SECTION 4
DEFINITIONS

4.1 LIST OF DEFINED TERMS

A

'Accessible Aisle'
'Accessible Stall'
'Accessory'
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'Air Treatment Control'
'Amenity Area'
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'Automotive Body/Repair Shop'
'Automotive Rental Establishment'
'Automotive Sales Station'
'Automotive Service Bay'
'Automotive Service Station'
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B

'Basement'
'Bed & Breakfast House'
'Boarding or Lodging House'
~~'Body Piercing Establishment'~~
'Body Rub Parlour'
'Body Rub'
'Building Area'
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'Building'

C

'Cannabis Production Facility'
'Catering Service'
'Cellar'
'City'
'Clinic'
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'Community Centre'
'Community Lifestyle Facility'
'Contractors Yard'
'Convenience Store'
'Council'
'Crisis Residence'

D

'Day Nursery'
'Deck'
'Drinking Establishment'
'Driveway'
'Dwelling Unit'

'Dwelling, Apartment'

'Dwelling, Cluster Townhouse'

'Dwelling, Converted'

'Dwelling, Duplex'

'Dwelling, Semi Detached'

'Dwelling, Single Detached'

'Dwelling, Street Fronting Townhouse'

'Dwelling, Townhouse'

'Dwelling'

E

'Erect'

'Existing or Existed'

F

'Financial Institution'

'Finished Grade'

'Floor Area, Gross Leasable'

'Floor Area, Gross'

'Floor Space Index (FSI)'

'Food/Beverage Production Facility'

'Funeral Home'

G

'Gallery'

'Garage'

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'Golf Course'

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'Gross Vehicle Weight'

'Group Home'

'Group Residence'

H

'Hazard Land'

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'Hospital'

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I

'Indirect Sales'

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'Industrial Use'

'Industrial Use, Accessory'

'Industrial Use, Light'

J

K

'Kennel'

L

'Laboratory'

'Landscaped Open Space'

'Lane'

'Laundromat'

~~**'Light Industrial Use'**~~

'Loading Space'

'Long Term Care Facility'

'Lot Area'

'Lot Coverage'
'Lot Depth'
'Lot Frontage'
'Lot Line, Exterior Side'
'Lot Line, Front'
'Lot Line, Interior Side'
'Lot Line, Rear'
'Lot Line, Side'
'Lot, Corner'
'Lot, Interior'
'Lot, Through'
'Lot'

M

'Main'
'Marina'
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'Mobile Home Park'
'Mobile Home'
'Model Home'
'Motor Home'
'Motor Vehicles, Commercial'
'Motor Vehicle'
'Museums'

N

'Noxious Uses'

O

'Office'
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P

'Park, Public'
'Parking, Extended'
'Parking Aisle'
'Parking Area'
'Parking Space'
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'Person'
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Q

R

'Recreational Use'
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'Restaurant, Drive-Thru'
'Restaurant'
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S

'School, Commercial'
'School'
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'Service Use'
'Setback'
'Shopping Centre'
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'Storage, Indoor'
'Storage, Outdoor'
'Storey, First'
'Storey'
'Street Line'
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'Street'
'Structure'
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'Studio, Instruction'
'Studio'

T

~~**'Tattoo Parlour'**~~
'Temporary Building'
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'Travel Trailer'

U

'Use or Used'

V

~~**'Vehicle Body Shop'**~~
~~**'Vehicle Sales Establishment'**~~
~~**'Vehicle Service Bay'**~~
'Vehicle-for-Hire Service'
'Veterinarian's Clinic'

W

'Warehouse'
'Wholesale Establishment'

X

Y

'Yard, Front'
'Yard, Rear'
'Yard, Required'
'Yard, Side'
'Yard'
'Yard Depth, Front'
'Yard Depth, Rear'
'Yard Width, Side'
'Yard, Exterior Side'
'Yard, Interior Side'

Z

4.2 DEFINITIONS

A

'Accessible Aisle' means a designated area immediately adjacent to one or two accessible spaces, which provides access to and from the accessible spaces.

'Accessible Stall' means a designated parking stall identified by prescribed pavement markets and signage which is reserved for the exclusive use of persons with disabilities.

'Accessory' means a use, building or structure subordinate and incidental to and functionally associated with the main use, building or structure located on the same lot therewith, and when applied to buildings or structures, also means a building or structure separate from the main building on the same lot otherwise provided for in this By-law.

'Agricultural Use' means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment; but does not include a Cannabis Production Facility.

'Air Treatment Control' means the functional use of industrial grade multi-stage carbon filtration system, or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it serves as designed by a qualified person. For a Food/Beverage Production Facility all emissions and vapours created shall be wholly contained within the unit or discharged to the municipal sewer.

'Amenity Area' means indoor or outdoor space on a lot that is:

a) ancillary to the main use; and
b) communal and available for use by the occupants of a building on the lot, or the general public, or both, for recreational or social activities.

'Animal Shelter' means a lot and/or building or part thereof used as a public use for the care of lost, stray, abandoned or neglected animals, where animals kept for care are housed entirely within enclosed buildings.

'Automotive Body/Repair Shop' means a lot or building or part thereof where motorized vehicle(s), including but not limited to, automobiles, recreational vehicles, travel trailers and/or boats may be subject to parts or systems replacement, body work or painting, and/or maintenance or mechanical repair. An Automotive Body/Repair Shop may include the accessory sale of automotive products, a gar bas, an automotive washing

establishment, and/or an automotive rental establishment, but shall not include any other vehicle or automotive use otherwise defined in this By-law.

'Automotive Rental Establishment' means a lot or building or part thereof where an office is provided for the public to rent motor vehicles and includes a limited number of vehicles on-site for rent.

'Automotive Sales Establishment' means a lot or building or part thereof where the main use is the display and sale of new or used motorized vehicles, recreational vehicles, travel trailers or boats and may include renting or leasing of motorized vehicles and/or the sale of automotive accessories and related products and/or maintenance or mechanical repair.

~~**'Automotive Service Station'** means a lot or building or part thereof where service, maintenance or mechanical repair essential to the operation of a motor vehicle is provided and may include the accessory sale of automotive products, a gas bar, an automotive washing establishment and an automotive rental establishment. An automotive service station does not include any other vehicle or automotive use otherwise defined in this By-law.~~

'Automotive Washing Establishment' means a lot or building or part thereof used for the washing, cleaning, drying or polishing of motor vehicles by automatic, manual or self-serve washing equipment.

B

'Basement' means any storey below the first storey partly below finished grade level but which has at least 50% of its height from finished floor to finished ceiling above the adjacent finished grade level.

'Bed & Breakfast ~~**House**~~**'** means a home occupation ~~an owner-occupied dwelling,~~ maintained for public overnight accommodation for the travelling public on a temporary basis for monetary gain, but does not include any other establishment otherwise defined or classified herein.

'Boarding or Lodging House' means a lot or building or part thereof in which accommodation for the public is supplied in guest rooms, where means may or may not be provided, and where located in a R1, R2, R3 and R4 Zone, means a private dwelling in which no more than four guest rooms are available to the public for accommodation, but does not include any other use otherwise defined in this By-law.

~~**'Body Piercing Establishment'** means any premise or part thereof where a person(s) body or extremities are pierced for the purposes of inserting decorative jewelry, studs or other similar objects and where the art of piercing and application is performed by a qualified technician as may be defined by the City in its Licensing By-law or other public agency.~~

'Body Rub Parlour' means any premise 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 treatments performed are for the purpose of medical or therapeutic

treatment and are performed or offered by person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

'Body Rub' includes the kneading, manipulating, rubbing, massaging, touching or stimulation, 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.

'Building Area' means the greatest horizontal area of a storey above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centreline of firewalls.

'Building Height' means the vertical distance measured from the average finished grade around the structure, and:

a) in the case of a flat roof, the highest point of the roof surface or exterior wall (other than a required fire wall);
b) in the case of a mansard roof, the ridge;
c) in the case of a gabled, hip, gambrel or one-slope roof, the average level between eaves and ridge, except that a one-slope roof having a slope of less than 20 degrees from the horizontal shall be considered a flat roof for the purposes of this By-law.
d) in the case of a structure not having a roof, the uppermost part of such structure.

