



**The Corporation of the Town of Aylmer**  
**ZONING BY-LAW NO. 57-99**  
**AS AMENDED**

Adopted November 8, 1999

Consolidated November 21, 2022

# Town of Aylmer

## ZONING BY-LAW NO. 57-99 AS AMENDED

### ***Qualifying statement regarding this document***

*This office consolidation includes all amendments adopted by Council prior to November 21, 2022. This document is prepared for administrative purposes only and contains minor grammatical corrections and numbering adjustments. For certain special provision (or 'site-specific') zones, notations shown in italics are for explanatory and clarification purposes and do not form part of the By-law.*

*For accurate and legal reference, it is essential that the reader review the original "as-adopted" version of Zoning By-law No. 57-99, original "as-adopted" copies of by-law amendments, and minor variance decisions as may be applicable. These documents are available from the Town of Aylmer municipal office.*

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## **SCHEDULE “A”**



## **THE CORPORATION OF THE TOWN OF AYLMER**

### **BY-LAW NO. 57-99**

Being a By-Law to regulate the use of lands and the character, location and use of buildings and structures within the Town of Aylmer, pursuant to Section 34 of the *Planning Act*.

#### **PREAMBLE**

WHEREAS Section 34 of the *Planning Act* provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

AND WHEREAS the Council of the Corporation of the Town of Aylmer has deemed it to be in the public interest that such a by-law be enacted;

AND WHEREAS the provisions of this By-Law conform with the Town's Official Plan;

NOW THEREFORE the Council of the Corporation of the Town of Aylmer ENACTS as follows:

## **SECTION 1 APPLICATION, INTERPRETATION AND ENFORCEMENT**

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### **(1) TITLE OF BY-LAW**

This By-Law may be cited as “The Zoning By-Law”.

### **(2) SCOPE OF BY-LAW**

#### **(a) LANDS SUBJECT TO BY-LAW**

The provisions of this By-Law shall apply to all those lands lying within the corporate limits of the Town of Aylmer.

#### **(b) CONFORMITY WITH BY-LAW**

No lands shall be used and no building or structure shall be erected, altered or used within the Corporation except in conformity with the provisions of this By-Law and except as permitted by this By-Law.

#### **(c) EXISTING USE CONTINUED**

Nothing in this By-Law shall apply to prevent the use of any existing lot, building or structure for any purpose prohibited by this By-Law if such lot, building or structure was lawfully used for such use prior to the passing of this By-Law, so long as it continued to be used for that purpose.

For the purposes of this By-Law, lawfully used will be restricted for purposes of proof to existing as of January 1, 1999.

#### **(d) PLANS APPROVED PRIOR TO BY-LAW**

Nothing in this By-Law shall prevent the erection or use of any building or structure for a purpose prohibited by the provisions of this By-Law, if the plans for such building or structure were approved by the Corporation and either a building permit was issued or a Site Plan Agreement entered into prior to the date of passing of this By-Law, so long as:

- (i) when such building or structure is erected, it shall be used and shall continue to be used only for the same purpose for which the said building or structure was intended when such building permit was issued or such Site Plan Agreement was entered into and shall not be altered in any way except in conformity with the provisions of this By-Law; and

- (ii) the erection of such building or structure is commenced within two years after the date of passing of this By-Law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

(e) COMPLIANCE WITH OTHER RESTRICTIONS

This By-Law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.

**(3) ADMINISTRATION**

This By-Law shall be administered by a person designated from time to time by Council as the Chief Building Official or such other person as the Council of the Town of Aylmer designates.

**(4) INSPECTION**

- (a) Subject to Clause (b) of this Subsection, the Chief Building Official, or any other officer or employee of the Corporation acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-Law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under the *Provincial Offences Act*, or any successors thereto.

**(5) APPLICATION FOR BUILDING PERMITS**

In addition to all of the requirements of the Building Code or any other by-law of the Corporation, no building permit shall be issued in respect of the erection or alteration of a building or structure until the following have been submitted to and approved by the Chief Building Official.

- (a) two copies of a Site Plan, one copy of which shall be retained by the Chief Building Official, drawn to scale and showing,
  - (i) the true dimensions of the lot to be built upon or otherwise used;
  - (ii) the location of all existing buildings, structures or uses on the lot;

- (iii) the proposed location, grade, height, and dimensions of any building, structure or use proposed for such lot; and
  - (iv) the proposed location and dimensions of yards, landscaped open spaces, parking areas, and loading spaces.
- (b) a statement, signed by the owner, disclosing the specific existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-Law; and
- (c) two copies of a plan showing the ground level and contour lines on the lot as of the date of the application and as same will be upon completion of the proposed erection or alterations and when the re-distribution of all topsoil has been completed.

**(6) ISSUANCE OF BUILDING PERMITS**

Notwithstanding the provisions of the Building By-Law or any other by-law of the Corporation to the contrary, no building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

**(7) REQUESTS FOR AMENDMENTS**

Every request for an amendment to this By-Law shall be accompanied by a completed copy of the appropriate application form provided by the Corporation.

**(8) RISK, EXPENSE AND COMPLIANCE**

The facilities, yards or other matters required by this By-Law shall be provided and maintained at the sole risk and expense of the owner of the lands in respect of which such matters are required hereby, and the said owner shall at all times bear full responsibility for ensuring compliance in all respects with this By-Law.

**(9) INTERPRETATION OF BY-LAW**

**(a) DEFINITIONS**

In this By-Law, unless the context requires otherwise, the definitions and interpretations set out in Section 2 hereof shall apply

**(b) SINGULAR AND PLURAL WORDS AND GENDERS**

In this By-Law, unless the context requires otherwise:

- (i) words used in the singular include the plural;
- (ii) words used in the plural include the singular; and
- (iii) words used in the masculine gender include the feminine and neuter.

(c) “SHALL” IS MANDATORY

In this By-Law, the word “shall” is mandatory.

(d) “USE” AND “OCCUPY”

In this By-Law, unless the context requires otherwise:

- (i) the verb “use” shall include “design to be used”, “arrange to be used”, “intend to be used”, and “permit to be used”; and
- (ii) the verb “occupy” shall include “design to be occupied”, “arrange to be occupied”, “intend to be occupied”, and “permit to be occupied”.

**(10) SCHEDULES TO BY-LAW**

(a) PART OF BY-LAW

Schedule “A” which is attached hereto and described in this Subsection, is hereby made a part of this By-Law as fully and to all intent and purposes as though recited in full herein.

(b) SCHEDULE “A” – ZONE MAPS

The extent and boundaries of all zones and restricted areas are set out on the maps comprising Schedule “A” hereto and shall be interpreted in accordance with the following:

- (i) Boundaries of zones and restricted areas shall be construed wherever possible, to be concurrent with lot lines, property boundaries, centreline of street, street lines, high water marks, top of bank or other Conservation Authority regulation lines, boundaries of right-of-ways for railways, hydro-electric transmission corridors or pipelines, or boundaries of registered plans.
- (ii) In the event that a street or lane which forms the boundary between two or more different zones is closed, the boundary between such zones shall be construed as the former centreline of the said closed street or lane.

- (iii) Where uncertainty exists as to the location of a zone boundary on Schedule “A” hereto or on a Schedule to any amendment to this By-Law, reference shall be made to the original scales as contained in the Municipal Offices and shall be deemed to be the centre point of the line on such Schedule which denotes the said zone boundary.

**(11) VIOLATIONS AND PENALTIES**

- (a) Every person, other than a corporation, who knowingly contravenes this By-Law is guilty of an offence and on conviction is liable:
  - (i) on a first conviction, to a fine of not more than \$25,000; and
  - (ii) on a subsequent conviction, to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.
- (b) Every corporation, including every director or officer of the corporation, other than the Corporation of the Town of Aylmer, who knowingly contravenes this By-Law is guilty of an offence and on conviction is liable:
  - (i) On a first conviction, to a fine of not more than \$50,000; and
  - (ii) On a subsequent conviction, to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

**(12) REMEDIES**

- (a) Where any building or structure is erected, altered, reconstructed, extended or enlarged, or any building or structure or part thereof is used, or any lot is used, in contravention of any requirements or other provisions of this By-Law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the relevant provisions of the *Planning Act*, 1990, or the *Municipal Act*, S.O., 2001, in that behalf.
- (b) Where a person guilty of a violation against this By-Law has been directed to remedy such violation and is in default of doing any work thus required, then such work may be done at his expense by the Corporation, at its sole discretion, and the Corporation shall have the unlimited right to recover any expenses thus incurred by action or in like manner as municipal taxes, and such expenses shall be in addition to and not in derogation of any remedy by way of mandamus, injunction or otherwise.

**(13) VALIDITY**

If any section, clause or provision of this By-Law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

**(14) REPEAL OF EXISTING BY-LAWS****(a) TOWN OF AYLMER**

All previous by-laws of the former Corporation of the Town of Aylmer passed pursuant to Section 34 of the *Planning Act*, are hereby repealed.

**(b) FORMER TOWNSHIP OF MALAHIDE**

All previous by-laws passed by the former Corporation of the Township of Malahide pursuant to Section 34 of the *Planning Act*, as they apply to the lands formerly of the Corporation of the Township of Malahide are hereby repealed.

**(15) MEASUREMENTS**

All measurements of length or area used in this By-Law shall be subject to the normal rules of rounding numbers, within the degree of precision specified by the number of digits following the decimal point (if any), so that:

- (a) For a WHOLE NUMBER, measurements of LESS THAN 0.5 shall be rounded DOWNWARD to the next whole unit;
- (b) For a WHOLE NUMBER, measurements of 0.5 AND GREATER shall be rounded UPWARD to the next whole unit;
- (c) For a number having ONE DECIMAL PLACE, measurements of LESS THAN 0.05 shall be rounded DOWNWARD to the next one-tenth unit;
- (d) For a number of ONE DECIMAL PLACE, measurements of 0.05 AND GREATER shall be rounded UPWARD to the next one-tenth unit.

Ratios and percentage figures shall not be subject to rounding.

**(16) NON-CONFORMING BUILDING LOCATION**

Notwithstanding any other aspect of this By-Law, any lot, and the location thereon, or any building or structure accessory thereto, which existed on or before January 1, 1999, shall be deemed to comply with the relevant regulations for setback, building line, front yard, side yard, rear yard, and lot coverage.



## SECTION 2 DEFINITIONS

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- (1) **"ABANDONED"** means a failure, in the opinion of the Chief Building Official, to proceed expeditiously with construction work or to undertake construction work during any continuous one year period.
- (2) **"ABATTOIR"** means a building or structure, or portion thereof, where animals are slaughtered for the purposes of processing meat into food for human consumption; and where meat products are produced, processed, handled, stored or sold.
- (3) **"ACCESS DRIVEWAY"** means the area between the travelled portion of a road and a parking area used by motor vehicles for access to and from the parking area.
- (4) **"ACCESSORY"**, when used to describe a use, a building or a structure, means a use, a building or a structure that is incidental, subordinate and devoted to a main use, building or structure and located on the same lot therewith, and includes a private garage which is not attached to the main building in any way.
- (5) **"ACCOMMODATION"** means a use which provides lodging including rooms and/or food.
- (6) **"ADDITIONAL RESIDENTIAL UNIT"** means a dwelling unit in addition to the primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof.
- (7) **"ADULT ENTERTAINMENT PARLOURS"** - shall mean any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations. For the purposes of this By-law, the following shall apply:

"Provided" includes furnished, performed, solicited or given such services;

"Services" includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the *Film Classification Act*.

"Services appealing to or designed to appeal to erotic or sexual appetites or inclinations" includes the following:

- (i) services of which a principal feature or characteristic is nudity or partial nudity of any person;
- (ii) services in respect of which the word 'nude', 'naked', 'topless', 'bottomless', 'sexy' or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement."

“To provide” when used in relation to services includes to furnish, perform, solicit, or give such services and “providing” and “provision” have corresponding meanings.

- (8) **"AGGREGATE REPROCESSING"** means the process of reusing old concrete, asphalt, or brick, that is stockpiled, crushed, and used again for construction, industrial, or manufacturing purposes, but does not include the recycling of materials such as asphalt shingles, drywall, and wood.
- (9) **"AGGREGATE STORAGE AREA"** means the use of land for the temporary storage of aggregates for sale or use in the production of cement or asphalt.
- (10) **"AGRICULTURAL USE"** means the cultivation of land, the production of crops and the selling of such product on the premises, and the breeding and care of livestock and the selling of such livestock or the product of such livestock raised on the premises, and without limiting the generality of the foregoing includes aviaries, apiaries, fish farming, animal husbandry, and the raising and harvesting of field, bush, or tree crops, market gardening, nurseries, greenhouses and an accessory air strip. However, “agricultural use” does not include facilities for the permanent or temporary housing of persons employed on the lot, an abattoir or any premises used for the killing of livestock or the processing of meat.
- (11) **"AISLE"** means the area used by motor vehicles for access to and from all off-street parking spaces, but does not include an access driveway.
- (12) **"ALTER"** means:
- (a) when used in reference to a building or structure or part thereof, shall mean to change any one (1) 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 thereof;
  - (b) when used in reference to a lot, the word “alter” means to change the width, depth, or area thereof or to change the width, depth, or area of any required yard, setback, landscaped open space, or parking area, or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise; or
  - (c) when used in reference to a use, to discontinue and replace a use, in whole or in part, with a use which is defined herein as being distinct from the discontinued use or to add a new use to an existing use,

“ALTERED” and “ALTERATION” have corresponding meanings.

- (13) **"AMENITY AREA"** means an area or areas intended for use for recreation or aesthetic purposes within the boundaries of a lot and may include landscaped open space areas, patios, balconies, communal lounges, swimming pools, recreation facilities, and any other area which may be used for recreational or aesthetic purposes, but does not include any driveways or parking area.

- (14) **"AMENITY SPACE"** means the total area or areas within a lot provided for the use of the residents of a residential building or a commercial building containing residential units located on the lot for the purpose of personal recreation space or shared recreation space.
- (15) **"AMUSEMENT GAME ESTABLISHMENT"** means a building or a part thereof within which three or more amusement game machines are available to the public.
- (16) **"AMUSEMENT GAME MACHINE"** means a mechanical, electrical or electronic device activated by the insertion of a coin or token for the play of a game of chance and/or skill that is not contrary to the Criminal Code of Canada.
- (17) **"AMUSEMENT PARK"** means an establishment regardless of whether or not it is maintained or operated for gain or profit, where rides, games of chance and the sale of food, beverages, toys and souvenirs constitute the main use and may include a variety of buildings or structures directly related to recreational and amusement uses.
- (18) **"ANTENNA"** shall mean part of a structure used for the purpose of sending or receiving electromagnetic waves.
- (19) **"APARTMENT HOTEL"** means a hotel, except that up to 50 percent (50%) of the living accommodation therein, according to floor area, may be dwelling units.
- (20) **"AREA OF BUILDING"** means the maximum horizontal projected area of a building, including enclosed porches, but exclusive of steps, terraces, or cornices.
- (21) **"ART GALLERY"** means a building or part thereof where works of art, such as paintings, sculpture, pottery, glass and weaving are displayed for public viewing.
- (22) **"ASSEMBLY HALL"** means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social activities, and may include a banquet hall or private club.
- (23) **"ASSEMBLY PLANT"** - see "MANUFACTURING AND ASSEMBLY INDUSTRY".
- (24) **"ATTACHED"** means a building otherwise complete in itself, which depends for structural support, or complete enclosure upon a division wall or walls shared in common with adjacent building or buildings.
- (25) **"ATTIC"** - see "STOREY".
- (26) **"AUCTION ESTABLISHMENT"** means a building or part thereof used for the retail sale of articles or goods to the members of the public bidding the highest offer for the article or goods during the sale proceedings and may include the storage of such articles to be sold at auction.

- (27) **“AUTOMOBILE SERVICE STATION”** means an establishment where vehicle fuels, lubricants and accessories are offered for retail sale and which contains facilities for the repair and maintenance of vehicles excluding body and fender work.
- (28) **“AUTOMOBILE SUPPLY STORE”** means a building or part thereof used for the purpose of retail sale of equipment and parts used to repair, service or customize motor vehicles. This does not include any installations or repairs.
- (29) **“AUTOMOTIVE SALES AND SERVICE ESTABLISHMENT”** means premises where motor vehicles are stored or displayed for the purpose of sale or hire and shall include the storage and sale of automotive accessories together with the repair and service of the motor vehicle.
- (30) **“AUTOMOTIVE USE”** means an automobile service station, a gasoline retail outlet, a vehicle repair shop, a car wash, a body shop or a vehicle sales or rental establishment as defined herein.
- (31) **“BAKERY”** means a building for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.
- (32) **“BALCONY”** means a stage or platform, other than a stoop, projecting from the wall of a building and accessible from inside such building by means of a door.
- (33) **“BATCHING PLANT, ASPHALT”** means an industrial establishment used for the production of asphalt, or asphalt products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sales of finished asphalt.
- (a) **“PORTABLE ASPHALT PLANT”** means a temporary asphalt batching plant established for a Provincial or Municipal road project.
- (34) **“BATCHING PLANT, CONCRETE”** means an industrial establishment used for the production of concrete, or concrete products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance of required equipment, but does not include the retail sales of finished concrete.
- (35) **“BED AND BREAKFAST ESTABLISHMENT”** means a single detached dwelling in which no more than three rooms are made available by the residents of the said dwelling for the temporary accommodation of travellers in the course of which no assistance is offered by any person not residing in the dwelling. This does not include a hotel, motel, lodging house, or restaurant, as defined herein.
- (36) **“BERM”** means a landscaped mound of earth.

- (37) **“BOARDING HOUSE”** - see “LODGING HOUSE”.
- (38) **“BODY RUB”** includes the kneading, manipulation, rubbing, massaging, touching, or stimulating, by any means, of a person’s body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.
- (39) **“BODY RUB PARLOUR”** includes any premises or part thereof where a body rub is performed, offered, or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the body rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.
- (40) **“BODY SHOP”** means an establishment engaged primarily in the repairing or painting of vehicle bodies.
- (41) **“BREWING ON PREMISES ESTABLISHMENT”** means a commercial establishment where individuals produce beer, wine and/or cider, for personal use and consumption off the premises; and where beer, wine and/or cider ingredients and materials are purchased, equipment and storage area is used for a fee by the same individuals.
- (42) **“BUILDER’S YARD/BUILDING OR CONTRACTING ESTABLISHMENT”** means a premises used for the purposes of undertaking or managing activities engaged in maintaining and building new structures, or works, additions or renovations and typically includes the offices of general building contractors, general contractors, specialized trades and building maintenance services such as landscaping services, window cleaning and extermination services. Also included is the prefabrication of building equipment and materials and wrecking and demolition contractors' offices, but does not include salvage yards.
- (43) **“BUILDING”** means any temporary or permanent structure consisting of walls and a roof which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, or chattels, and includes accessory buildings and structures such as heat pumps or air exchangers, but does not include any vehicle as defined herein; such as a travel trailer, camping trailer, truck camper or motor home; or a fence or wall.
- (44) **“BUILDING BY-LAW”** means any by-law of the Corporation passed pursuant to the *Building Code Act*, as amended from time to time, or any successors thereto.
- (45) **“BUILDING HEIGHT”** - see “HEIGHT”.
- (46) **“BUILDING LINE”** means a line representing the location of the wall of a building on a lot situated closest to any street line.

- (47) **“BUILDING LINE, ESTABLISHED”** means the existing street setback of an existing main building on a lot, measured between the centreline of the street adjacent to the said lot and the nearest part of such building, excluding any stoops, sun decks, porches, verandahs, balconies, exterior steps, or architectural adornments.
- (48) **“BUILDING SUPPLY OUTLET”** means an industrial premises used for storage, milling, and wholesale sales of a broad range of building materials and which may include retail operation.
- (49) **“BULK SALES ESTABLISHMENTS”** means the use of land, structure or building for the purposes of buying and selling lumber, wood, building materials, feed, fertilizer, ice, and allied commodities but does not include any manufacturing, assembling or processing.
- (50) **“BUSINESS OFFICE”** - see “OFFICE, BUSINESS”.
- (51) **“BY-LAW ENFORCEMENT OFFICER”** means the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-Law.
- (51.1) **“CANNABIS PRODUCTION AND PROCESSING FACILITY”** means lands, buildings or structures used for the production, processing, testing, destroying, packaging and/or shipping of cannabis or products containing cannabis.
- (51.2) **“CANNABIS RETAIL STORE”** means a stand-alone store, operated under the authority of a retail store authorization in accordance with the *Cannabis License Act, 2018* and regulations thereto, which retails all parts of the plant of the genus cannabis, whether growing or not, its seeds, resin and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or its resin, including concentrate that is cultivated, manufactured, distributed or sold but does not include industrial hemp.
- (52) **“CANOPY, WEATHER”** means a permanent unenclosed roof structure erected for the purpose of sheltering motor vehicle fuel pumps and dispenser islands from the weather.
- (53) **“CARPORT”** means a covered structure attached to a wall of a main building and used for the storage of vehicles. The roof of the said structure shall be supported by piers or columns so that 50 percent of its wall area adjacent to the side lot line is unenclosed.
- (54) **“CAR WASH”** means a building or structure containing facilities specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.
- (55) **“CATALOGUE STORE”** means a retail commercial establishment in which orders are accepted for the purchase of goods listed in a catalogue provided by the establishment and in which some or all of the goods so listed may also be available within the establishment for sale at retail.

- (56) **“CATERER’S ESTABLISHMENT”** means an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out, but does not include a food service establishment.
- (57) **“CELLAR”** - see “STOREY”
- (58) **“CEMETERY”** means a cemetery as defined in the *Cemeteries Act*.
- (59) **“CENTRELINE, STREET”** means the centreline of the original road allowance, as opposed to the centreline of the travelled roadway, or any widened road allowance.
- (60) **“CENTRELINE, STREET”** means the centreline of the original road allowance, as opposed to the centreline of the travelled roadway, or any widened road allowance
- (60.1) **“CHEMICAL PLANT”** means a building, or part thereof, used for the processing and manufacture of perfumes, cosmetics, toilet preparations, deodorants, soaps or cleaning compounds, disinfectants, insecticides, poisons that are manufactured and packaged for medical or pharmaceutical purposes only, and bleaches other than chlorine bleaches.
- (61) **“CHIEF BUILDING OFFICIAL”** means the officer or employee of the Corporation for the time being charged with the duty of enforcing the provisions of the Zoning By-law of the Corporation.
- (62) **“CINEMA”** means a building or part thereof used for the showing or viewing of motion pictures.
- (63) **“CLINIC”** means a building, or part thereof, intended for the use by any or all of the following: physicians, dentists, denturists, drugless practitioners, opticians, optometrists, chiropractors, their staff and their patients, for the purpose of consultation, diagnosis and office treatment. Without limiting the generality of the foregoing, waiting rooms, treatment rooms, laboratories and dispensaries, directly associated with the clinic. Day surgery and medical treatment may be performed in a clinic; however, no overnight accommodation shall be provided.
- (63.1) **“CLINIC, METHADONE”** means a building, or part thereof, used for the dispensing of methadone and may include other support services including a methadone pharmacy, laboratories and the provision of counselling services.
- (64) **“CLUB, PRIVATE”** means a building or premises located on privately owned lands, operated on a non-profit basis for social, literary, cultural, political, educational or recreational purposes, primarily for the exclusive use of members and their guests and not open to the general public on an equal basis.
- (65) **“COLLEGE”** - see “SCHOOL”.
- (66) **“COMMERCIAL OUTDOOR RECREATION FACILITY”** means an outdoor facility or facilities which may include, but not necessarily be restricted to, a water slide, a commercial outdoor swimming

- pool, a wave pool, a golf course, miniature golf course, driving range, a baseball batting cage or a paddleboat or bumper-boat pool, but shall not include a go-kart track, a facility for motorized recreational vehicles, an amusement park, a ski club or any other use separately defined or listed herein.
- (67) **“COMMERCIAL PARKING LOT”** means an open area, other than a street, used for the temporary parking of two or more vehicles for profit or gain.
- (68) **“COMMERCIAL RECREATION ESTABLISHMENT”** means the use of land, building or structure for the purposes of buying and selling commercial entertainment or recreation such as bowling, billiards, arcades, miniature golf, water slides, amusement centres, etc. This definition does not include travel trailer parks or campgrounds.
- (69) **“COMMERCIAL SCHOOL”** see “SCHOOL”
- (70) **“COMMERCIAL STORAGE UNIT”** means a building or buildings consisting of individual units with personal vehicular access, used for the storage of goods, wares, merchandise, foodstuffs, substances, articles or things, but does not include a fuel storage tank except as an accessory use.
- (71) **“COMMERCIAL VEHICLE”** - see “VEHICLE”.
- (72) **“COMMON OPEN SPACE”** means recreation space provided within or outside a building or buildings for the use of all the residents for recreation or social purposes and is readily accessible by all the residents of such building or buildings.
- (73) **“COMMUNITY CENTRE”** means any tract of land, used for community activities and not used for commercial purposes, and the control of which is vested in the Municipality, a local board or agent thereof.
- (74) **“COMPOSTING FACILITY”** means a facility where the composting of organic materials takes place in long rectangular troughs or channels and applied process controls are used to reduce the time required for composting and to ensure product quality.
- (75) **“COMPOSTING FACILITY, IN-VESSEL”** means a facility where the composting process occurs in either fully or partially enclosed vessels with controls on aeration, temperature and the moisture to expedite the decomposition process.
- (76) **“COMPOSTING FACILITY, WINDROW”** means a facility where organic materials such as leaves and yard waste, shredded woody material and vegetable waste are placed in windrows where they are turned and watered occasionally to facilitate their decomposition.
- (77) **“COMPOSTING FACILITY, YARD WASTE”** means a facility for the composting of yard materials in windrows. Yard materials include garden trimmings, grass, brush and leaves but do not include food waste.



- (78) **“CONSENT”** means the approval to the severance of land pursuant to the provisions of Section 53 of the *Planning Act*, 1990, and as the same may be amended from time to time.
- (79) **“CONSERVATION AUTHORITY”** means the Catfish Creek Conservation Authority or any successors thereto.
- (80) **“CONSERVATION WORKS”** means facilities constructed or works undertaken solely for the purpose of preserving and/or enhancing the natural environment.
- (81) **“CONSTRUCTION AND DEMOLITION RECYCLING FACILITY”** processes non-hazardous materials from construction and demolition projects and other sources including wood, drywall, brick, concrete, asphalt shingles, glass and scrap metals.
- (82) **“CONTINUUM-OF-CARE FACILITY”** means a facility which may include a Senior Citizens Apartment Building, and/or a Nursing Home and may include in association with the Senior Citizens Apartment Building and/or Nursing Home such facilities as hospitals, clinics, retirement lodges, recreation centres, cafeterias and personal service establishment. Nursing Home and/or Retirement Lodge such as hospitals, clinics, recreation centres, 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, medical care services, or recreation that are provided by the facility.
- (83) **“CONTRACTOR’S YARD”** - see “BUILDER’S YARD”.
- (84) **“CONVENIENCE STORE”** means a retail food store, confectionery, delicatessen, grocery store, or groceteria having a gross floor area of 300.0 square metres (3,229 sq. ft.) or less, or as determined by the zone standards, where a variety of both household and grocery items are offered for sale primarily to serve the daily needs of people and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning.
- (85) **“CORPORATION”** means the Corporation of the Town of Aylmer.
- (86) **“COUNCIL”** means the Municipal Council of the Corporation of the Town of Aylmer.
- (87) **“COUNTY”** means the Corporation of the County of Elgin.
- (88) **“COUNTY ROAD”** means a street under the jurisdiction of the County.
- (89) **“COVERAGE”** - see “LOT COVERAGE”.
- (90) **“CRUSHING PLANT”** means an industrial establishment where aggregate is processed through a crushing and sorting operation into various grades of gravel.
- (91) **“DATA PROCESSING ESTABLISHMENT”** means a building, or part thereof, used for the input, processing and printing of computerized data.

- (92) **"DAY CARE FACILITY"** means a premises that receives more than five persons who are not of common parentage, primarily for the purpose of providing temporary care or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours. Care may be provided for children, seniors and/or persons with disabilities.
- (93) **"DECK"** means a platform made of wood, concrete or other similar material, that has a height greater than 0.6096 metres above grade, projecting from a building or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar accessory residential uses.
- (94) **"DENSITY"** means the ratio of dwelling units to lot area.
- (95) **"DEPARTMENT STORE"** means a retail store greater than 2000 square metres (21.528 square feet) which offers a wide selection of merchandise in departments including most or all of apparel, housewares, domestic goods, drugs, hardware, automotive supplies, sporting goods, toys, furniture and appliances, and lawn and garden supplies.
- (96) **"DERELICT MOTOR VEHICLE"** means a motor vehicle which is not currently licensed.
- (97) **"DETACHED"** means "not attached".
- (98) **"DEVELOPMENT"** means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.
- (99) **"DRIVE-THROUGH FACILITY"** means a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities.
- (100) **"DRIVEWAY"** means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.
- (101) **"DRIVING RANGE"** means a public or private area operated for the purpose of developing golf techniques, but excluding miniature golf courses and golf courses.
- (102) **"DRY CLEANING AND LAUNDRY DEPOT"** means a building used for the purpose of receiving articles of clothing to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere or on the premises if the processing element is restricted to closed, unvented dry cleaning

equipment, and for the pressing and/or distribution of any such articles or goods which have been subjected to any such process.

**(103) “DRY CLEANING AND LAUNDRY PLANT”** means a building where dry cleaning, dry dyeing, cleaning or pressing of articles of clothing is carried on.

**(104) “DRY CLEANING ESTABLISHMENT”** means a building where dry cleaning, dry dyeing, cleaning or pressing of articles or clothing is carried on, and

- (a) in which only non-inflammable solvents are or can be used which emit no odours or fumes; and
- (b) in which no noise or vibration causes a nuisance or inconvenience within or without the premises.

**(105) “DUPLICATING SHOP”** means a premises engaged in reproducing drawings, plans, maps or other copy, by computer graphics, blueprinting, photocopying or small offset process.

**(106) “DWELLING”** means a building, occupied or designated to be occupied exclusively as a home, residence or sleeping place by one (1) or more persons, but shall not include hotels, lodging houses, tourist homes, nursing homes, motels, institutions, or travel trailers.

- (a) **“APARTMENT BUILDING”** means a residential building containing four (4) or more dwelling units to each of which access is obtained through a common entrance or entrances from the outside and through a corridor or hallway from the inside.
- (b) **“APARTMENT BUILDING, SENIOR CITIZENS”** means an apartment building designed for the accommodation of the elderly, which is owned and managed by a public housing authority or non-profit organization or a charitable institution and which may be associated with a place of worship.
- (c) **“APARTMENT BUILDING, SPECIAL NEEDS”** means an apartment building designed for the accommodation and occupancy by elderly and/or physically handicapped persons which is owned and managed by a public housing authority or non-profit organization or a charitable institution, and which may be associated with a place of worship.
- (d) **“CLUSTER HOUSING”** means a group or groups of dwelling units which may be in various forms, and so located on a lot that each dwelling unit may not have legal frontage on a public street or road and more than one dwelling unit may exist on one lot.
- (e) **“CONVERTED DWELLING”** means an existing dwelling constructed as a single, semi-detached, duplex, or triplex dwelling on an existing lot in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for the required fire escapes, extra windows and entrances to a maximum of 10

percent (10%) of the dwelling or 30.0 square metres (323 square feet), whichever is the lesser, and provided that the building, when converted, complies with the provisions of the Building By-Law and the parking provisions of this By-Law.

- (f) **“DUPLEX DWELLING”** means the whole of a dwelling other than a converted dwelling that is initially built or designed to be divided horizontally into two (2) separate dwelling units each of which has an independent entrance either directly from the outside or through a common vestibule.
- (g) **“MULTIPLE DWELLING”** means a dwelling containing more than three (3) dwelling units.
- (h) **“QUADRUPLEX DWELLING”** means the whole of a dwelling that is divided horizontally and/or vertically into four separate dwelling units, each of which has an independent entrance either directly from the outside or through a common entrance.
- (i) **“SEMI-DETACHED DWELLING”** means one of a pair of two (2) attached single dwellings with a common wall dividing the pair of single dwellings vertically, each of which has an independent entrance either directly from the outside or through a common vestibule.
- (j) **“SINGLE DETACHED DWELLING”** means a single dwelling which is free-standing, separate and detached from other main buildings or main structures, including a split level dwelling, but does not include a mobile home.
- (k) **“SINGLE DWELLING”** means a dwelling containing not more than one (1) dwelling unit as the sole main use thereof, with or without uses accessory thereto.
- (l) **“SPLIT LEVEL DWELLING”** means a dwelling in which the first floor above the finished grade is so constructed as to create two (2) or more different levels, the vertical distance between such levels being always less than the full storey. For the purpose of this By-Law, a split level dwelling house shall be considered as a one (1) storey dwelling house.
- (m) **“STACKED TOWNHOUSE”** means a building designed to contain three (3) or more dwelling units attached side by side, two (2) units high, with each dwelling unit having an independent entrance at grade level, which entrance may be from a vestibule used jointly by two (2) units, and a private open space area. An upper unit may utilize a portion of the roof of a lower unit in the provision of a private open space area.
- (n) **“STREET TOWNHOUSE”** means a townhouse with each unit on a separate lot and having legal frontage on a public street.
- (o) **“TOWNHOUSE”** means a building divided vertically into three (3) or more attached dwelling units by common walls extending from the base of the foundation to the roof line, each dwelling unit having a separate entrance at grade, and so located on a lot that individual units may not have legal frontage on a public street.

