **building** or **structure**.
- d. Land zoned Environmental Protection (EP) may be used in the calculation of the minimum **lot area** or **Frontage** requirements for another zone on that lot where property under one ownership is zoned only partially as Environmental Protection (EP).
- e. **Development** with 120 m [393.7 ft.] of a provincially significant wetland shall be subject to an Impact Assessment prior to the approval of such **Development**.

## 21.4. Exception Zones

See also Section 22 – Exceptions to Zones

### EP-1 Environmental Protection Exception One Zone

(By-law 2736)

EP Zone uses:

- **Group Housing** consisting of one two (2) unit residential dwelling
- one eighteen (18) unit apartment **building**
- **Accessory** units

EP requirements apply except:

- -min. **lot area**: 0.5 ha [1.2 ac.];
- -no min. **lot frontage**;
- min. yards:  
front: 6 m [19.7 ft.] or the **Existing Front Yard** for an **Existing** dwelling;  
rear or side: 3 m [9.84 ft.]
- max. **Building Height**: 12 m [39.3 ft.]
- max. lot coverage: 20%
- min. **Landscaped Open Space** 50%
- max. **Density**: 20 units
- min. ground floor elevation: 135 m [442.ft.] contour elevation
- Minimum Setback from the **High Water Mark**:30 m [98.4 ft.]
- Pedestrian and vehicular **Access** to be located above a contour elevation of 134.75 m [442 ft.] and shall be in a direct, continuous and unobstructed manner to a **public street**
- maintain shoreline in natural state
- min. width of **Landscaped Open Space** buffer: 4.5 m [14.7 ft.] along border of **parking area** unless visually screened
- Encroachments below the 134.75 m [442 ft.] contour elevation in the form of **parking areas**, ground level **patios** or pedestrian walkways permitted provided **Existing** lot grades are maintained.

### EP-2 Environmental Protection Exception Two Zone

(By-law 3035)

EP Zone uses

- pavilion or market gallery style **building**

EP requirements apply except:

- no min. **lot area**
- no min. **lot frontage**
- no min. yard requirements
- max. **Building Height**: 6 m [19.7 ft.]
- max. lot coverage 50%
- max. **Landscaped Open Space** 50%
- **structures** and **buildings** to be flood proofed
- storm water management applies

### EP-3 Environmental Protection Exception Three Zone

(By-law 3477)



In addition to the uses permitted in Subsection 21.1, and notwithstanding article 4.32.2 paragraph d) pertaining to **Front Yard** parking in the R4 Zone, a **parking area accessory** to an **apartment dwelling** in the R4-7 Zone is permitted in the EP-3 Zone provided it is not located within 30 [98.4 ft.] of the shoreline of the Tay River and a maximum of 20 **parking spaces** are located in the rear yard (By-law 3358-54)  
(See original By-law for holding provisions.)

**EP-4 Environmental Protection Exception Four Zone** (By-law 3358-80)  
(Vacant lot Harris Street to Isabella Street along Railway corridor)

Notwithstanding subsection 21.1, the EP-4 Zone is intended to provide a safety buffer abutting a railway corridor and the only **permitted uses** are **Conservation Uses** and the protection of existing tree cover and wildlife habitat.

See also Section 22

## Section 22. Exceptions to Zones

Note: The following is a summary of amendments to By-law 2208 and constitute a legal part of the new Zoning By-law for the Town of Perth. For convenience, certain Zone Symbols have been renamed for convenience of numbering. The old zone symbols may be shown to assist with tracking

By-Law #	Zone	Address of Site
2332	C1-1	West side of Wilson from North Street to Midblock north of Kippen now C1
2386	M2-1	Both sides Conlon Dr. original industrial zoning 1980 – revised per Official Plan
2389	C3-1	14 Isabella
2396	OS-1	Fairgrounds
2402	C2-1	6 Craig St Original zoning for 3M site and former Rona Lumber site.
2596	(OS-H) OS-2	Residence on hospital site 33 Drummond to be used for offices
2600	(R2-S) R2-1	Leslie at Wilson Street now C1 with Metro grocery store
2606	(R4-C) R4-1	52 Craig
2647, 2649 2773	(R3-x) R3-1	40 Harvey St
2656	(C1Ps) C1P-1	32 Drummond St W.
2733	(C1Px) C1P-2	30 Foster Street
2736	(HAZ-S) EP-1	Lanark South Condo Corp#2 19 John Street
2737	(R4) R4-2	Riverside at Chetwynd (vacant lot)
2773	(R3c) R3-2	67 Drummond E
2790	R4-3	Perthshire Condo Lambert and Lally Lane off Rogers Rd