Building height shall be exclusive of any accessory roof construction not used for human occupancy but necessary to house required mechanical equipment.

'Building Setback' means the shortest horizontal distance between a lot line and the nearest part of any building or structure on the lot.

'Building' means a fully or partially enclosed structure having a roof supported by walls, columns, piers or other structural systems, but does not include a vehicle.

C

'Cannabis Production Facility' means buildings or structures used for producing, processing, testing, destroying, packaging and/or shipping of cannabis, including edibles, authorized by an issued license (of any license type) or registration by the federal Minister of Health, pursuant to the Cannabis Act, as amended from time to time, or any successors thereto.

'Catering Service' means a use, building or part thereof used for the preparation of ~~meals~~ food or drink in full or in part for consumption at a location other than the premises in which the food or drink ~~meal~~ is prepared.

'Cellar' means any enclosed portion of a building that has more than fifty per cent (50%) of its height, from floor to ceiling, located below adjacent average finished grade.

'City' means The Corporation of the City of Owen Sound.

'Clinic' means a building or part thereof used by duly qualified, licensed or registered medical practitioners and their associated staff and patients or clients and offers services which may include consultation, diagnosis and treatments for medical, dental, chiropractic, therapy, optic or other human health concerns. A clinic may include ancillary offices, waiting and treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include a hospital or other facilities for in-patient care or major surgical procedures.

'Commercial Use' means the use of any lot, building or structure, or portion thereof, for the purpose of buying and/or selling of commodities, the rental of goods and materials, and the supplying of services to the general public, separate from uses associated with the manufacturing, assembly or warehousing of goods.

'Community Centre' means a publicly owned or operated building or structure used for community recreation, social, cultural, educational, gathering or leisure activities which may include offices for the administration of such activities and accessory retail and other concession operations.

'Community Lifestyle Facility' means a lot, building or part thereof used for gatherings, meetings and activities of a civic, educational, political, religious, social, cultural, athletic, amusement or recreational nature but does not include any other commercial use otherwise defined in this By-law

'Contractors Yard' means a lot, building or part thereof wherein vehicles, equipment and/or supplies are parked, stockpiled, stored and maintained for use by a contractor for the construction and/or renovation trades. Facilities for the administration or management of the business as well as minor maintenance and assembly work normally considered to be accessory to the trade are permitted. It does not include the lease, retail, or wholesale sale of construction materials or supplies, or home improvement materials, equipment or supplies.

'Convenience Store' means a retail store where various convenience goods and items of day to day use or necessity are offered for retail sale, and may include accessory convenience services such as dry cleaning depot, laundry depot, photo finishing, automated banking outlet, video/game rentals or postal outlet.

'Council' means the Council of The Corporation of the City of Owen Sound.

'Crisis Residence' means a lot and / or building or part thereof established as a single housekeeping unit used for the short term accommodation of three or more persons exclusive of staff living under supervision, who normally would have a permanent residence elsewhere, who by reasons of their emotional, mental, social, or physical condition or legal status require a temporary living arrangement for their well being. For purposes of this definition, short term shall mean averaging one month or less in time.

D

'Day Nursery' means a premises that receives more than five children 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, where the children are,

i) under eighteen years of age in the case of a day nursery for children with a developmental disability, and

ii) under ten years of age in all other cases,

but does not include,

iii) part of a public school, separate school or private school under the *Education Act*.

'Deck' means a structure abutting a dwelling with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

'Drinking Establishment' means a lot or building or part thereof where the main use is the serving of alcoholic beverages (beer, wine and spirits) to the public in consideration of payment, intended for consumption on the same premises (in the building or on an abutting terrace or patio), licensed and operated in accordance with the provisions of the Liquor License Act S.O. 1990, and may include dancing and entertainment accessory to and in combination therewith.

'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 shall not include a parking aisle.

'Dwelling Unit' means a room or group of rooms designed, occupied or intended to be occupied as a single housekeeping unit, for one or more persons, providing kitchen and sanitary facilities and sleeping accommodations for the exclusive use of the occupants.

'Dwelling, Apartment' means a residential building other than a townhouse dwelling containing three or more dwelling units.

'Dwelling, Cluster Townhouse' means a residential building divided into three or more dwelling units by a common wall which prevent internal access between the attached dwelling units. A cluster townhouse dwelling shall not include a street townhouse dwelling.

'Dwelling, Converted' means:

a detached or attached dwelling originally designed to contain one dwelling unit, the interior of which has been altered to provide one or more additional dwelling units; or

~~i) a building originally designed to contain a non-residential use, the interior of which has been altered to provide one or more dwelling units;~~

provided however that no dwelling or building shall be converted unless the gross floor area within the said dwelling or building which is to be used to

calculate density has been used for a minimum period of 10 years in the manner for which the said dwelling or building was originally constructed.

'Dwelling, Duplex' means a residential building containing two dwelling units, but shall not include a semi-detached dwelling.

'Dwelling, Semi Detached' means one of two attached dwelling units, divided by whole or in part by a common vertical wall, each of which has an independent entrance directly from the outside or through a vestibule. Each dwelling unit shall be designed having access to and frontage on a street.

'Dwelling, Single Detached' means a residential building that is detached and permanent, consisting of one dwelling unit.

'Dwelling, Street Fronting Townhouse' means a townhouse dwelling having access to a street. Each townhouse dwelling unit shall be on a separate lot.

'Dwelling, Townhouse' means a residential building divided vertically into three or more attached dwelling units by common walls which prevent internal access between the attached dwelling units.

'Dwelling' means a building occupied or capable of being occupied exclusively as a home or residence by one or more people, but shall not include hotels, motels, mobile homes, motor homes, caravans, travel trailers, boarding or lodging houses, group homes, group residences, crisis residences, or other institutions licensed or approved under any Act of the Province of Ontario or the Dominion of Canada.

E

'Erect' means to build, construct, re-construct, alter or relocate any building or structure and includes, without limiting the generality of the foregoing:

a) The performance of any preliminary physical operation, such as excavating, grading, filling or draining;
b) The alteration of a building or structure by an addition, enlargement, deletion or extension; or
c) Any work for which a building permit is required under the *Ontario Building Code*, as amended.

'Existing or Existed' means in existence on the date of passing of this By-law.

F

'Financial Institution' means a commercial establishment, which is used primarily for financial business, which may include the receiving, lending, exchanging, investing and/or safeguarding currency, credit and investments such as banks, trust companies, credit unions, finance companies and stockbroker establishments.

'Finished Grade' means, when used in reference to a building or structure, the average elevation of the finished surface of the ground measured from a point 0.305 m (1 ft) out from the base of an exterior wall, support of a building or structure, but exclusive of any artificial embankment.

'Floor Area, 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 exterior face of outside walls, but does not include:

a) 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 lunchroom or staff room, washroom, boiler room, maintenance room, mechanical, electrical or utility room, and any automobile parking facilities provided within the building; and
b) Storage area to which the public cannot or does not have access or which is capable of being used for no other purpose than the storage of goods, fixtures and equipment related to an on-site use.

'Floor Area, Gross' means the sum total of the gross horizontal areas of all floors of all buildings or structures on a lot, measured from the interior faces of the exterior walls or from the centre line of the common wall separating two buildings.

The "floor area, gross" of a building or structure shall also include:

a) Basement or cellar floor area where the ceiling height is 2.1 m (7 ft) or more, unless otherwise specified;
b) Attic space having headroom of 2.1 m (7 ft) or more for at least half the attic floor area, unless otherwise specified;
c) Interior balconies and mezzanines; and
d) Enclosed porches and enclosed verandas.

In the case of a building that contains floor area devoted to non-residential uses the "floor area, gross" shall not include:

a) Elevator shafts and stairwells at each floor;
b) Floor area used for mechanical equipment;
c) Parking structures and enclosed parking areas; and
d) Outdoor garden centres.