- (p) **“TRIPLEX DWELLING”** means the whole of a dwelling that is divided horizontally and/or vertically into three (3) separate dwelling units each of which has an independent entrance either directly from the outside or through a common entrance.
- (107) **“DWELLING UNIT”** means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment.
- (108) **“DWELLING UNIT AREA”** - see “FLOOR AREA”.
- (109) **“EASEMENT”** shall have the meaning attributed to it in the definition of Right-of-Way.
- (110) **“ELECTRICAL AND ELECTRONIC PRODUCTS INDUSTRY”** means an industry involved in the production of appliances, lighting products, audio and video recording, receiving, sending and playing products, communications products, business machine products, electrical transformers and switches, energy, wire and cable products, but shall not include electrical generation equipment or battery products.
- (111) **“EMERGENCY CARE ESTABLISHMENT”** means an institutional use that provides a means of immediate, temporary accommodation and assistance for a short-term period, generally less than six (6) weeks for the majority of the residents. “Emergency care establishments” are distinct from “group homes” in that the former has a shorter length of stay, and that their capacity usually exceeds eight (8) residents (excluding staff or the receiving family).
- (112) **“EMISSION”** means any corrosive gasses, dust, fly ash, electromagnetic fields, heat, glare, odours, smoke, toxic gasses or radiation issuing from a building, structure or lot.
- (113) **“ERECT”** means to do anything in the erection, building, construction, reconstruction, installation, enlargement, extension, material or structural alteration or repair of a building or structure and shall include any preliminary physical operations such as excavating, grading, piling, cribbing, filling or draining, the relocation of a building or structure, the installation of a building unit fabricated or removed from elsewhere, and the demolition or removal of a building or any part thereof and further includes any work for which a building permit is required under the Building By-Law of the Corporation.
- “ERECTED” and “ERECTION” have corresponding meanings.
- (114) **“EXISTING”**, means legally existing as of the date of the passing of the By-Law.
- (115) **“FACTORY OUTLET”** means a building or part thereof accessory to, and clearly secondary to, an industrial use or a service trade, wherein products manufactured, produced, processed or stored

on the premises are kept or displayed for wholesale or retail sale, or wherein orders are taken for the delivery of such products.

- (116) **“FINANCIAL INSTITUTION”** means an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stock brokers, but not including the internal offices or administrative offices which shall be considered to be offices for the purposes of this By-Law.
- (117) **“FLOOD FRINGE”** means those lands being part of the floodplain which delineate the area beyond the floodway which includes the remaining lands susceptible to the Regulatory Flood.
- (118) **“FLOODPLAIN”** means the area adjacent to a river or stream which is within the area defined by the Regulatory Flood as defined by the Conservation Authority having jurisdiction, being the Catfish Creek Conservation Authority, in accordance with the *Conservation Authorities Act*, R.S.O. 1990, as amended from time to time.
- (119) **“FLOODWAY”** means those lands being part of the floodplain which is delineated by a 1:100 year storm defined by the Conservation Authority having jurisdiction, being the Catfish Creek Conservation Authority, in accordance with the *Conservation Authorities Act*, R.S.O. 1990, as amended from time to time.
- (120) **“FLOOR AREA”** means the area of the floor surface of a storey or part thereof.
- (a) **“DWELLING UNIT AREA”** means the aggregate of the floor areas of all habitable rooms, hallways, and lobbies within a dwelling unit, excluding the thickness of any exterior walls.
  - (b) **“GROSS FLOOR AREA”** means the aggregate of the floor areas of all storeys of a building or structure, other than an attic or a cellar, excluding the floor areas of any private garage.
  - (c) **“GROSS LEASABLE”** means the total area of a building for which tenants pay rent and have exclusive occupancy, measured from the centreline of partition walls and the exterior face of outside walls, and includes all such floor area on a main floor, mezzanine and upper storey and in a basement, but does not include any floor area used in common by the tenants of the building such as a mall, aisle or hallway, elevator shaft or lobby, stairwell, any washroom, boiler room, maintenance room, mechanical or electrical or utility room, and any automobile parking facilities provided within the building.
  - (d) **“GROSS RESIDENTIAL”** means the aggregate of the area of all floors in a residential building, whether at, above or below grade, measured from the exterior faces of the exterior walls, or from the centre line of the common wall separating two buildings, and including the basement floor area where the basement ceiling height is 1.95 metres (6 ft. 5 in.) and has access to it with a ceiling height of 1.95 metres (6 ft. 5 in.), but excluding any open porch/verandah and unfinished attic, and area used for a private garage, parking and loading.

- (e) **“NET FLOOR AREA”** means that portion of the gross floor area of a building which is used exclusively for a non-residential use defined herein or specifically named elsewhere in this By-Law, but excluding:
  - (i) any part of such building used for any other non-residential uses which are defined herein or specifically named elsewhere in this By-Law;
  - (ii) any part of such building used as a dwelling unit, a public concourse, an elevator shaft, or a common hallway or stairway not used exclusively by the said non-residential use;
  - (iii) any part of such building used solely for the storage of electrical equipment or of equipment to heat, cool or otherwise control the environment of such building or a portion thereof;
  - (iv) any part of such building used as a lavatory, a washroom, a locker room or a cloak room; and
  - (v) the thickness of any exterior walls of such building.
- (121) **“FLORIST SHOP”** means a retail store devoted to the sale of flowers, indoor plants and arrangements thereof.
- (122) **“FOOD PROCESSING PLANT”** means a building or part thereof, other than a restaurant or catering establishment in which agricultural products are prepared, processed, preserved, graded or stored for eventual human consumption, and includes a flour mill, a dairy, a bakery, a grain elevator or an egg grading station, but does not include an abattoir or any premises used for the slaughtering of animals or the boiling of blood, tripe or bones.
- (123) **“FOOD, TOBACCO AND BEVERAGE PROCESSING INDUSTRY”** means a building or part thereof used for the processing of meat and poultry products; fish products; fruit and vegetable products; dairy products; flour, prepared cereal food and feed products; vegetable oil mills; bakery products; sugar products; soft drink products; tobacco products; and distillery, brewery and winery products.
- (124) **“FORESTRY USE”** means the general raising and harvesting of wood, and without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other forest products produced on the same lot.
- (125) **“FRONTAGE”** - see “LOT FRONTAGE”.
- (126) **“FRONT YARD”** - see “YARD”.
- (127) **“FUEL PUMP ISLAND”** means that portion of an automobile service station, public garage or portion of a non-residential use for the retail sale of automotive fuels, which includes the fuel

- pumps, concrete base, overhead canopy and kiosk, but shall not include any part of any building for the repair or service of vehicles.
- (128) **“FUEL STORAGE DEPOT/SUPPLY YARD”** means the use of land, buildings and structures or portion thereof, wherein fuels such as gasoline, propane, natural gas, oil, kerosene, diesel fuel, wood products, and coal, are stored or kept for wholesale or distribution and resale but does not include retail sales.
- (129) **“FUEL STORAGE TANK”** means a tank for the bulk storage of petroleum gasoline, fuel oil, gas or inflammable liquid or fluid but does not include a container for inflammable liquid or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.
- (130) **“FUNERAL HOME”** means a building or part thereof wherein a licensed undertaker prepares corpses for interment and may include a chapel for funeral services.
- (131) **“GARAGE, PRIVATE”** means an accessory building or structure, or a portion of a building, which is used or intended to be used for the sheltering of vehicles and in which there are no facilities for repairing or servicing such vehicles for gain or profit, and includes a partially enclosed carport.
- (a) **“GARAGE, MUTUAL”** means a private garage which:
- (i) contains sufficient space for the parking of not less than two (2) vehicles;
  - (ii) is situated astride a common side lot line between two (2) adjacent lots; and
  - (iii) is accessory to a main use on each of such lots.
- (b) **“GARAGE, PUBLIC”** means a building or structure other than a private garage which is used for the care, repair or equipping of motor vehicles, or where such vehicles are parked or stored for remuneration, hire or sale.
- (132) **“GARDEN CENTRE”** means a lot, building or structure or part thereof, used for the wholesale and retail sale of trees, shrubs, plants, soil, landscaping supplies, fertilizers and similar materials and may include an associated landscape contracting business.
- (133) **“GARDEN SUITE”** means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and is designed to be portable.
- (134) **“GAS BAR”** means one or more fuel pumps for the sale of motor fuels and related products for motor vehicles, together with the necessary pump islands, light standards, kiosk, concrete aprons, canopy, storage tanks, and related facilities required for the dispensing of fuel and which may include the sale of associated sundry items, tobacco and snack foods, provided the gross floor area devoted to the sale of these items does not exceed 30 square metres (323 square feet) but does not include the provision of mechanical services to vehicles.



- (135) **“GENERAL MANUFACTURING”** means the use of land, building or structure designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, including the storage of building and construction equipment and materials, but not including any noxious industry, mine, pit, quarry, or oil well.
- (136) **“GENERAL OFFICE”** means any building or part of a building in which one (1) or more persons are employed in the management, direction or conducting of an agency, business, brokerage, labour or fraternal organization, but excludes such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.
- (137) **“GOLF COURSE”** means a public or private area operated for the purpose of playing golf including a par three (3) golf course, driving range but does not include driving ranges, miniature courses and similar uses operated for commercial purposes.
- (138) **“GRADE or GRADE AVERAGE FINISHED”** means the average level of finished ground adjoining a building or structure at all exterior walls, as determined by the Chief Building Official.
- (139) **“GRADE LEVEL”** means the level of any lots, measured above sea level according to Geodetic Datum, 15.24 centimetres (6 inches) above the normal crown level of the road, measured above sea level according to Geodetic Datum, upon which the lot abuts. Where a lot abuts on two (2) or more streets, the grade level shall be the mean of the grade levels calculated with reference to the different streets. If the natural level of the ground is higher than as above stipulated, then the average natural level of the ground shall be taken as the grade level.
- (140) **“GRAIN ELEVATOR”** shall mean a building or structure used for the storage and transshipment of grain.
- (141) **“GREENHOUSE, COMMERCIAL”** means a building used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouse, but are sold directly from the lot either at wholesale or retail.
- (142) **GROUP HOME**
- (a) **“GROUP HOME TYPE 1”** means a residence licensed, supervised, approved, or funded under a federal or provincial statute for the accommodation of three (3) to eight (8) persons, excluding staff or the receiving family, living under responsible supervision and who, by reason of their intellectual, mental health, social or physical condition or legal status, require a group living environment for their well-being. A Group Home Type 1 may not include children or youth on probation under provincial or federal statute, an Emergency Care Establishment or a Group Home Type 2, as defined in this By-Law. The minimum floor area for a Group Home Type 1 shall be 18.5 square metres per person residing within the unit.

- (b) **“GROUP HOME TYPE 2”** means a residence licensed, supervised, approved or funded under a federal or provincial statute for the accommodation of up to eight (8) persons, excluding staff, that is maintained and operated primarily for: persons who have been placed on probation or released on parole under provincial or federal statute; or, youth who have been charged under provincial or federal statute and who have been placed in detention or custody. The minimum floor area for a Group Home Type 2 shall be 18.5 square metres per person residing within the unit.

**(143) HABITABLE ROOM**

- (a) **“HABITABLE ROOM”** means a room which:
  - (i) is located within a dwelling unit;
  - (ii) is designed for living, sleeping or eating or for sanitary purposes;
  - (iii) can be used at all times throughout the year; and
  - (iv) is not located within a cellar.but does not include any non-habitable room.
- (b) **“NON-HABITABLE ROOM”** means any room located within a dwelling unit but that is not a habitable room, including, but not so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a communicating corridor, a stairway, a closet, a sunroom, a verandah, a porch, a balcony, a private garage, an unfinished attic, a cellar, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.

**(144) “HEIGHT” or “BUILDING HEIGHT”,** when used in reference to a building or structure, means the vertical distance between the horizontal plane through the average finished grade and a horizontal plane through:

- (a) the highest point of the roof assembly in the case of a building with a flat roof or deck roof or in the case of an accessory structure;
- (b) the average level of a one (1) slope roof, provided that a roof having a slope of less than twenty (20) degrees with the horizontal shall be considered a flat roof;
- (c) the roof deck line, in the case of a mansard roof;
- (d) the average level between eaves and ridges in the case of a roof type not mentioned in subsections (a), (b) and (c) immediately preceding

- (e) where an exterior wall extends above the top of the roof of a building, the topmost part of such exterior wall.
- (145) **“HERITAGE BUILDING”** means a building designated under Part IV of the *Ontario Heritage Act*.
- (146) **“HIGHWAY”, “STREET” or “ROAD”** means a public way for purposes of vehicular and pedestrian travel, including the entire area within the right-of-way, with or without provision made for curbs, sidewalks, and paved gutters, and owned or maintained by a public authority.
- (147) **“HOME AND AUTO SUPPLY STORE”** means a retail store devoted to the sale of merchandise for the home and automobile including such goods as paint, hardware, electrical, plumbing, housewares, home appliances, sporting goods, lawn and garden supplies, and automobile supplies.
- (148) **“HOME APPLIANCE STORE”** means a retail store devoted to the sale of household equipment such as major and small appliances, electronic devices, computers, and audio or visual equipment.
- (149) **“HOME DECORATING STORE”** means a retail store devoted to the sale of goods and materials required for decorating the interior of a home or office, including floor, wall and window coverings, lighting fixtures, bathroom and kitchen fixtures and accessories.
- (150) **“HOME FURNISHINGS STORE”** means a retail store devoted to the sale of movable contents of a room, home or office. Such goods may include furniture, light fixtures, clocks, organs or pianos, carpet and indoor window coverings.
- (151) **“HOME IMPROVEMENT STORE”** means a retail store devoted to the sale of goods or materials associated with the furnishing and decorating of a home and includes a home decorating store, a home furnishing store or a home appliance store.
- (152) **“HOME OCCUPATION”** means the use of part of a dwelling unit for an occupation which provides gain or support, for at least one (1) of the permanent residents of such dwelling unit and which is clearly secondary to the main use of the dwelling unit as a private residence. Also included as a home occupation is “Private Home Day Care”.
- (153) **“HOSPITAL”** means a hospital as defined in the *Private Hospitals Act*, as amended from time to time, or a sanitarium as defined in the *Private Sanitaria Act*, as amended from time to time, or a hospital as defined by the *Public Hospitals Act*, as amended from time to time.
- (154) **“HOTEL”** means any hotel, motel, tavern, inn, lounge, lodge, or public house in one (1) main building or in two (2) or more connected or adjacent buildings designed and used mainly for the purposes of catering to the needs of the travelling public by supplying food, refreshments or both and furnishing sleeping accommodation of not less than six (6) guest rooms, each having no facilities for cooking or housekeeping, and provided that each guest room may only be entered

from the interior of the building. A “Hotel” does not include a lodging house, multiple family dwelling or apartment hotels.

- (155) **“HOUSEHOLD SALE/GARAGE SALE”** means the sale by an occupant of a dwelling unit, on his own premises, of household goods belonging to him.
- (156) **“HOUSEHOLD PET”** means a domestic animal that by nature of its temperament or appearance is taken into the care of one (1) or more persons for the purpose of personal enjoyment or protection which normally spends time in the dwelling unit of the owner at least once each day, and shall include specifically, caged birds, caged rodents or rabbits, cats, dogs, tropical fish, and non-poisonous indigenous reptiles.
- (157) **“IMPOUNDING YARD”** means a place to which disabled motor vehicles, and motor vehicles or other mobile equipment impounded for a breach of the law, may be taken or towed and stored temporarily until reclaimed, but does not include an automobile service station, gas bar, or salvage yard.
- (158) **“INCINERATION”** means the controlled burning of solid waste for the purpose of waste destruction and/or achieving volume and weight reduction or to change waste characteristics.
- (159) **“INDIVIDUAL SANITARY FACILITIES”** means an autonomous, individual on-site wastewater treatment/ sewage disposal system, that is owned, operated and managed by the owner of the property upon which the system is located, which may include tile beds, holding tanks, or any other component of a private sewage disposal system.
- (160) **“INDUSTRIAL MALL”** means a building or group of buildings held in single ownership or by participants in a condominium corporation or cooperative, and divided into units for separate occupancy by different industrial uses for which common loading and parking facilities and other common services may or may not be provided.
- (161) **“INDUSTRIAL USE”** means the use of any land, building or structure for the purpose of manufacturing, processing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale, any goods, substance, 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. Transport terminals would also be considered as an industrial use.
- (162) **“INDUSTRIAL USE, NON-EFFLUENT PRODUCING”** means an industrial use which either does not discharge waste water or discharged waste water from one or more of the following sources only:
- (a) sanitary sewage from employee washrooms;
  - (b) storm water drainage;

- (c) water used for indirect cooling of equipment and ancillary purposes.
- (163) **"INSTITUTIONAL"** means any land, building or part thereof used for a non-commercial purpose by any organization, government agency or group, for charitable, education or benevolent objectives but excluding a private club, mental hospital or any place of detention or correction.
- (164) **"INTERIOR SIDE YARD"** - see "YARD".
- (165) **"KENNEL"** means any lot, building or structure, on or within which three or more domesticated animals are housed, groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.
- (166) **"LABORATORY, MEDICAL/DENTAL"** means a building, or part thereof, used for medical and/or dental testing, medical and/or dental experimentation and medical and/or dental research.
- (167) **"LABORATORY, PATIENT TESTING CENTRE"** means a building, or part thereof, used for medical and/or dental testing (i.e. blood tests, x-rays) and specimen depots.
- (168) **"LABORATORY, SCIENTIFIC OR RESEARCH AND DEVELOPMENT"** means a building or part thereof, used for scientific and/or product development testing, experimentation and/or research.
- (169) **"LANDFILLING"** includes the disposal of waste by deposit, under controlled conditions, on land and includes compaction of waste into a cell and coving the waste with cover material at regular intervals.
- (170) **"LANDING STRIP"** shall mean a strip of ground used or capable of being used for the landing and take-off of aircraft.
- (171) **"LANDSCAPED OPEN SPACE"** means an open area of land which is:
- (a) unoccupied by any building or structure;
  - (b) situated at ground level on a lot; and
  - (c) used or intended to be used for the growth and maintenance of grass, flowers, shrubs, bushes, trees and other vegetation, and for the provision of other landscaping features including, but not necessarily restricted to, planting strips, facilities for outdoor recreation, play areas, surfaced walks and patios;
- but does not include any part of a driveway or parking area, regardless of surface composition, or any roof-top terrace, balcony, or space enclosed within a building.
- (172) **"LANDSCAPE SUPPLY OUTLET"** means the use of land, buildings or structures or part thereof where soil and other similar landscape materials are offered for sale on a retail or wholesale basis.

- (173) **“LANE”** means a walkway, emergency access or any other passageway or right-of-way, open from ground to sky, not constituting a street but laid down upon a registered plan and dedicated to public use, as a right-of-way for use in common by adjacent landowners.
- (174) **“LAUNDROMAT”** means a self-serve clothes washing establishment containing one (1) or more washing and drying, ironing, finishing or other incidental equipment.
- (175) **“LEACHATE PRE-TREATMENT / HAULED LIQUID WASTE FACILITY”** means a leachate pre-treatment / hauled liquid waste facility pre-treats leachate from landfill operations and septage brought to the site from area haulers before pumping it through a force main to the Municipality’s existing sewer system. This facility will better manage leachate levels, provide pre-treatment of landfill leachate and hauled liquid waste to levels consistent with the Sewage/Waste Discharge By-law and establish a dedicated hauled liquid waste receiving station for residents, businesses and Institutions who are not serviced with sanitary sewers.
- (176) **“LEATHER AND FUR PROCESSING INDUSTRY”** means a building or part thereof used for the preparation of animal hides for use in the manufacture of products using leather or fur but excluding the tanning of hides or rendering of animal parts.
- (177) **“LEGAL”** or **“LAWFUL”**, when used in reference to a use, a lot, a building or a structure, means a use, a lot, a building or a structure allowed by law, which complies with any and all restrictions lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.
- (178) **“LEGAL SIGN”** - see **“SIGN”**.
- (179) **“LIBRARY, PUBLIC”** means a library, branch library or distributing station under the *Public Libraries Act*, as amended from time to time, or any successor thereto.
- (180) **“LOADING SPACE”** means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle, loading or unloading merchandise or materials pertinent to such permitted use.
- (181) **“LODGING HOUSE”** means:
- (a) a building in which residential accommodation is provided or is intended to be provided for hire or gain in which each lodger does not have access to all the habitable areas of the building, consisting of:
    - (i) a dwelling unit, together with more than three (3) lodging units which lodging units individually or collectively do not constitute separate dwelling units; or
    - (ii) more than three (3) lodging units, which lodging units individually or collectively do not constitute a dwelling unit; or

- (b) a building in which lodging is provided for more than three (3) persons, with or without meals.

In no case shall a lodging house be for more than ten (10) persons exclusive of staff or the proprietor's family.

A lodging house shall include a rooming house, a boarding house, a fraternity and sorority house, but shall not include a hotel, motel, hostel, hospital or nursing home if licensed, approved or supervised under any general or special act other than the *Municipal Act*, or a residence of an educational institution.

**(182) "LOT"** means a parcel or tract of land which:

- (a) is a whole lot or block as shown on a registered plan of subdivision but a registered plan of subdivision for the purposes of this paragraph does not include a registered plan of subdivision deemed not to be a plan of subdivision under a by-law passed pursuant to Section 49 of the *Planning Act*, as amended from time to time; or
- (b) fronts an open street within the corporation of the Town of Aylmer and is a separate parcel of land without any adjoining lands being owned by the same owner or owners as at the date of the passing of this By-Law; or
- (c) the description of which is the same as in a Deed which has been given consent pursuant to Section 52 of the *Planning Act*, as amended from time to time; or
- (d) For the purpose of this definition, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or had been conveyed to or acquired by the Municipality, Her Majesty in Right of Ontario, or Her Majesty in Right of Canada.

**(183) "LOT AREA"** means the total horizontal area within the lot lines of a lot.

**(184) "LOT, CORNER"** means:

- (a) a lot situated at the intersection of two or more streets, or a lot abutting on one or more parts of the same street, in which an interior angle of less than 135 degrees is contained, between the front and side lot lines abutted by the said street or streets; or
- (b) a lot located on the curve of a street where the angle of intersection of the projection of the tangents of the street line does not exceed 135 degrees and for which the corner of the lot shall be deemed to be the centre point of that part of the arc of the street line upon which the lot abuts.

**(185) "LOT COVERAGE"** means that percentage of the area of a lot covered by the perpendicular projections onto a horizontal plane of the floor areas of all buildings or mobile homes on the lot,

excluding balconies, canopies and overhanging eaves which are 2 metres (6.56 feet) or more in height above finished grade.

**(186) “LOT DEPTH”** means:

- (a) the shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;
- (b) the average horizontal distance between the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or
- (c) the horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot, where there is not rear lot line.

**(187) “LOT FRONTAGE”** means the horizontal distance between the side lot lines measured along the front lot line but where the front lot line is not a straight line, or where the side lot lines are not parallel, the frontage is to be measured by a line 6 m (19.7 ft.) back from and parallel to the chord of the frontage and for the purpose of this paragraph, the chord of the frontage is a straight line joining the two points where the side lot lines intersect the front lot line.

**(188) “LOT - INTERIOR”** means a lot other than a corner lot.

**(189) “LOT LINE”** means any boundary of a lot or the vertical projection thereof.

- (a) **“FRONT LOT LINE”** means the lot line that abuts the street, but
  - (i) in the case of a corner lot or through lot, the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that abuts a street shall be deemed to be the side lot line or the rear lot line, as the case may be; but
  - (ii) in the case of a corner lot or through lot with two lot lines of equal length abutting streets, the lot line that abuts the wider street shall be deemed to be the front lot line, but where the streets are of equal width, the lot line which abuts a County Road or 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 owner of such lot may designate which street line shall be the front lot line; or
  - (iii) where lot frontage on an arterial is required by the By-Law, the lot line which abuts the arterial shall be interpreted as being the front lot line regardless of whether it is the longer lot line.
- (b) **“REAR LOT LINE”** means, in the case of a lot having four (4) or more lot lines, the lot line farthest from and opposite to the front lot line, except that where a lot has only three (3) lot lines there shall be deemed to be no rear lot line.



- (c) **“SIDE LOT LINE”** means a lot line other than a front or rear lot line.
  - (d) **“EXTERIOR SIDE LOT LINE”** means a side lot line that is also a street line.
  - (e) **“INTERIOR SIDE LOT LINE”** means a side lot line other than exterior side lot line.
  - (f) **“INTERIOR LOT LINE”** means a lot line other than a street line.
- (190) **“LOT OR RECORD”** means a lot that legally exists at the date of passing of this by-law.
- (191) **“LOT - THROUGH”** means a lot bounded on two (2) sides by a street; provided, however that if any lot qualifies as being both a corner lot and a through lot, such lot shall be conclusively deemed to be corner lot.
- (192) **“M<sup>2</sup>”** means square metres.
- (193) **“MACHINE SHOP”** - See **“SERVICE SHOP”**.
- (194) **“MAIN”**, when used to describe a use, a building or a structure, means a use or structure which constitutes, or a building in which is conducted, a principal use of the lot on which such use, building or structure is located.
- (195) **“MAIN WALL”** means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.
- (196) **“MATERIAL RECOVERY FACILITY”** means a facility in which solid non-hazardous recyclable material is received collected, sorted, and/or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products.
- (197) **“MANSE”** means a dwelling accessory to a place of worship.
- (198) **“MANUFACTURING AND ASSEMBLY INDUSTRY”** means a building or part thereof used for a broad range of manufacturing, fabricating and assembly industries, and includes household waste recycling depots, but excludes paper and allied products industries, food, tobacco and beverage processing, processed goods, armaments, munitions and explosives manufacturing industries, and any noxious use. Noxious uses are such uses are listed under Section 3(24) of the General Provisions Section of this By-Law.
- (199) **“MARKET GARDEN”** means the land used for the growing of vegetables, berry fruit crops, flowers and mushrooms, nurseries and nursery sales stations and greenhouses.
- (200) **“MEDICAL/DENTAL OFFICES”** - See **“OFFICES, MEDICAL/DENTAL”**.
- (201) **“MERCHANDISE SERVICE SHOP”** means a building or part thereof wherein articles or goods, other than vehicles or industrial toolage, are repaired or serviced, or where replacement parts for such

articles or goods are offered for sale or a depot to collect, ship and receive such articles to be repaired or renewed.

- (202) **"MINIATURE GOLF COURSE"** means an area of land or a building, 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 driving range.
- (203) **"MIXED USE DEVELOPMENT"** means a development project containing both commercial and residential floor space conceived and designed as a single environment owned and managed as a unit, providing common on-site parking, open space, access and other shared facilities and which may be held in single ownership or by participants in a condominium cooperative, and in which both commercial and residential amenities are provided.
- (204) **"MOBILE HOME"** means any dwelling that is designed to be made mobile, regardless of whether the running gear has been removed, and constructed or manufactured to provide a permanent residence for one (1) or more persons, but does not include a travel trailer or tent trailer or trailer otherwise defined or a recreational vehicle.
- (205) **"MOBILE HOME LOT"** means a parcel of land within a mobile home park which is used as the site of, and pertains to, not more than one (1) mobile home.
- (206) **"MOBILE HOME PARK"** means a parcel of land containing two (2) or more mobile home lots, with or without any buildings, structures or uses accessory thereto.
- (207) **"MODEL HOME"** means a dwelling which is not occupied for human habitation but is used for the purpose of display to the public and where a portion of this dwelling may be used as a sales office for the dwelling units to be constructed on lots within a plan of subdivision.
- (208) **"MONASTERY"** shall mean a dwelling occupied in common by persons under religious vows of seclusion.
- (209) **"MOTEL"** means a building, a part of a building or a group of buildings used for the purpose of providing accommodation, with or without food or other refreshments, to the travelling public, including, but not so as to limit the generality of the foregoing, a motor court, auto court, motor hotel, tourist home and any hotel as defined in the *Hotel Registration of Guest Act*, as amended from time to time, or any successors thereto.
- (210) **"MOTOR HOME"** means a self-propelled vehicle designed for temporary living, sleeping and eating accommodation of persons and includes a camper pickup and camper van.
- (211) **"MOTOR VEHICLE"** means a wheeled, self-propelling vehicle for the transportation of passengers or goods or both passengers and goods, and without limiting the generality of the foregoing,

- includes automobiles, trucks, buses, ambulances, hearses, motor homes, and tractors and other self-propelled farm machinery.
- (212) **“MOTOR VEHICLE, COMMERCIAL”** means a motor vehicle as defined above that is used for commercial, industrial or any other non-private purposes.
- (213) **“MOTOR VEHICLE SERVICE AND REPAIR”** means the carrying on of minor servicing or repair of a motor vehicle including, but not limited to: battery replacement, incidental small part changes, tire repair, brake servicing, oil changes, lubrication, engine tune-ups, detailing, cleaning and other similar activities. Auto body repair, painting of vehicles, activities that create noise, storage or deposit of derelict vehicles or parts thereof are not permitted. For the purpose of this definition, motor vehicle shall include passenger vehicles such as automobiles, motorcycles, vans, and trucks but does not include commercial vehicles such as but not limited to taxis, limousines, motorized construction equipment, farm equipment, truck bodies, truck tractors or tractor trailers.
- (214) **“MUNICIPAL DRAIN”** means drainage works constructed and maintained under the provisions of the *Drainage Act*, as amended from time to time.
- (215) **“MUNICIPAL SERVICES”** means such services as curbs, gutters, sidewalks, pavement and roadworks, sewage and drainage systems, pumping stations, sewage treatment plants, private drain connections, watermains, service pipes, electrical services or streetlights, designed to service or capable of servicing a lot.
- (216) **“MUNICIPAL WASTE DISPOSAL FACILITY”** means a facility for final disposal and includes landfills, solid waste incinerator and waste to energy facilities, including the flaring of landfill gas.
- (217) **“MUNICIPALITY”** means The Corporation of the Town of Aylmer.
- (218) **“MUTUAL DRIVEWAY”** means an ingress or egress that is common to two (2) or more owners of abutting lands as a right-of-way registered against the title of the land.
- (219) **“NEIGHBOURHOOD PARKING STATION”** means a place, building or depot used for the temporary storage of motor vehicles between trips and designed primarily to accommodate those vehicles which may not conveniently or legally be parked or stored elsewhere.
- (220) **“NON-COMPLYING”** means a lot, building, or structure which is existing but does not meet, comply or agree with the regulations of this By-law. **“NON-CONFORMING”** means a use which is existing but not permitted in the zone in which the said use is situated.
- (221) **“NON-CONFORMING”** means a use, building, structure or any part thereof which was lawfully occupied and/or existed at the date of passing of this By-Law, which does not conform or comply with the permitted uses and/or regulations of the zone in which it is now located.

- (222) **“NOXIOUS USE”** means an offensive trade within the meaning of the *Public Health Act* or any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter.
- (223) **“NURSERY AND GARDEN STORE”** means the use of land, buildings or structures, or part thereof, where trees, shrubs or plants are grown or stored for the purpose of transplanting for use as stocks for building or grafting or for the purpose of retail or wholesale.
- (224) **“NURSING HOME”** means a building wherein lodging, meals, personal care, nursing services, and medical care and treatment may be provided for gain or profit or as a charitable public service and includes a rest home or a convalescent home, but does not include a hotel, motel or hospital as defined herein.
- (225) **“OFFICE, GENERAL”** means a building or part of a building or any room or suite of rooms designed, intended or used for the conduct of a profession, occupation or business, but shall not include the office of a veterinarian, the retailing of merchandise, the manufacturing, repairing or storage of goods or any assembly hall or place of amusement.
- (226) **“OFFICE, BUSINESS”** means a building or part thereof in which the administrative functions of agencies, foundations, brokers, labour or fraternal organizations are carried out and includes a service office, but does not include medical/dental offices, professional offices, support offices, financial or general offices, unless specified as permitted within this definition.
- (227) **“OFFICE, MEDICAL/DENTAL”** means an office or offices in which the practice of the professions of medicine, psychiatry, dentistry or optometry is carried on or in which the treatment by osteopathy or chiropractic is carried out.
- (228) **“OFFICE, CHARITABLE ORGANIZATION”** means a building or part thereof in which the administrative functions of a registered charitable organization are carried out as the primary function, including but not limited to such uses as design, printing, assembly and distribution of information materials related to the use, customer service and data processing related to the use, warehousing/storage of supplies related to the use, and training and conference facilities and public education programs related to the use.
- (229) **“OFFICE, PROFESSIONAL”** means a building or part thereof in which a legal or other personal professional service is performed or consultation given, includes the offices of a lawyer, a planner, an architect, a surveyor, an engineer or a chartered accountant, but does not include a personal service establishment, a medical/dental office, a clinic, an veterinarian’s clinic, a body-rub parlour or any adult entertainment parlour as defined in the *Municipal Act*, as amended.
- (230) **“OFFICE, SERVICE”** means a building, or part thereof, in which one (1) or more persons is employed in the management, direction or conducting of a travel agency, an insurance agency, or a real estate agency.

- (231) **"OFFICE, STORE AND BUSINESS ELECTRONIC PRODUCTS INDUSTRY"** means a building or part thereof used for manufacturing, fabricating and assembly of office machines such as typewriters, electronic computing equipment, calculating and accounting machines, scales and balances, and components accessory thereto.
- (232) **"OFFICE SUPPLY OUTLET"** means a retail store devoted to wholesale and retail sale of office supplies and school supplies, such as paper products, information processing supplies, files and furniture.
- (233) **"OPEN SPACE, COMMON"** means an outdoor space within a development, at grade level or otherwise, which is designed and intended for the common use or enjoyment of the occupants or users of the development, and may include a terrace, tot lot, swimming pool, garden, games area, sitting area or other similar facility or area, and landscaped open space areas having no dimension less than three metres.
- (234) **"OPEN STORAGE"** means the storage of goods and materials, or the display and sale of goods and materials, including vehicles for hire or sale, outside a building as defined herein.
- (235) **"OPEN STORAGE AREA"** means an area of land used for open storage purposes.
- (236) **"OUTDOOR DISPLAY AND SALES AREA"** means an area set aside out of doors, covered or uncovered, to be used in conjunction with an established use or business located in adjacent permanent premises for the display or sale of fresh produce and new goods or merchandise.
- (237) **"OUTDOOR PATIO"** means an area set aside out of doors, covered or uncovered, for the use of patrons as a licensed restaurant in connection with, and in addition to, the operation of an adjacent restaurant.
- (238) **"OUTDOOR RECREATIONAL USES"** means any form of play, amusement or relaxation, such as games or sports, carried on completely in the open air and not requiring any buildings for the recreational use itself although accessory buildings for related facilities may be required such as for administrative or office purposes, storage, and accessory food facilities; but does not include war games as defined in Section 2(356) of this By-Law.
- (239) **"PAPER AND ALLIED PRODUCTS INDUSTRY"** include pulp and paper industries; the asphalt roofing industry; the paper box and bag industry; and other converted paper products industries.
- (240) **"PARK"** means an area of land, consisting primarily of landscaped open space, used primarily for active or passive recreational purposes or as a conservation area, with or without related recreational buildings, structures or facilities including, but not necessarily restricted to a recreational playground, a golf course, a driving range, a play area, a band stand, a skating rink, a horticultural greenhouse, a bowling green, a tennis or badminton court, a play field, a race track, a swimming area, a wading pool, a boating pond or lake, a watercourse, a campground, a refreshment booth, or a picnic area.