2847	(CS-1) C2-2	80 a Wilson W.
2918	(R3-S) R3-3	23 Drummond Street W. Perth Manor
2925	(CIP-1) C1P-3	132 Gore St E
2949	(R4-2) R4-4	31 Rogers Rd
2965	(OS-H) OS-2	Hospital Heli pad
2988	(C2-S) C2-3	15 Elliot St
2990	(MC-h) M1-1	8-10 Herriott Street MOVED TO C5-4 ZONE
2991	(R2-CX) R2-2	
2994	(R4-3) R4-5	
3015	(M1-C) M1-2	
3034	CP	
3035	(HAZ-x) EP-2	
3042 3358-91	CP C1	
3112	(R4-4) R4-6	
3190	I-1	
3200 and 3482 3358-58	R1-1	
3240	C3-2	
3260	(C2-1) C2-4	
3282 and 3628	(C2S-2) C2-5	
3283 and 3477 3358-54	(R4-3) R4-7	105 North St Carolina Suites
3295	C1-2	64 North Street
3298 (Amended by 3625)	(R3-1) R3-4	57-59 Wilson St
3316	I-2	13-Queen St and 15 Victoria St Funeral Home Site

2435	(M1-1) M1-3	2947 Rideau Ferry Rd. – Albany Int.
OMB	(CS) C2-6	80 Dufferin – Perth Mews Mall
3164	(M2-1X) M2-2	
3298 (Amended by 3625)	(R3-1) R3-4	
3316		
3467		Major corrective amendment in 2002
3625 (see 3298)		
3628 (see 3282)		

## APPENDIX 'A'

### Zoning By-law Amendments

The Zoning By-law may be amended where the proposed amendment complies with the Town's Official Plan. In accordance with the requirements of Section 34 of the Planning Act, the usual procedure for amendments involves the following steps:

- (1) The **person** or public body wishing to amend the Zoning By-law must consult with the municipality before making an application. The application may then be made to the Clerk/Administrator of the **Corporation** of the Town of Perth to amend the By-law under (subsection 34(10.0.1) of the Planning Act). Applications are available from the Town office (80 Gore Street East, Perth) or on the website [www.perth.ca](http://www.perth.ca) (click on Your Local Government > Planning Services > Planning Applications)
- (2) Designated staff will determine whether the application is a 'complete' application. Additional information, reports or studies may be required to support the proposed amendment before the application is considered complete. **Council** has 30 days from the date of application to determine whether the application is complete (s. 34(10.1-10.3)). A complete application also requires that the Town's application fee is paid.
- (3) Once the application is considered complete, staff circulates to the applicant and to prescribed agencies and bodies a Notice of Complete Application (s. 34(10.4)). If **Council** deems an application incomplete or does not make a decision within 30 days from the date of application, the **person** or public body may appeal to the Ontario Municipal Board (OMB) to determine whether the application is complete (s. 34(10.5)).
- (4) If an application is considered complete, staff advertises that a Public Meeting will be held in order to consider an amendment to the Zoning By-law. Advertisement is given 20 days in advance of the public meeting (s. 34(12-13, 14.1)). The advertisement may be placed in the local newspaper, or may be mailed, faxed or emailed to all property owners within 120 m of the property affected by the application. Where the notice is mailed, faxed or emailed, the applicant must also post a notice in a location on the property to be zoned that is clearly visible from the adjacent street.
- (5) The Planning Advisory Committee holds a Public Meeting and evaluates the appropriateness of the proposed amendment. The Committee considers the proposal's conformity with the Official Plan, adequacy of services, conformity with the provisions of the requested zone, suitability of the proposed use in the proposed location, public input, etc. If the application is considered satisfactory, the Committee will recommend that an amending By-law be passed by **Council**.

- (6) Within 15 days of the passing of the by-law by **Council**, the Clerk will give written notice of the decision of **Council** through a notice in the local newspaper or by mail, fax or email to the applicant, to all property owners within 120 m of the rezoned property and to anyone who made a written request to receive notice of the decision (s. 34(10.9, 18)).
- (7) If **Council** refuses the application and does not amend the zoning by-law, the Clerk must give written notice with reasons to the applicant within 15 days of **Council's** decision (s. 34 (10.9)).
- (8) Any **person** who gave their opinion at a public meeting or who submitted their concerns in writing to the Clerk before the by-law was passed may appeal the decision of **Council** to the Ontario Municipal Board. The appeal must be filed with the clerk within the 20 day appeal period set out in the Notice of Passing for the Zoning By-law amendment (s. 34(19)) and must include a cheque for \$300 payable to the Minister of Finance. If a **person** does not make an oral or written submission prior to **Council** passing the by-law, they may not appeal **Council's** decision.
- (9) If **Council** refuses to approve the application or **Council** does not make a decision within 120 days from the date the application the **person** or public body may appeal to the OMB (s. 34(11)). An appeal of a refusal must be made within 20 days of the date of the decision.
- (10) Where an appeal is made, **Council** may opt for mediation or dispute resolution to resolve the objection by giving notice to the appellant(s) (s. 34 (20.2)). Participation by the appellant(s) is voluntary but where agreed to, the period for mediation is 75 days.
- (11) An amendment to the Zoning By-law takes effect on the day the by-law was passed where no appeal is filed.
- (12) If a decision or lack of a decision is appealed to the OMB, the Board can make any decision the **Council** of the Town had in regard to the specific application (s. 34(26)). In other words, the OMB can approve, or refuse the application or approve the application in part.