Floor area contained within a private garage, breezeway, unenclosed porches or unenclosed verandas decks shall not be included in any 'floor area, gross' calculation.

'Floor Space Index (FSI)' means an index that, when multiplied by the total land area of a lot, indicates the maximum permissible gross floor area for all buildings on the lot, excluding underground or covered parking structures and floor space located in the cellar.

'Food/Beverage Production Facility' means lands, buildings or structures used for the industrial manufacture, processing, packaging, storage and shipping of food and/or beverages for human consumption. This may include, but not be limited to breweries, wineries and distilleries, but shall not include non-human food production, edible cannabis production, or uses otherwise defined or prohibited in this By-law.

'Funeral Home' means a building or part thereof established or maintained for the purpose of providing funeral services limited to the disposition of human remains and includes the care and preparation of human remains and a crematorium.

G

~~**'Gallery'** means a building or part thereof where works of art, such as paintings, sculpture, pottery, glass and weaving, are displayed for public viewing or sale.~~

'Garage' means an accessory building or that part of a main building intended for the storage of a motor vehicle(s) of the owner, tenant or occupant of the lot upon which such garage is located.

'Gas Bar' means a building or place which is used for the sale of automotive fuels containing one or more fuel pumps together with the necessary pump islands, canopy, storage tanks and kiosk.

'Golf Course' means a public or private area operated for the purpose of playing golf and may include accessory uses such as a clubhouse, restaurant, drinking establishment, assembly area, the sale of golf equipment, driving range, miniature courses and similar uses operated for commercial purposes.

'Grocery Store' means a building or part thereof wherein the primary function is the retail sale of food and other household items to the general public and may include a bake shop, meat and butcher services or delicatessen and which operates on a self-serve cash and carry basis, and may include facilities for parcel pickup.

'Gross Vehicle Weight' means the combined weight of vehicle and load.

'Group Home' means a single housekeeping unit in which three to ten people (excluding supervisory staff or the receiving family) live under supervision and who by reasons of their emotional, mental, social, or physical condition or legal status, require a group living arrangement for their well-being. The group home must be licensed or approved under an Act of the Parliament of Canada or the Province of Ontario.

'Group Residence' means a group home in which greater than ten people live under supervision.

H

'Hazard' means the lands which fall within the boundaries of the Hazard Zone (ZH) and represent property or lands that could be unsafe for development due to naturally occurring processes.

'Home Occupation' means a business, occupation, trade or craft conducted for gain or profit within a dwelling unit or an accessory building or structure, which is an accessory use to the principle residential use by a resident therein.

'Hospital' means a hospital as defined by the *Private Hospitals Act* or as defined by the *Public Hospitals Act*.

'Hotel' means an establishment in which the main use is to provide accommodation for the traveling public, with or without restaurant facilities, and may include among its internal functions accessory uses including a banquet hall, meeting rooms, drinking establishments, personal service stores, retail stores and indoor or outdoor recreation and entertainment facilities.

I

'Indirect Sales' means the sale of goods via mail order, telephone, fax, internet, digital platform or website, but shall not include a Retail Store.

'Industrial Mall' means a building or group of buildings which are planned, developed, managed and operated as a unit, and in which each building contains two or more units or spaces for lease or occupancy for industrial uses and other uses permitted in the applicable zone and may include a limited floor area for accessory office.

'Industrial Use' means the use of land, buildings or structures primarily for manufacturing, processing, fabricating, packaging, cleaning, stamping, treating, finishing and assembling of goods or raw materials, warehousing and bulk storage of goods, and the repair and servicing of goods including transportation terminals.

'Industrial Use, Accessory' means a building or structure or portion thereof wherein an Industrial Use is conducted that is subordinate and incidental to and functionally associated with the main use, building or structure located on the same lot therewith.

'Industrial Use, Light' means an industrial use as defined in this By-law that is unlikely to cause injury or damage to property, plant or animal life, cause harm or material discomfort to any person, impair the safety of any person, and / or cause loss of enjoyment or normal use of any residential lot which abuts a lot used for such industrial use.

K

'Kennel' means an duly licensed and privately operated establishment where dogs, cats or other similar domestic animals are housed and may be

groomed, bred, boarded, trained, or sold subject to restrictions in the general provisions of this By-law.

L

'Laboratory' means a building or structure or portion thereof wherein scientific experiments, tests or investigations are conducted and may include the taking and processing of x-rays, or where drugs, chemicals or other substance or article pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for use on the premises.

'Landscaped Open Space' means the area of a lot which is at finished grade, terraced or on a roof defined for such purpose and primarily used or intended to be used for the growth and maintenance of grass, flowers, trees, shrubbery, natural vegetation and indigenous species and other landscaping and includes any buffer strip, and impervious areas such as surfaced walks, surface patios, swimming pools, but shall not include any access driveway, ramp, parking area or loading spaces whether surfaced or not.

'Lane' means a thoroughfare under private or public ownership which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

'Laundromat' means a commercial establishment where the service of laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning and shall include a dry cleaning establishment.

~~**'Light Industrial Use'** means an industrial use as defined in this By-law that is unlikely to cause injury or damage to property, plant or animal life, cause harm or material discomfort to any person, impair the safety of any person, and / or cause loss of enjoyment or normal use of any residential lot which abuts a lot used for such industrial use.~~

'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 vehicle for the purpose of loading or unloading merchandise or materials pertinent to a permitted use, and which has unobstructed access to a road or lane.

'Long Term Care Facility' means a lot and/or building or part thereof providing accommodation primarily for seniors with or without meals where common lounges, recreation rooms and medical care facilities may be provided and shall include a home for the aged or rest home as within the meaning of The Homes For The Aged and Rest Homes Act, and a nursing home within the meaning of the Nursing Homes Act .

'Lot Area' means the total horizontal area within the lot lines of a lot.

'Lot Coverage' means that percentage of the lot area covered by the area of all buildings and structures measured at the ground.

'Lot Depth' means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, lot depth means the length of a straight line joining the middle of the front lot line with the middle

of the rear lot line. When there is no rear lot line, lot depth means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

'Lot Frontage' means the horizontal distance between the side lot lines such distance being measured at the intersection of the minimum front yard setback with the ~~interior~~ side lot line(s).

'Lot Line, Exterior Side' shall mean the side lot line which abuts a street, unopened road allowance or lane.

'Lot Line, Front' means, in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line. In the case of a corner lot where the length of the lot lines abutting a street are equivalent or there are three abutting streets the front lot line shall be deemed to be the lot line where the face of the building intended to be the front is located. In the case of a through lot, only one of the lot lines abutting a street shall be deemed to be the front lot line.

'Lot Line, Interior Side' shall mean a lot line which does not abut a street, unopened road allowance or lane.

'Lot Line, Rear' means the lot line farthest from and opposite to the front lot line.

'Lot Line, Side' means a lot line, other than a front or rear lot line. See also 'Lot Line, Exterior Side' and 'Lot Line, Interior Side'.

'Lot, Corner' means a lot situated at the intersection of two or more streets, provided that the angle of intersection of such streets is not more than one hundred and thirty-five (135) degrees.

'Lot, Interior' means a lot, other than a corner lot.

'Lot, Through' means a lot bounded on two opposite sides by a street.

'Lot' means a single parcel or tract of land that may be conveyed in accordance with the provisions of the Planning Act of the Province of Ontario.

M

'Main' when used to describe a use, a building or a structure, means a use, building or a structure, which constitutes or within which a principal use of the lot is conducted.

'Marina' means a use which provides convenient short-term mooring and boat launch facilities for visiting boaters, rental boat operators and fishing charter operations.

'Mobile Home Lot' means a parcel of land within a mobile home park intended for occupancy by one mobile home.

'Mobile Home Park' means a parcel of land containing two or more mobile home lots together with potential accessory uses for the use of Mobile Home Park residents.

'Mobile Home' means a prefabricated dwelling unit constructed to be towed on its own chassis (notwithstanding that its running gear is or may be removed) to be placed on a foundation and used designed and equipped for occupancy as a dwelling unit.