- (a) **“PUBLIC PARK”** means a park owned or controlled by a public agency.
  - (b) **“PRIVATE PARK”** means a park other than a public park, regardless of whether or not such park is maintained or operated for gain or profit, but does not include an amusement park in which rides, games of chance and the sale of food, beverages, toys and souvenirs constitute the main uses.
  - (c) **“AMUSEMENT PARK”** and may include a variety of buildings or structures directly related to recreational and amusement uses.
- (241) **“PARKING AISLE”** means a portion of a parking area which abuts, on one (1) or more sides, parking spaces to which it provides access, and which is not used for the parking of vehicles.
- (242) **“PARKING AREA”** means an area or areas of land or a building or structure or part thereof which is provided and maintained for the purpose of temporary parking or storing of motor vehicles accessory to a permitted use.
- (243) **“PARKING AREA, BUS”** means an area or areas of land or a building or structure or part thereof, which is provided and maintained for the purpose of temporary standing or parking, exclusively for bus(es) operated by or for the public transit service, accessory to a permitted use.
- (244) **“PARKING LOT”** means a lot which contains, and the main use of which is, a parking area, whether or not such parking area is located within a structure.
- (245) **“PARKING LOT, ACCESSORY”** means a parking lot which is an open area, other than a street, used for the temporary parking of two or more vehicles which is customarily incidental, subordinate and exclusively devoted to the main use and carried on with such main use on the same lot.
- (246) **“PARKING LOT, COMMERCIAL”** means a non-accessory parking area which is an open area, other than a street, used for the temporary parking of two or more vehicles for profit or gain.
- (247) **“PARKING SPACE”** means a space, exclusive of driveways, ramps or columns, to park one vehicle for purposes other than the display or offering for sale of commodities.
- (248) **“PARKING STRUCTURE, COMMERCIAL”** means a structure designed for the temporary parking of vehicles for profit or gain.
- (249) **“PASSIVE RECREATIONAL USE”** means enjoyment of the natural environment through non-intensive activities that are passive in nature and cause minimal impact on the natural features and functions of an area. Passive recreational uses include access trails, nature study, bird watching, outdoor education and associated facilities, but do not include recreational buildings, sports fields or golf courses.
- (250) **“PATIO, PRIVATE OUTDOOR”** means a platform made of wood, concrete or other similar material, that has a height of 0.6096 metres (2 feet) or less above grade, made of wood, concrete, or other

similar material, projecting from a building or freestanding, open to the sky, and intended for the purpose of outdoor dining, lounging, and other similar accessory residential uses.

- (251) **“PERMITTED”** means “permitted by this By-Law”.
- (252) **“PERSON”** means any individual, an association, a firm, a partnership or an incorporated company, municipal corporation and the agent, trustee, heirs, executors, or other legal representatives of a person to whom the context can apply according to law.
- (253) **“PERSONAL SERVICE ESTABLISHMENT”** means a building, or part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, comprising the premises of a barber, hairdresser, beautician, tailor, dressmaker and/or shoemaker, as well as a laundromat, dry cleaning and laundry depot, sun tanning shop and a formal rentals shop. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.
- (254) **“PET GROOMING ESTABLISHMENT”** means a building, or part therefore, within which a person is employed in grooming domesticated animals, but does not include an animal boarding or kennel facility as defined elsewhere in this By-Law.
- (255) **“PHARMACEUTICAL AND MEDICAL PRODUCTS INDUSTRY”** means a building or part thereof used for the manufacture, fabrication and processing of drugs in pharmaceutical preparations for human or veterinary use, and the manufacture of orthopaedic, prosthetic and surgical appliances and supplies.
- (256) **“PHARMACY”** means a retail store which dispenses prescription drugs and which sells, among other things, non-prescription medicines, health and beauty products, and associated sundry items.
- (257) **“PIT”** means any pit or excavation made for the purpose of searching for, or the removal of any soil, earth, clay, marl, sand, gravel or rock for commercial purposes but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.
- (258) **“PIT, WAYSIDE OR WAYSIDE QUARRY”** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- (259) **“PLACE OF ENTERTAINMENT”** means a motion picture or other theatre, assembly hall, billiard or pool room, bingo hall, bowling alley, amusement arcade, dance hall or music hall, but does not include any place of entertainment or amusement otherwise defined or classified herein.

- (260) **“PLACE OF WORSHIP”** means a building, including synagogues, mosques and rectories, owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall, church auditorium, convent, monastery, office of a clergyman, cemetery, church school, parish hall, day care facility or a parsonage as uses accessory thereto.
- (261) **“PLANTING STRIP”** means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following screening devices:
- (a) a continuous row of trees;
  - (b) a continuous hedgerow of evergreens or shrubs;
  - (c) a berm;
  - (d) a wall; or
  - (e) an opaque fence,
- arranged in such a way as to form a dense or opaque screen.
- (262) **“POINT OF INTERSECTION”** means the point at which street lines abutting a corner lot intersect, or, if the street lines do not intersect at a point, then the point of intersection shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents of the street lines.
- (263) **“POOL MECHANICAL EQUIPMENT”** means the mechanical/operational components of a swimming pool which includes but shall not be limited to the pump, heater/furnace and filter.
- (264) **“POOL SUPPLY OUTLET”** means the use of land, buildings or structures or part thereof for the sale of pool equipment and chemicals, outdoor furniture, outdoor recreation equipment and other similar items, in association with a swimming pool construction or maintenance business.
- (265) **“PRIMARY METALS INDUSTRY”** means a building or part thereof used by the primary steel industries; steel pipe and tube industries; iron foundries; non-ferrous metal smelting and refining industries; aluminum rolling, casting and extruding industries; copper and copper alloy, rolling, casting and extruding industries; and other rolled, casting and extruding non-ferrous metal products industries.
- (266) **“PRINTING ESTABLISHMENT”** means a building or part thereof, used for the primary purpose of printing, lithographing or publishing. It may include some of the same uses permitted in a duplicating shop, but must include at least one (1) of the above-listed primary functions.
- (267) **“PRINTING, REPRODUCTION AND DATA PROCESSING INDUSTRY”** means a building or part thereof, used by printing industries; reproduction industries such as tape, film and records; data processing industries; and binding and related industries with similar impacts.
- (268) **“PRIVATE”** means “not public”.
- (269) **“PRIVATE GARAGE”** - see “GARAGE, PRIVATE”.



- (270) **“PRIVATE HOME DAY CARE”** means a premises providing temporary care and custody for reward or compensation of not more than six persons in a provincially licensed home day care outside a flood plain, or not more than five persons within a flood plain or in an unlicensed home day care in a private residence other than the home of a parent or guardian of any such person for a continuous period not exceeding 24 hours. Care may be provided for children, seniors and/or persons with disabilities.
- (271) **“PROCESSED GOODS INDUSTRY”** means a building or part thereof used by textiles, leather and rubber industries; plastics and synthetic resins industries; paper and wood products industries; metal products industries; oil and coal by-products industries; chemical products industries; and non-metallic products industries. Processed goods industries exclude pulp and paper industries and primary metal industries.
- (272) **“PROPANE TRANSFER FACILITY”** means a facility at a fixed location having not more than one storage container and such container shall not have an aggregate propane storage capacity in excess of 50 000 litres (10,994 gallons) and from which no retail sale of propane fuel to the public is or may be effected.
- (273) **“PUBLIC”**, when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public.
- (274) **“PUBLIC AGENCY”** means:
- (a) the Government of Canada, the Government of Ontario or any municipal corporation;
  - (b) any ministry, department, commission, corporation, public authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation;
  - (c) any public utility; or
  - (d) any railway company authorized under the *Railway Act*, as amended from time to time, or any successors thereto.
- (275) **“PUBLIC AUTHORITY”** means any school board, public utility commission, transportation commission, public library board, board of parks management, board of health, board of commissioners of police, planning board or other board or commission or committee of local authority established or exercising any power or authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or any portion thereof, and includes any board, commission or committee or local authority established by by-law of the Municipality.

- (276) **"PUBLIC DROP-OFF AND RECYCLING DEPOT"** means a municipally owned or controlled drop-off centre open to the public for the collection and transfer of household garbage and recyclable materials, including household, construction, and yard materials; but does not include a residential and other source recycling facility, construction and demolition recycling facility, specialized recycling facility, or waste transfer station as defined herein.
- (277) **"PUBLIC DROP-OFF FOR MUNICIPAL HAZARDOUS OR SPECIAL WASTE"** means a facility for the collection of Municipal Hazardous or Special Waste from residential sources and small quantity industrial, institutional and commercial generators.
- (278) **"PUBLIC SERVICES"** means the buildings, structures and other related work necessary for supplying transportation services, water, gas, oil, electricity, steam, hot water, telecommunication services, storm drainage, sewage collection and treatment facilities.
- (279) **"PUBLIC USE"**, when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public. Public agencies comprise:
- (a) the Government of Canada, the Government of Ontario, or a municipal corporation;
  - (b) any ministry, department, commission, authority, board or agency established by the Government of Canada or the Government of Ontario; or
  - (c) any public utility.
- (280) **"PUBLIC UTILITY"** means:
- (a) any public agency, corporation, board or commission providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage, or sewage or waste collection and disposal services to the public; or
  - (b) a use pertaining to any such agency, corporation, board, or commission.
- (281) **"RAILWAY LINES"** means an area of land, a portion of which is covered by a system of tracks, that provides for the movement and making up of trains and includes ancillary structures such as stations, offices, wheel houses, towers, repair and storage buildings.
- (282) **"RAW MATERIALS PROCESSING INDUSTRY"** means a building or part thereof used by natural fibres, rubber and pelt processing industries; rock, stone and non-metallic processing industries; clay and fine aggregates processing industries; ore processing industries; chemical processing industries; and miscellaneous processing industries which have similar impacts, such as secondary processing of scrap metal to its base form. The raw material processing industries exclude oil, natural gas and coal processing and refining industries.
- (283) **"RECREATION OR COMMUNITY CENTRE"** means a public building used for recreation or social activities, meetings or other leisure activities.

- (284) **"RECYCLING FACILITY, RESIDENTIAL AND OTHER SOURCE"** means any building, portion of building or area in which solid non-hazardous recyclable material is collected, sorted, and/or processed, including paper, newsprint, telephone books, paper egg cartons and boxes, magazines, catalogues and books, corrugated cardboard boxes, paper board, box board, glass bottles and jars, aluminum foil, aluminum and steel cans, plastic bottles, jugs and tubs, polycoat milk and juice containers, styrofoam, and textiles(clothing) for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products.
- (285) **"RECYCLING FACILITY, SPECIALIZED"** means a recycling facility which, in addition to any activity permitted in a Residential and Other Source Recycling Facility, engages in the processing of non-hazardous recyclable materials such as textiles, leather, plastic, household appliances, and tires, but excluding construction and demolition waste materials.
- (286) **"REAR LOT LINE"** - see "LOT LINE".
- (287) **"REAR YARD"** - see "YARD".
- (288) **"RECREATIONAL ESTABLISHMENT"** means a building designed and intended to accommodate various forms of indoor sports and recreation, and shall include an arena, tennis, squash, handball and badminton courts, and roller skating rinks. Playing areas in tennis, squash, handball and badminton courts are to be excluded for the purpose of calculating parking requirements.
- (289) **"RECREATIONAL VEHICLE"** means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.
- (290) **"REDEVELOPMENT"** means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereupon.
- (291) **"RENOVATION"** means the repair and restoration of a building to an improved condition but shall not include its replacement.
- (292) **"REPAIR AND RENTAL ESTABLISHMENT"** means a business engaged in maintaining, repairing, installing and renting articles and equipment for household and personal use, such as: radios and televisions; refrigeration and air conditioning; appliances; watches, clocks and jewellery; and re-upholstery and furniture repair. This does not include any other use specifically referred to or defined in this By-Law.
- (293) **"RESEARCH AND DEVELOPMENT ESTABLISHMENT"** means a building or part thereof used by raw material development and testing firms; processed products development and testing firms; and chemical and biological products development and testing firms.
- (294) **RESIDENTIAL**

- (a) **“RESIDENTIAL”**, when used in reference to a building, structure or use, means any dwelling or mobile home as defined herein or any accessory building, structure or use exclusively devoted thereto.
  - (b) **“NON-RESIDENTIAL”**, when used in reference to a building, structure or use, means a building, structure or use other than a residential building, structure or use.
  - (c) **“RESIDENTIAL LOT”** means a lot containing a residential use or a vacant lot that is zoned for a residential use and meets the zone provisions for the permitted residential use.
- (295) **“RESIDENTIAL USE”** means the use of a building or structure or parts thereof as a dwelling.
- (296) **“RESTAURANT”** means a building or part thereof where food is prepared and offered for retail sale to the public for immediate consumption either on or off the premises, including a licensed dining lounge, but excluding a tavern as defined herein.
- (297) **“RETAIL LUMBER”** - See **“BUILDING SUPPLY OUTLET”**.
- (298) **“RETAIL LUMBER AND BUILDING SUPPLY YARD”** means a lot, building or structure or part thereof, the primary use of which is the storage and retail sale of timber which has been sawn or split for use, with or without related building materials and supplies.
- (299) **“RETAIL STORE”** means a building or part of a building where goods, wares, merchandise, articles or things are offered or kept for retail sale at retail and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, articles or things sufficient only to service such store but does not include any wholesale business or business supply use, or any establishment otherwise defined or classified.
- (300) **“RETIREMENT LODGE”** or **“RETIREMENT HOME”** means a residence providing accommodation primarily for persons or couples over 60 years of age where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided.
- (301) **“RIGHT-OF-WAY or EASEMENT”** means any right, liberty or privilege in, over, along or under land, which the owner of one (1) lot may have with respect to any other lot or which the Municipality, any other governmental authority or agency, private company or individual may have with respect to any land in the Municipality.
- (302) **“ROAD”** shall have the meaning attributed to it in the definition of Street.
- (303) **“ROAD, COUNTY”** shall mean a street under the jurisdiction of the County.

- (304) **"ROAD, PRIVATE"** means a private right-of-way over private property that is a commonly owned and/or shared access to abutting lots that is privately maintained and is not a public highway as defined by the *Municipal Act*.
- (305) **"ROOMING HOUSE"** - See "LODGING HOUSE".
- (306) **"SALVAGE OR SCRAP YARD"** means an establishment, lot or premises used for the storage wholly or partly in the open, handling, processing, or any combination thereof, of scrap material for reuse for the purpose of commercial gain, which without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, bicycles, vehicles, tires, and metal, and junk or scrap metal yards and automobile wrecking yards shall also be included.
- (307) **"SANITARY SEWER"** means an adequate system of underground conduits, operated either by a municipal corporation or by the Ministry of the Environment, which carries sewage to an adequate place of treatment which meets with the approval of the Ministry of the Environment.
- (308) **"SATELLITE DISH"** means a parabolic or spherical antenna which receives television or microwave transmissions or other signals from orbiting satellites or other devices.
- (309) **"SCHOOL"** means an institution for education or instruction as defined in the *Education Act* or the *Ministry of Training, Colleges and Universities Act*, normally under the jurisdiction of a Board.
- (a) **"ADULT SECONDARY SCHOOL"** means a Secondary School identified as a centre for learning for persons who are mature students (not of compulsory school age), attending to complete some or all of their secondary education.
- (b) **"COMMERCIAL SCHOOL"** means a school operated by one or more persons for gain or profit.
- (c) **"COMMUNITY COLLEGE SCHOOL"** means a college of applied arts and technology established under the *Ministry of Training, Colleges and Universities Act*.
- (d) **"ELEMENTARY SCHOOL"** means a school under the jurisdiction of the County District School Board, the Catholic District Separate School Board or a school operated under charter granted by the Province of Ontario, used primarily for the instruction of students receiving primary education.
- (e) **"PRIVATE SCHOOL"** means a school, other than an elementary school, secondary school, adult secondary school, community college school, university school or a commercial school, under the jurisdiction of a private board of directors, trustees or governors, a religious organization or a charitable institution, used primarily for the instruction of students receiving primary and/or secondary education.

- (f) **"SECONDARY SCHOOL"** means a school under the jurisdiction of the County District School Board, the Catholic District Separate School Board or a school operated under charter granted by the Province of Ontario, used primarily for the instruction of students receiving secondary education.
- (g) **"UNIVERSITY SCHOOL"** means a university designated by the *Ministry of Training, Colleges and Universities Act*.
- (310) **"SELF-STORAGE ESTABLISHMENT"** means a building or buildings consisting of individual storage units accessible by the user, used for the storage of goods, wares, merchandise, foodstuffs, substances, articles or things, but does not include a fuel storage tank except as an accessory use.
- (311) **"SENIOR CITIZEN HOUSING"** means any housing for senior citizens sponsored and administered by any public agency or any service club, place of worship or other non-business organization, either of which obtains financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and such homes shall include auxiliary uses as club and lounge facilities, usually associated with senior citizens development.
- (312) **"SERVICE AND REPAIR ESTABLISHMENT"** means a premises engaged in maintaining, repairing and installing machinery and equipment for household and personal use, such as air conditioners, appliances, watches, clocks, jewellery, re-upholstery and furniture repair.
- (313) **"SERVICE SHOP"** means an establishment, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith's shop, a merchandise service shop, a battery storage and recharging shop, a well driller's establishment, a furrier's, an upholsterer's shop, a bakery, a dairy, a catering establishment, an egg grading station, a machine shop, or a monument engraving shop.
- (314) **"SETBACK"** means the shortest horizontal distance between the centreline of a street adjacent to a lot and the nearest part of any building, structure, excavation or open storage on such lot.
- (313.1) **"SHIPPING CONTAINER"** means a pre-fabricated, heavy gauge steel, fully assembled structure intended for the storage of goods, wares, merchandise, substances, articles or things accessory to a commercial or industrial use.
- (315) **"SHOPPING CENTRE"** means one or more buildings, or part thereof containing a group of separate permitted commercial uses having a total floor area in excess of 550 square metres, which is maintained as a single comprehensive unit and located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to the *Condominium Act*, as amended from time to time, or any successors thereto.

- (316) **"SHOWROOM"** means part of a building, used as a building or contracting or wholesale establishment, which is integral to the permitted main use, used for the purpose of displaying wares and goods.
- (317) **"SIDE LOT LINE"** - see "LOT LINE".
- (318) **"SIDE YARD"** - see "YARD".
- (319) **"SIGHT DISTANCE"** means a length of distance measured along a street line from the point of intersection of two street lines.
- (320) **"SIGHT TRIANGLE"** means the triangular space formed by the intersecting lot lines, at least one of which is also a street line, of a lot located at an intersection of two or more streets or at an intersection at grade of a street and a railway right-of-way, and a line drawn from a point in one such lot line to a point in the other lot line, each such point being a specified distance from the point of intersection of such lot lines measured along the said lot lines, provided that where the said lot lines do not intersect at a point, the point of intersection thereof shall be deemed to be the intersection of the projected tangents thereto, drawn through the extremities of the interior lot lines.
- (321) **"SIGN"** means a name, identification, description, advertising device, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure or lot and which directs attention to an object, product, place, activity, person, institute, organization or business.
- (322) **"SITE PLAN CONTROL BY-LAW"** means any by-law of the Corporation passed pursuant to Section 41 of the *Planning Act*, as amended from time to time, or any successors thereto.
- (a) **"SITE PLAN CONTROL AREA"** means an area of land designated by a Site Plan Control By-Law as a site plan control area pursuant to Section 41 of the *Planning Act*, as amended from time to time, or any successors thereto.
- (b) **"SITE PLAN AGREEMENT"** or **"DEVELOPMENT AGREEMENT"** means any agreement entered into by an owner of land and the Corporation pursuant to a Site Plan Control By-Law.
- (323) **"STACKING LANE"** means an on-site queuing lane for vehicles which is separated from other vehicular traffic and pedestrian traffic by barriers, curbing or markings and is often associated with a drive-through facility.
- (324) **"STAND-ALONE"**, when used in the context of commercial buildings, means a building containing between one and three commercial uses.
- (325) **"STOCKPILING"** means the use of land for the storage of processed aggregates or other raw materials for future sale.

- (326) **“STORAGE DEPOT”** means an area including reservoir, silo and tank storage; hangers; open air parking; and open air storage. Storage depots exclude salvage yards, resource extraction operations, and wayside pits.
- (327) **“STOREY”** means a horizontal division of a building from a floor to the ceiling directly above such floor, and includes an attic, a basement or a cellar as defined herein, but does not include any mezzanine, gallery, balcony or other overhang.
- (a) **“ATTIC”** means the topmost usable storey of a building situated wholly or partly within a roof, where at least 50 percent, but not more than 66 percent, of such storey is greater than 2 metres in height.
  - (b) **“BASEMENT”** means that portion of a building partially below ground level and having fifty percent or more of its exterior wall area below the average finished grade.
  - (c) **“CELLAR”** means that portion of a basement which is more than 60 percent below finished grade, measured from finished floor to finished ceiling and having access only from the exterior of the building.
  - (d) **“FIRST STOREY”** or **“GROUND FLOOR”** means the storey having its floor level closest to finished grade and its ceiling at least 2 metres (6.562 feet) above finished grade.
  - (e) **“SECOND STOREY”** or **“SECOND FLOOR”** means the storey directly above the first storey.
- (328) **“STREET”** means a public highway or public road under the jurisdiction of either the Corporation, the County or the Province of Ontario, and includes any highway as defined in The *Municipal Act*, but does not include a lane or private right-of-way.
- (a) **“COUNTY ROAD”** means a street under the jurisdiction of the County.
  - (b) **“HIGHWAY”** means a street under the jurisdiction of the Province of Ontario.
  - (c) **“IMPROVED STREET”** means a highway as defined under the *Municipal Act*, and which has been assumed for public use.
  - (d) **“MUNICIPAL ROAD”** means any street that is both owned and maintained by the Corporation.
  - (e) **“PRIMARY STREET”** means a public highway that is 20 metres width or wider.
  - (f) **“PRIVATE ROAD”** means a right-of-way existing on the day of passing of this By-Law, which has not been dedicated as a street or accepted or assumed by the Corporation, but is owned privately and which affords the principal means or access to abutting, separately owned, legally conveyable parcels of land.



- (g) **“SECONDARY STREET”** means a public highway that is not less than 15 metres width and not greater than 20 metres in width.
- (h) **“STREET ALLOWANCE”** means land held under public ownership for the purpose of providing a street.
- (329) **“STREET LINE”** means a lot line dividing a lot from a street and is the limit of the street allowance.
- (330) **“STREET WIDTH”** means the horizontal distance between the street lines of a street, measured along a line perpendicular to the said street lines.
- (331) **“STRUCTURE”** means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway, any paved surface located directly on the ground, a fence, sign, or light fixtures.
- (332) **“STUDIO”** means a building or part thereof, used as the workplace of a photographer, craftsman or artist, or for the instruction of art, music, dancing, languages or similar disciplines. The sale of any artefacts produced therein shall be permitted only as an accessory use.
- (333) **“SUN DECK”** means a roofless, unenclosed structure, accessory to a dwelling, consisting of a platform raised above finished grade, with or without steps.
- (334) **“SUPERVISED RESIDENCE”** means a Group Home Type 1 with more than eight residents, excluding staff or the receiving family.
- (335) **“SUPPORTIVE COMMUNITY HOME”** means a residential building with central kitchen, administrative, and possibly medical facilities and a number of housekeeping units or rooms where not more than 20 senior citizens reside and receive care consistent with their needs, either by on-site staff or through the visitation of various health care professionals.
- (336) **“SWIMMING POOL, PRIVATE OUTDOOR”** means a privately owned pool whether or not in the ground, capable of being used for swimming, wading, diving, or bathing and which when filled is capable of containing a depth of 0.6 metres or more of water. For the purpose of regulations pertaining to lot coverage in this By-law a “Private Outdoor Swimming Pool” is deemed not to be a building or structure.
- (337) **“TAVERN”** means an establishment where alcoholic beverages are sold to be consumed on the premises and shall include all such buildings operating under the *Liquor Licence Act*, as amended from time to time.
- (338) **“TAXI ESTABLISHMENT”** means a property, site or building used as a dispatch office or an area, site or location intended for the parking of taxis and/or limousines when not engaged in transporting persons or goods.

- (339) **"TEMPORARY USE"** means a use that is authorized under the provisions of Section 38 of the *Planning Act*, R.S.O. 1990, c. P.1
- (340) **"TEXTILE PROCESSING INDUSTRY"** include man-made fibre and filament yard industries; spun yard and woven cloth industries; knitted fabric industries; carpet, map and rug industries; natural fibres processing industries; and clothing industries.
- (341) **"THEATRE"** means a building, or part thereof, used for the presentation of the performing arts.
- (342) **"TRADESMAN'S SHOP"** means an establishment where an individual who performs electrical, plumbing, carpentry, landscape, or other similar trade work, primarily off site, may store his materials and may have an office.
- (343) **"TRAILER"** means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by a motor vehicle, or is self-propelled, and capable of being used for temporary living or sleeping of persons therein for seasonal travel, recreation and vacation activity, notwithstanding that such vehicle is jacked up or that its running gear is removed. This definition shall include tent trailers, motor homes, truck campers, or similar transportable accommodation but shall not include a mobile home as defined herein.
- (344) **"TRAILER, PORTABLE"** means a structure constructed in such a manner to form a transportable room or rooms to provide temporary shelter as a classroom or office.
- (345) **"TRAILER, RECREATIONAL"** means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and capable of being used for temporary living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked up or that its running gear has been removed.
- (346) **"TRANSPORT TERMINAL"** means a premises used for the transfer of goods primarily involving loading and unloading of freight-carrying trucks, and accordingly, involving the storing, parking, servicing and dispatching of freight-carrying trucks.
- (347) **"TRAVEL TRAILER PARK"** means a parcel of land providing overnight or short-term accommodation for travel trailers, recreational vehicles, campers or tent trailers.
- (348) **"TRIPLEX"** - See "DWELLING, TRIPLEX DWELLING".
- (349) **"USE"** means:
- (a) when used as a noun, the purpose for which a lot, building or structure, or any combination or part thereof, is designed, arranged, occupied or maintained; or
  - (b) when used as a verb, to put to such purpose.

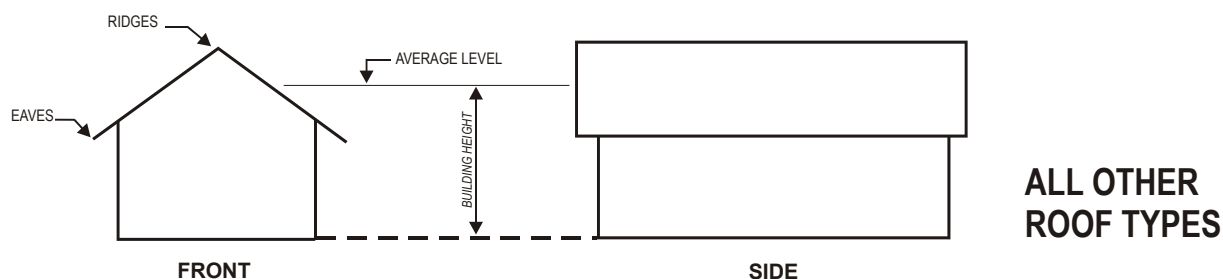
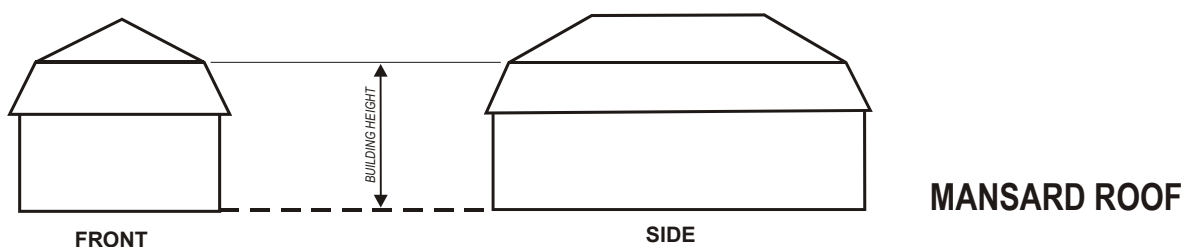
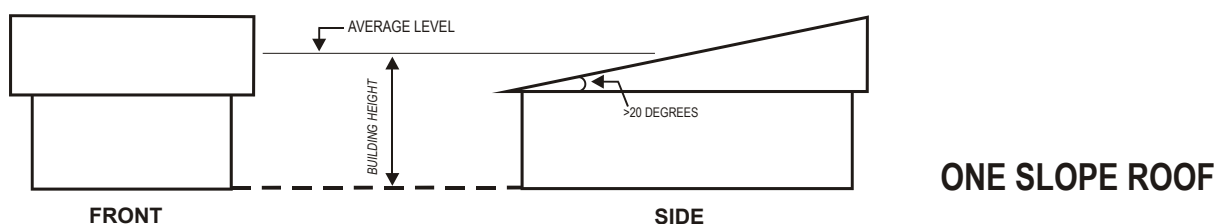
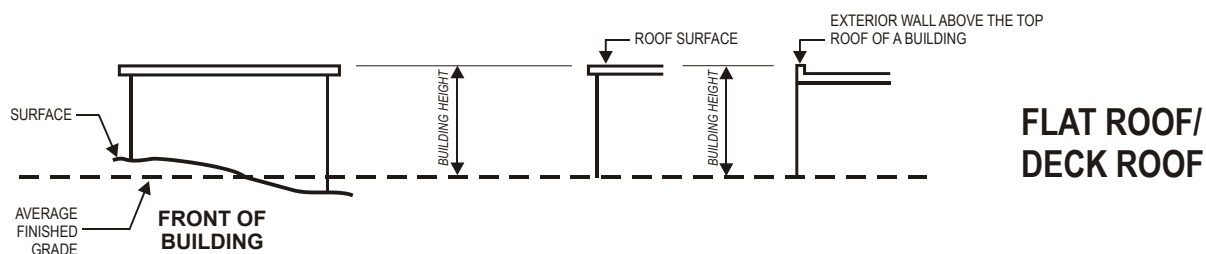
- (350) **“VEHICLE”** means a passenger automobile or other motor vehicle, a boat, a farm implement, a mobile home, a motor home, a snowmobile, a trailer, or any other device which is capable of being drawn, propelled or driven by any kind of power, and includes a commercial vehicle as defined herein, but does not include a bicycle or any other device, other than a boat, powered solely by means of human effort.
- (a) **“COMMERCIAL VEHICLE”** means a vehicle licensed by the Province of Ontario,
- (i) as a public vehicle pursuant to the provisions of the *Public Vehicles Act*, as amended from time to time, or any successors thereto, or
- (ii) as a public commercial vehicle, pursuant to the provisions of the *Public Commercial Vehicles Act*, as amended from time to time, or any successors thereto.
- (b) **“RECREATIONAL VEHICLE”** means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles and shall include a recreational trailer as defined herein.
- (351) **“VEHICLE REPAIR GARAGE”** means an establishment for the repair or replacement of parts in a motor vehicle and, without limiting the generality of the foregoing, includes the repair, replacement or reconditioning of mufflers, exhaust systems, shock absorbers, transmissions, gears, brakes, clutch assemblies, steering assemblies, radiators, heating or cooling systems, ignition systems, electrical systems, tires, wheels, windshields, windows and other mechanical or electrical parts or systems, the installation of undercoating, engine tuning, lubrication and engine conversion or replacement, but does not include an automobile body shop, an impounding yard, an automobile service station or a gas bar.
- (352) **“VEHICLE REPAIR SHOP”** means an establishment or part thereof which contains facilities for the repair and maintenance of vehicles on the premises and in which vehicle accessories are sold and vehicle maintenance and repair operations, including the repairing or painting of vehicle bodies and the servicing of farm implements and related equipment, are performed in return for remuneration, but does not include a body shop, wherein the repairing or painting of vehicle bodies constitutes the primary activity, or any establishment engaged in the retail sale of vehicle fuels.
- (353) **“VEHICLE SALES OR RENTAL ESTABLISHMENT”** means an establishment engaged primarily in the sale, rental or leasing of vehicles and vehicle accessories, with or without an accessory vehicle repair shop or an accessory gasoline retail outlet, and includes an establishment engaged in the sale of farm implements and related equipment.
- (354) **“VERANDAH”** means a partially enclosed stoop having a roof but lacking any enclosing walls greater than 1.5 metres in height from the top of the platform of the said stoop.