## FREQUENTLY ASKED QUESTIONS

How long does a zoning By-law amendment take to be approved?

Upon the receipt of a complete application (including any required supporting studies), a zoning By-law amendment usually takes 75 to 90 days to complete, inclusive of the appeal period after the by-law is passed. The level of complexity and issues related to the proposal and the Planning Advisory Committee and **Council** schedules will affect the time line.

What is the fee and is it refundable?

The fee for a zoning amendment application is established by the Town's Fees and Charges By-law 3675 and is updated annually as of 2017. The fee varies depending on the complexity of the application. The current application fee will be indicated in the upper right-hand corner of the amendment application form. The basic fee covers all processing costs, notice preparation and advertising expenses, staff time for application review and reports to the committee and **Council**, and preparation of the draft by-law and all required documentation. The fee is non-refundable. Applications are processed on a cost recovery basis. As, such expenses for additional meetings, reports or the hiring of consultants to review specialized studies or unique proposals will be charged to the applicant.

## APPENDIX 'B'

### Minor Variances

When the size, location or other conditions of a proposed **Development** or land use cannot be achieved by meeting the existing zoning standards then the property owner may file a minor variance application to request relief from the standards. To qualify as a minor variance specific criteria need to be met. The primary criteria for evaluating Minor Variance applications are set out in section 45(1) of the Planning Act):

- (1) The general intent and purpose of the Official Plan are maintained;
- (2) The general intent and purpose of the Zoning By-law are maintained;
- (2)(3) The variance is minor (in extent, scope or potential impact); and
- (4) The proposed use of land, **building** or **structure** is desirable for appropriate **Development**.

An application for a minor variance must meet all of the above four tests to qualify as a variance in addition to any other criteria that the Town has established (see Section 2.4 of Zoning By-law 3358). Where a proposed variance is not minor or cannot satisfy the criteria for a minor variance, an application to amend the Zoning By-law will be required



for the requested change to be considered. Applications for a minor variance are available from the Town office (80 Gore Street East, Perth) or on the website [www.perth.ca](http://www.perth.ca) (click on Your Local Government > Planning Services > Planning Applications).

How long does a minor variance application take to be approved?

Upon the receipt of a complete application a minor variance application usually takes 1-2 months to complete. The level of complexity and issues related to the proposal will affect the time line.

FIGURE 'F1' Insert Table C-11 And Figures C11-1 and C11-2 By-law 3358-45

Item#	Zoning Requirement Type	Development Size/Type gross floor area	Development Form	Provision
1	Min <b>Front Yard</b>			14 m (45.9 ft)
2	Min Set Back		Wilson - Dufferin Intersection	20 m (65.6 ft.)
3	Minimum <b>Exterior Side Yard</b> (Wilson St)	building of 1,858 m <sup>2</sup> (20,000 ft <sup>2</sup> ) or less	<b>ES1</b> - 1 storey (5 m high) for first 6 m from street and at least 1 pedestrian entrance directly from the street. per 465 m <sup>2</sup> (5,000 ft <sup>2</sup> )	1.5 m (4.9 ft)
			<b>ES2</b> - 2 storey store fronts 7 m (23 ft) max height and at least 1 pedestrian entrance directly from the street. per 465 m <sup>2</sup> (5,000 ft <sup>2</sup> )	3 m (9.8 ft)
			<b>ES3</b> -any other building form	4.5 m (14.7 ft)
		building exceeding 1,858 m <sup>2</sup> (20,000 ft <sup>2</sup> )	i) With standard wall design	9 m (29.5 ft)
			ii) With enhanced	8 m (26.25)

Item#	Zoning Requirement Type	Development Size/Type gross floor area	Development Form	Provision
			landscaping	ft)
			iii) Item 3 ii) plus 1/3rd of facing wall surface clad in two or more heritage elements being: wood, brick, stucco, or stone (cut or manufactured)	7 m (23 ft)
			iv) Item 3 iii) + <b><i>Articulated Wall Design</i></b>	6 m (19.6 ft)
		from a traffic circle / roundabout (this setback is subject to and shall not prevail over any other yard or setback)	(see figure C-11-2 <u>Figure 15 - Traffic Circle</u> )	4.5 m (15 ft)
<b>4</b>	Min. rear yard	building of 1,858 m <sup>2</sup> (20,000 ft <sup>2</sup> ) or less	ES1, ES2 and ES3 as per Item 3 a) above apply	
		building exceeding 1,858 m <sup>2</sup> (20,000 ft <sup>2</sup> )	i) With standard wall design	15 m (49.2 ft)

Item#	Zoning Requirement Type	Development Size/Type gross floor area	Development Form	Provision
			ii) With enhanced landscaping	12 m (39.3 ft)
			iii) Item 4 ii) plus one third of facing wall surface clad in two or more heritage elements being: wood, brick, stucco, or stone (cut or manufactured)	9 m (29.5 ft)
			iv) Item 4 iii) + <b>Articulated Wall Design</b>	7.5 m (24.6 ft)