'Model Home' means a single detached house, semi-detached house or townhouse used temporarily for the purpose of an office and/or show room and/or sale centre to promote the sale of residential units within a draft approved plan of subdivision under the Planning Act or a description under the Condominium Act, 1998 proposed for registration.

'Motor Home' means a self propelled mobile unit capable of providing human occupancy and which shall contain at a minimum a toilet and sink with a holding tank or similar receptacle capable of managing waste water from the toilet and sink and all other appliances that produce waste water, a food preparation area, and sleeping facilities but which does not include barbeques or other external elements normally associated with camping.

'Motor Vehicles, Commercial' means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the street.

'Motor Vehicle' means an automobile, a motorcycle, a motor-assisted bicycled unless otherwise indicated in the Highway Traffic Act, any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine.

'Museums/Galleries' shall mean a building or part thereof ~~an institution that is~~ established for the purpose of acquiring, conserving, studying, interpreting, assembling and/or exhibiting to the public for its instruction, display, and enjoyment, a collection of art and/or artefacts such as paintings, sculptures, pottery, glass, and weaving, and may include retail sales as an accessory use. ~~of cultural, historic or scientific interest and may include retail sales as a secondary use.~~

N

'Noxious Uses' means a trade which is offensive, dangerous or would pose a hazard to the public by reason of emission of odour, smoke, dust, noise, fumes, gas, vibration or refuse matter.

O

'Office' means a building in which one or more persons are employed in the management, direction or conducting of a business, a government institution or non-government organization or where professionally qualified persons and their staff serve clients who seek advice and consultation of a public or private agency, a business, a brokerage, or a labour or fraternal organization.

'Outdoor Patio' means an outdoor area accessory to a restaurant or drinking establishment, which is to be used on a seasonal basis to provide an area for service and consumption.

P

'Park, Public' means a 'public use' as defined herein and established as a park, playground or playfield which may include therein one or more conservation areas, athletic fields, field houses, arenas, community centers, bleachers, stadiums, swimming or wading pools, beaches, picnic grounds and shelters, greenhouses, botanical gardens, children's farms, zoos, bandstands, skating rinks, golf and miniature golf courses, campgrounds, race courses, pavilions, ski courses, ice rinks, tennis courts, bowling greens, marinas, washrooms, curling rinks, refreshment and other concessions accessory thereto, and similar uses.

'Parking, Extended' means an area of a lot upon which overnight parking of motor homes for a period of 24 hours or more may occur as an accessory use.

'Parking Aisle' means a portion of a parking area which abuts, on one or more sides, parking spaces to which it provides access and which is not to be used for the parking of vehicles.

'Parking Area' means an area provided for the parking of motor vehicles and may include aisles, parking spaces and related ingress and egress lanes or a private garage but shall not include any part of a public street.

'Parking Space' means an area exclusive of any aisles or ingress or egress lanes, used for the temporary parking or storage of motor vehicles, and may include a private garage.

'Parking Structure' means a building or structure used for the parking of vehicles and is available to residents, clients, customers or the public with or without a fee being charged and may be above or below finished grade.

'Person' means any human being, association, firm, partnership, incorporated company, corporation, chartered organization, agent or trustee,

and the heirs, executors or other legal representatives of a person to whom the context of this By-law can apply according to law.

'Personal Service Use' means a building or part of a building in which persons are employed in providing services and otherwise administering to the individual and personal needs of persons, and shall include but not be limited to a barber, hairdresser, beautician, aesthetician, tailor, seamstress, ~~dressmaker, shoemaker,~~ tanning salon, photography studio, ~~dry cleaner, depots for collecting dry cleaning and laundry,~~body piercing establishment, tattoo parlour ~~clinics, and service or repair shops.~~ The sale of merchandise shall be permitted only as a secondary use to the personal service provided.

'Place of Worship' means a building including churches, synagogues, mosques, and rectories, owned or occupied by a non-profit religious organization or congregation and which is dedicated exclusively to worship and related social and charitable activities. Related accessory uses may include a hall or auditorium, offices, faith-based school, cemetery, day nursery, convent, monastery, or a dwelling unit for use by the clergyperson(s) and their family.

'Porch' means a covered structure, attached to the exterior of a building with or without steps, consisting of a platform.

'Printing and Publishing Establishments' means a building or part thereof where the principal use is to provide printing and publishing services including lithographing or binding of periodicals or other written material.

'Public Use' means the use of any lot, building or structure or portion thereof by or for the Corporation of the City of Owen Sound, the Corporation of the County of Grey, the Grey Sauble Conservation Authority, the Province of Ontario, or the Dominion of Canada.

R

'Recreational Use' means the use of land for sports, physical play or exercise, and includes public or private parks and facilities.

'Rental Stores, General' means a building or part thereof where residential, industrial, and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, bicycles, home furnishings, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools, and power tools. Rental stores may include as an accessory use the sale of supplies necessary for the operation of said rental equipment.

'Rental Stores, Media' means a building or part thereof where digital media including movies, music and other media forms are kept for rental to the general public. Rental stores may include as an accessory use the sale of supplies necessary for the operation of said rental equipment.

'Repair Stores' means a building or part thereof used for the provision of maintenance or repair services for goods or equipment, excluding an Automotive Body/Repair Shop or any other automotive service/repair uses

otherwise defined in this by-law. ~~motor vehicles, major recreational vehicles, farm of other heavy machinery and equipment.~~

'Residential Use' means the use of any land, building or structure or part thereof where the main use of the building is to be occupied or capable of being occupied exclusively as a home or residence by one or more people and includes dwelling types as defined in this By-law.

'Restaurant, Drive-Thru' means a restaurant where patrons order and purchase their food through an attendant, window or an automated machine from their vehicles in a designated stacking lane.

'Restaurant' means a building or part thereof, either licensed or unlicensed for liquor sales, where food or refreshments are prepared and offered for retail sale to the public for immediate consumption, but shall not included a drive-thru restaurant.

'Retail Store' means a building or part thereof, in which goods, wares, merchandise, substances, or articles are offered or kept for sale at retail, and includes limited storage of such goods, wares, merchandise, substances, articles or things on the premises to service such store but does not include any establishment otherwise defined or classified herein, except for a retail warehouse.

'Retail Warehouse' means a large building operated as a single purpose retail facility serving a regional trade area and storing and displaying products in a warehouse format for retail sale to the public.

S

'School, Commercial' means a school where instruction is given for gain or profit, providing instruction in a specific trade, skill or service but does not include a school as defined in the Education Act or a post secondary institution or other use otherwise defined herein.

'School' means an establishment providing educational services and instructional courses for students under the jurisdiction of a Board as defined in The Education Act, a college or university and may include a day care centre.

'Self Serve Use' means a service use where a business provides the required materials, ingredients, equipment or facility to allow members of the public to prepare an intended product for personal use. A self-serve use includes uses such as brew your own beer or wine, scrapbooking, paint your own pottery and may include accessory retail of materials, ingredients and equipment.

'Sensitive Land Use' means a lot is that is zoned for uses within the Residential, Institutional, or Open Space categories. A sensitive land use receptor is a building or structure that is being used for a dwelling, school, long-term care facility, hospital, day nursery, crisis residence, group home or group residence.

'Service Use' means a use where the purpose of such enterprise is to provide non-personal service or, service to an industry or the public, where such a service is conducted and/or provided off-site at a location in need of such service, and may include maintenance, caretaking, cleaning, security and trades or contractors which provide an installation service and does not include outdoor storage or workshop.

'Setback' means the minimum horizontal distance, measured at a right angle, between a lot line and the nearest part of any building or structure.

'Shopping Centre' means a building or group of buildings containing a group of permitted commercial uses which is planned, designed, and developed as a unit.

'Sight Triangle' means the triangular space formed by two intersecting street lines and a line drawn from a point in one street line to a point in the other street line.

'Storage, Indoor' means the storage of goods, materials, merchandise and equipment inside a wholly enclosed building. ~~or the display and sale of goods and materials.~~

'Storage, Outdoor' means the storage of goods, materials, merchandise and equipment or the display and sale of goods and materials, including vehicles for hire or sale, but does not include raw inputs or waste associated with a Food/Beverage Production Facility or Cannabis Production Facility, outside a building in the open air.