- (355) **“VETERINARIAN’S CLINIC”** means a building or part thereof, with or without related structures, wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.
- (356) **“VIDEO RENTAL ESTABLISHMENT”** means a building or part of a building used for the rental of video tapes and equipment. Accessory uses may include the sale of video tapes and equipment or convenience foods, restricted to an area not to exceed 10.0 square metres (107.6 sq. ft.).
- (357) **“WAR GAMES”** means any form of play, sport or amusement which simulates war, armed conflict or military operations.
- (358) **“WAREHOUSE”** means a building or part of a building used for the storage and distribution of goods, merchandise, substances, or materials.
- (359) **“WAREHOUSE, RETAIL”** means a commercial establishment which has as a principal use, the sale of merchandise to the public in a warehouse format, where all areas are accessible to the public except for areas with accessory uses.
- (360) **“WAREHOUSE, PUBLIC SELF-STORAGE”** means a building or part thereof where individual storage areas are made available to the public for the storage or keeping of goods.
- (361) **“WAREHOUSING”** means the storage of goods for remuneration or the storage of goods which will be sold elsewhere or, subsequently, transported to another location for sale or consumption. This does not include any other use specifically referred to or defined in this By-Law.
- (362) **“WASTE MANAGEMENT / RESOURCE RECOVERY FACILITY”** includes all facilities, equipment and operation for the complete management of waste including the collection, landfilling, handling, transportation, storage, processing, recovery and disposal thereof.
- (363) **“WASTE TRANSFER STATION”** means a site and facilities used in the management and processing of liquid and hazardous wastes, wastes and recyclable materials which has a Provisional Certificate of Approval for such purposes under the *Environmental Protection Act*.
- (364) **“WASTE TREATMENT FACILITY”** means a building or part thereof, used by waste processing plants, water pollution control plants, sanitary landfill sites, and hazardous substance treatment plants.
- (365) **“WATERCOURSE”** means the natural or man-made channel of a body of water including, but not so as to limit the generality of the foregoing, natural watercourses, open municipal drains, ponds, reservoirs and lakes.
- (366) **“WATER SYSTEM, PUBLIC”** means a water distribution system consisting of piping, pumping and purification appurtenances and related storage, owned and operated by the Corporation, another municipality or the Ministry of the Environment.

- (367) **“WAYSIDE PIT”** means an open excavation incidental to the construction or maintenance of a street, and includes a wayside pit as defined in the *Aggregate Resources Act*, as amended from time to time, or any successors thereto.
- (368) **“WHOLESALE ESTABLISHMENT”** means a building or part thereof used for the selling of goods for delivery from the premises to an industrial, commercial or institutional establishment or organization and may include a showroom and/or display area open to the general public which does not exceed 25% of the premises.
- (369) **“YARD”** means an area of land which:
- (i) is appurtenant to, and located on the same lot as a building, structure or excavation; and
  - (ii) is open uncovered and unoccupied from the ground to the sky, except for such accessory buildings, structures or other uses as are specifically permitted thereon elsewhere in this By-Law.
- (b) **“FRONT YARD”** means a yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any building, structure or excavation on such lot.
- (c) **“FRONT YARD DEPTH”** means the shortest horizontal dimension of a front yard between the front lot line of a lot and the nearest part of any building, structure open storage or excavation on such lot.
- (d) **“REAR YARD”** means a yard extending across the full width of a lot between the rear lot line of such lot, or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building, structure or excavation on such lot.
- (e) **“REAR YARD DEPTH”** means the shortest horizontal dimension of a rear yard between the rear lot line of a lot or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building, structure or excavation on such lot.
- (f) **“SIDE YARD”** means a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest part of any building, structure or excavation on such lot.
- (g) **“SIDE YARD WIDTH”** means the shortest horizontal dimension of a side yard between the side lot line of a lot and the nearest part of any building, structure or excavation on such lot.
- (h) **“EXTERIOR SIDE YARD”** means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street.

- (i) **“INTERIOR SIDE YARD”** means a side yard other than an exterior side yard.
- (j) **“REQUIRED YARD”** means that part of a yard which:
  - (i) is located adjacent to a lot line;
  - (ii) has the minimum front yard depth, rear yard depth or side yard width required hereby or is situated closer to the centerline than the setback required therefrom; and
  - (iii) does not contain or include any buildings, structures, open storage or excavations except where this By-Law specifically provides otherwise.
- (370) **“ZONE”** means a designated area of land use shown on Schedule “A” hereto.
- (371) **“ZONED AREA”** means all those lands lying within the corporate limits of the Town of Aylmer.

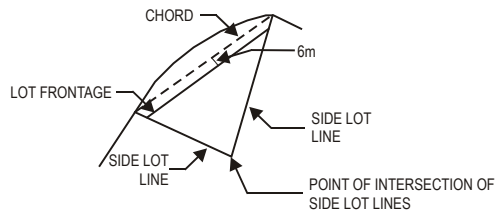
## ILLUSTRATION OF BUILDING HEIGHT DEFINITION



**NOTE:** THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW

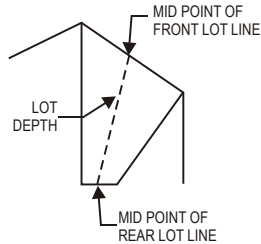
# ILLUSTRATION OF LOT DEFINITIONS

## LOT FRONTAGE CONVEX CURVED FRONT LOT LINE NO REAR LOT LINE

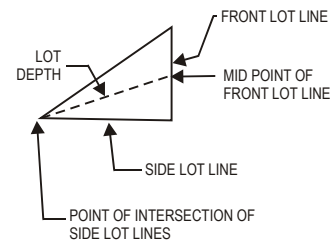


LOT FRONTAGE MEASURED ALONG A LINE 6 METRES BACK FROM AND PARALLEL TO THE CHORD OF THE FRONT LOT LINE.

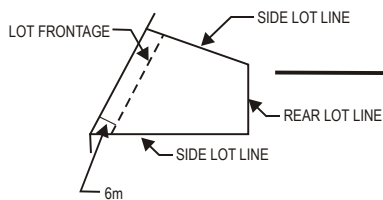
## LOT DEPTH FRONT AND REAR LINES ARE NOT PARALLEL



## REAR LOT LINE SIDE LOT LINES INTERSECT

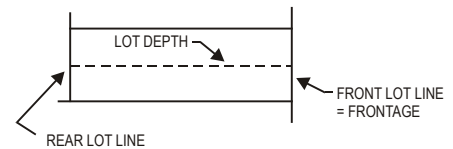


## LOT FRONTAGE LOT LINES ARE NOT PARALLEL



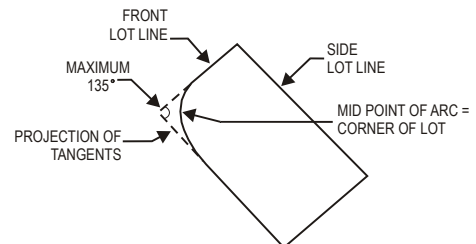
LOT FRONTAGE MEASURED ALONG A LINE 6 METRES BACK FROM AND PARALLEL TO THE CHORD OF THE FRONT LOT LINE

## LOT FRONTAGE SIDE LOT LINES ARE PARALLEL

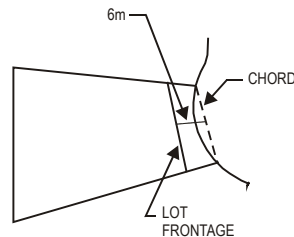


## LOT DEPTH FRONT AND REAR LOT LINES ARE PARALLEL

## LOT, CORNER CURVED SIDES

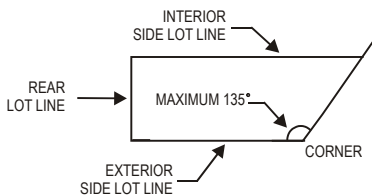


## LOT FRONTAGE CONCAVE CURVED FRONT LOT LINE



LOT FRONTAGE MEASURED ALONG A LINE 6 METRES BACK FROM AND PARALLEL TO THE CHORD OF THE FRONT LOT LINE

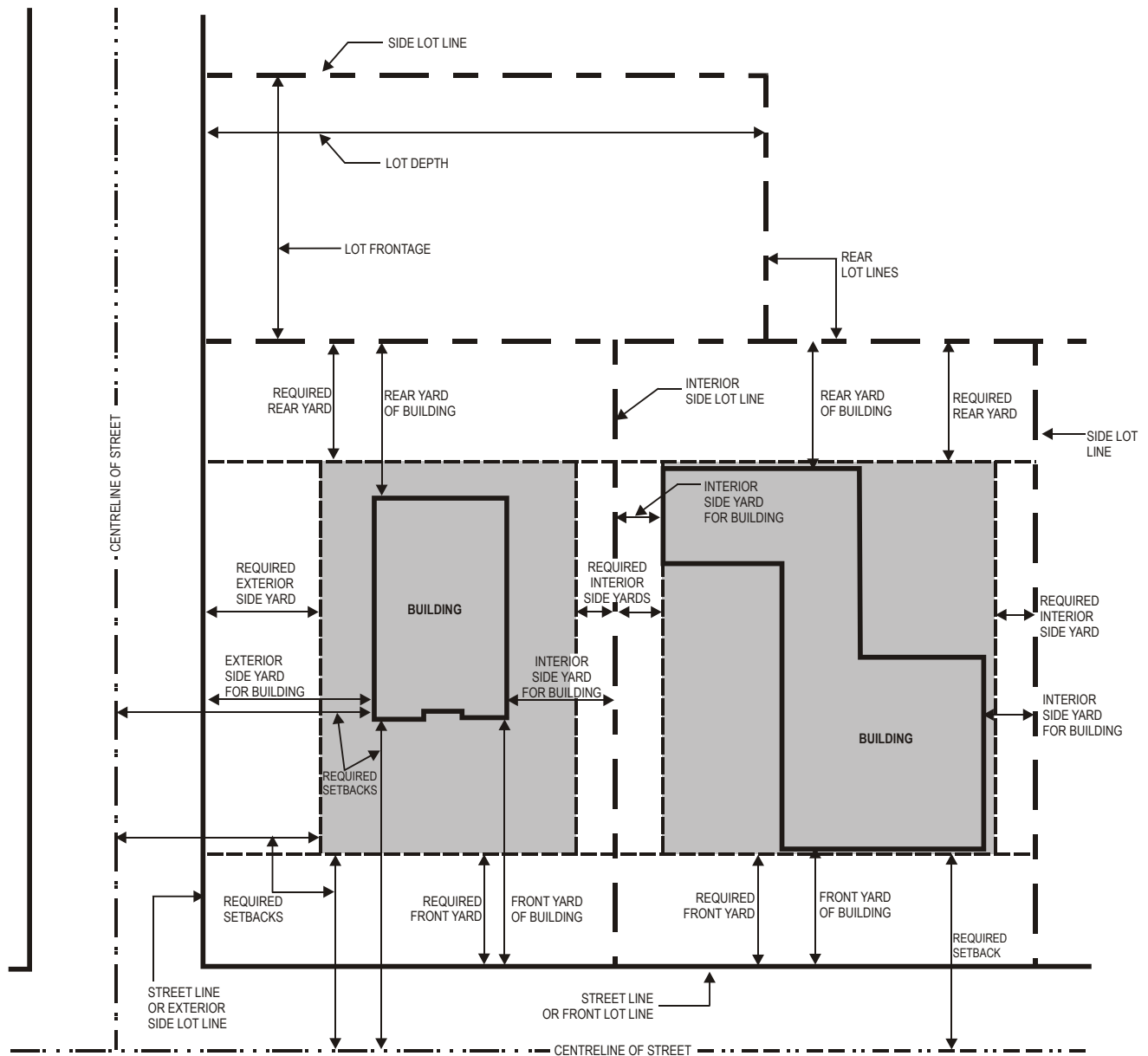
## LOT, CORNER



**NOTE:** THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW



## ILLUSTRATION OF YARD DEFINITIONS



**BUILDING ENVELOPE**

**NOTE:** THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW

## SECTION 3 GENERAL PROVISIONS

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### (1) ACCESSORY USES

#### (a) ACCESSORY USES PERMITTED IN ALL ZONES

Where this By-Law permits a lot to be used or a building or structure to be erected or used for a purpose, and the purpose exists, that purpose shall include any building, structure or use accessory thereto, except that no home occupation, open storage or accessory dwelling unit shall be permitted in any zone other than a zone in which such a use is specifically listed as a permitted use.

#### (b) LOT COVERAGE

The total lot coverage of all accessory buildings and structures, including any accessory dwelling unit located in an accessory building, shall not exceed 15% of the lot area of the said lot to a maximum building size, as outlined below. The area of an open swimming pool shall not be included when determining lot coverage.

#### (c) ACCESSORY BUILDINGS AND STRUCTURE SIZE REQUIREMENTS

Within any residential zone, an accessory building or structure shall not exceed 75 square metres. The total area of an accessory building may not exceed the gross floor area of the main building, except in Industrial Zones.

#### (d) HEIGHT RESTRICTIONS

No accessory building or structure in any zone other than an Industrial or Agricultural Zone shall exceed 5.5 metres in height at its highest point as per Section 2(144).

#### (e) YARD REQUIREMENTS

Any accessory building or structure shall comply with the zone requirements and all other provisions hereof applicable to the zone in which such accessory building or structure is located, except that nothing in this By-Law shall apply to prevent the erection of:

- (i) a building or structure accessory to a single dwelling, anywhere in an interior side yard or a rear yard, provided that such accessory building or structure is not located closer than 1.2 metres to any lot line;
- (ii) notwithstanding (i), location requirements for accessory buildings and structures containing an additional residential unit shall be defined separately;

- (iii) a mutual garage with a party wall astride a side lot line in a Residential Zone, shall be constructed to provide a proper fire separation, and, such mutual garage is not located in a required front yard, nor closer than 1.5 metres to any portion of a rear lot line, unless that portion of the rear lot line adjoins the interior side yard of the adjoining lot; the distance shall be no closer than 4 metres, and in no case shall any such accessory building be built closer than 7 metres to any street line;
- (iv) a gatehouse, anywhere in a front yard or exterior side yard in an Industrial Zone;
- (v) a swimming pool, in accordance with the provisions of Section 3(22) of this By-Law; or
- (vi) a boat house or boat dock at the edge of a watercourse.

**(2) ACCESS REGULATIONS**

No person shall hereafter erect any main building or structure on any lot in any zone unless such lot or an adjacent lot held under the same ownership abuts an improved street or a reserve on the opposite side of which is located an improved street, except that this provision shall not apply to a lot located on a plan of subdivision registered subsequent to the date of the passing of this By-Law.

Private streets in a Residential Zone that existed on the date of passage of this By-law shall be considered as improved streets despite the fact that such private streets have not been assumed by the Corporation. This provision shall only have the effect for the purpose of applying certain regulations of this By-law and not to consideration and granting of consents. This provision shall not imply any obligation on the Corporation to assume and/or develop any private street into an improved street, or to maintain it for private or public purposes.

**(3) ADDITIONAL RESIDENTIAL UNITS**

Where in this by-law a single detached, semi-detached or townhouse dwelling unit is listed as a permitted use and is located on an individual lot, an additional residential unit shall also be permitted, subject to the following:

- (a) Requirements applicable to all additional residential units:
  - (i) Confirmation of full municipal services with sufficient capacity and utility connections;
  - (ii) Provision of one (1) dedicated parking space per additional residential unit;
  - (iii) Provision of an independent entrance to the unit, either directly from the outside or through a common vestibule or shared space;
  - (iv) Compliance with all applicable Ontario Building Code and Ontario Fire Code regulations and municipal permitting requirements, as amended from time to time;
  - (v) Excluded from density calculations.

- (b) Where an additional residential unit is located within a single detached, semi-detached or townhouse dwelling:
  - (i) Compliance with zone setback and depth requirements;
  - (ii) Maximum floor area shall not exceed 40% of the main dwelling unit, except in the case of a basement where the full basement space may be occupied by an additional residential unit; and,
  - (iii) Minimum floor area shall be consistent with *Ontario Building Code* requirements, as amended from time to time.
- (c) Where an additional residential unit is located within an accessory building:
  - (i) Compliance with general provisions for accessory buildings and setback at least 3 metres from the main building;
  - (ii) Maximum floor area of additional residential unit shall not exceed the lesser of 75 square metres or 15% of the lot area;
  - (iii) Minimum floor area shall be consistent with *Ontario Building Code* requirements, as amended from time to time; and,
  - (iv) No severance shall be permitted.

#### **(4) BUILDING ADDITIONS**

Where the erection of one or more additional storeys is proposed on a building where the existing yards appurtenant to such building would not conform to the requirements of this By-Law subsequent to such erection, no such erection shall be permitted except where:

- (a) the addition is located so as to comply with the yard requirements of this By-Law at the level of the base of such addition; and
- (b) the addition complies in all other respects with the provisions of this By-Law.

#### **(5) DWELLING UNITS**

##### **(a) LOCATION WITHIN NON-RESIDENTIAL BUILDING**

Where a dwelling unit is located within or attached to a non-residential building, such building and dwelling unit shall comply with the yard requirements of this By-Law which apply to the said non-residential building provided that any wall containing a window of a habitable room shall be located not less than 2.5 metres from any side lot line.

##### **(b) LOCATION WITHIN BASEMENT OR CELLAR**

- (i) No dwelling unit shall be located in its entirety within a cellar. If any portion of a dwelling unit is located in a cellar, such portion shall be for non-habitable rooms only.

- (ii) A dwelling unit or part thereof may be located in a basement provided the finished floor level of such basement is not below the level of any sanitary or storm sewer servicing the building or structure in which such basement is located.

(c) DWELLING UNIT AREA (MINIMUM)

Dwelling units shall conform with the minimum space requirements, room sizes and floor areas as outlined in the *Ontario Building Code*, as amended.

**(6) GRADING**

(a) EXCAVATIONS

No person shall make any excavations or remove any topsoil, earth, sand or gravel from any lot, alone or in conjunction with any construction work, unless the written permission of the Chief Building Official or a building permit with respect to such construction work has first been obtained, and except in accordance with any requirements of the Corporation with respect to retention of topsoil, grading and finished elevations.

(b) DUMPING

No person shall use any lot for dumping or otherwise depositing or storing any topsoil, earth, sand, gravel or fill unless written permission has first been obtained from the Chief Building Official.

(c) DRAINAGE AND PLACEMENT OF DOWNSPOUTS

Drainage and placement of downspouts shall occur in accordance with the *Drainage Act*.

**(7) GROUP HOMES**

Notwithstanding any other provisions of this By-Law to the contrary, a Group Home Type 1 may be permitted in any single dwelling unit provided there is no Group Home Type 1 or similar facility within 100 metres from the proposed facility and the dwelling unit has a minimum floor area of 18.5 square metres per person residing within the unit. Group Homes Type 1 must be registered with the municipality as per the *Municipal Act*.

Group Homes Type 2 and Supervised Residences are permitted only within the zones as specified as a permitted use. In order to prevent concentrations of Group Home Type 2 uses within specific areas, and notwithstanding their being listed as a permitted use, a minimum separation between facilities shall be 300.0 metres measured in any one direction.

**(8) HEIGHT RESTRICTIONS**

Unless otherwise specifically provided elsewhere herein, no building or structure anywhere within the zoned area shall exceed 10 metres in height, and a fence shall not exceed 1.8 metres, except that neither this provision nor any other provision of this By-Law shall apply to restrict the height of any of the following structures:

- (a) an antenna;
- (b) grain elevators;
- (c) grain dryers;
- (d) a belfry;
- (e) a chimney;
- (f) a church spire;
- (g) a clock tower;
- (h) a cracking tower;
- (i) an elevator or stairway penthouse;
- (j) a flag pole;
- (k) a hydro-electric transmission tower;
- (l) an ornamental structure;
- (m) a precipitating tower;
- (n) a radio or television antenna;
- (o) a silo;
- (p) a steeple or cupola;
- (q) a structure containing heating, cooling, or other mechanized equipment attached to such building;
- (r) a water tower;
- (s) a windmill

**(9) HOME OCCUPATION – RESIDENTIAL**

No home occupation shall be permitted within any Residential Zone except in accordance with the following provisions:

- (a) A home occupation shall be accessory to a dwelling occupied by the owner or tenant thereof as his principal residence and located within a zone in which a home occupation is specifically listed as a permitted use.
- (b) At no time shall any home occupation employ anyone other than a person residing within the dwelling unit to which such home occupation is accessory.
- (c) The home occupation shall be clearly incidental and secondary to the main residential use to which it is accessory, shall not change the residential character of the dwelling and shall be contained within the dwelling unit. No more than 25% of the dwelling unit may be devoted to a home occupation use.

- (d) There shall be no display of sign or product to indicate to persons outside that any part of the dwelling unit is being used for a purpose other than residential other than a non-illuminated sign located on the dwelling no larger than 0.6 square metre.
- (e) No home occupation shall create or become a public nuisance, as defined by Council, particularly with regard to noise, traffic, emissions, parking or radio or television interference, nor shall any open storage be permitted in conjunction with a home occupation.
- (f) Home occupations shall be limited to such occupations as insurance agents, sales agents, accountant, telephone sales, computer graphics, seamstress/tailor, artists, music teacher, crafts, hobbies, tradesman, hairdresser/barber, caterer/baker, and child care.
- (g) A home occupation may also include a bed and breakfast establishment so long as there is sufficient off-street parking in accordance with the parking regulations of this By-Law.
- (h) None of the following uses shall be considered home occupations, except where such uses are specifically permitted herein:
  - (i) a body shop or car repair;
  - (ii) a convenience store;
  - (iii) a funeral home;
  - (iv) a hospital;
  - (v) a restaurant;
  - (vi) a salvage yard;
  - (vii) a transport terminal;
  - (viii) a veterinarian's clinic.

**(10) LANDSCAPING**

**(a) LANDSCAPED OPEN SPACE**

Landscaped open space shall be provided in accordance with the zone provisions set out herein for each zone and the following general provisions:

- (i) Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations, agricultural use or permitted outdoor storage areas shall be maintained as landscaped open space.
- (ii) Except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space.

- (iii) Where landscaped open space of any kind, including a planting strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-Law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways.
  - (iv) No part of any driveway, parking area, loading space, stoop, roof-top terrace, balcony, swimming pool or space enclosed within a building, other than a landscaped area located above an underground parking area, shall be considered part of the landscaped open space on a lot.
- (b) PLANTING STRIPS
  - (i) Where the lot line of a lot containing a non-residential use and located in a Commercial Zone or Industrial Zone abuts a lot in a Residential Zone, or abuts a street on the opposite side of which is located a lot in a Residential Zone, then that part of the lot containing such non-residential use or directly adjoining the said lot line shall be used for no purpose other than a planting strip having a minimum width of 3 metres measured perpendicularly to the said lot line.
  - (ii) Where a fence, a wall, a row of trees or a hedgerow is provided as part of a planting strip required by this By-Law, such fence, wall, row of trees or hedgerow shall be designed to have an ultimate height of not less than 1.5 metres above the elevation of the ground at the nearest lot line, except that within a sight triangle the maximum height of any landscaping materials shall be 0.6 metres.
  - (iii) Where a planting strip required hereby is traversed by a pedestrian walkway or by a driveway, in accordance with Paragraph (iii) of Clause (a) of this Subsection, such planting strip shall not be required to extend closer than 1 metre to the edge of such walkway or 2 metres closer to the edge of such driveway, provided that any intervening space between the said planting strip and the said walkway or driveway is maintained as landscaped open space.

## **(11) LIGHTING**

Lighting fixtures designed to provide exterior illumination on any lot shall be installed with the light directed or deflected away from adjacent lots and streets and shall not be similar to traffic lights.

## **(12) LOADING SPACE REGULATIONS**

### **(a) LOADING SPACES REQUIRED**



The owner or occupant of any lot, building or structure used or erected for any purpose involving the receiving, shipping loading or unloading of animals, goods, wares, merchandise or raw materials, shall provide and maintain, on the same lot, facilities comprising one or more loading spaces in accordance with the provision of this Subsection.

(b) **LOADING SPACE REQUIREMENTS (MINIMUM)**

The number of loading spaces required on a lot shall be based on the total net floor area of all the uses on the said lot for which loading spaces are required by Clause (a) of this Subsection, in accordance with the following:

- (i) less than 250 square metres of total net floor area – 0 loading spaces;
- (ii) over 250 square metres up to and including 500 square metres of net floor area -1 loading space;
- (iii) over 500 square metres up to and including 2,500 square metres of net-floor area - 2 loading spaces;
- (iv) over 2 500 square metres up to and including 7,500 square metres of net-floor area - 3 loading spaces;
- (v) over 7,500 square metres of net-floor area - 3 loading spaces plus 1 additional loading space for each 10,000 square metres or part thereof of total net floor area in excess of 7,500 square metres.

(c) **DIMENSIONS OF LOADING SPACES**

A loading space required hereby shall have minimum dimensions of 3.5 metres by 10 metres and a minimum vertical clearance of 4 metres.

(d) **LOCATION OF LOADING SPACES**

Required loading spaces shall be provided on the same lot occupied by the building or structure for which the said loading spaces are required, and shall not form a part of any street or lane.

(e) **YARDS WHERE PERMITTED**

Loading spaces shall be permitted in any yard, except that:

- (i) no part of any loading space shall be located in the front yard or closer than 3 metres to any lot line; and

- (ii) in the case of a through lot, no loading spaces shall be permitted in any part of the front yard.

(f) ACCESS TO LOADING SPACES

Access to loading spaces shall be provided by means of one or more unobstructed driveways which:

- (i) have a minimum unobstructed width of at least 3.5 metres, regardless of the direction of traffic flow thereupon, and provide sufficient space to permit the manoeuvring of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets;
- (ii) are contained within the lot on which such loading spaces are located and lead either to an improved street or to a lane; and
- (iii) comply in all other respects with the requirements for driveways providing access to parking areas and spaces set out in Subsection (18) of this Section.

(g) SURFACE AND DRAINAGE OF LOADING SPACES AND DRIVEWAYS

- (i) All loading spaces and driveways providing access thereto shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles. Loading spaces and driveways required for all Commercial Zones shall be either asphalt, concrete or other hard surfaced material. All other required loading spaces and driveways may be crushed stone or gravel.
- (ii) The access point to the loading area shall be well defined.

(h) ADDITION TO EXISTING USE

When a building or structure has insufficient loading spaces on the date of passing of this By-Law to comply with the requirements herein, (this By-Law shall not be interpreted to require that the deficiency be made up) prior to the construction of any addition, any loading spaces required by this By-Law for such addition shall be provided in accordance with all provisions hereof respecting loading spaces.

(i) EXEMPTION FOR C1 ZONES

Notwithstanding any other provision hereof to the contrary, no loading spaces shall be required for any building, structure or use located within a C1 Zone.

**(13) LOTS WITH MORE THAN ONE USE OR ZONE**

(a) MORE THAN ONE USE

- (i) Where a lot contains more than one permitted use defined separately herein, other than an accessory use, each such use shall conform to the provisions of this By-Law which are applicable to such use in the zone in which the said lot is located as if such use existed independently of any other use.
- (ii) Where standards or provisions pertaining to two or more uses on one lot are in conflict, the highest or most restrictive standards or provisions shall prevail.

(b) MORE THAN ONE ZONE

Where the use or uses of a lot divided into two or more zones are permitted in all such zones, the said lot shall be considered to be a single lot as defined herein and the highest or most restrictive zone requirements pertaining to such use or uses in all the said zones shall apply throughout the said lot.

**(14) MUNICIPAL SERVICES REQUIRED**

Notwithstanding any other provisions of this By-Law, no land shall be used nor any buildings or structures erected or used unless, pursuant to an agreement made or condition imposed under Sections 41, 45, 51 or 53 of the *Planning Act* or Section 50 of the *Condominium Act*, dealing with the provision of any of the municipal services as are set out in this By-Law, the municipal services to be provided are available to service the land, buildings or structures, as the case may be.

**(15) NON-CONFORMING USES AND LOTS**

(a) REBUILDING OR REPAIR PERMITTED

Nothing in this By-Law shall prevent the rebuilding or repair of an existing use, building, or structure, even though such use, building, or structure or the lot on which such use, building, or structure is located does not conform to one or more of the provisions of this By-Law, provided that the dimensions of the original building or structure are not increased, the use thereof is not altered, and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-Law.

(b) EXTENSIONS PERMITTED AND EXISTING YARDS RECOGNIZED

Nothing in this By-Law shall prevent a vertical or horizontal extension or addition from being made to an existing or permitted building or structure on a lot, even though such building, structure or lot or the use thereof does not conform to one or more of the provisions of this By-Law, provided such extension or addition itself is designed, used and otherwise is in compliance with the provisions of this By-Law, except that all yards appurtenant to an existing building or structure shall be deemed to conform to the yard and setback requirements of this By-Law, notwithstanding that the width or depth of such yards might be less than that required elsewhere herein.

(c) LOT AREA OR LOT FRONTAGE LESS THAN REQUIRED

Where a lot having a lesser lot area or lot frontage than that required hereby:

- (i) is or has been held under distinct and separate ownership from abutting lots or was legally created prior to the passing of this By-Law; or
- (ii) is created as a result of an expropriation; and
- (iii) if within a Residential Zone has at least 6.0 m frontage;

then the said lot shall be deemed to conform to the requirements of this By-Law with respect to the lot area or lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent the use of a permitted building or structure thereupon, in accordance with all other provisions hereof.

(d) SUBSEQUENT CONSENT AND/OR CONDOMINIUM ACT

Where the development of any land is approved under Section 41 of the *Planning Act*, and pursuant to a consent subsequently given under Section 53 of the Act or pursuant to an approval or exemption subsequently given under Section 50 of the *Condominium Act*, any part of the land is conveyed or otherwise dealt with, the regulations of this By-Law are hereby deemed to apply to the land as a whole and to any building or structure thereon in the same manner and to the same extent as if the consent, approval or exemption was not given, so long as the land and any building or structure thereon are used and continue to be used for the purpose for which the development was approved.

**(16) OPEN STORAGE**

(a) OPEN STORAGE REGULATIONS

Except as specifically listed as a permitted use in a zone, no open storage shall be permitted on any lot in any zone, except in accordance with the following provisions:

- (i) No open storage area shall be permitted in any required yard or, except in the case of an agricultural use or the outside display and sale of goods and materials in conjunction with a permitted commercial use, in any part of a front yard or exterior side yard.
- (ii) No open storage area shall be located closer than 1 metre to any lot line.
- (iii) No open storage area shall be visible from any street or from any adjacent lot, where such adjacent lot is located in a zone other than a Commercial Zone or an Industrial Zone, and to this end any open storage area shall be screened, wherever necessary in order to comply with this provision, by a planting strip containing an

opaque fence, wall or other opaque barrier not less than 2 metres in height, except that this provision shall not apply to any storage area accessory to an agricultural use or to the outside display and sale of goods and materials in conjunction with a permitted commercial use or industrial use.

- (iv) Any open storage area shall be maintained as landscaped open space or provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained in accordance with the requirements of the Corporation, except that this provision shall not apply to any storage area located on a lot whereon the main use is an agricultural use.
- (v) Notwithstanding Paragraph (iv) of this Clause, no open storage area shall be considered part of any landscaped open space required hereby.
- (vi) No parking spaces or loading spaces required by this By-Law shall be used for open storage purposes.

**(17) OUTDOOR PATIO ASSOCIATED WITH A RESTAURANT**

Notwithstanding any other provisions of this By-Law, the following shall apply to an outdoor patio associated with a permitted restaurant:

**(a) CAPACITY**

No outdoor patio shall accommodate more than 50 percent (50%) of the licensed capacity of the restaurant with which the patio is associated, or 50 persons, whichever is the greater.

**(b) LOCATION**

- (i) No outdoor patio shall be permitted where any lot line adjoins lands which are in a residential zone class which is not in combination with another zone, or is separated therefrom by a lane.
- (ii) Notwithstanding the provisions of paragraph (i), where only the rear lot line adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane, an outdoor patio shall be permitted in the front yard.
- (iii) No outdoor patio shall be located above the elevation of the floor of the first storey of the principal building where the lot adjoins a residential zone class which is not in combination with another zone, or is separated therefrom by a lane.

**(c) LIGHTING**

Any outdoor lighting shall be directed toward or onto the patio area and away from adjoining properties and streets.

(d) LOADING

Notwithstanding Subsection 3(12), no loading space shall be required for an outdoor patio restaurant.

(e) ENTERTAINMENT

No music (whether performed live or recorded), dancing or other forms of entertainment shall be permitted.

(f) PARKING

Parking spaces shall be required for the gross floor area associated with the outdoor patio at the same ratio as for restaurants.

**(18) PARKING REGULATIONS**

(a) PARKING SPACES REQUIRED

With the exception of the C1 Zone, or unless otherwise provided herein, the owner or occupant of any lot, building or structure used or erected for any of the purposes set forth in Clause (b) and Clause (c) of this Subsection, shall provide and maintain, for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the provisions of this Subsection. In addition to the parking spaces required by Section 3(18)(b) and 3(18)(c) where the parking requirement for any use is in excess of twenty (20) spaces, one (1) space out of the first twenty (20) spaces required and one additional space out of each additional one hundred (100) spaces or portion thereof, shall be provided near and accessible to the building and clearly marked for the parking of vehicles used by the physically handicapped person or persons. Parking spaces for the physically handicapped shall have a minimum width of 3.7 metres and a minimum length of 6.0 metres.