'Storey, First' means the lowest storey of a building completely above average finished grade level.

'Storey' means that portion of a building or structure other than a cellar or attic which is situated between the surface of any floor and the surface of the floor next above it, or any portion thereof and, if there is no floor above it, that portion between the surface of any floor and the ceiling above it.

'Street Line' means the limit of the road allowance and is the dividing line between a lot and a street.

'Street, Private' means a street or lane under the ownership of, and maintained by a private individual or corporation.

'Street' means the road allowance associated with a public thoroughfare, other than a lane, which is maintained by a public authority and which is open and passable during all seasons and provides principal access to abutting lots.

'Structure' means anything that is temporarily or permanently erected, built or constructed of one or more parts joined together.

'Student Residence' means premises owned or operated by or for any public or separate school, private school, post-secondary school or educational facility, consisting of dwelling units or rooms, used for student accommodation.

'Studio' means building or part thereof used for the study or creation of media or, an art form including but not limited to such as music, acting, modeling, painting, sculpting, pottery, stained glass, jewelry, photography, television or radio, dance, marital arts, yoga or pilates, but shall not include the manufacturing or assembly of raw or semi-processed goods.

T

'Tattoo Parlour' means any premise or part thereof where ink, dye or other material are implanted in a hygienic and safe manner in a persons skin in the form of a picture, design, slogan or similar purpose and where the art of applying a tattoo is performed by a qualified applicator as may be defined by the City in its Licensing By-law or other public agency.

'Temporary Building' means a building or structure incidental to and accessory to lawful construction work, intended for removal or demolition within a prescribed time as set out in a building permit.

'Transportation Depot' means a lot, building, structure, or part thereof, used for the dispatch, temporary storage, and maintenance of vehicles including ships, trucks, transports, taxis or buses.

'Travel Trailer' means a recreational vehicle designed to be used exclusively for travel, recreation and vacation and which is capable of being drawn by a passenger vehicles, including tent trailers or similar transportable accommodation, but shall not include a mobile or motor home.

U

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

V

'Vehicle Body/Repair Shop' means a lot or building or part thereof where motorized vehicle(s) , recreational vehicles, travel trailers or boats may be subject to major repairs, parts or systems replacement, body work or painting in addition to maintenance or mechanical repair essential to the operation. A vehicle body shop does not include any other vehicle or automotive use otherwise defined in this By-law.

'Vehicle Sales Establishment' means a lot or building or part thereof where the main use is the display and sale of new or used motorized vehicles, recreational vehicles, travel trailers or boats and may include accessory to the sale, renting or leasing of motorized vehicles and/or the sale of automotive accessories and related products and/or maintenance or mechanical repair essential to the operation of a motor vehicle.

~~**'Vehicle Service Bay'** means a building or part thereof that is part of a Vehicle Body Shop or automotive service station designed to accommodate a single motorized vehicle at a time and supplied with the necessary equipment, machinery and tools to complete service or repair tasks.~~

'Vehicle-for-Hire Service' means the use of a vehicle to provide a service for profit, including goods pick-up/delivery, ridesharing, and ride-hailing but shall not include a Transportation Depot.

'Veterinarian Clinic' means a building or part thereof used by a duly qualified and registered veterinarian(s) and their associated staff and services for the purpose of consultation, diagnosis, treatment of animals, but does not have outdoor kennels and indoor boarding facilities are limited to overnight stays for animal recovery.

W

'Warehouse' means a building or part thereof which is used for the storage and wholesaling of goods or material but not including the storage of goods or materials primarily intended to be offered for sale or rental on site.

'Wholesale Establishment' means a building or part thereof used for the storage and sale of quantities of goods, wares, merchandise and materials for resale or commercial / industrial use.

Y

'Yard, Front' means a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any main building or structure on the lot.

'Yard, Rear' means a yard extending across the full width of the lot between the rear lot line, or where there is no rear lot line the apex of the triangle formed by the side lot lines, and the nearest part of any main building or structure on the lot.

'Yard, Required' means any yard defined in this By-law which must be provided so as to comply with a specified building setback requirement or a specified yard depth / width requirement of this By-law.

'Yard, Side' means a yard, extending from the required front yard to the required rear yard and from the side lot line to the nearest part of the main building or structure on the lot.

'Yard' means a space appurtenant to a building, structure or use, located on the same lot as the building, structure or use, and which space is open, uncovered and unoccupied from the ground to the sky except for such uses as are specifically permitted elsewhere in this By-law.

'Yard Depth, Front' means the minimum horizontal distance between the front lot line and the nearest part of any main building or structure on the lot.

'Yard Depth, Rear' means the minimum horizontal distance between the rear lot line, or where there is no rear lot line, the apex of the triangle formed by the side lot lines, and the nearest part of any main building or structure on the lot.

'Yard Width, Side' means the minimum horizontal distance between the side lot line and the nearest part of any main building or structure on the lot.

'Yard, Exterior Side' means a side yard immediately adjoining a street, unopened road allowance or lane.

'Yard, Interior Side' means a side yard other than an exterior side yard.

SECTION 5
GENERAL PROVISIONS

5.1 USES PERMITTED IN ALL ZONES

5.1.1 Essential Services and Utilities

The provisions of this By-law shall not limit or interfere with the construction and maintenance of streets, roads, curbs, gutters, bridges, sidewalks, steps, accessible access ramps and pedestrian corridors, water and gas pipelines and ancillary appurtenances mains and conduits, sanitary sewer main, storm sewer main, pumping station, water treatment plant, wastewater treatment plant, gas main, pipeline, storm water management facility, public water towers and reservoirs, electrical transmission lines and ancillary appurtenances and stations, telephone and telegraph lines and ancillary appurtenances, traffic control and safety devices, public communication or navigational devices and apparatus, lighting fixtures, transit facilities, erosion control works, dams, storm water control works, or other similar public service facilities on any lands subject to this By-law.

For the purposes of this provision, essential is defined as "that which is deemed necessary to the public interest after all alternatives have been considered". Buildings for essential emergency services shall not be permitted to locate within the Hazard (ZH) Zone such that those services provided by fire, police and ambulance stations and electrical substations would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

Notwithstanding for lands within the ZH zone, the use of any public land as a public park, playground, site for a statue, monument, cenotaph, fountain, or other memorial or ornamental structure shall be permitted subject to the provisions of 5.17.5.

Notwithstanding for lands within the Hazard (ZH) Zone where the Escarpment Natural Area designation of the Niagara Escarpment Plan is in place, only essential transportation and utility features are permitted. The City shall consult with the Niagara Escarpment Commission in such instances.

5.1.2 Temporary Buildings or Structures

Sheds, scaffolds, trailers, or other temporary buildings and structures incidental to and necessary for building construction on the premises and shall be permitted to locate anywhere on a lot, except within a Hazard Zone, for so long as the same is necessary for work in progress which has neither been finished or abandoned. The temporary use will be subject to the retention of a valid Building Permit where required.

5.1.3 Signs and Fences

Except for the provisions of Section 5.12 of this By-law, nothing in this By-law shall prevent the erection of a sign or fence in any zone subject to compliance with any sign by-law or fence by-law of the Corporation of the City of Owen Sound.

5.2 USES PROHIBITED IN ALL ZONES

No person shall use any land, building or structure in any zone:

a) which due to its nature, or the materials used therein, or emissions issuing therefrom, is determined to be a noxious trade, business or manufacturing process;

b) which is likely to create a public nuisance or danger to health or danger from fire or explosion except in accordance with the provisions and regulations under the Gasoline Handling Act; and

c) for any of the following uses, either alone or in conjunction with other uses except as is otherwise specifically provided herein:

i) the boiling of blood, tripe, bones or soaps for commercial purposes;

ii) the manufacturing of glue or fertilizers from dead animals or from human or animal waste;

iii) an abattoir, stockyard, livestock exchange, or dead stock depot;

iv) the extracting of oil from fish or animal matter;

v) any use which causes the emission of corrosive gasses, toxic gasses or radioactive gasses or, into any zone other than an Industrial Zone, or electromagnetic fields, heat, glare, non-agricultural odours, noise, vibrations, dust, dirt, fly ash or smoke 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;

vi) the use any travel trailer, caravan, boat, pick up camper, tent, converted bus, truck or motor home for human occupancy while stored or parked on any lot in any zone or on any street

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vii) an automotive wrecking and related storage yard;

viii) burying or disposal of garbage and refuse except by or for a public authority;

ix) bulk open storage of inflammable or explosive liquids and gasses, coal or other material as a main use on a lot;

x) the keeping or raising of livestock or wild animals in any residential zone unless otherwise permitted.

5.3 NON-CONFORMING USES

This By-law shall not apply to prevent,

a) the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose; or

b) the erection or use for a purpose prohibited by the By-law of any building or structure for which a permit has been issued under Section 8 of the Building Code Act, prior to the day of the passing of the By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under Section 8(10) of the Building Code Act.

5.4 CHANGES TO NON-CONFORMING USES

This By-law may be amended,

a) Where any land, building or structure, on the day this By-law was passed, was lawfully used for a purpose prohibited by this By-law, the Committee of Adjustment for the City of Owen Sound, upon application to the Committee, may permit

   i) the enlargement or extension of the building or structure, provided that the use that was made of the building or structure on the day this By-law was passed, or a use permitted under Sub-clause (ii) of Section 5.4 (a) of this By-law continued until the date of the application to the Committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day this By-law was passed; or

   ii) the use of such land, building or structure for a purpose that, in the opinion of the Committee, is similar to the purpose for which it was used on the day this By-law was passed or is more compatible with the uses permitted by this By-law than the purpose for which it was used on the day this By-law was passed, provided that the use for a purpose prohibited by this By-law or another use or a purpose previously permitted by the Committee of Adjustment continued until the date of the application to the Committee.

5.5 RESTORATION AND REPAIR OF NON-CONFORMING USES

Nothing in this By-law shall prevent the restoration and repair of non-conforming uses where such building or structure is partially or totally destroyed by fire, explosion, collapse, act of God or other accidental cause, provided that:

1) the building or structure is occupied by the same use or a permitted use;

2) such restoration or repair is located on or within the limits of the foundation walls of the building as they existed prior to such destruction or in a location in closer conformity to the intent of the By-law; and

3) the height and floor area of such replacement does not exceed the height and floor area of the building as it existed prior to such destruction.

Nothing in this By-law shall apply to prevent the strengthening or restoration to a safe condition of a lawful non-conforming use, building or structure or part thereof so long as the strengthening or restoration does not increase the height, size, gross floor area or change the use.

5.6 NON-COMPLYING USES & LOTS WITH LESSER AREA OR FRONTAGE ZBA [4]

5.6.1 Non-Complying Uses

In any zone, any use legally existing on the effective date of this By-law which is recognized as a permitted use in the applicable zone shall be deemed to be in conformity with the provisions of this By-law, notwithstanding that building setbacks, required yards, lot coverage, building height, lot area and / or lot frontage, floor area, density, any other applicable site and building regulations and / or parking stall requirement regulations under this By-law may not be met.

Notwithstanding any other provisions of this By-law, where the foregoing applies, a change of use to any other use permitted within the applicable zone shall be permitted unless any of the site, building or parking requirements for the new use exceed the corresponding requirements for the former use, to which the new use shall comply prior to being permitted, unless otherwise permitted by this By-law.

Any addition to, expansion or re-development of any non-complying use shall conform to all applicable yard, setback, lot coverage, building height, floor area, density and parking stall requirement regulations, unless otherwise permitted by this By-law.

5.6.2 Existing Lots With Lesser Area Or Frontage

In any Zone where any existing lot of record has lesser lot area and/or lesser lot frontage than is otherwise required by this By-law, such a lot shall be deemed to conform to the requirements of this By-law with respect to the lot area and/or lot frontage, and the provisions of this By-law respecting lot area and lot frontage shall not apply to prevent a permitted use, building or structure provided that:

1) The lot can be serviced to the satisfaction of the City.

2) The lot provides a minimum lot frontage on an improved street of:

   a) 4.0 m in the R1, R2, R3, R4, A, or RUR Zones;

   b) 4.0 m for any Single Detached Dwelling, Semi Detached Dwelling, Duplex Dwelling, Townhouse Dwelling, or Converted Dwelling in the R5 or MR Zones;

c) 7.5 m for all other permitted uses in the R5 or MR Zones;

d) 7.5 m in the C1, C2, C3, C4, C5, MC, M1, M2, MU, or I Zones;

e) 3.0 m in the ZH or OS Zones.

3) All other site and building regulations and other provisions of this By-law are met.

5.7 OPEN AND OUTDOOR DISPLAY

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In any Commercial or Industrial zone, the open and outdoor display of goods, accessory to the main use, for sale or hire shall be permitted in accordance with the following provisions:

1) Shall not cover more than 40% of the lot area.

2) Shall not be located within a required front yard.

3) Shall not obstruct or occupy any required parking area.

4) Area to be constructed of a stable surface and treated to prevent erosion and the raising of dust and loose particles.

5) Area to be graded and drained so as to prevent the pooling of surface water or the flow of surface water onto adjacent lots.

In the Rural, Agricultural, Commercial and Industrial zones, the outdoor storage of goods, materials, and equipment, accessory to the main use, shall be permitted in accordance with the following provisions:

1) Located to the rear of the front wall of the main building, but not in a required side yard nor a required rear yard.

2) Not cover more than 40% of the lot area.

3) Shall be visually screened from the street and any abutting land zoned or used for residential or institutional purposes by a buffer strip in accordance with Section 5.23

5.8 PERMITTED YARD ENCROACHMENTS

Required yards shall not be obstructed in any manner, except in accordance with Table 5.8.1. For purposes of Section 5.8 of this By-law, a required yard shall be deemed to include any yard existing on the effective date of this By-law which is less than the required yard.

Table 5.8.1 – Permitted Yard Projections

Structure	Required yard	Maximum projection into the required yard	Minimum setback from lot line
Cold room or other underground utility area	Front yard and exterior side yard	3 m	No setback requirement

Structure	Required yard	Maximum projection into the required yard	Minimum setback from lot line
Fire escapes	Front yard and exterior side yard	Not permitted	Not permitted
	Side yard	1.2 m	0.8 m
	Rear yard	1.5 m	No setback requirement
Central residential air conditions, heat pumps, and other similar mechanical equipment	Front yard and exterior side yard	1.2 m	No setback requirement
	Side yard	1.2 m	
	Rear yard	No maximum	
Architectural features (windowsills, bay windows, chimneys, cornices, eaves)	All yards	1.0 m	No setback requirement
Canopies and awnings	All yards	1.8 m	0.5 m
Railway lines	All yards of a lot within the M1, M2, or MU Zone	No maximum	No setback requirement
Barrier free access ramp	All yards	No maximum	No setback requirement
Porch or Deck greater than 0.75 m above finished grade	Front yard	3.0 m	1.5 m
	Rear yard	3.0 m	1.5 m
	Interior side yard	1.0 m	0.9 m
	Exterior side yard	1.0 m	1.5 m
Porch or Deck less than 0.75 m above finished grade	Front yard	3.0 m	1.5 m
	Rear yard	No maximum	0.9 m
	Interior side yard	No maximum	0.9 m
	Exterior side yard	1.0 m	1.5 m

In addition to the provisions required by Table 5.8.1, the following regulations shall apply to permitted yard encroachments:

a) A porch or deck that is 0.75 m or less above grade shall not be subject to lot coverage regulations.

b) A porch or deck accessory to a semi-detached or townhouse dwelling may be setback 0.0 m from a side yard where there is a common party wall and if a common privacy fence at least 1.5 m in height is provided from the common party wall to the edge of the deck or porch.~~.~~

c) A canopy or awning located in the C1 Zone may be located within 0 m of a lot line but shall not cross over any lot line.