(b) PARKING SPACE REQUIREMENTS FOR RESIDENTIAL USES (MINIMUM)

i.	Apartment Building	1 per unit
ii.	Apartment Building, Senior Citizens	0.25 per unit

iii.	Apartment Hotel	1.25 per unit
iv.	Cluster Housing	See Specific Dwelling Type
v.	Converted Dwelling	1 per unit
vi.	Duplex	1 per unit
vii.		
viii.	Group Home	2 spaces
ix.	Lodging House	0.33 per unit
x.	Mobile Home	1 per unit
xi.	Multiple Dwelling	1.25 per unit
xii.	Quadruplex Dwelling	5 spaces
xiii.	Townhouse	1 per unit
xiv.	Semi-Detached Dwelling	2 per unit
xv.	Single Detached	2 per unit
xvi.	Special Needs Apartment Building	0.25 per unit
xvii.	Stacked Townhouse	1.4 per unit
xviii.	Street Townhouse	2 per unit
xix.	Triplex	1 per unit

## (c) PARKING SPACE REQUIREMENTS FOR NON-RESIDENTIAL USES (MINIMUM)

i.	Abattoir	1 per 90 m <sup>2</sup> (969 sq. ft.)
ii.	Adult Entertainment Parlour	1 per 10 m <sup>2</sup> (108 sq. ft.)
iii.	Agricultural Service Establishment	1 per 30 m <sup>2</sup> (323 sq. ft.)
iv.	Agricultural Supply Establishment	1 per 30 m <sup>2</sup> (323 sq. ft.) for retail showroom, plus 1 per 200 m <sup>2</sup> (2,153 sq. ft.) for warehousing/ wholesaling
v.	Amusement Game Establishment	1 per 25 m <sup>2</sup> (269 sq. ft.)
vi.	Amusement Park	See appropriate components as proportioned
vii.	Arena (No Seats)	1 per 35 m <sup>2</sup> (376 sq. ft.)
viii.	Arena (With Seats)	1 per 8 seats
ix.	Art Gallery	1 per 50 <sup>2</sup> (538 sq. ft.)
x.	Assembly Hall	1 per 8 seats or 1 per 35 m <sup>2</sup> (376 sq. ft.) whichever is greater
xi.	Auction Establishment	1 per 30 m <sup>2</sup> (323 sq. ft.)

xii.	Automobile Rental Establishment	1 per 25 m <sup>2</sup> (269 sq. ft.)
xiii.	Automobile Sales & Service Establishment	See Vehicle Sales and Rental Establishment
xiv.	Automobile Service Station	6 per bay
xv.	Automobile Supply Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
xvi.	Bake Shop	1 per 25 m <sup>2</sup> (269 sq. ft.)
xvii.	Bakery	1 per 100 m <sup>2</sup> (1,076 sq. ft.)
xviii.	Banquet Hall	See Assembly Hall
xix.	Bed and Breakfast Establishment	1 per bedroom utilized plus 1 for the dwelling unit
xx.	Body Rub Parlour	1 per 40 m <sup>2</sup> (431 sq. ft.)
xxi.	Body Shop	1 per 30 m <sup>2</sup> (323 sq. ft.)
xxii.	Bowling Alley	See Commercial Recreation Establishment
xxiii.	Brewing on Premises Establishment	1 per 40 m <sup>2</sup> (431 sq. ft.)
xxiv.	Builder's / Contractor's Yard	1 per 90 m <sup>2</sup> (969 sq. ft.)
xxv.	Building or Contracting Establishment	See Manufacturing Establishment
xxvi.	Building Supply Outlet	1 per 30 m <sup>2</sup> (323 sq. ft.) for retail/showroom plus 1 per 200 m <sup>2</sup> (2,153 sq. ft.) for warehousing/wholesaling
xxvii.	Bulk Beverage Establishment	1 per 30 m <sup>2</sup> (323 sq. ft.)
xxviii.	Bulk Sales Establishment	1 per 30 m <sup>2</sup> (323 sq. ft.)
xxix.	Business Service Establishment	1 per 50 m <sup>2</sup> (538 sq. ft.)
xxx.	Car Wash	3 spaces
xxxi.	Catalogue Store	See Retail Store
xxxii.	Caterer's Establishment	1 per 200 m <sup>2</sup> (2,153 sq. ft.)
xxxiii.	Chemical Plant	1 per 90 m <sup>2</sup> (969 sq. ft.)
xxxiv.	Chronic Care Facility	See Nursing Home
xxxv.	Cinema	1 per 8 seats
xxxvi.	Clinic	1 per 20 m <sup>2</sup> (215 sq. ft.)
xxxvii.	Commercial Outdoor Recreation Facility	1 per 1000 m <sup>2</sup> (10,764 sq. ft.)



xxxviii.	Commercial Recreation Establishment	1 per 30 m <sup>2</sup> (323 sq. ft.)
xxxix.	Commercial School	See School
xl.	Commercial Storage Unit	1 per 200 m <sup>2</sup> (2,153 sq. ft.)
xli.	Community Centre and Hall	1 per 8 seats or 1 per 35 m <sup>2</sup> (376 sq. ft.) whichever is greater
xl ii.	Continuum-of-Care Facility	See Appropriate Components as Proportioned
xl iii.	Convenience Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
xl iv.	Data Processing Establishment	1 per 40 m <sup>2</sup> (430 sq. ft.)
xl v.	Day Care Facility	1 per 40 m <sup>2</sup> (430 sq. ft.)
xl vi.	Department Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
xl vii.	Driving Range (Golf)	1.5 per tee
xl viii.	Drug Store	See Pharmacy
xl ix.	Dry Cleaning and Laundry Depot	1 per 25 m <sup>2</sup> (269 sq. ft.)
i.	Dry Cleaning and Laundry Plant	1 per 200 m <sup>2</sup> (2,153 sq. ft.)
li.	Dry Cleaning Establishment	1 per 50 m <sup>2</sup> (538 sq. ft.)
li i.	Duplicating Shop	1 per 25 m <sup>2</sup> (269 sq. ft.)
li ii.	Electrical and Electronic Products	See Manufacturing Establishment
li v.	Emergency Care Establishment	1 per 40 m <sup>2</sup> (430 sq. ft.)
li v.	Factory Outlet	1 per 90 m <sup>2</sup> (969 sq. ft.)
li vi.	Film Processing Depot	1 per 25 m <sup>2</sup> (269 sq. ft.)
li vii.	Financial Institution	1 per 30 m <sup>2</sup> (323 sq. ft.)
li viii.	Fire Station	1 per 1.5 employees
li x.	Florist Shop	See Retail Store
li x.	Food Processing Plant	1 per 90 m <sup>2</sup> (969 sq. ft.)
li xi.	Food Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
li xii.	Food, Tobacco and Beverage Processing	See Manufacturing Establishment
li xiii.	Fuel Storage Depot/Supply Yard	1 per 90 m <sup>2</sup> (969 sq. ft.)
li xiv.	Funeral Home	Greater of 1 per 20 m <sup>2</sup> (215 sq. ft.) or 20 spaces
li xv.	Gallery	See Art Gallery
li xvi.	Garden Centre	1 per 30 m <sup>2</sup> (323 sq. ft.)

lxvii.	Gas Bar	3 spaces
lxviii.	General Manufacturing	See Manufacturing Establishment
lxix.	Golf Course	9 per tee
lxx.	Grocery Store	See Food Store
lxxi.	Hardware Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
lxxii.	Home and Auto Supply Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
lxxiii.	Home Appliance Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
lxxiv.	Home Decorating Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
lxxv.	Home Furnishings Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
lxxvi.	Home Improvement Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
lxxvii.	Homes for the Aged	See Rest Home
lxxviii.	Hospital	1.25 per bed
lxxix.	Hotel	1.25 per unit
lxxx.	Industrial and Agricultural Equipment Sales and Service	1 per 30 m <sup>2</sup> (323 sq. ft.)
lxxxi.	Industrial Mall	1 per 65 m <sup>2</sup> (700 sq. ft.)
lxxxii.	Kennel	1 per 25 m <sup>2</sup> (269 sq. ft.)
lxxxiii.	Laboratory	1 per 45 m <sup>2</sup> (484 sq. ft.)
lxxxiv.	Landscape Supply Outlet	1 per 30 m <sup>2</sup> (323 sq. ft.)
lxxxv.	Laundromat/Laundry	1 per 25 m <sup>2</sup> (269 sq. ft.)
lxxxvi.	Leather and Fur Processing Industry	1 per 90 m <sup>2</sup> (969 sq. ft.)
lxxxvii.	Library	1 per 50 m <sup>2</sup> (538 sq. ft.)
lxxxviii.	Manufacturing and Assembly	See Manufacturing Establishment
lxxxix.	Manufacturing Establishment	1 per 100 m <sup>2</sup> (1,076 sq. ft.)
xc.	Merchandise Service Shop	1 per 25 m <sup>2</sup> (269 sq. ft.)
xc.	Miniature Golf Course	1.5 per tee
xcii.	Monastery	See Place of Worship
xciii.	Motel	1.25 per unit
xciv.	Motor Vehicle Service and Repair	1 per 25 m <sup>2</sup> (269 sq. ft.)
xcv.	Museum	1 per 50 m <sup>2</sup> (538 sq. ft.)
xcvi.	Music School	1 per 45 m <sup>2</sup> (484 sq. ft.)
xcvii.	Nursery and Garden Store	1 per 30 m <sup>2</sup> (323 sq. ft.)
xcviii.	Nursing Home	1 per 3 beds

xcix.	Office, Business, Service and Professional	1 per 40 m <sup>2</sup> (430 sq. ft.)
c.	Office, General	1 per 40 m <sup>2</sup> (430 sq. ft.)
ci.	Office, Medical/Dental	1 per 25 m <sup>2</sup> (215 sq. ft.)
cii.	Office, Support and Charitable Organization	1 per 45 m <sup>2</sup> (484 sq. ft.)
ciii.	Office Supply Outlet	See Retail Store
civ.	Open Storage	1 per hectare (2.5 acres)
cv.	Paper and Allied Products Industry	See Manufacturing Establishment
cvi.	Personal Service Establishment	1 per 20 m <sup>2</sup> (215 sq. ft.)
cvii.	Pet Grooming Establishment	1 per 20 m <sup>2</sup> (215 sq. ft.)
cviii.	Pharmaceutical and Medical Products Industry	See Manufacturing Establishment
cix.	Pharmacy	1 per 25 m <sup>2</sup> (269 sq. ft.)
cx.	Place of Worship	1 per each 5 persons seating capacity
cx.i.	Police Station	1 per 1.5 employees
cxii.	Post Office	1 per 30 m <sup>2</sup> (323 sq. ft.)
cxiii.	Primary Metals Industry	1 per 90 m <sup>2</sup> (969 sq. ft.)
cxiv.	Printing Establishment	1 per 200 m <sup>2</sup> (2,153 sq. ft.)
cxv.	Printing, Reproduction and Data Processing Industries	See Manufacturing Establishment
cxvi.	Printing Shop	1 per 100 m <sup>2</sup> (1,076 sq. ft.)
cxvii.	Private Club	1 per 20 m <sup>2</sup> (215 sq. ft.)
cxviii.	Private Outdoor Recreation Club	1 per 700 m <sup>2</sup> (7,535 sq. ft.) of lot area for the first 10 ha (25 ac.) plus 1 per 5000 m <sup>2</sup> (53,820 sq. ft.) of lot area over 10 ha (25ac.)
cxix.	Processed Goods Industry	See Manufacturing Establishment
cxx.	Public Hall	See Assembly Hall
cxxi.	Public Recreation Facility	1 per 35 m <sup>2</sup> (376 sq. ft.)
cxxii.	Public Use	1 per 45 m <sup>2</sup> (484 sq. ft.)
cxxiii.	Public Utility	See Public Use
cxxiv.	Racquet Facility	2 per court
cxxv.	Raw Materials Processing	See Manufacturing Establishment

cxxvi.	Recreation or Community Centre	See Community Centre
cxxvii.	Recreational Establishment	1 per 20 m <sup>2</sup> (215 sq. ft.)
cxxviii.	Repair and Rental Establishment	1 per 20 m <sup>2</sup> (215 sq. ft.)
cxxix.	Research and Development Establishment	See Manufacturing Establishment
cxxxi.	Resource Extraction Operation	2 spaces
cxli.	Rest Home	1 per 3 beds
cxlii.	Restaurant	1 per 15 m <sup>2</sup> (161 sq. ft.)
cxliii.	Restricted Manufacturing and Assembly	See Manufacturing Establishment
cxliiii.	Retail Lumber and Building Supply Yard	See Building Supply Outlet
cxliiii.	Retail Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
cxliiii.	Retirement Lodge	1 per 3 beds
cxliiii.	Salvage or Scrap Yard	1 per 30 m <sup>2</sup> (323 sq. ft.) for retail/showroom plus 1 per 200 m <sup>2</sup> for warehousing
cxliiii.	School, Commercial	1 per 45 m <sup>2</sup> (484 sq. ft.)
cxliiii.	School, Community College	1 per 100 m <sup>2</sup> (1,076 sq. ft.) plus 1 per 15 students
cxli.	School, Elementary	3 plus 1 per classroom
cxli.	School, Private	3 per classroom
cxlii.	School, Secondary	3 per classroom
cxliii.	School, University	1 per 100 m <sup>2</sup> (1,076 sq. ft.) plus 1 per 15 students
cxliiii.	Self-Storage Establishment	1 per 450 m <sup>2</sup> (4,843 sq. ft.)
cxliiii.	Service and Repair Establishment	1 per 25 m <sup>2</sup> (269 sq. ft.)
cxliiii.	Service Shop	1 per 25 m <sup>2</sup> (269 sq. ft.)
cxliiii.	Shopping Centre (Greater than 2000 m <sup>2</sup> and with 4 or more individual business establishment)	1 per 30 m <sup>2</sup> (323 sq. ft.) Gross Leasable Floor Area
cxliiii.	Shopping Centre (less than 2000 m <sup>2</sup> )	1 per 25 m <sup>2</sup> (269 sq. ft.)
cxliiii.	Stadium	1 per 8 seats

cl.	Storage Depot	See Warehousing
cli.	Studio	1 per 45 m <sup>2</sup> (484 sq. ft.)
clii.	Supermarket	See Food Store
cliii.	Supervised Residence	1 per 4 residents
cliv.	Tavern	1 per 6 m <sup>2</sup> (65 sq. ft.)
clv.	Taxi Establishment	1 per 6 m <sup>2</sup> (65 sq. ft.)
clvi.	Tennis Club	2 per court
clvii.	Tennis Court (Outdoors)	2 per court
clviii.	Textile Processing	See Manufacturing Establishment
clix.	Theatre	1 per 8 seats
clx.	Tourist Establishment	1 per available unit
clxi.	Tradesman's Shop	1 per 20 m <sup>2</sup> (215 sq. ft.)
clxii.	Transport Terminal	1 per 100 m <sup>2</sup> (1,076 sq. ft.)
clxiii.	Variety Store	1 per 25 m <sup>2</sup> (269 sq. ft.)
clxiv.	Vehicle Repair Garage	6 per bay
clxv.	Vehicle Repair Shop	1 per 25 m <sup>2</sup> (215sq. ft.)
clxvi.	Vehicle Sales and Rental Establishment	1 per 100 m <sup>2</sup> (1,076 sq. ft.)
clxvii.	Veterinarian's Clinic	1 per 45 m <sup>2</sup> (484 sq. ft.)
clxviii.	Video Rental Establishment	1 per 25 m <sup>2</sup> (269 sq. ft.)
clxix.	Warehousing	1 per 200 m <sup>2</sup> (2,153 sq. ft.)
clxx.	Wholesale Establishment	1 per 150 m <sup>2</sup> (1,614 sq. ft.)
clxxi.	Wholesale Outlet/Uses	1 per 125 m <sup>2</sup> (1,345 sq. ft.)

(d) CALCULATION OF PARKING REQUIREMENTS

- (i) Where a part of a parking space is required in accordance with this By-Law for a use listed in Clause (b) or Clause (c) of this Subsection, such part shall be considered 1 parking space for the purpose of calculating the total parking requirements for the said use.
- (ii) Where a building, structure or lot accommodates more than one type of use as set out in Clause (b) or Clause (c) of this Subsection, the total parking space requirement for such building, structure or lot shall be the sum of the requirements for the separate uses thereof.
- (iii) Parking spaces required in accordance with this By-Law shall not include any parking space used or intended to be used primarily for the storage or parking of vehicles for hire or gain, display or sale.

## (e) DIMENSIONS OF PARKING SPACES

A parking space required hereby shall have minimum rectangular dimensions of 2.8 metres by 5.5 metres (9 ft. X 18 ft.), except that:

- (i) the minimum width of a parking space accessory to a single dwelling shall be 2.5 metres; and
- (ii) where the principal access to a parking space is provided on the longest dimension of such parking space, the minimum dimensions of the said parking space shall be 2.5 metres by 6.7 metres.

## (f) LOCATION OF PARKING AREAS

With the exception of the Commercial Zones, all required parking spaces shall be provided on the same lot occupied by the building, structure or use for which such parking spaces are required, and shall not form a part of any street or lane. Within the Commercial Zones, the required parking spaces may be supplied within 90 metres (288 ft.) of the main pedestrian access of the building, structure or use for which the parking spaces are required, provided a Site Plan Agreement is registered on title of the lands used for parking committing said parking spaces to the related commercial site.

## (g) YARDS WHERE PERMITTED

Notwithstanding the yard and setback provisions of this By-Law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the required road allowance and the required setback as follows:

<b>Zone</b>	<b>Yard in Which Required Parking Area Permitted</b>
Commercial, Institutional	All yards provided that no part of any parking area, other than a driveway, is located closer than 3 metres (9.8 ft.) to any street line, except in the C1 Zones or the RO Zones where parking shall not be permitted in the front yard.
Residential - single dwelling, semi-detached, duplex, triplex, converted, quadruplex, street townhouse	<p>(a) The side yard and rear yard, except for a side yard immediately adjacent to a street, provided that no part of any parking area is located closer than one metre (3.3 ft.) to any street line; and</p> <p>(b) Driveways in the front yard or driveways in the side yard immediately adjacent to a street.</p>
Multiple Residential Dwelling Townhouse	All yards provided that no multiple residential dwelling, part of any parking area, other than a driveway, is located

	closer than 6 metres (19.68 ft.) to any street line and no closer than one metre (3.3 ft.) to any side lot line.
Industrial	All yards provided that no part of any parking area, other than a driveway, is located closer than one metre (3.3 ft.) to any street line.

(h) PARKING STRUCTURES

Where a parking area located in a structure is accessory to a permitted use on a lot, then such structure shall conform to all the provisions for accessory uses set out in Subsection (1) of this Section.

(i) ACCESS TO PARKING AREAS AND SPACES

- (i) Access to parking areas shall be provided from an improved street by means of one or more unobstructed driveways at least 3 metres and not more than 6 metres in width for a driveway accessory to a single dwelling and not more than 10 metres in width for any other driveway, measured parallel to the said street, at any point on the lot closer to the said street than the street setback required therefrom. Provided further that no lot shall have more than 2 driveways for the first 30 metres of street line thereof plus 1 driveway for each additional 30 metres of street line. Notwithstanding the foregoing, in all residential zones, no lot shall have more than 1 driveway for the first 20 metres of street line thereof plus 1 driveway for each additional 30 metres of street line.
- (ii) Driveways and parking aisles shall have a minimum unobstructed width of 6 metres where two-way traffic is permitted and 2.8 metres where only one-way direction of traffic flow is permitted and is clearly indicated by signs, pavement markings or both, except that the minimum width required for any driveway accessory to a single dwelling shall be 2.5 metres.
- (iii) Each required parking space shall be readily accessible at all times for the parking or removal of a vehicle and vehicular access to any such parking space shall be not impeded by any obstruction except as provided in Paragraph (iv) of this Clause except that this provision shall not apply to prevent the use as a parking space of any part of a driveway accessory to a single dwelling, provided that no parking space shall obstruct access to a parking area on any other lot.
- (iv) Nothing in this By-Law shall prevent the obstruction of a driveway by a gate, a well identified recognizable temporary barrier or similar obstruction used solely to restrict access to the said driveway and designed to be easily raised, swung aside or otherwise opened or removed when necessary to permit passage of a vehicle.

- (v) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
  - (vi) Any driveways or parking aisles located within a required yard on a lot containing a mobile home park shall be separated from all interior lot lines or such lot by a planting strip not less than 1.5 metres in width.
  - (vii) The minimum distance between a point of intersection of street lines, such point of intersection being determined in the manner set out in Section 2(319) and Section 3(21) thereof, and a driveway providing access to a lot from an improved street, measured along the street line intersected by such driveway, shall be 8 metres.
  - (viii) Where a two-way driveway is divided into two one-way driveways by a curb, an area of landscaped open space or any other obstruction, such driveway shall, for the purpose of this Subsection, be considered a single driveway, albeit divided, provided that such driveway does not exceed 10 metres in total width, measured in accordance with Paragraph (i) of this Clause.
  - (ix) Nothing in this Subsection shall apply to prevent the use of a right-of-way as a means of obtaining access to a parking area, provided the said right-of-way has been specifically established for such purpose, or to prevent the establishment of abutting driveways or parking aisles along a common lot line, provided the combined width of any abutting driveways does not exceed 10 metres measured in accordance with Paragraph (i) of this Clause.
- (j) SURFACE AND DRAINAGE OF PARKING AREAS AND DRIVEWAYS
- (i) All parking areas and driveways shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles, using such surfacing materials as any asphalt, concrete or other hard-surfaced material. In the Industrial Zones, crushed stone or gravel may be used.
  - (ii) All parking areas and driveways shall be drained so as to prevent the pooling of surface water or the flow of surface water onto adjacent lots.
  - (iii) The access point to parking areas shall be clearly defined by a curb of concrete or rolled asphalt.

(k) ADDITION TO EXISTING USE

Where a building or structure has insufficient parking spaces on the date of passing of this By-Law to conform to the requirements herein, this By-Law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use provided, however, that any additional parking spaces required by this By-



Law for such addition or change of use are provided in accordance with all provisions thereof respecting parking spaces and parking areas.

(I) OTHER PARKING REGULATIONS

- (i) Nothing in this By-Law shall prevent the erection of a shelter for use solely by parking attendants or security personnel in any part of a parking area, except within a sight triangle, provided such shelter is not more than 4.5 metres in height and has a floor area of not more than 5 square metres.
- (ii) No gasoline retail outlet or automobile service station shall be located or maintained on any parking area except where specifically permitted by this By-Law.
- (iii) No trailer, motor home, or boat shall be stored in any part of a front yard, exterior side yard or a required interior side yard on a lot in a Residential Zone or in any part of a side yard on a lot in any zone other than a Residential Zone, except that this provision shall not apply to prevent the temporary parking of a trailer or boat on a permitted parking area. Temporary parking shall be restricted to seven consecutive days between May 1 and October 31. Parking of passenger vehicles shall be permitted in the front yard on that portion of the lot that is the driveway providing access to an attached or detached private garage or any approved unenclosed parking space within a side or rear yard.
- (iv) No commercial vehicle or motorized construction equipment shall be parked or stored on any part of a Residential Zone, except for commercial vehicles which:
  - 1. is owned or operated by the occupant of the said lot; or
  - 2. have dimensions not greater than 2.4 metres (7.9 ft.) of width, 2.4 metres (7.9 ft.) of height above ground, nor 6 metres (20 ft.) of length; or
  - 3. are parking or stored within a building or carport or within a yard other than a front yard, or exterior side yard, or a required interior side yard; or
  - 4. except for the purpose of making deliveries or otherwise providing services, on a temporary basis, to a Residential lot.
- (v) Motor vehicles and trailers lacking current valid license plates shall be parked or stored only within a private garage or other building, except that this provision shall not apply to a permitted vehicle sales or rental establishment or salvage yard.

**(19) REDUCTION OF LOT AREA**

(a) PROHIBITION

No person shall reduce the lot area, or make any changes in the dimensions, of a lot by the conveyance or alienation of any portion thereof or otherwise, except by a conveyance in accordance with Clause (b) of this Subsection, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard depth, side yard depth, rear yard depth, lot frontage, lot area or area of landscaped open space that is less than that permitted by this By-Law for the zone in which such lot is located.

**(b) LOTS REDUCED BY PUBLIC ACQUISITION**

Where the area of a lot is reduced by means of an acquisition of part of the lot by a public agency for the purpose of providing a public service, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition, to have a lot area, lot frontage, lot coverage, area of landscaped open space, setback, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then nothing in this By-Law shall apply to prevent the continued use of the lot as reduced as if no such acquisition had taken place, provided that:

- (i) no change is made in the dimensions, area or any other characteristics of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said nonconformity; and
- (ii) no building or structure or addition thereto is erected on the lot as reduced, subsequent to the date of such acquisition, except in accordance with all the provisions hereof for the zone in which such lot is located.

**(20) SETBACK/FRONT YARD EXEMPTION IN BUILT-UP AREAS**

The minimum setback required on a lot that is between two adjacent lots on which are located existing buildings not more than 90 metres apart shall be the average of the established building lines on the said adjacent lots, provided that no setback requirement calculated in accordance with this Clause shall exceed the applicable setbacks required of the appropriate zone provisions.

**(21) SIGHT TRIANGLES**

**(a) PROHIBITION OF OBSTRUCTIONS**

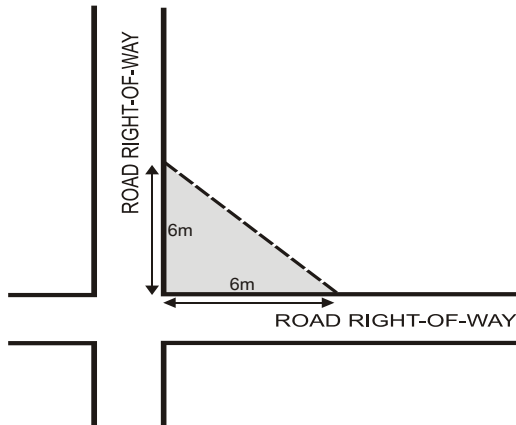
Notwithstanding any other provisions hereof to the contrary, within any area defined herein as a sight triangle, no building or structure shall be erected, no vehicle shall be parked, no land shall be graded and no landscaping materials shall be permitted to grow above the height of 0.6 metres above the elevation of the centreline of the said street, in such manner as to impede or obstruct the vision of persons driving vehicles on an abutting street.

(b) EXTENT OF SIGHT TRIANGLES

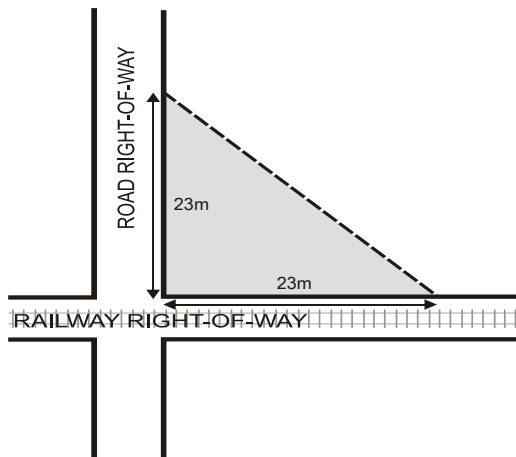
For the purpose of calculating the extent of a sight triangle, the distance between the point of intersection of the two lot lines and their respective points of intersection with the line constituting the third side of the triangle shall be 6 metres; 23 metres where a street intersects a railway right-of-way at grade in an area with speed limits of 50 kilometres per hour or less; and 50 metres where a street intersects a railway right of way at grade in an area with speed limits greater than 50 kilometres per hour, or such greater distance as may be required from time to time by the Canadian Transportation Commission (see illustration).

## ILLUSTRATION OF VISIBILITY TRIANGLES

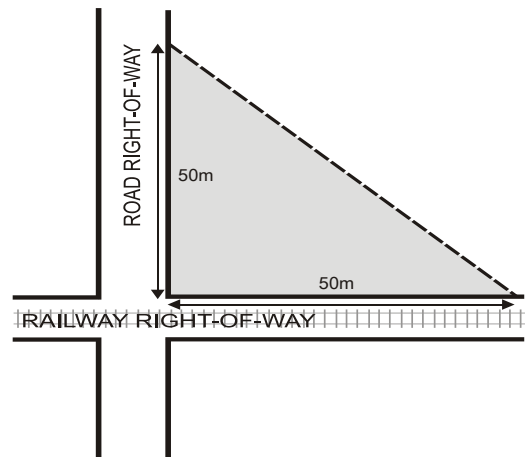
### ROAD INTERSECTION:



### ROAD/RAILWAY INTERSECTION:



(a) SPEED LIMIT = 50 KM/H OR LESS



(b) SPEED LIMIT > 50 KM/H

**NOTE:** THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE ONLY AND DO NOT FORM PART OF THIS BY-LAW

**(22) SWIMMING POOLS****(a) PRIVATE OPEN SWIMMING POOLS**

Notwithstanding any other provision of this By-Law to the contrary, the following provisions shall apply with respect to the erection or use of any private open swimming pool not enclosed or otherwise located within a building:

- (i) No private open swimming pools or related structures shall be permitted anywhere within the zoned area except:
  - 1. in an interior side yard or rear yard on a lot containing a permitted dwelling unit; or
  - 2. in any yard other than a required yard on a lot containing a permitted motel or private club.
- (ii) No interior wall surface of any open swimming pool, nor any related structure other than a fence, shall be located closer than 1.5 metres to any lot line or closer to any street than the setback required therefrom.
- (iii) No water circulating or treatment equipment such as pumps or filters shall be located closer than 3 metres to any lot line.
- (iv) No part of any open swimming pool shall be greater than 2 metres in height above grade, exclusive of related structures which shall not exceed 5 metres in height.
- (v) Every open swimming pool shall be enclosed in accordance with the Corporation's By-Law governing the erection and maintenance of fences and gates around private outdoor open swimming pools.
- (vi) Every open swimming pool shall be enclosed in accordance with the Corporation's By-Law governing the erection and maintenance of fences and gates around private outdoor open swimming pools.

**(b) LOT COVERAGE EXEMPTION**

Notwithstanding any other provisions of this By-Law to the contrary, no open swimming pools or any related structures shall be considered part of the lot coverage of a lot, but where a swimming pool is enclosed with a building or where a structure appurtenant to a swimming pool constitutes a building as defined herein, such building shall comply with any lot coverage requirements set out herein for the zone in which such building is located, but shall be exempt from the lot coverage requirements for accessory uses set out in Section 3(1) hereof.

(c) INDOOR SWIMMING POOLS

Any swimming pool located within a building as defined herein shall comply with the provisions for accessory uses set out in Section 3(1) hereof, where such swimming pool is located within an accessory building, or with the zone requirements set out herein for the zone in which such swimming pool is located, where such swimming pool is located within a main building.

(d) PUBLIC SWIMMING POOLS

Any public swimming pool and any related buildings or structures shall comply with the zone requirements set out herein for the zone in which such swimming pool is located.

(e) COMPLIANCE WITH SWIMMING POOL BY-LAWS

All swimming pools shall comply with any by-laws of the Corporation specifically regulating swimming pools.

**(23) USES PERMITTED IN ALL ZONES**

(a) PUBLIC AND INSTITUTIONAL USES

Nothing in this By-Law shall apply to prevent or otherwise restrict in any way any of the following:

- (i) the use of land for a street or a public railway, including any installations, structures appurtenant thereto, or as a site for a public memorial or ornamental structure including, but not so as to limit the generality of the foregoing, a statue, a monument, a cenotaph or a fountain;
- (ii) the installation or maintenance of a watermain, sanitary sewer main, storm sewer main, pumping station, gas main, pipeline, lighting fixture or overhead or underground electrical, cable television, telegraph or telephone line or associated tower or transformer, together with any installations or structures appurtenant thereto, provided that any lot or structure so used shall be designed, landscaped and maintained in general harmony with the neighbouring uses; or
- (iii) the use of any lot in any zone as a public park or for an existing cemetery, an existing place of worship or any existing public building, structure or use, including, but not so as to limit the generality of the foregoing, a public school, a municipal office building, a community centre or a public library and a public works garage, in accordance with the General Provisions of this By-Law set out in Section 3 hereof and with the Zone Requirements for Institutional Zones set out in Section 22 (3) hereof.

(b) CONSTRUCTION USES

Nothing in this By-Law shall prevent the use of any part, other than a sight triangle, of any lot in any zone for the erection of a legal temporary sign not greater than 3 square metres in area, the excavation of soil or earth or the erection or use of any temporary building or structure where such sign, excavation, building or structure is directly incidental to, and necessary for, construction work on the same lot or work relating to a public utility or a street including, but not so as to limit the generality of the foregoing, a construction trailer, a tool shed, or a scaffold, but only for so long as such building or structure is necessary for the work in progress and until the work is completed or abandoned, and only while a valid building permit for the said construction remains in force, where applicable and in accordance with the Corporation's Sign By-Law.

(c) WAYSIDE PITS

**(24) USES RESTRICTED IN ALL ZONES**

(a) NOXIOUS USES PROHIBITED

Notwithstanding any other provision hereof to the contrary, no use shall be permitted anywhere within the zoned area which, from its nature, materials used therein or emissions issuing therefrom, is declared to be a noxious trade, business or manufacture under the *Public Health Act*, as amended from time to time.

(b) RESTRICTED USES

The following uses are prohibited throughout the zoned area, either alone or in conjunction with other uses, unless specifically listed as a permitted use in a specific zone:

- (i) adult entertainment parlours;
- (ii) arcades;
- (iii) the making or establishment of pits and quarries;
- (iv) the tanning or storage of uncured hides or skins;
- (v) the boiling of blood, tripe, bones or soaps for commercial purposes;
- (vi) the manufacturing of glue or fertilizers from dead animals or from human or animal waste;
- (vii) an abattoir, stockyard, livestock exchange, or dead stock depot, except where specifically listed herein as a permitted use in a specific zone;

- (viii) the extracting of oil from fish;
- (ix) a track for the racing or testing of automobiles, motorcycles, snowmobiles or any other motorized vehicles;
- (x) a salvage yard;
- (xi) a recycling facility, composting facility, waste treatment facility, waste management/resource recovery facility, waste transfer station, or any disposal site for solid wastes;
- (xii) the refining, storage or use in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, benzole, benzine, gasoline, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gasses or solid materials except where specifically permitted hereby or in conjunction with a permitted industrial use. This provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and accessory to an agricultural use, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a residential use or for commercial or industrial uses;
- (xiii) an occupied vehicle for human habitation other than a mobile home where specifically permitted;
- (xiv) a campground, except as a temporary use within a public park, with the approval of the Corporation;
- (xv) an airport;
- (xvi) the keeping or raising of any livestock or poultry on any lot or in any building or structure except where agriculture is a permitted use. This provision shall not prevent the keeping of up to three of any type of household pets such as dogs, cats, gerbils, birds, etc.;
- (xvii) any use which causes the emission of corrosive gasses, toxic gasses or radioactive gasses or, into any zone other than an Industrial Zone, of electromagnetic fields, heat, glare, dust, dirt, fly ash or smoke, or which does not comply with emission regulations as may be established from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof;
- (xviii) use any land or building, except those lands within the Highway Commercial (C3) Zone or the Heavy Industrial (M2) Zone for the repair or servicing of any motor



vehicle unless such motor vehicle is owned by and registered in the name of an owner or occupant of such land or building;

- (xix) carry out any but minor repairs and servicing such as the changing of tires or oil, outside of a garage or other suitable building, on any motor vehicle within the Corporation, except on lands lawfully occupied and used as a motor vehicle service station, body shop, commercial garage or radiator shop;
- (xx) any establishment used as an adult entertainment parlours as defined in this By-Law.