~~**5.8.1 Architectural Features**~~

~~For any building to which setback regulations apply, window sills, chimneys, cornices, eaves, and similar architectural features may project a maximum of 1.0 m into any required yard, but the said features shall not project to within less than .45 m of any lot line.~~

~~**5.8.2 Fire Escapes**~~

~~No person shall erect any open fire escape in any front yard, but one or more open fire escapes may be erected in any required side or rear yard a distance of not more than 1.5 m.~~

~~**5.8.3 Porches and Decks**~~

~~(i) For single-detached, semi-detached, duplex, converted, row and multiple dwellings, a porch or deck may project into a required front yard and required rear yard a maximum of 3.0 m and into a required side yard a maximum of 1.0 m, but where projecting into a required yard, no porch or deck shall project to within less than 1.5 m of a front lot line or a rear lot line, 1.5 m of an exterior side lot line, or .9 m of an interior side lot line, but a deck of .75 m or less above finished grade may project into any required rear yard provided the said deck is set back minimum 0.9 m from the rear lot line and .9 m from a side lot line where there is a required side yard, and a deck 0.75 m or less above-grade shall not be subject to lot coverage regulations.~~

~~(ii) For single-detached, semi-detached, duplex, row and converted dwellings, a porch or deck that projects into a required yard may project to within 0.9 m of an interior lot where there is no attached garage or carport, provided such a structure is setback a minimum of 14.0 m from the front lot line or a minimum of 6.5 m from the front wall of the main building on the lot, whichever is greater.~~

~~**5.8.4 Railway Lines**~~

~~Railway lines and accessory safety, signaling and operating structures shall be permitted in any yard of a lot in a M1, M2, or MU Zone.~~

~~**5.8.5 Barrier Free Access**~~

~~Any form of barrier free access in accordance with the regulations contained in the Accessibility for Ontarians with Disabilities Act, may project into any required yard provided such access does not cross over any lot line.~~

5.9 ACCESSORY BUILDINGS AND STRUCTURES

Buildings and structures accessory to a permitted residential use or non-residential use are permitted, subject to the following regulations:

a) Accessory buildings or structures shall be located on the same lot as the main building to which they are accessory.
b) Any building or structure which is attached to the main building shall not be considered accessory for the purposes of this By-law.
c) Accessory buildings and structures shall be subject to the requirements of Table 5.9.
d) Notwithstanding the requirements of Table 5.9, in an Industrial Zone, a gatehouse shall be permitted in a front yard provided the minimum front yard setback as required by the applicable zone is met.
e) Swimming pools and accessory buildings and structures thereto shall be subject to the requirements of Table 5.9 except that lot coverage regulations shall not apply to outdoor swimming pools.

Table 5.9 – Requirements for Accessory Buildings or Structures

	Residential Uses	**Non-Residential Uses**
Maximum Lot Coverage of Accessory Building(s) or Structures	12%	12%
Maximum Overall Lot Coverage	As required by the applicable zone.	As required by the applicable zone.
Minimum Front Yard Setback	No accessory building or structure shall be located in a front yard except in accordance with Sec. 5.9 (d) and (f).	
Minimum Rear Yard Setback	0.9 m	As required by the applicable zone.
Minimum Interior Side Yard Setback	0.9 m	As required by the applicable zone.
Minimum Exterior Side Yard Setback	3.0 m	As required by the applicable zone.
Maximum Height	5.0 m	As required by the applicable zone.

~~**5.8.6 Non-Residential Uses**~~

~~(a) Unless otherwise provided for in this By-law, no person shall erect any accessory building or structure to a non-residential use in any required yard of any non-residential use; however, where building setback regulations apply, any parking structure whether attached or detached to the main building located totally below grade (with the exception of entrances thereto) may be erected to within 0.5 m of any lot line, and such structure shall not be subject to lot coverage regulations. Any garbage enclosure may be erected to within 0.5 m of any lot line, and such structure shall not be subject to lot coverage regulations.~~

~~(b) No person shall erect any accessory building or structure to a non-residential use that exceeds 5.0 m in height, except in Commercial, Industrial and Institutional Zones where the maximum height of such accessory buildings and structures shall be the same as the maximum building height in the applicable zone, except as may otherwise be provided for in this By-law. Notwithstanding, an accessory building or~~

structure in Agricultural and Rural Zones shall be the same as the maximum building height in the applicable zone.

(c) Notwithstanding the yard and setback provisions of this By-law to the contrary, in an Industrial Zone, a gatehouse shall be permitted in a front or side yard.

(d) Accessory uses within an Industrial Mall are limited to 25% of the gross floor area.

5.8.7 Residential Use

No person shall erect any accessory building or structure to a residential use except in accordance with the following provisions:

(a) General

(i) Unless otherwise provided for in this By-law, accessory buildings and structures to residential uses shall have a maximum height of 5.0 m and all accessory buildings or structure to residential uses on a lot shall not cumulatively exceed 12% lot coverage.

(ii) Swimming pools and accessory buildings and structures thereto, and satellite dishes shall be considered accessory structures for purposes of this By-law and shall be subject to all setback, height and other requirements as would be applicable to accessory buildings and structures, except however that lot coverage regulations shall not apply to outdoor swimming pools and satellite dishes.

(iii) Any attached or detached parking structure accessory to a multiple dwelling which is located totally below grade (with the exception of entrances thereto) may be erected to within 0.5 m of any lot line and such structure shall not be subject to lot coverage regulations.

(b) Front Yard

No accessory building or structure shall be erected in any front yard for any residential use, except however for apartment dwellings over 8 residential units where accessory buildings and structures may be erected in that portion of a front yard which lies outside of a required front yard and provided such accessory building or structure is setback from an interior side lot line a minimum of 0.9 metres and from an exterior side lot line a minimum of 3.0 metres. ZBA [4]

(c) Rear Yard

Accessory buildings or structures to residential uses may be erected in any rear yard of a residential use provided such accessory building or structure is setback from the rear lot line and an interior side lot line a minimum of 0.9 metres and from an exterior side lot line a minimum of 3.0 metres.

(d) Side Yard

(i) For apartment dwellings, where any side yard width is greater than the required side yard width, an accessory building or structure

~~may be erected in that part of the side yard which lies outside of the required side yard.~~

~~(ii) (a) For single-detached, semi-detached, duplex, townhouse and converted dwellings, a garage or carport may be erected in any side yard except however a required exterior side yard provided such accessory building is set back a minimum of 0.9m from the side lot line and the minimum front yard depth as is required for the main use on the same lot by this By-law is provided.~~

~~(b) For single-detached, semi-detached, duplex, townhouse and converted dwellings, where there is no garage or carport constructed on a lot, accessory buildings and structures other than a garage or carport may be erected in any side yard which does not constitute a required side yard provided the minimum front yard depth as is required for the main use on the same lot by this By-law is provided , and accessory buildings and structures other than garages and carports may be erected in a required side yard except however a required exterior yard provided such accessory building or structure is set back a minimum of 6.5m from the front face of the main building, or 14.0m from the front lot line, whichever is the greater, and is set back a minimum of 0.9m from the side lot line.~~

~~(c) For single-detached, semi-detached, duplex, converted and townhouse dwellings, where there is a garage or carport constructed on a lot, accessory buildings and structures may be erected in any side yard except however a required exterior side yard provided such accessory buildings or structures are set back minimum 0.9m from the side lot line and the minimum front yard depth as is required for the main use of the same lot by this By-law is provided.~~

~~5.8.8 Rural Zone~~

~~No person shall erect any accessory building or structure in the Rural (RUR) zone except in accordance with Section 5.8.1 Non-Residential Use with the exception of any accessory buildings and structures shall be setback a minimum of 3.0m from the side and rear lot lines and shall not be located in any front yard.~~

~~5.9~~5.10 OUTDOOR PATIOS

No person shall establish an outdoor patio as defined in Section 4 of this By-law accessory to a dining establishment except in accordance with the following requirements:

(a) Where the zone boundary between any residential zone and lands intended to contain an outdoor patio is within a public street, an outdoor patio shall be permitted to the rear of the main building a minimum of 50.0 metres from the said residential zone boundary subject to the following provisions:

(i) no live music shall be permitted on the outdoor patio between the hours of 11:00 pm and 9:00 am

(ii) where there is a multiple dwelling, lodge care facility, home for the aged within a Commercial Zone the minimum setback from an outdoor patio shall be 50.0 metres minimum from the lot line containing the said use;

(iii) no outdoor patio shall be located above the first storey of the main building;

(iv) no outdoor patio shall exceed 25% maximum of the gross floor area of the associated main use;

(v) an outdoor patio permitted under this By-law, other than one subject of an agreement under Section 5.10(b)(ii), shall be bounded by a fence a minimum of 1.2 metres in height;

(vi) no outdoor patio is permitted accessory to a drinking establishment or place of entertainment or amusement.