**(25) YARD ENCROACHMENTS AND OBSTRUCTIONS PERMITTED**

**(a) PROJECTION INTO REQUIRED YARDS**

No part of any required yard or required court shall be obstructed by any building or structure or part thereof except one or more of the following:

- (i) accessory buildings or structures specifically permitted in a required yard elsewhere in this By-Law;
- (ii) architectural adornments including, but not necessarily restricted to, sills, belt courses, chimneys, bay windows, cornices, eaves, gutters, parapets and pilasters, projecting not more than 0.5 metres into any required yard;
- (iii) roofless functional and ornamental structures including, but not necessarily restricted to, drop awnings, clothes poles, ornamental fountains, statues, monuments, picnic tables, benches, cenotaphs, memorials, planters, garden trellises, fences, boundary and retaining walls, hedgerows and legal signs projecting into any required yard;
- (iv) stoops, sun decks, porches, verandahs, balconies, balconies on top of porches or verandahs, uncovered terraces, and exterior steps providing access between finished grade and either the basement or the first storey of a building, where such structures project not more than 1.5 metres into a required front yard, a required rear yard or a required exterior side yard;
- (v) unenclosed fire escapes which do not project more than 1.5 metres into a required rear yard or a required side yard;
- (vi) unenclosed ramps for physically handicapped persons into any required yard;
- (vii) underground structures such as basements or parking structures into any required yard; and

(viii) heat pumps, air conditions, and/or air exchangers 1.5 metres (4.9 ft.) into any required yard provided the projection is no closer than 0.5 metres (1.6 ft.) to the lot line.

(b) PROJECTION BEYOND LOT LINES

No part of any building or structure on a lot shall project beyond any lot line or street line of such lot.

(c) RAILWAY SPUR

Notwithstanding the yard and setback provisions of this By-Law to the contrary, a railway spur shall be permitted within any required yard.

**(26) YARD REQUIREMENTS, EXTERIOR SIDE YARD CONDITION**

Notwithstanding the minimum exterior side yard requirements of this By-Law, when a corner lot is sited so that its rear lot line abuts an adjacent interior side yard, the exterior side yard shall be subject to the regulations of a front yard. When a corner lot is sited so that its rear lot line abuts an adjacent rear lot line, the exterior side yard shall be subject to the regulations of an interior side yard.

**(27) YARD REQUIREMENT SATELLITE DISHES**

No satellite dish shall be located within the front or the required exterior side yard.

## SECTION 4 ZONES AND ZONE SYMBOLS

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### (1) DIVISION INTO ZONES

For the purposes of this By-Law, all lands within the zoned area are divided into zones and classified in accordance with Subsection (2) of this Section.

### (2) ZONE CLASSIFICATION

#### (a) RESIDENTIAL ZONES

The following zone designations and symbols represent Residential Zones:

(i)	Residential Type 1 Zone	R1
(ii)	Residential Type 1A Zone	R1A
(iii)	Residential Type 1B Zone	R1B
(iv)	Residential Type 1C Zone	R1C
(v)	Residential Type 2 Zone	R2
(vi)	Residential Type 3 Zone	R3
(vii)	Residential Multiple First Density Zone	RM1
(viii)	Residential Multiple Second Density Zone	RM2
(ix)	Residential Holding Zone	RH

#### (b) COMMERCIAL ZONES

The following zone designations and symbols represent Commercial Zones:

(i)	Commercial Core Zone	C1
(ii)	Support Commercial Zone	C2
(iii)	Highway Commercial Zone	C3
(iv)	Neighbourhood Commercial Zone	C4
(v)	Business Park Commercial Zone	C5
(vi)	Residential Office Zone	RO

#### (c) INDUSTRIAL ZONES

The following zone designations and symbols represent Industrial Zones:

(i)	Light Industrial Zone	M1
(ii)	Heavy Industrial Zone	M2

(d) INSTITUTIONAL ZONE

The following zone designations and symbols represent Institutional Zones:

- (i) Institutional Zone I

(e) PARKS AND OPEN SPACE

The following zone designations and symbols represent Parks and Open Space Zones:

- (i) Parks and Open Space Zone POS

(f) FUTURE DEVELOPMENT

The following zone designations and symbols represent Future Development Zones:

- (i) Future Development Zone FD

(g) ENVIRONMENTAL PROTECTION

The following zone designations and symbols represent Environmental Protection Zones:

- (i) Environmental Protection Zone EP

**(3) ZONE SYMBOLS AND DESIGNATIONS**

(a) USE OF SYMBOLS AND DESIGNATION

The Zone symbols and designations listed in Subsection (2) of this Section may be used to refer to buildings and structures and to the uses of lots, buildings and structures permitted by this By-Law in the said zones.

(b) INTERPRETATION OF SYMBOLS AND DESIGNATIONS

Wherever in this By-Law and the word “Zone” is used, preceded by any of the said zone symbols and designations, such reference shall mean any part of the zoned area delineated on Schedule “A” and designated thereon by the said symbol.

**(4) ZONE PROVISIONS**

(a) USES PERMITTED AND ZONE REQUIREMENTS

For each zone listed in Subsection (2) of this Section, a separate section of this By-Law sets out the uses permitted in, and the specific provisions relating to, such zone under the headings “USES PERMITTED” and “ZONE REQUIREMENTS”, respectively.

(b) SCOPE OF ZONE REQUIREMENTS

Except as otherwise specifically provided herein, the specific zone requirements set out herein for each zone shall apply to such zone in addition to the general provisions set out in Section 3 hereof.

(5) **SPECIAL ZONES**

Wherever a zone symbol on Schedule “A” hereto is followed by a dash and a number, such as “R2-1”, the lands so designated shall be subject to, and used in accordance with all the provisions of this By-Law applicable to the zone represented by such symbol except as otherwise specifically provided by the special provisions of the special zone set out in the applicable Special Provisions section of the zone.

(6) **HOLDING “h” ZONES**

(a) USE OF SYMBOL

Where the symbol “h” appears on a zoning map as a prefix to a single zone or a compound zone applying to certain lands, notwithstanding the provisions of that zone or zones, unless this By-Law has been amended to remove the relevant “h” symbol, those lands shall not be developed or used except in compliance with the provisions of the applicable zone for existing uses, or for such other uses set out in the relevant Holding Zone Provisions below. The relevant Holding Zone Provisions are denoted by the number (if any) immediately following the symbol “h” on the zoning map.

(b) HOLDING ZONE PROVISIONS

- (i) h Purpose: To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the Town of Aylmer.

Permitted Interim Uses: Existing Uses.

- (ii) h-1 Purpose: To ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, covering requirements for incorporating appropriate attenuation measures into the design of the development, prior to the removal of the “h” symbol.

Permitted Interim Uses: Existing uses; any non-residential uses permitted by the applicable zones.

- (iii) h-2 Purpose: To ensure that development will not have a negative impact on an environmentally sensitive area, or natural feature, an agreement shall be entered into specifying any necessary preventative measures, based on study(ies) to the satisfaction of the Town of Aylmer conducted by qualified professional(s) demonstrating that development in the form proposed will not adversely affect the area or feature, prior to the removal of the “h” symbol.

Permitted Interim Uses: Existing uses.

- (iv) h-3 Purpose: To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the *Planning Act*, 1990, prior to the removal of the “h” symbol.

Permitted Interim Uses: Existing uses.

- (v) h-4 Purpose: To ensure that buildings and structures that have been identified by the Town as historically significant and that are being actively pursued for a designation under the *Ontario Heritage Act* are not negatively impacted by development or redevelopment of the site or buildings, and to ensure that the development or redevelopment is in a form compatible with the heritage buildings, the following conditions must be satisfied prior to the removal of the holding provisions:

1. The site and/or building and/or portions thereof must be designated under the *Ontario Heritage Act* by the Town of Aylmer;
2. The site, buildings or portions thereof must be subject to an easement or easements to provide for municipal services, heritage preservation and conservation in favour of the Town of Aylmer and to the satisfaction of the Town of Aylmer;
3. The affected lands will be subject to Site Plan Control under Section 41 of the *Planning Act*, and a development agreement must be entered into by the owner of the subject lands and the Town of Aylmer.

Permitted Interim Uses: Existing uses, buildings and structures as they legally existed at the date of adoption of this By-Law.

- (vi) h-5 Purpose: To ensure that the appropriate timing for the expansion of food store facilities to exceed 4,645 m<sup>2</sup> gross floor area, the “h-5” symbol shall not be removed until the following condition has been satisfied:

1. A retail market impact study to the satisfaction of Council has been prepared.

Permitted Interim Uses: Any use permitted by the existing C5 zone with the exception of a food store less than 2,000 m<sup>2</sup> gross floor area and not exceeding 4.645 m<sup>2</sup> gross floor area.

(vii) h-6 Purpose: To ensure orderly, comprehensive and compatible development of employment lands, the “h-6” symbol shall not be removed until the following conditions have been satisfied:

- 1.To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the holding symbol; and,
- 2.To ensure the orderly development of lands and the adequate provision of municipal services, the holding symbol shall not be deleted until full municipal sanitary sewer and water services are available to service the site and that sufficient servicing capacity is demonstrated to the satisfaction of the Town; and,
- 3.To ensure there are no land use conflicts between industrial uses and adjacent residential land uses, the holding symbol shall not be deleted until the owner agrees to implement all noise and vibration attenuation and design mitigating measures, including separation setbacks, as recommended in applicable studies, to the satisfaction of the Town.

## **(7) COMPOUND ZONES AND MULTIPLE ZONES**

### **(a) COMPOUND ZONES**

Notwithstanding any other provision of this By-Law, where two or more zoning symbols divided by a “/” are shown on the zoning maps as applying to a lot or as compounded by a Special Provision, that lot may be used exclusively for any use permitted in any one of the zone included in the compound zone symbol, or for any combination of uses permitted in any of the zones included in the compound zone symbol, subject to the following regulations:

- (i) The site development specifications prescribed in this By-Law for the selected zone in the compound zone symbol in which the use is permitted shall be observed in the development of the lands. In the case of a conflict when selecting a combination of uses from two or more zones, the more restrictive zone regulation applies.

- (ii) The parking and loading required by this By-Law for each of the uses included in the development of the lands, whether for a single use or a combination of uses, shall be provided.
- (b) MULTIPLE ZONES
  - (i) Where a lot is divided into two or more zones, each such portion of the said lot shall be considered a separate lot as defined herein and shall be used in accordance with the provisions of this By-Law which are applicable to the zone wherein such portion of the said lot is located.
  - (ii) Notwithstanding anything to the contrary in Paragraph (i) of this Clause, where a use or uses are permitted by the zones applying to two or more portions of the lot, those portions shall be considered to constitute a single lot as defined herein and the highest or most restrictive zone requirements pertaining to such use or uses in all the pertinent zones shall apply throughout.

**(8) BONUS PROVISION**

Notwithstanding the density and height provisions which apply to a lot, the maximum permitted density and/or height may be increased in accordance with the provisions set out in this Section on having entered into a Bonusing Agreement with the Town. Notwithstanding the gross floor area and parking requirements of the By-Law, calculations of floor area and parking may be altered in accordance with the provisions of this Section on entering into a Bonusing Agreement with the Town. The accumulative impact of utilizing this Section shall not result in a density more than 25 percent greater than the density permitted by the non-bonused site.

- (a) For structures designated under the *Ontario Heritage Act* or for structures and/or districts identified as historically significant by the Town of Aylmer, in consideration for their designation under the *Ontario Heritage Act*, a 25.0 percent increase in density may be granted. Increased density may be achieved through an increase in height of not greater than 50.0 percent for Medium Density Residential Zones and 25.0 percent of that allowed under the By-Law for other zones, and/or increased coverage and/or reduced setbacks.
- (b) For every 100.0 square metres (1,074 sq. ft.) of public open space which is dedicated to the Town (in excess of the required parkland dedication and any undevelopable floodplain lands), the density of the residential development may be increased by one unit per hectare up to 25.0 percent (25%) of the total number of units that would otherwise be permitted by this By-Law.
- (c) Where day care facilities are provided within commercial or mixed-use buildings of larger than 1858.0 square metres (20,000 sq. ft.), the floor area devoted to the day care facilities shall not be included in the floor area ratio, the maximum gross or gross leaseable floor area permitted, or in the calculation of the parking requirements for the building.



(d) SITE SPECIFIC BONUS PROVISIONS

Notwithstanding the density and height provisions which apply to a lot where a B (Bonus) Zone also applies to the lot, the maximum permitted density and/or height and/or parking may be altered in accordance with the provisions set out below on having entered into a Bonusing Agreement with the Town of Aylmer.

The number following the letter “B” on the Zone Maps indicates the number of the applicable Bonus Zone provision set out below.

(i) B.1

## SECTION 5 RESIDENTIAL TYPE 1 (R1) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Residential Type 1 (R1) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any R1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1 uses, namely:

- (a) a single detached dwelling;
- (b) an existing duplex or converted dwelling;
- (c) an existing place of worship;
- (d) a home occupation;
- (e) an accessory use;
- (f) a public use;
- (g) an additional residential unit.

### (3) ZONE REQUIREMENTS

No person shall within any R1 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |     |                                                                                                                                     |                                               |
|-----|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| (a) | LOT AREA (MINIMUM)                                                                                                                  | 370 m <sup>2</sup>                            |
| (b) | LOT FRONTAGE (MINIMUM)                                                                                                              | 12 m                                          |
| (c) | FRONT YARD DEPTH (MINIMUM)                                                                                                          | 7.0 m                                         |
| (d) | INTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                  |                                               |
|     | (i) With attached garage or carport                                                                                                 | 1.2 m                                         |
|     | (ii) Without attached garage or carport                                                                                             | 3.0 m on one side and 1.2 m on the other side |
| (e) | EXTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                  | 7.0 m                                         |
| (f) | REAR YARD DEPTH (MINIMUM)                                                                                                           | 7.5 m                                         |
| (g) | LOT COVERAGE (MAXIMUM)                                                                                                              | 35%                                           |
| (h) | LANDSCAPED OPEN SPACE (MINIMUM)                                                                                                     | 30%                                           |
| (i) | HEIGHT (MAXIMUM)                                                                                                                    | 8.5 m                                         |
| (j) | Accessory Uses, Additional Residential Units, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof. |                                               |

**(4) SPECIAL PROVISIONS****(a) R1-1 (SERVICE SHOP)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R1-1 on Schedule “A” hereto, a service shop shall be a permitted use in addition to any use permitted in an R1 Zone.

**(b) R1-2 (FORMER MALAHIDE AR-33 ZONE)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R1-2 on Schedule “A” hereto, permitted uses shall be limited to a single detached dwelling, a home occupation, and an accessory use and shall be subject to the following regulations:

(i)	Exterior Side Yard Width (Minimum)	3.0 m
(ii)	Rear Yard Depth and Structural Setback from Top-of-Bank (Minimum)	6.0 m
(iii)	Setback from a Provincial Highway (Minimum)	7.0 m
(iv)	Building Setback from Intersecting Streetlines (Minimum)	6.0 m
(v)	Driveway Setback from Intersecting Streetlines (Minimum)	8.0 m

**(c) R1-3**

*Not in use as of this consolidation*

**(d) R1-4 (DAY CARE FACILITY)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R1-4 on Schedule “A” hereto, a day care facility and an accessory dwelling unit shall be permitted uses in addition to any use permitted in an R1 Zone.

**(e) R1-5 (SPORTING GOODS SALES)**

*Re-zoned to I-2, By-law 09-14 – no longer applicable*

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R1-5 on Schedule “A” hereto, the sale of sporting goods shall be a permitted use in addition to any use permitted in an R1 Zone.

**(f) R1-6 (MINIMUM FLOODPROOFING ELEVATION)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R1-6 on Schedule “A” hereto, a minimum floodproofing elevation as required by the Catfish Creek Conservation Authority of 223.79 metres is required.

(g) R1-7 (VAN GURP SUBDIVISION)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R1-7 on Schedule "A" hereto, the maximum lot coverage shall be 40% and the minimum rear yard setback shall be 6.0m. All other provisions of the zoning by-law shall apply.

(h) R1-8 (COTTONWOOD SUBDIVISION PHASE 2)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R1-8 on Schedule 'A' hereto, the following zone regulations shall apply:

(i) Lot Coverage (Maximum)	40%
(ii) Height (Maximum)	10.5 m
(iii) Front Yard Depth (Minimum)	6.0 m to main building
(iv) Exterior Side Yard Setback (Minimum)	4.5 m to main building

## SECTION 6 RESIDENTIAL TYPE 1A (R1A) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Residential Type 1A (R1A) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any R1A Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1A uses, namely:

- (a) an accessory use;
- (b) an existing place of worship;
- (c) an existing duplex, converted or semi detached dwelling;
- (d) a home occupation;
- (e) a public use;
- (f) a single detached dwelling
- (g) an additional residential unit.

### (3) ZONE REQUIREMENTS

No person shall, within any R1A Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |     |                                                                                                                                                                    |                                               |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| (a) | LOT AREA (MINIMUM)                                                                                                                                                 | 450 m <sup>2</sup>                            |
| (b) | LOT FRONTAGE (MINIMUM)                                                                                                                                             | 15 m                                          |
| (c) | FRONT YARD DEPTH (MINIMUM)                                                                                                                                         | 7.0 m                                         |
| (d) | INTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                 |                                               |
|     | (i) With attached garage or carport                                                                                                                                | 1.2 m                                         |
|     | (ii) Without attached garage or carport                                                                                                                            | 3.0 m on one side and 1.2 m on the other side |
| (e) | EXTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                 | 7.0m                                          |
|     | except when a corner lot's rear yard abuts the adjoining lot's rear yard, a lane or a non-residential use, the exterior side yard requirement shall be 4.0 metres. |                                               |
| (f) | REAR YARD DEPTH (MINIMUM)                                                                                                                                          | 7.5 m                                         |
| (g) | LOT COVERAGE (MAXIMUM)                                                                                                                                             | 35%                                           |
| (h) | LANDSCAPED OPEN SPACE (MINIMUM)                                                                                                                                    | 30%                                           |
| (i) | HEIGHT (MAXIMUM)                                                                                                                                                   | 8.5 m                                         |

- (j) Accessory Uses, Additional Residential Units, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

**(4) SPECIAL PROVISIONS**

**(a) R1A-1 (REAR LANE)**

Within an area designated R1A-1 on Schedule “A” hereto, where a rear lot line abuts a lane:

- (i) notwithstanding the provisions of Section 6(3)(d), the minimum interior side yard requirement shall be 1.2 metres, except that garages not attached to a dwelling and located on adjoining lots may be attached along their common lot line; and
- (ii) notwithstanding the provisions of Section 3(18), no driveway shall be constructed in a front yard.

That all other Residential Type 1A (R1A) Zone regulations and all other general provisions, as amended from time to time, shall apply.

**(b) R1A-2 (REDUCED FRONT AND EXTERIOR SIDE YARD)**

Within an area zoned R1A-2 on Schedule “A” hereto, notwithstanding Subsections 6 (3)(c) and 6(3)(e) the following provisions shall apply:

**(i) Front Yard Depth (Minimum)**

- |                                                                  |       |
|------------------------------------------------------------------|-------|
| 1. single detached dwelling                                      | 5.0 m |
| 2. garage or carport either attached to the dwelling or detached | 7.0 m |

**(c) R1A-3 (COTTONWOOD SUBDIVISION PHASE 2)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R1A-3 on Schedule ‘A’ hereto, the following zone regulations shall apply:

- |                                 |                        |
|---------------------------------|------------------------|
| (i) Height (Maximum)            | 10.5 m                 |
| (ii) Front Yard Depth (Minimum) | 6.0 m to main building |

## SECTION 7 RESIDENTIAL TYPE 1B (R1B) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Residential Type 1B (R1B) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any R1B Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1B uses, namely:

- (a) an accessory use;
- (b) an existing place of worship;
- (c) an existing duplex, converted or semi-detached dwelling;
- (d) a home occupation;
- (e) a public use;
- (f) a single detached dwelling;
- (g) an additional residential unit.

### (3) ZONE REQUIREMENTS

No person shall within any R1B Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |     |                                                                                                                                                                    |                                               |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| (a) | LOT AREA (MINIMUM)                                                                                                                                                 | 500 m <sup>2</sup>                            |
| (b) | LOT FRONTAGE (MINIMUM)                                                                                                                                             | 18 m                                          |
| (c) | FRONT YARD DEPTH (MINIMUM)                                                                                                                                         | 7.0 m                                         |
| (d) | INTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                 |                                               |
|     | (i) With attached garage or carport                                                                                                                                | 1.2m                                          |
|     | (ii) Without attached garage or carport                                                                                                                            | 3.0 m on one side and 1.2 m on the other side |
| (e) | EXTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                 | 7.0 m                                         |
|     | except when a corner lot's rear yard abuts the adjoining lot's rear yard, a lane or a non-residential use, the exterior side yard requirement shall be 4.0 metres. |                                               |
| (f) | REAR YARD DEPTH (MINIMUM)                                                                                                                                          | 7.5 m                                         |
| (g) | LOT COVERAGE (MAXIMUM)                                                                                                                                             | 35%                                           |
| (h) | LANDSCAPED OPEN SPACE (MINIMUM)                                                                                                                                    | 30%                                           |
| (i) | HEIGHT (MAXIMUM)                                                                                                                                                   | 8.5 m                                         |

- (j) Accessory Uses, Additional Residential Units, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

**(4) SPECIAL PROVISIONS**

(a) R1B-1

Notwithstanding any provisions of this By-Law to the contrary, within an area designated R1B-1 on Schedule "A" hereto, the following special provision shall apply:

Lot Frontage (Minimum)	15.0 m
------------------------	--------

(b) R1B-2

Notwithstanding any provisions of this By-Law to the contrary, within an area designated R1B-2 on Schedule "A" hereto, the following special provision shall apply:

Interior Side Yard (Minimum)	0.3 m
Rear Yard Depth (Minimum)	0.48 m

(c) R1B-3

Notwithstanding any provisions of this By-Law to the contrary, within an area designated R1B-3 on Schedule "A" hereto, the following special provision shall apply:

Rear Yard Depth (Minimum)	1.2 m
Exterior Side Yard (Minimum)	6.0 m

(d) R1B-4

*Not in use as of this consolidation.*

(e) R1B-5 (EXISTING CONTRACTING ESTABLISHMENT)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R1B-5 on Schedule "A" hereto, an existing contracting establishment shall be a permitted use in addition to any use permitted in a R1B zone.

(f) R1B-6

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R1B-6 on Schedule "A" hereto, a semi-detached dwelling shall be a permitted use in addition to any use permitted in a R1B zone.



## SECTION 8 RESIDENTIAL TYPE 1C (R1C) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Residential Type 1C (R1C) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any R1C Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R1C uses, namely:

- (a) an accessory use;
- (b) an existing place of worship;
- (c) an existing duplex, converted or semi-detached dwelling;
- (d) a home occupation;
- (e) a public use;
- (f) a single detached dwelling
- (g) an additional residential unit.

### (3) ZONE REQUIREMENTS

No person shall within any R1C Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |     |                                                                                                                                                                    |                                               |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| (a) | LOT AREA (MINIMUM)                                                                                                                                                 | 550 m <sup>2</sup>                            |
| (b) | LOT FRONTAGE (MINIMUM)                                                                                                                                             | 22.0 m                                        |
| (c) | FRONT YARD DEPTH (MINIMUM)                                                                                                                                         | 7.0 m                                         |
| (d) | INTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                 |                                               |
|     | (i) With attached garage or carport                                                                                                                                | 1.2 m                                         |
|     | (ii) Without attached garage or carport                                                                                                                            | 3.0 m on one side and 1.2 m on the other side |
| (e) | EXTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                 | 7.0 m                                         |
|     | except when a corner lot's rear yard abuts the adjoining lot's rear yard, a lane or a non-residential use, the exterior side yard requirement shall be 4.0 metres. |                                               |
| (f) | REAR YARD DEPTH (MINIMUM)                                                                                                                                          | 7.5 m                                         |
| (g) | LOT COVERAGE (MAXIMUM)                                                                                                                                             | 35%                                           |
| (h) | LANDSCAPED OPEN SPACE (MINIMUM)                                                                                                                                    | 30%                                           |
| (i) | HEIGHT (MAXIMUM)                                                                                                                                                   | 8.5 m                                         |

- (j) Accessory Uses, Additional Residential Units, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

**(4) SPECIAL PROVISIONS**

- (a) R1C-1 (REDUCED REAR YARD)

Notwithstanding the provisions of Section 8(3)(f) of this By-Law to the contrary, with lands zoned R1C-1 on Schedule “A”, the following special provision shall apply:

Rear Yard Depth (Minimum)	1.2 m
---------------------------	-------

## SECTION 9 RESIDENTIAL TYPE 2 (R2) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Residential Type 2 (R2) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any R2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R2 uses, namely:

- (a) an accessory uses;
- (b) a converted dwelling with a maximum of two (2) dwelling units;
- (c) a duplex dwelling;
- (d) an existing place of worship;
- (e) a home occupation;
- (f) a public use;
- (g) a semi-detached dwelling;
- (h) a single detached dwelling
- (i) an additional residential unit.

### (3) ZONE REQUIREMENTS

No person shall within any R2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- (a) LOT AREA (MINIMUM)
  - (i) Single Detached Dwelling 370 m<sup>2</sup>
  - (ii) Duplex or Converted Dwelling 560 m<sup>2</sup>
  - (iii) Semi-Detached Dwelling 650 m<sup>2</sup>
  - (iv) One-half of a semi-detached dwelling 310 m<sup>2</sup>
- (b) LOT FRONTAGE (MINIMUM)
  - (i) Single Detached Dwelling 12.0 m
  - (ii) Duplex or Converted Dwelling 18.0 m
  - (iii) Semi-Detached Dwelling 20.0 m
  - (iv) One-half of a semi-detached dwelling 9.5 m
- (c) FRONT YARD DEPTH (MINIMUM) 7.0 m

- |     |                                                                                                                                                                                                                                                                                                                      |       |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| (d) | INTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                                                                                                                                                                   | 1.2 m |
|     | provided that on a lot where there is no attached private garage or attached carport the minimum interior side yard shall be 3.0 m on one side and 1.2 m on the other side, except in case of a semi-detached dwelling where there is no attached garage and/or carport, the minimum side yard shall be 3.0 m.       |       |
| (e) | EXTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                                                                                                                                                                   | 7.0 m |
| (f) | REAR YARD DEPTH (MINIMUM)                                                                                                                                                                                                                                                                                            | 7.5 m |
| (g) | LOT COVERAGE (MAXIMUM)                                                                                                                                                                                                                                                                                               | 35%   |
| (h) | LANDSCAPED OPEN SPACE (MINIMUM)                                                                                                                                                                                                                                                                                      | 30%   |
| (i) | HEIGHT (MAXIMUM)                                                                                                                                                                                                                                                                                                     | 8.5 m |
| (j) | Accessory Uses, Additional Residential Units, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.                                                                                                                                                                                  |       |
| (k) | ZERO LOT LINE – SEMI-DETACHED DWELLING<br>should a semi-detached dwelling subsequently obtain a consent or be subdivided such that the lot line extends along a common wall dividing the units and where one unit of a semi-detached dwelling occupies a lot, no minimum interior side yard width shall be required. |       |

#### **(4) SPECIAL PROVISIONS**

##### **(a) R2-1 (SERVICE SHOP)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-1 on Schedule “A” hereto, a service trade shall be a permitted use in addition to any use permitted in an R2 Zone.

##### **(b) R2-2 (VETERINARIAN’S CLINIC)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-2 on Schedule “A” hereto, a veterinarian’s clinic shall be a permitted use in addition to any use permitted in an R2 Zone.

##### **(c) R2-3 (HOME OCCUPATION/ACCESSORY BUILDING)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-3 on Schedule “A” hereto, a home occupation may be located within an accessory building in addition to any use permitted in an R2 Zone.

(d) R2-4 (INSURANCE AND FINANCIAL SERVICES OFFICE)

- (e) Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-4 on Schedule “A” hereto, a business office for an insurance and financial services business restricted to the second storey of the existing building shall be a permitted use in addition to any use permitted in an R2 Zone.

(f) R2-5 (LAWN BOWLING CLUB)

Notwithstanding any provisions of Subsection 9(2) of this By-Law, within any area designated R2-5 on Schedule “A” hereto, the buildings and structures existing on the date of passing of this By-Law may be used for a recreational use including a lawn bowling club, in addition to any use permitted in an R2 Zone.

(g) R2-6 (249 JOHN STREET SOUTH)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-6 on Schedule “A” hereto, a convenience store, laundromat, and home improvement store shall be permitted uses in addition to any use permitted in an R2 Zone. A home improvement store shall be located within any existing building and shall have a maximum gross floor area of 279 square metres.

(h) R2-7 (NURSING HOME)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-7 on Schedule “A” hereto, a nursing home shall be a permitted use in addition to any use permitted in an R2 Zone.

(i) R2-8

*(deleted by By-law No. 55-17)*

(j) R2-9 (SERVICE SHOP AND AUTOMOBILE SALES AND SERVICE ESTABLISHMENT)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-9 on Schedule “A” hereto, a service shop and automobile sales and service establishment shall be permitted uses. Those uses normally permitted in the R2 Zone shall not be permitted in conjunction with the commercial uses permitted above.

## (k) R2-10 (CONVENIENCE STORE)

Notwithstanding Section 9(2), "Permitted Uses", and any other provision of this By-Law to the contrary, within any area zoned R2-10 on Schedule "A" hereto, a commercial building with a gross floor area not exceeding 464 square metres (5000 square feet) shall be permitted with permitted uses restricted to convenience stores, offices, and personal service establishments. All plans for said development shall be approved by the Catfish Creek Conservation Authority prior to final approval by the Town.

## (l) R2-11 (QUADRUPLEXES – ELM AND OAK STREETS)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-11 on Schedule "A" hereto shall be subject to the following regulations:

(i)	Lot Area (Minimum)	1,136 m <sup>2</sup>
(ii)	Lot Frontage (Minimum)	20 m <sup>2</sup>
(iii)	Front Yard Depth (Minimum)	4.8 m
(iv)	Interior Side Yard Width (Minimum)	2.7 m
(v)	Exterior Side Yard Width (Minimum)	4.3 m
(vi)	Rear Yard Depth (Minimum)	11.3 m
(vii)	Lot Coverage (Maximum)	40%
(viii)	Landscaped Open Space (Minimum)	30%
(ix)	Height (Maximum)	8 m
(x)	Parking may occur within the exterior side yard but must be back of the main building lot line of the front yard. Five parking spaces shall be provided.	

## (m) R2-12 (FRONT YARD DEPTH REDUCTION)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-12 on Schedule "A" hereto, the following special provision shall apply:

Front Yard Depth (Minimum)	6.15 m
----------------------------	--------

## (n) R2-13 (EXTERIOR SIDE YARD REDUCTION)

Within any area designated R2-13 on Schedule "A" hereto, the provisions of the R2 Zone shall apply, except that:

- (i) notwithstanding Sub-article 9(3)(e) of this By-Law, the minimum exterior side yard width shall be 4.8 metres.

(o) R2-14 (EXTERIOR SIDE YARD REDUCTION)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-14 on Schedule "A" hereto, the following special provision shall apply:

Exterior Side Yard Width (Minimum)	4.5 m
------------------------------------	-------

(p) R2-15 (MINIMUM ELEVATION)

Notwithstanding the provisions of Section 9 of this By-Law to the contrary, within lands zoned R2-15 on Schedule "A" hereto, approval must be obtained from the Conservation Authority as to the minimum elevation to all habitable rooms.

(q) R2-16 (VAN GURP SUBDIVISION)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-16 on Schedule "A" hereto shall have a maximum lot coverage of 40% and a minimum rear yard setback of 6.0m. All other provisions of the zoning by-law shall apply.

(r) R2-17 (65 FOREST STREET QUADRUPLIX)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-17 on Schedule "A" hereto, in addition to those uses permitted in the R2 Zone, a quadruplex dwelling shall be an additional permitted use and the provisions of the R2 Zone shall apply, except that:

- |                                                                                               |                    |
|-----------------------------------------------------------------------------------------------|--------------------|
| (i) Lot Area (Minimum)                                                                        | 780 m <sup>2</sup> |
| (ii) Lot Frontage (Minimum)                                                                   | 20.0 m             |
| (iii) A maximum of four dwelling units shall be permitted for a quadruplex dwelling on a lot. |                    |

(s) R2-18 (75 WATER STREET)

Notwithstanding any provisions of this By-Law to the contrary, including Section 3(1) Accessory Uses, Section 9(2) Uses Permitted, and Section 9(3)(j) Dwelling Units Per Lot (Maximum), within any area designated R2-18 on Schedule "A" hereto, the following special provisions apply:

- (i) the total area of all accessory buildings or structures shall not exceed 98.5 square metres maximum and accessory building, and

- (ii) a second dwelling unit is permitted within an existing accessory building or structure to a maximum of 32 square metres of floor area.
- (t) R2-T-05-2014 (TEMPORARY GARDEN SUITE)
  - (i) Notwithstanding any provisions of this By-Law, a garden suite shall be a permitted use in addition to any one of the uses permitted in an R2 Zone on the lands designated as R2-T-05-2014 on Schedule “A” hereto.
  - (ii) This additional temporary (garden suite) use shall be permitted for a maximum of ten years from the date of passing of this By-Law, unless the period is extended by Council pursuant to Section 39(3) of the *Planning Act*, R.S.O. 1990.
- (u) R2-19 (63 FOREST STREET TRIPLEX)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R2-19 on Schedule “A” hereto, in addition to those uses permitted in the R2 Zone, a triplex dwelling shall be an additional permitted use and the provisions of the R2 Zone shall apply, except that:

- (i) Lot Area (Minimum) 780 m<sup>2</sup>
- (ii) Lot Frontage (Minimum) 20.0 m
- (iii) A maximum of three dwelling units shall be permitted for a triplex dwelling on a lot.



## SECTION 10 RESIDENTIAL TYPE 3 (R3) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Residential Type 3 (R3) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any R3 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following R3 uses, namely:

- (a) an accessory use;
- (b) a duplex dwelling;
- (c) a converted dwelling with a maximum of four (4) dwelling units;
- (d) a home occupation;
- (e) a public use;
- (f) a quadruplex dwelling;
- (g) a semi-detached dwelling;
- (h) a single detached dwelling;
- (i) a triplex dwelling
- (j) an additional residential unit.

### (3) ZONE REQUIREMENTS

No person shall within any R3 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |       |                                      |                    |
|-------|--------------------------------------|--------------------|
| (a)   | LOT AREA (MINIMUM)                   |                    |
| (i)   | Single Detached Dwelling             | 370 m <sup>2</sup> |
| (ii)  | Duplex or Converted Dwelling         | 560 m <sup>2</sup> |
| (iii) | Semi-Detached Dwelling               | 600 m <sup>2</sup> |
| (iv)  | One-half of a semi-detached dwelling | 280 m <sup>2</sup> |
| (v)   | Triplex or Quadruplex                | 780 m <sup>2</sup> |
| (b)   | LOT FRONTAGE (MINIMUM)               |                    |
| (i)   | Single Detached Dwelling             | 10.0 m             |
| (ii)  | Duplex or Converted Dwelling         | 18.0 m             |
| (iii) | Semi-Detached Dwelling               | 18.0 m             |
| (iv)  | One-half of a semi-detached dwelling | 8.5 m              |

	(v) Triplex or Quadruplex	25.0 m
(c)	FRONT YARD DEPTH (MINIMUM)	
	(i) Single Detached Dwelling	5.0 m
	(ii) Duplex or Converted Dwelling	5.0 m
	(iii) Semi-Detached Dwelling	5.0 m
	(iv) Triplex or Quadruplex	5.0 m
	(v) Garage (either attached to a dwelling unit or detached)	7.0 m
(d)	INTERIOR SIDE YARD WIDTH (MINIMUM)	1.2 m
	Provided that on a lot where there is no rear lane access and there is no attached private garage or attached carport, the minimum interior side yard width shall be 3.0 metres on one side and 1.2 metres on the other side, except in the case of a semi-detached dwelling where there is no rear lane access and no attached garage and/or carport, the minimum side yard shall be 3.0 metres.	
(e)	EXTERIOR SIDE YARD WIDTH (MINIMUM)	
	(i) Dwelling Unit	2.0 m
	(ii) Garage Front Wall (either attached or detached to dwelling unit)	7.0 m
(f)	REAR YARD DEPTH (MINIMUM)	7.5 m
(g)	LOT COVERAGE (MAXIMUM)	
	(i) Main Building	40%
	(ii) Accessory Buildings	15%
(h)	LANDSCAPED OPEN SPACE (MINIMUM)	30%
(i)	HEIGHT (MAXIMUM)	8.5 m
(j)	Accessory Uses, Additional Residential Units, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof, or as set out in this Zone under Special Provisions.	

#### (4) **SPECIAL PROVISIONS**

- (a) Notwithstanding any provisions of this By-law to the contrary, within any area designated R3, the following provisions shall apply.

##### (i) ACCESS

Where a lot abuts a lane, vehicular access shall only be from the lane.

(ii) LOT FRONTAGE

All lots must have frontage on a primary or secondary street. In no instance shall a lot front onto a lane.

(iii) BUILDING SETBACKS FROM DAYLIGHT TRIANGLES

Where a daylight triangle is taken from a lot, all accessory structures and the dwelling unit must be set back at least 1.0 metre from the daylight triangle.

(iv) PARKING REGULATIONS

In addition to the parking regulations set out in Section 3(18) of this By-Law, the following parking regulations shall also apply to lands zoned R3. In the case of conflict, the regulations set out below shall prevail.

1. Notwithstanding Section 3(18) of this By-Law, where a lot abuts a lane, there shall be no parking on any front yard or side yard.
2. Notwithstanding Section 3 of this By-Law, parking may be provided in tandem for all individual dwelling units.
3. All surface and enclosed detached parking areas for lots abutting a lane must be located entirely within a distance of 13.0 metres from the rear lot line.
4. A driveway may be located closer than 1.0 metre to the interior lot line.

(v) SETBACK OF GARAGE

Notwithstanding Section 10(3)(c), where the front yard depth of a single detached dwelling or semi-detached dwelling is 7.0 metres or greater, the minimum front yard depth of a garage (either attached to a dwelling unit or detached) shall not be equal to the front yard depth of the main dwelling and must be at a greater front yard depth.

(vi) YARD ENCROACHMENT

Notwithstanding Section 3(25) unenclosed porches or decks may encroach on a front yard or rear yard to a maximum distance requirement of 2.0 metres.

(b) R3-2 (37 WATER STREET)

Notwithstanding any provisions of this By-law to the contrary, within any area zoned R3-2 on Schedule "A" hereto a triplex or a quadruplex shall be permitted to have a minimum

lot frontage of 18.8 metres and a minimum lot area of 760 square metres. All other zone requirements of the R3 zone shall apply with the exception of Section 10(4)(a).

(c) R3-4 (STREET TOWNHOUSE - 50 SOUTH STREET)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R3-4 on Schedule 'A' hereto, a four unit street townhouse shall be a permitted use in addition to any use permitted in an R3 Zone, and the following special provisions apply to a street townhouse:

- |       |                                    |                    |
|-------|------------------------------------|--------------------|
| (i)   | Lot Area (Minimum)                 | 780 m <sup>2</sup> |
| (ii)  | Lot Frontage (Minimum)             | 25.0 m             |
| (iii) | Lot Coverage (Maximum)             | 40 %               |
| (iv)  | Landscaped Open Space (Minimum)    | 30%                |
| (v)   | Exterior Side Yard Width (Minimum) | 4.5 m              |
| (vi)  | Zero Lot Line                      |                    |

Should a street townhouse with frontage on a public street and with individual unit vehicle access subsequently obtain a consent or be subdivided into individual lots, the lot area, lot frontage and side yard provisions of this By-law shall be interpreted as applying to the Zone and not the individually created lot.

- (vii) Sight Triangle  
Notwithstanding Section 3, Sub-article (21)(b), for the purpose of calculating the extent of a sight triangle, the distance between the point of intersection of the two lot lines and their respective points of intersection with the line constituting the third side of the triangle shall be 4 metres.

(d) R3-5 (JLC HOMES LIMITED – ANNE STREET WEST)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated R3-5 on Schedule 'A' hereto, the following special provisions apply to a single detached dwelling:

- |     |                        |    |
|-----|------------------------|----|
| (i) | Lot Coverage (Maximum) | 41 |
|-----|------------------------|----|

(e) R3-6 (48 ELK STREET)

Notwithstanding any provisions of this By-Law to the contrary, within any area zoned R3-6 on Schedule 'A' hereto, the following provisions shall apply:

- (i) USES PERMITTED

Converted Dwelling to a maximum of three (3) dwelling units

- (f) R3-7 (COTTONWOOD SUBDIVISION PHASE 2)
- (i) Lot Coverage (Maximum) 40%  
(an additional 5% may accommodate a covered porch)
  - (ii) Height (Maximum) 10.5 m
  - (iii) Other  
Include Street Fronting Townhouse as a permitted use with the following performance standards:  
    - Lot Frontage: 6.0 m
    - Lot Area: 180.0 m<sup>2</sup>
All other regulations of the R3 Zone can remain as currently permitted by Zoning By-law No. 57-99. No further site-specific changes are requested.
- (g) R3-8 (33 SOUTH STREET EAST)
- Notwithstanding any provisions of this By-law to the contrary, within any area zoned R3-8 on Schedule “A” hereto, the following provisions shall apply:
- (i) USES PERMITTED  
Converted Dwelling to a maximum of five (5) dwelling units
- (h) R3-9 (196 SYDENHAM STREET WEST)
- Notwithstanding any provisions of this By-law to the contrary, within any area zoned ‘R3-9’ on Schedule ‘A’ attached hereto, the permitted uses shall include a multiple unit converted dwelling and an additional residential unit in a detached accessory building.

## SECTION 11      MULTIPLE FIRST DENSITY (RM1) ZONE

---

### (1)      SCOPE

The provisions of this Section shall apply in all Residential Multiple First Density (RM1) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2)      USES PERMITTED

No person shall within any RM1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RM1 uses, namely:

- (a) an accessory use;
- (b) a home occupation;
- (c) a public use;
- (d) a quadruplex dwelling;
- (e) a townhouse dwelling;
- (f) a triplex dwelling;
- (g) any use permitted in an R3 Zone.

### (3)      ZONE REQUIREMENTS

No person shall within any RM1 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

Any use permitted in the RM1 Zone that is also permitted in the R3 zone is subject to the Zone Requirements of Section 10 as it relates to the specific use. A townhouse dwelling shall be subject to the following zone requirements.

(a)	LOT AREA (MINIMUM)	780 m <sup>2</sup>
(b)	LOT FRONTAGE (MINIMUM)	25.0 m
	In infilling situation, the frontage requirement may be reduced to 10.0 metres (32.8 ft.) provided no buildings are located in any part of the lot less than 25.0 metres in width.	
(c)	FRONT YARD DEPTH (MINIMUM)	6.0 m
(d)	INTERIOR SIDE YARD WIDTH (MINIMUM)	3.0 m
(e)	EXTERIOR SIDE YARD WIDTH (MINIMUM)	6.0 m
(f)	REAR YARD DEPTH (MINIMUM)	6.0 m
(g)	LOT COVERAGE (MAXIMUM)	40%
(h)	LANDSCAPED OPEN SPACE (MINIMUM)	30%
(i)	HEIGHT (MAXIMUM)	8.5 m

## (k) ZERO LOT LINE

Should a townhouse dwelling with frontage on a public street and with individual unit vehicle access subsequently obtain a consent or be subdivided into individual lots, the lot area, lot frontage and side yard provisions of this By-Law shall be interpreted as applying to the Zone and not the individually created lot.

## (l) Accessory Uses, Additional Residential Units, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

**(4) SPECIAL PROVISIONS**

## (a) RM1-1 (MAPLEHURST - TOWNHOUSING)

Notwithstanding any provision of the RM1 Zone to the contrary, within any area designated RM1-1 on Schedule "A" hereto, the following zone regulations shall apply:

## (i) Uses Permitted

In addition to those uses set out in Subsection 11(2), stacked townhouse dwellings shall be permitted.

## (ii) Zone Requirements

The lands affected, being 199 Talbot Street West and 213 Talbot Street West, are recognized as one development parcel for the purpose of implementing the following regulations of the RM1-1 Zone.

1. Lot Area (Minimum)	4000 m <sup>2</sup>
2. Lot Frontage (Minimum)	25 m
3. Front Yard Depth (Minimum)	4.0 m
4. Interior Side Yard Width (Minimum)	2.4 m
5. Rear Yard Depth (Minimum)	7.5 m
6. Lot Coverage (Maximum)	30%
7. Landscaped Open Space (Minimum)	30%
8. Height (Maximum)	10 m
9. Privacy Yards (Minimum)	1.5 m

*(Privacy yards not in use in this consolidation)*

10. Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof, except that notwithstanding Article 3(17)(e), the minimum rectangular dimensions of any parking space shall be 2.75 metres (9 ft.) by 5.5 metres (19 ft.).
11. Notwithstanding the definition of "lot" in Section 2(182), the following provision shall apply to lands designated RM1-1 on Schedule "A" hereto.

Nothing in this By-Law shall prevent the conveyance of any parcel or tract of land for which a consent is granted pursuant to Section 53 of the *Planning Act*, R.S.O. 1990, or created by the lifting of Part Lot Control pursuant to Section 50(5) of the *Planning Act*, R.S.O. 1990, even if the resulting parcel does not conform to the regulations of this By-Law, provided:

- a. the parcel of land received site plan approval under Section 41 of the *Planning Act*, R.S.O. 1990, prior to the consent being granted or Part Lot Control being lifted and the agreement has been registered on title; and
- b. no development or redevelopment of the site shall occur except in conformity with the Site Plan Agreement.



## SECTION 12 RESIDENTIAL MULTIPLE SECOND DENSITY (RM2) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Residential Multiple Second Density (RM2) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any RM2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RM2 uses, namely:

- (a) an accessory use;
- (b) a home occupation;
- (c) a multiple dwelling;
- (d) a public use;
- (e) any use permitted in an RM1 Zone.

### (3) ZONE REQUIREMENTS

No person shall within any RM2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |     |                                                                                                       |                    |
|-----|-------------------------------------------------------------------------------------------------------|--------------------|
| (a) | LOT AREA (MINIMUM)                                                                                    | 900 m <sup>2</sup> |
| (b) | LOT FRONTAGE (MINIMUM)                                                                                | 30.0 m             |
| (c) | FRONT YARD DEPTH (MINIMUM)                                                                            | 6.0 m              |
| (d) | INTERIOR SIDE YARD WIDTH (MINIMUM)                                                                    | 3.0 m              |
|     | or half the height of the building, whichever is greater                                              |                    |
| (e) | EXTERIOR SIDE YARD WIDTH (MINIMUM)                                                                    | 6.0 m              |
|     | Or half the height of the building, whichever is greater                                              |                    |
| (f) | REAR YARD DEPTH (MINIMUM)                                                                             | 6.0 m              |
|     | Or half the height of the building, whichever is greater                                              |                    |
| (g) | LOT COVERAGE (MAXIMUM)                                                                                | 40%                |
|     | including parking structures                                                                          |                    |
| (h) | LANDSCAPED OPEN SPACE (MINIMUM)                                                                       | 30%                |
| (i) | HEIGHT (MAXIMUM)                                                                                      | 22.0 m             |
| (j) | Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof. |                    |

**(4) SPECIAL PROVISIONS****(a) RM2-1**

*Not in use as of this consolidation.*

**(b) RM2-2**

*Not in use as of this consolidation.*

**(c) RM2-3 (APARTMENT BUILDING - 201 ELK STREET)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated RM2-3 on Schedule “A” hereto, the minimum lot frontage requirement shall be 22.86 metres (75 ft.), the minimum interior side yard requirement shall be 7.0 metres (23 ft.) on one side and 3.6 metres (11.8 ft.) on the other, and the minimum privacy yard requirement shall be 3.6 metres (11.8 ft.). *Privacy yards not in use in this consolidation.*

**(d) RM2-4 (SENIOR CITIZEN APARTMENT)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated RM2-4 on Schedule “A” hereto, a senior citizen apartment shall be a permitted use in addition to any use permitted in an RM2 Zone.

**(e) RM2-5 (101 SPRUCE STREET WEST)**

Notwithstanding any provision of this By-Law to the contrary, within any area zoned RM2-5 on Schedule “A” hereto, the permitted uses shall include professional offices within an existing building and all use permitted in the Residential Multiple Second Density (RM2) Zone.

**(f) RM2-6 (353 TALBOT STREET WEST)**

Notwithstanding any provision of this By-Law to the contrary, within any area zoned RM2-6 on Schedule “A” hereto, the permitted uses shall be an apartment building containing a maximum of 16 dwelling units. The minimum lot area shall be 3,770 square metres. The maximum height shall be 4 storeys and will not exceed 14.0 metres in total height. In addition, an existing accessory one storey building with a maximum gross floor area of 123.0 square metres shall be permitted as an accessory use to the apartment building and shall be dedicated to use by the occupants of the apartment for recreational purposes. All other zone requirements of the RM2 zone apply.

## (g) RM2-7 (78 SPRUCE STREET)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated RM2-7 on Schedule 'A' hereto, the repair and certification of motor vehicles, including motor vehicles not associated with the existing transport terminal, shall be permitted within an accessory building as an extension of a legal non-conforming use.

## (h) RM2-8 (10 &amp; 12 WELLINGTON STREET)

Notwithstanding any provision of this By-Law to the contrary, within any area zoned RM2-8 on Schedule "A" hereto, and notwithstanding section 18, Parking Regulations, the minimum parking space requirement for a multiple dwelling containing ten (10) dwelling units shall be eight (8) parking spaces.

## (i) RM2-9 (336 JOHN STREET SOUTH – DLT HOLDINGS 2 INC.)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated RM2-9 on Schedule 'A' hereto, the following zone regulations shall apply:

(i) Privacy Yards (Minimum) (*Not in use in this consolidation*)

A privacy zone shall be provided adjoining each exterior wall of every dwelling unit that contains habitable room windows.

Notwithstanding Section 12(3)(j) of this By-law to the contrary, the following shall apply:

For six townhouse units with rear yards abutting a southerly side lot line, a minimum 3.0 m privacy yard shall be required.

For all other townhouse units, a minimum 6.0 m privacy yard shall be required.

## (j) RM2-10 (COTTONWOOD SUBDIVISION PHASE 2)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated RM2-10 on Schedule 'A' hereto, the following zone regulations shall apply:

(i) Privacy Yards (Minimum) 4.5 m  
(*Not in use in this consolidation*)

(ii) A senior citizen apartment shall be a permitted use in addition to any use permitted in an RM2 Zone

(iii) The lot shall be considered as a whole for the purpose of zoning regulations when there is a condo approval or Part Lot Control.

(iv) A lot shall be permitted on a private road.



## SECTION 13 RESIDENTIAL HOLDING (RH) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Residential Holding (RH) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any RH Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RH uses, namely

- (a) a building or structure accessory to the foregoing permitted uses;
- (b) a home occupation;
- (c) a public use;
- (d) those uses legally existing on the day of the passing of this By-Law.

### (3) ZONE REQUIREMENTS

No person shall within any RH Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- (a) LOT AREA (MINIMUM)  
The area of the lot as existing on the date of the passing of this By-Law
- (b) LOT FRONTAGE (MINIMUM)  
The lot frontage existing on the date of the passing of this By-Law
- (c) FRONT YARD DEPTH (MINIMUM)  
The front yard depth of the lot as existing on the date of the passing of this By-Law
- (d) INTERIOR SIDE YARD WIDTH (MINIMUM)  
The interior side yard width of the lot as existing on the date of the passing of this By-Law
- (e) EXTERIOR SIDE YARD WIDTH (MINIMUM)  
The exterior side yard width of the lot as existing on the date of the passing of this By-Law
- (f) REAR YARD DEPTH (MINIMUM)  
The rear yard depth of the lot as existing on the date of the passing of this By-Law
- (g) LOT COVERAGE (MAXIMUM) 5%
- (h) Lands zoned "Residential Holding" may, upon application to the Corporation, be zoned to a specific category in conformity with the Official Plan

- (i) Accessory Uses, Additional Residential Units, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

**(4) SPECIAL PROVISIONS**

## SECTION 14 COMMERCIAL CORE (C1) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Commercial Core (C1) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any C1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C1 uses, namely:

- (a) an art gallery;
- (b) a bakery;
- (c) a bed and breakfast establishment;
- (d) a brewing on premises establishment;
- (e) a bulk sales establishment;
- (f) a cannabis retail store;
- (g) a cinema;
- (h) a clinic;
- (i) a commercial parking lot;
- (j) a commercial school;
- (k) a commercial recreation establishment;
- (l) a convenience store;
- (m) a continuum-of-care facility;
- (n) a data processing establishment;
- (o) a day care facility;
- (p) a department store;
- (q) a dry cleaning and laundry depot;
- (r) a dwelling unit;
- (s) an existing assembly hall;
- (t) an existing place of worship;
- (u) a financial institution;
- (v) a florist shop;
- (w) a food store;
- (x) a funeral home;
- (y) a hardware store;
- (z) a hotel;
- (aa) an institutional use;
- (bb) a laundromat;
- (cc) a medical/dental office;
- (dd) a merchandise service shop;

- (ee) an office;
- (ff) a parking area;
- (gg) a personal service establishment;
- (hh) a pet grooming establishment;
- (ii) a pharmacy;
- (jj) a place of entertainment;
- (kk) a printing establishment;
- (ll) a public use;
- (mm) a recreational establishment;
- (nn) a restaurant;
- (oo) a retail store;
- (pp) a shopping centre;
- (qq) a small repair and rental establishment;
- (rr) a studio;
- (ss) a supermarket;
- (tt) a tavern;
- (uu) a taxi establishment;
- (vv) a theatre;
- (ww) a veterinarian's clinic;
- (xx) a video rental establishment;
- (yy) a wholesale establishment accessory to a permitted C1 use

### (3) **ZONE REQUIREMENTS**

No person shall within any C1 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |     |                                                                                                                                                                            |            |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| (a) | LOT AREA (MINIMUM)                                                                                                                                                         | No Minimum |
| (b) | LOT FRONTAGE (MINIMUM)                                                                                                                                                     | No Minimum |
| (c) | FRONT YARD DEPTH (MINIMUM)                                                                                                                                                 | No Minimum |
| (d) | INTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                         | No Minimum |
|     | Provided that where the interior side lot line abuts land in a zone other than a Commercial or Institutional Zone, the minimum interior side yard width shall be 7 metres. |            |
| (e) | EXTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                         | No Minimum |
| (f) | REAR YARD DEPTH (MINIMUM)                                                                                                                                                  | 7.5 m      |
| (g) | LOT COVERAGE (MAXIMUM)                                                                                                                                                     | No Maximum |
| (h) | LANDSCAPED OPEN SPACE (MINIMUM)                                                                                                                                            | No Minimum |
| (i) | DWELLING UNITS                                                                                                                                                             |            |
|     | (i) Area (Minimum)                                                                                                                                                         |            |



Dwelling Units shall conform with the minimum space requirements, room sizes and floor areas as outlined in the *Ontario Building Code*, as amended.

(ii)

No dwelling unit shall be established in any portion of the ground floor located adjacent to the front line, and a commercial frontage adjacent to the street shall be maintained, unless the existing structure was originally constructed as a dwelling.

(iii) Conversion of vacant floor space above a commercial use in a C1 Zone to residential dwelling units shall be permitted

(j) HEIGHT (MAXIMUM) 10m

or as outlined below, whichever is the greater:

(i) Parapet line for buildings located on a corner: The top of the highest projection along the façade may be no more than 50 cm higher than the highest parapet line along the block in which the building is situated. Any new building replacing a damaged building may not be built to less than the height of the original building

(ii) Parapet line for buildings located between two other buildings: The top of the highest projection along the façade may be no more than 50 cm higher than the higher parapet line of the two adjacent buildings

(iii) Roof line: If a roof is flat, it shall be located lower than the parapet. If a roof is sloped, its ridge shall be no higher than the highest ridge or parapet on the block on which the building is situated

Chimneys are not included in the height restrictions.

(k) PARKING/LOADING

No parking or loading spaces are required within the C1 Zone, however, if provided, no parking or loading spaces shall be located within the front yard or between the main building, and on either Talbot Street or John Street

(l) Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof.

#### **(4) SPECIAL PROVISIONS**

(a) C1-1 (REDUCED REAR YARD AND INCREASED HEIGHT)

Notwithstanding any provisions of Section 14(3) of this By-law to the contrary, within any area zoned as C1-1 on Schedule "A" hereto, the following zone regulations shall apply:

(i) Rear Yard Depth (Minimum)	1.0 m
(ii) Height (maximum)	15.0 m

## SECTION 15 SUPPORT COMMERCIAL (C2) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Support Commercial (C2) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any C2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C2 uses, namely:

- (a) an art gallery;
- (b) an assembly hall;
- (c) an automobile sales and service establishment;
- (d) an automobile service station;
- (e) a bed and breakfast establishment;
- (f) a body shop;
- (g) a brewing on premises establishment;
- (h) a bulk sales establishment;
- (i) a cannabis retail store;
- (j) a clinic;
- (k) a convenience store;
- (l) a drive-through facility;
- (m) a day care facility;
- (n) a dry cleaning and laundry depot;
- (o) a dwelling unit;
- (p) an existing converted dwelling, duplex dwelling or multiple dwelling;
- (q) a funeral home;
- (r) a gas bar;
- (s) a hotel or motel;
- (t) an institutional use;
- (u) a laundromat;
- (v) a lodging house;
- (w) a merchandise service shop;
- (x) an office;
- (y) a parking area;
- (z) a personal service establishment;
- (aa) a pet grooming establishment;
- (bb) a place of entertainment;
- (cc) a place of worship;
- (dd) a printing establishment;

- (ee) a public use;
- (ff) a restaurant;
- (gg) a retail store;
- (hh) a shopping centre;
- (ii) a small repair and rental establishment;
- (jj) a supermarket;
- (kk) a taxi establishment;
- (ll) a vehicle repair garage;
- (mm) a vehicle repair shop;
- (nn) a veterinarian's clinic;
- (oo) a wholesale establishment accessory to a permitted C2 use.

### (3) **ZONE REQUIREMENTS**

No person shall within any C2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |     |                                                                                                                                                                          |                    |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| (a) | LOT AREA (MINIMUM)                                                                                                                                                       |                    |
|     | (i) Automobile Service Station                                                                                                                                           | 900 m <sup>2</sup> |
|     | (ii) Other Uses                                                                                                                                                          | No Minimum         |
| (b) | LOT FRONTAGE (MINIMUM)                                                                                                                                                   |                    |
|     | (i) Automobile Service Station                                                                                                                                           | 35 m               |
|     | (ii) Other Uses                                                                                                                                                          | No Minimum         |
| (c) | FRONT YARD DEPTH (MINIMUM)                                                                                                                                               |                    |
|     | (i) Automobile Service Station                                                                                                                                           | 15 m               |
|     | (ii) Other Uses                                                                                                                                                          | No Minimum         |
| (d) | INTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                       |                    |
|     | (i) Automobile Service Station                                                                                                                                           | 7.0 m              |
|     | (ii) Other Uses                                                                                                                                                          | No Minimum         |
|     | (iii) Provided that where the interior side lot line abuts land in a zone other than a Commercial or Industrial Zone, the minimum interior side yard width shall be 7.0m |                    |
| (e) | EXTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                       |                    |
|     | (i) Automobile Service Station                                                                                                                                           | 15 m               |
|     | (ii) Other Uses                                                                                                                                                          | No Minimum         |
| (f) | REAR YARD DEPTH (MINIMUM)                                                                                                                                                |                    |

- |      |                                                                                                                                                                                                                                                                                      |            |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| (i)  | Automobile Service Station                                                                                                                                                                                                                                                           | 7.5 m      |
| (ii) | Other Uses                                                                                                                                                                                                                                                                           | No Minimum |
| (g)  | LOT COVERAGE (MAXIMUM)                                                                                                                                                                                                                                                               |            |
| (i)  | Automobile Service Station                                                                                                                                                                                                                                                           | 30%        |
| (ii) | Other Uses                                                                                                                                                                                                                                                                           | No Maximum |
| (h)  | LANDSCAPED OPEN SPACE (MINIMUM)                                                                                                                                                                                                                                                      |            |
| (i)  | Automobile Service Station                                                                                                                                                                                                                                                           | 5%         |
| (ii) | Other Uses                                                                                                                                                                                                                                                                           | No Minimum |
| (i)  | DWELLING UNITS                                                                                                                                                                                                                                                                       |            |
| (i)  | No dwelling unit shall be established in any portion of the ground floor located adjacent to the front lot line, and a commercial frontage adjacent to the street shall be maintained, unless the existing structure was originally constructed as a dwelling.                       |            |
| (ii) | Conversion of vacant floor space above a commercial use in a C2 Zone to residential dwelling units shall be permitted                                                                                                                                                                |            |
| (j)  | HEIGHT (MAXIMUM)                                                                                                                                                                                                                                                                     | 7.5 m      |
| (k)  | AUTOMOTIVE USE PUMP LOCATION                                                                                                                                                                                                                                                         |            |
|      | Notwithstanding any other provisions of this By-Law to the contrary, a pump island together with canopy and kiosk may be located within any front yard or exterior side yard provided:                                                                                               |            |
| (i)  | The minimum distance between any portion of the pump island and any lot line shall be 5.0 metres; and                                                                                                                                                                                |            |
| (ii) | Where the lot is a corner lot, no portion of any pump island shall be located closer than 3.0 metres to a straight line between a point in the front lot line and a point in the exterior side lot line, each such point being distant 12 metres from the intersection of such lines |            |
| (l)  | OPEN STORAGE                                                                                                                                                                                                                                                                         |            |
|      | No open storage of goods, materials or waste shall be permitted.                                                                                                                                                                                                                     |            |
| (m)  | Accessory Uses, Parking, etc. in accordance with the provisions of Section 3 hereof                                                                                                                                                                                                  |            |

#### **(4) SPECIAL PROVISIONS**

##### **(a) C2-1 (GROUND FLOOR RESIDENTIAL)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C2-1 on Schedule "A" hereto, the permitted uses shall be restricted to three (3) dwelling units which shall be permitted on the ground floor of the existing building in addition to

four (4) existing senior citizen apartments, as well as the two (2) existing dwelling units located above the first floor.

(b) C2-2 (SPECIAL PROVISIONS)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C2-2 on Schedule "A" hereto, the permitted uses shall be any uses permitted in a C2 Zone with the exception of all automotive uses. The open storage, including storage of goods for sale, in the front and exterior side yard shall also be prohibited. The front yard shall be the established front yard and shall be landscaped.

(c) C2-3 (FRONT YARD PARKING)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C2-3 on Schedule "A" hereto, the required parking to accommodate building expansion will be permitted in the front yard.

(d) C2-4

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C2-4 on Schedule "A" hereto, a car wash shall be permitted in addition to any use permitted in a C2 zone. The following zone regulations shall apply:

(i)	Front Yard Depth (Minimum)	15m
(ii)	Rear Yard Depth (Minimum)	7.5m
(iii)	Interior Side Yard Width (Minimum)	7.0m
(iv)	Exterior Side Yard Width (Minimum)	15m

(e) C2-5

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C2-5 on Schedule "A" hereto, the following uses shall be permitted:

- (i) an art gallery
- (ii) a financial institution
- (iii) a cinema
- (iv) a department store
- (v) a dwelling unit restricted to above the first
- (vi) a financial institution
- (vii) a funeral home
- (viii) a hardware store
- (ix) a hotel or motel
- (x) an institutional use
- (xi) a personal service establishment
- (xii) a pharmacy

- (xiii) a place of entertainment
- (xiv) a printing establishment
- (xv) a public use
- (xvi) a recreational establishment
- (xvii) a restaurant
- (xviii) a retail store
- (xix) a shopping centre
- (xx) a studio
- (xxi) a tavern
- (xxii) a theatre
- (xxiii) a veterinarian's clinic - no animal housed overnight
- (xxiv) a video rental establishment
- (xxv) a wholesale use accessory to a permitted use

All other regulations of the By-Law shall apply

(f) C2-6 (ELGIN FEEDS)

Notwithstanding any provision of this By-Law to the contrary, within any area zoned C2-6 on Schedule "A" hereto, the permitted uses shall include existing uses, an open air farmer's market and all uses permitted in the Support Commercial (C2) Zone. A zero lot line setback shall also be permitted for existing buildings and structures from the lot line that crosses in a north-south direction the lot affected by this special provision zone.

(g) C2-7-T (226 TALBOT STREET WEST – TEMPORARY USE)  
*Expired 18 April/2017*

(h) C2-8 (157 JOHN STREET NORTH - GINSON)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C2-8 on Schedule "A" hereto, a bakery shall be permitted, in addition to the uses permitted in the C2 zone.

(i) C2-9 (51 MURRAY STREET)

Notwithstanding any provisions of this By-Law to the contrary, within any area zoned C2-9 on Schedule "A" hereto, a public self-storage warehouse shall be permitted in addition to any use permitted in a C2 zone.

## SECTION 16 HIGHWAY COMMERCIAL (C3) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Highway Commercial (C3) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any C3 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C3 uses, namely

- (a) an assembly hall;
- (b) an automotive use;
- (c) an automotive sales and service establishment;
- (d) a brewing on premises establishment;
- (e) a bulk sales establishment;
- (f) a business office;
- (g) a cannabis retail store;
- (h) a clinic;
- (i) a convenience store;
- (j) a drive-through facility;
- (k) a dry cleaning and laundry depot;
- (l) a dwelling unit on a second floor accessory to a permitted C3 use;
- (m) a funeral home;
- (n) a hotel or motel;
- (o) a merchandise service shop;
- (p) a nursery and garden store;
- (q) open storage;
- (r) a parking area;
- (s) a place of entertainment;
- (t) a place of worship;
- (u) a public use;
- (v) a restaurant;
- (w) a retail lumber and building supply yard;
- (x) a service shop;
- (y) a small repair and rental establishment;
- (z) a tavern;
- (aa) a video rental establishment.

**(3) ZONE REQUIREMENTS**

No person shall within any C3 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions

(a) LOT AREA (MINIMUM)		
(i)	Automobile Use including an automotive sales and service establishment	1100 m <sup>2</sup>
(ii)	Motels, Hotels plus an additional 45 m <sup>2</sup> for each guest room in excess of 4	700 m <sup>2</sup>
(iii)	Other Uses	450 m <sup>2</sup>
(b) LOT FRONTAGE (MINIMUM)		
(i)	Automobile Use including an automotive sales and service establishment	35 m
(ii)	Motels, Hotels	20 m
(iii)	Other Uses	12 m
(c) FRONT YARD DEPTH (MINIMUM)		
(i)	Automobile Use including an automotive sales and service establishment	15 m
(ii)	Other Uses	7.0 m
(d) INTERIOR SIDE YARD WIDTH (MINIMUM)		
	provided that where the interior side lot line abuts a Residential Zone, the minimum interior side yard width shall be 10 metres.	7.0 m
(e) EXTERIOR SIDE YARD WIDTH (MINIMUM)		
(i)	Automobile Use including an automotive sales and service establishment	15 m
(ii)	Other Uses	7.0 m
(f) REAR YARD DEPTH (MINIMUM)		
		7.0 m
(g) LOT COVERAGE (MAXIMUM)		
(i)	Automobile Use including an automotive sales and service establishment	30%
(ii)	Other Uses	50%
(h) LANDSCAPED OPEN SPACE (MINIMUM)		
(i)	Automobile Use	5%



- including an automotive sales and service establishment
- (ii) Other Uses 10%
- (i) DWELLING UNITS PER LOT (MAXIMUM) 1 only
- but not accessory to an automotive service station or automotive sales and service establishment and must be on the second floor of a building (or higher).
- (j) HEIGHT (MAXIMUM) 7.5 m
- (k) AUTOMOTIVE USE PUMP LOCATION
- Notwithstanding any other provisions of this By-Law to the contrary, a pump island together with canopy and kiosk may be located within any front yard or exterior side yard provided:
- (i) the minimum distance between any portion of the pump island and any lot line shall be 5.0 metres; and
- (ii) Where the lot is a corner lot, no portion of any pump island shall be located closer than 3.0 metres to a straight line between a point in the front lot line and a point in the exterior side lot line, each such point being distant 12.0 metres from the intersection of such lines
- (l) Accessory Uses, Parking, etc. in accordance with the provisions of Section 3 hereof.

#### (4) **SPECIAL PROVISIONS**

##### (a) C3-1 (402 TALBOT STREET EAST)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C3-1 on Schedule 'A' hereto, the following special provisions apply:

A single detached dwelling shall be a permitted use, in addition to uses permitted in a C3 Zone, with the following special provisions applying to the single detached dwelling use:

LOT AREA (MINIMUM)	500 m <sup>2</sup>
LOT FRONTAGE (MINIMUM)	18 m
FRONT YARD DEPTH (MINIMUM)	7.0 m
INTERIOR SIDE YARD WIDTH (MINIMUM)	
(i) With attached garage or carport	1.2m
(ii) Without attached garage or carport 3.0 m on one side and 1.2 m on the other side	
EXTERIOR SIDE YARD WIDTH (MINIMUM)	7.0 m
REAR YARD DEPTH (MINIMUM)	7.5 m
LOT COVERAGE (MAXIMUM)	35%

LANDSCAPED OPEN SPACE (MINIMUM) 30%

HEIGHT (MAXIMUM) 8.5 m

DWELLING UNITS PER LOT (MAXIMUM) 1 only  
(unless otherwise permitted by by-law)

Accessory Uses, Parking, Home Occupation, etc. in accordance with the provisions of Section 3 hereof; except that an existing building accessory to a single detached dwelling shall be permitted.

(b) C3-2-T (375 TALBOT STREET EAST – TEMPORARY USE)

*Expired 13 April/18*

## SECTION 17 NEIGHBOURHOOD COMMERCIAL (C4) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Neighbourhood Commercial (C4) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any C4 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C4 uses, namely:

- (a) a business office;
- (b) a brewing on premises establishment;
- (c) a cannabis retail store;
- (d) a convenience store;
- (e) a day care facility;
- (f) a dry cleaner's distribution station;
- (g) a dwelling unit;
- (h) a medical/dental office;
- (i) a personal service establishment;
- (j) a professional office;
- (k) a public use;
- (l) a retail store;
- (m) a video rental establishment.

### (3) ZONE REQUIREMENTS

No person shall within any C4 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a)	LOT AREA (MINIMUM)	No Minimum
(b)	LOT FRONTAGE (MINIMUM)	15.0 m
(c)	FRONT YARD DEPTH (MINIMUM)	7.0 m
(d)	INTERIOR SIDE YARD WIDTH (MINIMUM)	7.0 m
	provided that where the interior side lot line abuts a Residential Zone, the minimum interior side yard width shall be 10 metres.	
(e)	EXTERIOR SIDE YARD WIDTH (MINIMUM)	10 m
	REAR YARD DEPTH (MINIMUM)	7.0 m

provided that where the rear lot line abuts a Residential Zone, the minimum rear yard depth shall be 10 metres.

- |     |                                                                                                       |                    |
|-----|-------------------------------------------------------------------------------------------------------|--------------------|
| (f) | LOT COVERAGE (MAXIMUM)                                                                                | 30%                |
| (g) | LANDSCAPED OPEN SPACE (MINIMUM)                                                                       | 20%                |
| (h) | COMMERCIAL GROSS FLOOR AREA<br>Per Permitted Use (Maximum)                                            | 140 m <sup>2</sup> |
| (i) | HEIGHT (MAXIMUM)                                                                                      | 10 m               |
| (j) | Accessory Uses, Parking, Home Occupation, etc., in accordance with the provisions of Section 3 hereof |                    |

**(4) SPECIAL PROVISIONS**

- (a) C4-1

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C4-1 on Schedule "A" hereto, the permitted uses shall be restricted to the following:

- (i) a convenience store
- (ii) a dry cleaner's distribution station
- (iii) a business office
- (iv) a medical/dental office
- (v) a personal office
- (vi) a personal service shop
- (vii) a public use
- (viii) a retail store
- (ix) a video rental establishment

The following regulations shall apply:

- |                                                                               |                    |
|-------------------------------------------------------------------------------|--------------------|
| Rear yard depth (minimum)                                                     | 7.5 m              |
| Maximum commercial gross floor area for any combination of the permitted uses | 361 m <sup>2</sup> |
| Maximum parking spaces                                                        | 16                 |

## SECTION 18 BUSINESS PARK COMMERCIAL (C5) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Business Park Commercial (C5) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any C5 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following C5 uses, namely:

- (a) an automotive use;
- (b) a brewing on premises establishment;
- (c) a bulk sales establishment;
- (d) a cannabis retail store;
- (e) a catalogue store; \*
- (f) a convenience store;
- (g) a drive-through facility;
- (h) a funeral home; \*
- (i) a general office; \*
- (j) a home appliance store; \*
- (k) a home and auto supply store; \*
- (l) a home furnishings store; \*
- (m) a home improvement store; \*
- (n) a laboratory;
- (o) a parking area;
- (p) a printing establishment;
- (q) a professional or business office; \*
- (r) a public use;
- (s) a recreational use or building;
- (t) a rental establishment;
- (u) a repair establishment;
- (v) a restaurant;
- (w) a retail store; \*
- (x) a small repair and rental establishment;
- (y) a studio; \*
- (z) a veterinarian's clinic;
- (aa) a wholesale establishment

All land uses listed above with an asterisk (\*) must have a gross floor area greater than 300 square metres per use.

**(3) ZONE REQUIREMENTS**

No person shall within any C5 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- |     |                                                                                                                                                                                                                               |                    |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| (a) | LOT AREA (MINIMUM)                                                                                                                                                                                                            | 700 m <sup>2</sup> |
| (b) | LOT FRONTAGE (MINIMUM)                                                                                                                                                                                                        | 45 m               |
| (c) | FRONT YARD DEPTH (MINIMUM)                                                                                                                                                                                                    | 9.0 m              |
| (d) | INTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                                                                            | 4.5 m              |
|     | Provided that no interior side yard is required along any portion of a lot line which abuts a railroad right-of-way.                                                                                                          |                    |
| (e) | EXTERIOR SIDE YARD WIDTH (MINIMUM)                                                                                                                                                                                            | 9.0 m              |
| (f) | REAR YARD DEPTH (MINIMUM)                                                                                                                                                                                                     | 7.5 m              |
|     | provided that no rear yard is required along any portion of a lot line which abuts a railroad right-of-way.                                                                                                                   |                    |
| (g) | LOT COVERAGE (MAXIMUM)                                                                                                                                                                                                        | 60%                |
| (h) | LANDSCAPED OPEN SPACE (MINIMUM)                                                                                                                                                                                               | 10%                |
| (i) | HEIGHT (MAXIMUM)                                                                                                                                                                                                              | 12 m               |
| (j) | OPEN STORAGE                                                                                                                                                                                                                  |                    |
|     | No open storage of goods or materials shall be permitted except in accordance with the following provisions:                                                                                                                  |                    |
|     | (i) Such open storage is accessory to the use of the main building on the lot                                                                                                                                                 |                    |
|     | (ii) Such open storage complies with the yard and setback requirements of this Section; however, no open storage shall be closer than 30 metres to the front lot line and may be 1.0 metre from the rear lot line             |                    |
|     | (iii) Such open storage does not cover more than 35% of the lot area nor exceed twice the ground floor area of the main building on the lot                                                                                   |                    |
|     | (iv) Any portion of the area used for open storage is fenced                                                                                                                                                                  |                    |
|     | (v) Such open storage shall be located only to the rear side of the main building                                                                                                                                             |                    |
| (k) | NOXIOUS TRADE                                                                                                                                                                                                                 |                    |
|     | No use shall be permitted which from its nature or the materials use herein is declared to be a noxious trade, business or manufacture under the <i>Health Protection and Promotion Act, 1990</i> , or regulations thereunder |                    |
| (l) | Accessory Uses, Parking, Home Occupation, etc., in accordance with the provisions of Section 3 hereof.                                                                                                                        |                    |

**(4) SPECIAL PROVISIONS****(a) C5-1-h-5**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated C5-1-h-5 on Schedule "A" hereto, a food store exceeding 2000 m<sup>2</sup> shall be permitted in addition to the other uses listed in the C5 zone.

**(b) C5-2 (567 JOHN STREET NORTH)**

(i) Notwithstanding any provisions of this By-Law to the contrary, within any area designated C5-2 on Schedule "A" hereto, a convenience store shall be a permitted use in any addition to any use permitted in a C5 Zone.

(ii) All other applicable regulations of the C5 zone and general provisions of By-law 57-99 shall apply.

**(c) C5-3 (SELF-STORAGE WAREHOUSE & ACCESSORY RETAIL OUTLET)**

Notwithstanding any provisions of this By-Law to the contrary, within any area zoned C5-3, the following uses and regulations will apply:

(i) In addition to uses permitted within the C5 Zone, any area zoned C5-3 on Schedule "A" hereto may also include a public self-storage warehouse and accessory retail outlet.

(ii) Maximum Building Height 8.0 m

(iii) Planting Strip

Individual storage units and loading areas shall be screened from view from adjacent properties and roadways by a planting strip containing an impermeable fence, wall or other barrier not less than 2 metres in height.

(iv) Parking

A maximum of 15 parking spaces shall be provided for the existing rental establishment and the proposed public self-storage warehouse and accessory retail outlet.

**(d) C5-4 (583, 585, 587 and 589 JOHN STREET NORTH)**

(i) Notwithstanding any provisions of this By-Law to the contrary, within any area designated C5-4 on Schedule "A" hereto, a personal service shop and a financial institution shall be permitted uses in addition to any use permitted in a C5 Zone.

- (ii) Notwithstanding Section 18(2) of this By-law to the contrary, the minimum gross floor area for uses denoted with an asterisk in Section 18(2) Uses Permitted shall be 150 square metres. The minimum gross floor area for a financial institution shall be 300 square metres.



## SECTION 19 RESIDENTIAL OFFICE (RO) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Residential Office (RO) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any RO Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following RO uses, namely:

- (a) a bed and breakfast establishment;
- (b) a business office;
- (c) a clinic;
- (d) a converted dwelling;
- (e) a day care facility;
- (f) a duplex dwelling;
- (g) a dwelling unit;
- (h) an existing use;
- (i) a home occupation;
- (j) a lodging house;
- (k) a medical/dental office;
- (l) a personal service establishment (excluding laundromat and dry cleaning establishments);
- (m) a place of worship;
- (n) a professional office;
- (o) a public use;
- (p) a semi-detached dwelling;
- (q) a service office;
- (r) a single detached dwelling;
- (s) a studio;
- (t) a triplex dwelling;
- (u) an additional residential unit.

### (3) ZONE REQUIREMENTS

No person shall within any RO Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- (a) LOT AREA (MINIMUM)
  - (i) Single detached dwelling unit 370 m<sup>2</sup>

	(ii) Duplex, converted, boarding or rooming dwelling or tourist dwelling	560 m <sup>2</sup>
	(iii) Semi-detached dwelling	700 m <sup>2</sup>
	(iv) Triplex	780 m <sup>2</sup>
	(v) Non-residential uses	465 m <sup>2</sup>
(b)	LOT FRONTAGE (MINIMUM)	
	(i) Single detached dwelling unit	12.0 m
	(ii) Duplex, converted, boarding or rooming dwelling or tourist dwelling	18.0 m
	(iii) Semi-detached dwelling	21.0 m
	(iv) Triplex	25.0 m
	(v) Non-residential uses	15.0 m
(c)	FRONT YARD DEPTH (MINIMUM)	7.0 m
(d)	INTERIOR SIDE YARD WIDTH (MINIMUM)	1.2 m
	provided that on a lot where there is no attached private garage or attached carport, the minimum interior side yard width shall be 3.0 m on one side and 1.2m on the other side.	
(e)	EXTERIOR SIDE YARD WIDTH (MINIMUM)	7.0 m
(f)	REAR YARD DEPTH (MINIMUM)	7.5 m
(g)	LOT COVERAGE (MAXIMUM)	40%
(h)	LANDSCAPED OPEN SPACE (MINIMUM)	20%
(i)	HEIGHT (MAXIMUM)	8.5 m
(j)	PARKING AND LOADING	
	No parking or loading areas shall be located in the front yard	
(k)	NON-RESIDENTIAL PERMITTED USES RESTRICTIONS	
	No non-residential use permitted in this Section shall create or become a nuisance in regard to noise, odour, vibration, radiation, traffic generated or parking	
(l)	REPLACEMENT	
	If a building or structure that is designated as a Heritage Building is demolished, removed or destroyed, any new building or structure to occupy the lot must be of the same height, volume, floor area, general form, mass, and external design as the original building or structure	

- (m) Accessory Uses, Additional Residential Units, Parking, Home Occupation, etc., in accordance with the provisions of Section 3 hereof

**(4) SPECIAL PROVISIONS**

- (a) RO-1 (NURSING HOME/RETIREMENT HOME)

Notwithstanding any provision of this By-Law to the contrary, within any area designated RO-1 on Schedule “A” hereto, a nursing home and/or retirement home shall be permitted uses in addition to any uses permitted in an RO Zone. Both the nursing home and retirement home uses will be subject to an off-street parking rate of one (1) space per two (2) beds.

- (b) RO-2

*Not in use as of this consolidation*

- (c) RO-3

*Not in use as of this consolidation*

- (d) RO-4

*Not in use as of this consolidation*

- (e) RO-5 (CONVERSION TO OFFICES)

Notwithstanding the provisions of Section 19(2) of this By-Law to the contrary, within lands zoned RO-5 on Schedule “A”, the following special provisions apply:

- (i) Permitted Uses

- 1.a dwelling unit;
- 2.a parking area;
- 3.a public use;
- 4.an office;
- 5.a day care facility accessory to the office use existing at the date of the passing of this By-Law.

- (f) RO-6 (TALBOT STREET EAST BED & BREAKFAST)

Notwithstanding Section 19 (3) (j) Parking and Loading, Section 3 (17) (g) Yards Where Permitted, and any provisions of this By-Law to the contrary, within any area designated RO-6 on Schedule ‘A’ hereto, a maximum of three (3) parking spaces may be permitted to be located in the front yard associated with a bed and breakfast establishment.



(g) RO-7 (339 TALBOT STREET WEST)

Notwithstanding any provisions of this By-law to the contrary, within any area designated RO-7 on Schedule “A” hereto, for a semi-detached dwelling, the minimum lot frontage shall be 13.3 metres and the minimum lot area shall be 662 square metres.

(h) RO-8 (147 SYDENHAM STREET DAY CARE FACILITY)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated RO-8 on Schedule ‘A’ hereto, in addition to those uses permitted in the RO Zone, an adult day care facility shall be an additional permitted use and the provisions of the RO Zone shall apply. An adult day care facility shall be defined as follows:

“ADULT DAY CARE FACILITY” means a dwelling or building or structure in which persons 18 years of age and over are offered day programs and may be provided with temporary care or guidance for compensation for a continuous period not exceeding 48 hours.

(i) RO-9 (211 TALBOT STREET EAST)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated RO-9 on Schedule ‘A’ hereto, for one unit of a semidetached dwelling, the minimum lot frontage shall be 9.5 metres and the minimum lot area shall be 390 square metres.

Notwithstanding Section 19(3)(d) to the contrary, where a semi-detached dwelling obtains a consent or is subdivided such that the lot line extends along a common wall dividing the units and where one unit of a semi-detached dwelling occupies a lot, no minimum interior side yard width shall be required from the lot line dividing the units.”

## SECTION 20 LIGHT INDUSTRIAL (M1) ZONE

---

### (1) SCOPE

The provisions of this Section shall apply in all Light Industrial (M1) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any M1 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M1 uses, namely:

- (a) an assembly hall;
- (b) an automobile service station;
- (c) an automotive supply store;
- (d) an automotive use;
- (e) a body shop;
- (f) a builder's yard/building or contracting establishment;
- (g) a bulk sales establishment;
- (h) a commercial storage unit;
- (i) a contractor's yard;
- (j) a dry cleaning and laundry plant;
- (k) an electrical and electronics products industry;
- (l) a food processing plant;
- (m) a general or professional office;
- (n) a general manufacturing establishment;
- (o) a manufacturing and assembly industry;
- (p) a merchandise service shop;
- (q) open storage;
- (r) a parking area;
- (s) a pharmaceutical and medical products industry;
- (t) a processed goods industry;
- (u) a public use;
- (v) a research and development establishment;
- (w) a retail lumber and building supply yard;
- (x) a retail outlet or wholesale outlet accessory to a permitted use;
- (y) a service and repair establishment;
- (z) a service shop;
- (aa) a studio;
- (bb) a vehicle repair garage;
- (cc) a vehicle repair shop;
- (dd) a veterinarian's clinic

- (ee) a warehouse;
- (ff) a wholesale establishment.

### (3) **ZONE REQUIREMENTS**

No person shall within any M1 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

- (a) LOT AREA (MINIMUM) 700 m<sup>2</sup>
- (b) LOT FRONTAGE (MINIMUM) 30 m
- (c) REQUIRED YARDS (MINIMUM)

	<u>Lot Abutting Industrial Zone</u>	<u>Lot Abutting Any Other Zone</u>
(i) FRONT YARD DEPTH	9.0 m	18 m
(ii) EXTERIOR SIDE YARD WIDTH	9.0 m	18 m
(iii) INTERIOR SIDE YARD WIDTH	9.0 m	10 m
(iv) REAR YARD DEPTH	7.5 m	15 m

provided that no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right-of-way

- (d) LOT COVERAGE (MAXIMUM) 60%
- (e) LANDSCAPED OPEN SPACE (MINIMUM) 10%
- (f) HEIGHT (MAXIMUM) 12 m

provided that if any portion of any building is erected above a height of 12 metres, the required side yard dimensions shall be increased by 1.0 metre for each 1.0 metre by which such portion of the building exceeds 12 metres.

- (g) OPEN STORAGE

Any part of a lot used for open storage shall be fenced.

- (h) NOXIOUS TRADE

No use shall be permitted which from its nature or the materials used herein is declared to be a noxious trade, business or manufacture under the *Health Protection and Promotion Act, 1990*, or regulations thereunder.

- (i) AUTOMOTIVE USE PUMP LOCATION

Notwithstanding any other provisions of this By-Law to the contrary, a pump island together with canopy and kiosk, may be located within any front yard or exterior side yard provided:

- (i) The minimum distance between any portion of the pump island and any lot line shall be 5.0 metres; and

- (ii) Where the lot is a corner lot, no portion of any pump island shall be located closer than 3.0 metres to a straight line between a point in the front lot line and a point in the exterior side lot line, each such point being distant 12 metres from the intersection of such lines
- (j) Accessory Uses, Parking, Setbacks, etc. in accordance with the provisions of Section 3 hereof

#### **(4) SPECIAL PROVISIONS**

##### **(a) M1-1 (MOBILE HOME)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated M1-1 on Schedule “A” hereto, a mobile home shall be a permitted use in addition to any use permitted in an M1 Zone.

For the purpose of this Zone, individual mobile homes shall require the following regulations for each unit:

- (i) Minimum Frontage Per Unit 8 m
- (ii) Minimum Front Yard Depth 3.5 m
- (iii) Minimum Interior Side Yard Width 2.5 m on one side and 1.2 m on the other
- (iv) Minimum Exterior Side Yard Depth 3.5 m
- (v) Minimum Rear Yard Depth 3.5 m
- (vi) Maximum Building Height 3.5 m

##### **(b) M1-2 (BINGO HALL)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated M1-2 on Schedule “A” hereto, a bingo hall shall be a permitted use in addition to any use permitted in an M1 Zone.

##### **(c) M1-3 (ELGIN FEEDS)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated M1-3 on Schedule "A" hereto, a zero lot line setback shall be permitted for existing buildings and structures from the lot line that crosses in a north-south direction with the lot affected by this special provision zone.



## SECTION 21 HEAVY INDUSTRIAL (M2) ZONE

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### (1) SCOPE

The provisions of this Section shall apply in all Heavy Industrial (M2) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any M2 Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following M2 uses, namely:

- (a) an auction establishment;
- (b) an assembly hall;
- (c) an automotive supply store;
- (d) an automotive use;
- (e) a builder's yard/building or contracting establishment;
- (f) a bulk sales establishment;
- (g) a cannabis production and processing facility;
- (h) a car wash;
- (i) a chemical plant;
- (j) a commercial storage unit;
- (k) a contractor's yard;
- (l) a dry cleaning and laundry plant;
- (m) an electrical and electronics products industry;
- (n) a factory outlet;
- (o) a feed or flour mill;
- (p) a food processing plant;
- (q) a fuel storage tank;
- (r) a fuel storage depot/supply yard;
- (s) a general manufacturing;
- (t) a general office;
- (u) a grain elevator;
- (v) an industrial mall;
- (w) a laboratory;
- (x) a lumber mill yard;
- (y) a manufacturing and assembly industry;
- (z) a merchandise service shop;
- (aa) open storage;
- (bb) a parking lot;
- (cc) a pharmaceutical and medical products industry;
- (dd) a printing establishment;

- (ee) a printing, reproduction and data processing industry;
- (ff) a processed goods industry;
- (gg) a professional or business office;
- (hh) a propane transfer facility;
- (ii) a public use;
- (jj) a repair shop, auto body and motor vehicle;
- (kk) a research and development establishment;
- (ll) a retail lumber and building supply yard;
- (mm) a retail store or factory outlet accessory to an industrial use on the same lot to a maximum of 25% of the gross floor area of the building;
- (nn) a service and repair and establishment;
- (oo) a service shop;
- (pp) a small repair and rental establishment;
- (qq) a transport terminal;
- (rr) a veterinarian's clinic;
- (ss) a warehouse;
- (tt) a wholesale establishment.

### (3) **ZONE REQUIREMENTS**

No person shall within any M2 Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a)	LOT AREA (MINIMUM)	1100 m <sup>2</sup>															
(b)	LOT FRONTAGE (MINIMUM)	30 m															
(c)	REQUIRED YARDS (MINIMUM)																
		<table> <tr> <th></th><th><u>Lot Abutting Industrial Zone</u></th><th><u>Lot Abutting Any Other Zone</u></th></tr> <tr> <td>(i) FRONT YARD DEPTH</td><td>9.0 m</td><td>18 m</td></tr> <tr> <td>(ii) EXTERIOR SIDE YARD WIDTH</td><td>9.0 m</td><td>18 m</td></tr> <tr> <td>(iii) INTERIOR SIDE YARD WIDTH</td><td>3.0 m</td><td>10 m</td></tr> <tr> <td>(iv) REAR YARD DEPTH</td><td>7.5 m</td><td>15 m</td></tr> </table>		<u>Lot Abutting Industrial Zone</u>	<u>Lot Abutting Any Other Zone</u>	(i) FRONT YARD DEPTH	9.0 m	18 m	(ii) EXTERIOR SIDE YARD WIDTH	9.0 m	18 m	(iii) INTERIOR SIDE YARD WIDTH	3.0 m	10 m	(iv) REAR YARD DEPTH	7.5 m	15 m
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(iv) REAR YARD DEPTH	7.5 m	15 m															
	provided that no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right-of-way																
(d)	LOT COVERAGE (MAXIMUM)	60%															
(e)	LANDSCAPED OPEN SPACE (MINIMUM)	10%															
(f)	HEIGHT (MAXIMUM)	12 m															

with any minimum side yard, if any portion of any building is erected above a height of 12 metres, the required yard dimensions shall be increased by 1.0 metre for each 1.0 metre by which such portion of the building exceeds 12 metres

(g) OPEN STORAGE

Any part of a lot used for open storage shall be fenced.

(h) NOXIOUS TRADE

No use shall be permitted which from its nature or the materials used herein is declared to be a noxious trade, business or manufacture under the *Health Protection and Promotion Act*, 1990, or regulations thereunder

(i) AUTOMOTIVE USE PUMP LOCATION

Notwithstanding any other provisions of this By-Law to the contrary, a pump island together with canopy and kiosk, may be located within any front yard or exterior side yard provided:

- (i) the minimum distance between any portion of the pump island and any lot line shall be 5.0 metres; and
- (ii) where the lot is a corner lot, no portion of any pump island shall be located closer than 3.0 metres to a straight line between a point in the front lot line and a point in the exterior side lot line, each such point being distant 12 metres from the intersection of such lines

(j) Accessory Uses, Parking, Setbacks, etc. in accordance with the provisions of Section 3 hereof.

**(4) SPECIAL PROVISIONS**

(a) M2-h (HOLDING)

*Not in use as of this consolidation*

(b) M2-1 (TAXI ESTABLISHMENT)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated M2-1 on Schedule "A" hereto, a taxi establishment shall be permitted in addition to any use permitted in the M2 zone.

(c) M2-2 (ZERO INTERIOR SIDE YARD)

Notwithstanding Section 21(3)(c)(iii), within lands designated M2-2 on Schedule "A", the minimum interior side yard width adjacent to the municipal boundary shall be 0 metres in the case where a single building is located on both sides of the Town of Aylmer/Township of Malahide municipal boundary.

## (d) M2-3

Notwithstanding any provisions of this By-Law to the contrary, within any area designated M2-3 on Schedule "A" hereto, the following regulations shall apply:

- (i) Lot Frontage (Minimum) 21 m
- (ii) Interior Side Yard (Minimum) 6m on one side and 3m on the other side, except that an interior side yard abutting a zone other than an Industrial Zone shall require a minimum interior side yard with for the interior side yard abutting the non-industrial zone of 10m and 3m on the other side.

All other regulations of the Zoning By-Law shall apply.

## (e) M2-2-T-02-2020 (SPECIALIZED RECYCLING FACILITY – TEMPORARY USE)

- (i) Notwithstanding any provisions of Section 21(2) to the contrary, a "Specialized Recycling Facility" shall be permitted as a temporary use in addition to any one of the uses permitted in an M2-2 Zone on the lands designated as M2-2-T-02-2020 on Schedule "A" hereto.
- (ii) A Specialized Recycling Facility shall have a maximum gross floor area of 4,000 square metres.
- (iii) Open Storage associated with a Specialized Recycling Facility shall not be permitted.
- (iv) A Specialized Recycling facility as a temporary use shall be permitted for a maximum of one (1) year from the date of passing of this By-Law, unless the period is extended by Council pursuant to Section 39(3) of the Planning Act, R.S.O. 1990.

## SECTION 22 INSTITUTIONAL (I) ZONE

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### (1) SCOPE

The provisions of this Section shall apply in all Institutional (I) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any I Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following I uses, namely:

- (a) a cemetery;
- (b) a college;
- (c) a day care facility;
- (d) a hospital;
- (e) a manse;
- (f) a nursing home;
- (g) a place of worship;
- (h) a public park;
- (i) a public use;
- (j) a recreational establishment;
- (k) a retirement lodge;
- (l) a school.

### (3) ZONE REQUIREMENTS

No person shall within any I Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a)	LOT AREA (MINIMUM)	No Minimum
(b)	LOT FRONTAGE (MINIMUM)	No Minimum
(c)	FRONT YARD DEPTH (MINIMUM)	7.0 m
(d)	INTERIOR SIDE YARD WIDTH (MINIMUM)	7.5 m
(e)	EXTERIOR SIDE YARD WIDTH (MINIMUM)	7.5 m
(f)	REAR YARD DEPTH (MINIMUM)	7.5 m
(g)	LOT COVERAGE (MAXIMUM)	50%
(h)	LANDSCAPED OPEN SPACE (MINIMUM)	30%
(i)	HEIGHT (MAXIMUM)	10 m
(j)	Accessory uses, parking, etc. in accordance with the provisions of Section 3 hereto.	

**(4) SPECIAL PROVISIONS****(a) I-1 (MEDICAL/DENTAL OFFICES AND CLINICS)**

Notwithstanding any provision of this By-Law to the contrary, within any area designated I-1 on Schedule "A" hereto, medical and dental offices, clinics and other medically related uses shall be permitted subject to the following regulations:

(i)	Lot Area (Minimum)	5000 m <sup>2</sup>
(ii)	Lot Frontage (Minimum)	30 m
(iii)	Front Yard Depth (Minimum)	7.0 m
(iv)	Interior Side Yard Width (Minimum)	1.5 m
(v)	Rear Yard Depth (Minimum)	7.5 m
(vi)	Lot Coverage (Maximum)	20%
(vii)	Landscaped Open Space (Minimum)	25%
(viii)	Height (Maximum)	8.5 m

For the purposes of this Zone, a Pharmaceutical Dispensary shall be defined as a building or part thereof not exceeding 93 square metres (1000 square feet) of gross floor area, used as a dispensary for prescription drugs, in association with a permitted medical/dental office use. The accessory retail sale of only medical/surgical devices and non-prescription medicines shall also be permitted.

**(b) I-2 (PLACE OF WORSHIP, TALBOT STREET EAST/ALBERT STREET)**

Notwithstanding any provision of this By-Law to the contrary, within any area zoned I-2 on Schedule "A" hereto, the following regulations shall apply:

(i)	Rear Yard Depth (Minimum)	7.5 m
(ii)	Side Yard Width (Minimum)	1.07 m
(iii)	Landscaped Open Space (Minimum)	20%

All other regulations of the Zoning By-Law shall apply.

**(c) I-3 (FAIRGROUNDS)**

Notwithstanding any provisions of this By-Law to the contrary, within any area designated I-3 on Schedule "A" hereto, all buildings and uses required for the East Elgin Agricultural Society shall be permitted.

## SECTION 23 PARKS AND OPEN SPACE (POS) ZONE

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### (1) SCOPE

The provisions of this Section shall apply in all Parks and Open Space (POS) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any POS Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following POS uses, namely:

- (a) an accessory use;
- (b) a forestry use;
- (c) a private or public park;
- (d) a public use;
- (e) a recreational use;
- (f) works of a Conservation Authority.

### (3) ZONE REQUIREMENTS

No person shall within any POS Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

(a)	LOT AREA (MINIMUM)	No Minimum
(b)	LOT FRONTAGE (MINIMUM)	No Minimum
(c)	FRONT YARD DEPTH (MINIMUM)	6.0 m
(d)	INTERIOR SIDE YARD WIDTH (MINIMUM)	6.0 m
(e)	EXTERIOR SIDE YARD WIDTH (MINIMUM)	7.5 m
(f)	REAR YARD DEPTH (MINIMUM)	7.5 m
(g)	LOT COVERAGE (MAXIMUM)	30%
(h)	LANDSCAPED OPEN SPACE (MINIMUM)	30%
(i)	HEIGHT (MAXIMUM)	10 m
(j)	Accessory uses, parking, etc. in accordance with the provisions of Section 3 hereto.	

### (4) SPECIAL PROVISIONS

## SECTION 24 ENVIRONMENTAL PROTECTION (EP) ZONE

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### (1) SCOPE

The provisions of this Section shall apply in all Environmental Protection (EP) Zones except as otherwise provided in the Special Provisions subsection of this Section.

### (2) USES PERMITTED

No person shall within any EP Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following EP uses, namely:

- (a) an agricultural use;
- (b) an existing use;
- (c) a forestry use;
- (d) a parking area;
- (e) a public or private park;
- (f) a public use;
- (g) works of a Conservation Authority.

### (3) ZONE REQUIREMENTS

No person shall within any EP Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

#### (a) BUILDINGS OR STRUCTURES

No buildings or structures shall be permitted unless for flood control purposes

### (4) SPECIAL PROVISIONS

#### (a) EP-1

Notwithstanding any provisions of this By-Law to the contrary, within an area designated EP-1 on Schedule "A" hereto, works of a Conservation Authority shall be the only use permitted.

#### (b) EP-2 (PLACE OF WORSHIP)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated EP-2 on Schedule "A" hereto, a place of worship shall be a permitted use in addition to any use permitted in an EP Zone. The zone requirements for the place of worship shall be in accordance with subsection 22(3) of this By-Law.



(c) EP-3 (SERVICE SHOP)

Notwithstanding any provisions of this By-Law to the contrary, within any area designated EP-3 on Schedule “A” hereto, a service shop shall be a permitted use in addition to any use permitted in an EP Zone.

(d) EP-4

Notwithstanding any provisions of this By-Law to the contrary, within any area designated EP-4 on Schedule “A” hereto, all uses permitted within the Support Commercial (C2) Zone shall be permitted in addition to any use permitted in an EP Zone. Zone requirements for all structures within the EP-4 zone shall be in accordance with subsection 15(3) of this By-Law.

The lands designated as EP-4 are within the Catfish Creek Conservation Authority Regulation Area, and as such, the owner shall agree to obtain a permit in accordance with Ontario Regulation no. 97/04 ‘Development, Interference with Wetlands and Alterations to Shorelines and Watercourses’, pursuant to the *Conservation Authorities Act*, prior to any new development (construction, fill placement or grading) on the subject property to the satisfaction of the Catfish Creek Conservation Authority.

## SECTION 25 APPROVAL

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This By-Law shall come into force on the date it is passed by the Council of the Corporation of the Town of Aylmer subject to the approval of the Ontario Municipal Board.

This By-Law given its first, second and third reading and finally passed this 8<sup>th</sup> day of November, 1999.

(Signed) "Bob Habkirk"  
Mayor

(Signed) "Phyllis Ketchabaw"  
Clerk

# **SCHEDULE “A”**

## **TOWN OF AYLMER ZONING BY-LAW MAPS**

Consolidated Version

December, 2021