(b) Where the zone boundary between any residential zone and lands intended to contain an outdoor patio is to the rear of the main building, an outdoor patio shall be permitted in front of the main building a minimum of 50.0 metres from the said residential zone boundary subject to the following provisions:

(i) The provisions of Section 5.10 shall apply to the location of an outdoor patio;

(ii) An agreement has been executed with the City permitting the use of any part of the municipal road allowance for an outdoor patio.

~~5.10 DWELLING UNITS BELOW GRADE~~

~~A dwelling unit, in its entirety, may be located in a basement, but no person shall locate more than 50% of the floor area of any dwelling unit in a cellar.~~

5.11 STREET WIDENING, FRONTAGE, SIGHT TRIANGLE AND SPECIAL YARD REQUIREMENTS

5.11.1 Street Widening

Where any lot is legally used, or where any lot and /or building or structure is proposed to be used for any use permitted in the applicable zone and would meet this By-law's requirements for such use, and where the City obtains or has obtained a road widening which places the lot or building or structure in conflict with the requirements of this By-law, such lot and / or building or structure shall be deemed to meet the provisions of, and be in conformity with this By-law, notwithstanding that certain By-law regulations may not be met.

5.11.2 Street Frontage

(a) No person shall erect any building or structure or establish a use on any lot in any Zone for which a minimum lot frontage is required unless the lot abuts an improved street; this provision shall not apply to individual units in condominium developments.

(b) Where this By-law does not require a minimum lot frontage within the applicable zone, no person shall use any lot, which does not have a minimum of 3.0 m frontage on an improved street.

5.11.3 Sight Triangle

On a corner lot in any zone, except however Core Commercial (C1) Zones, no person shall erect or permit any building or structure, parking area or parked vehicles, fence or hedge in excess of 0.6 m in height, sign or other obstruction which may have the effect of impeding visibility of a motorist, closer to the front and exterior side lot lines so that any portion of the said obstruction extends beyond a line connecting two points equidistant 5.0 m along each lot line from the point of intersection of the said lot lines, such triangular area to be called a sight triangle. Where the point of intersection of the said streets constitutes an arc, the point of intersection shall be determined in accordance with the definition of "lot corner". The provisions of this section shall also apply to land which abuts one or more unopened public streets.

5.12.4 Special Yard Requirements

Where any interior lot is proposed to be used for a Single Detached Dwelling or Semi-Detached Dwelling and such lot is located between two lots which have thereon dwellings which are located less than the minimum front yard depth as is required by this By-law for the applicable zone, such proposed dwelling unit may be located with a front yard depth the same as of greater than the dwelling on one of the abutting lots having the greater front yard depth, but in no case shall a dwelling be located closer than 3.0 m to a front lot line, and in no case shall this section be applied to require a front yard depth greater than that otherwise required by this By-law.

5.12 MUNICIPAL SERVICES REQUIRED

No person shall erect for human use or habitation a main building in any Zone unless such lot is served by a municipal water supply and sanitary sewage system or is specifically permitted by the City in Rural or Agricultural Zones. Private water supply and sanitary sewage systems, where permitted by the City in Rural or Agricultural Zones, shall be in accordance with the requirements of the Environmental Protection Act and any other Acts having jurisdiction.

5.13 ONE OR MORE PERMITTED USES

Unless otherwise provided in this By-law, where more than one use is permitted on a lot in a zone, the lot may be used and buildings and structures erected and used thereon for one or more of the uses permitted in the said zone, provided the requirements of this By-law are satisfied for each such use.

With the exception of apartment and townhouse dwellings as defined in this By-law, and where otherwise specified in this By-law, not more than one residential building shall be erected on any lot.

5.14 THROUGH LOTS

Whether a through lot is a corner lot or an interior lot, notwithstanding that one street line (except the exterior side lot line on a corner lot) is considered a rear lot line, the minimum front yard depth or minimum building setback from a front lot line applicable to the zone in which the lot is situated for the permitted use shall apply on each street or road allowance.

5.15 LOTS AFFECTED BY HAZARD ZONE

Where any lot is zoned in part in a Hazard Zone, no person shall erect any building or structure within the area which is zoned Hazard Zone, except as otherwise permitted in the Hazard Zone, but the lands zoned Hazard may be used in the calculation of lot area, lot frontage, required yards, setbacks, density, and lot coverage as is necessary for the development occurring on the portion of the lot not zoned Hazard.

5.16 USE SPECIFIC REGULATIONS

5.16.1 Automotive Service Stations

Where permitted by this By-law, an Automotive Service Station shall be subject to the provisions as set out in the following table.

<table>
<tr><th colspan="3">Regulations</th></tr>
<tr><td>a</td><td>Minimum Lot Frontage</td><td>30 m</td></tr>
<tr><td>b</td><td>Minimum Lot Area</td><td>1,200 m²</td></tr>
<tr><td>c</td><td>Minimum Front Yard Setback</td><td>10.0 m</td></tr>
<tr><td>d</td><td>Minimum Rear Yard Setback</td><td rowspan="3">3.0 m except where a yard abuts a Residential Zone the minimum building setback from the common lot line shall be 5.0m</td></tr>
<tr><td>e</td><td>Minimum Interior Side Yard Setback</td></tr>
<tr><td>f</td><td>Minimum Exterior Side Yard Setback</td></tr>
<tr><td>g</td><td>Maximum Building Height</td><td>10.0 m</td></tr>
<tr><td>h</td><td>Minimum Setback for Gas Pump Islands</td><td>5.0 m from any lot line</td></tr>
<tr><td>i</td><td>Minimum Setback for Canopies</td><td>2.0 m from any lot line</td></tr>
</table>

5.16.2 Mobile Homes

Notwithstanding any provisions of this By-law to the contrary, a mobile home which has minimum dimensions of 6.5 m (length and width) with a minimum gross floor area of 100.0 m^2 and which is to be erected on a foundation with, a basement or cellar a minimum 2.0 m in height and a minimum 60.0 m^2

floor area, shall be considered a single detached dwelling in all zones where single detached dwellings are permitted.

~~**5.16.3 Group Homes**~~

~~Group Homes shall be permitted in Residential Zones, Core Commercial (C1) Zone, Mixed Use Commercial Zone (MC) and Institutional (I) Zone, provided the building in which the group home will operate is detached from other buildings on other lots, and provided no group home is located within 200 metres of any other group home within any Zone.~~

~~All site and building regulations applicable to a Group Home shall be the same as apply to a single detached dwelling in the Residential (R4) Zone, but any lot or building which may be used legally for a single detached dwelling may be used for a group home.~~

~~For the purposes of this By-law, a Group Home does not include a Student Residence, Correctional Group Home or a Crisis Residence.~~

~~5.16.4~~5.16.3 Place of Worship

Where permitted by this By-law, a place of worship shall be subject to the provisions of the Institutional (I) Zone, unless located in the Core Commercial (C1) Zone, in which case the C1 zone regulations for Commercial Uses shall apply.

~~5.16.5~~5.16.4 Public Park

Where permitted by this By-law, a public park shall be subject to the provisions of the Open Space (OS) Zone. In addition to the provisions of the OS Zone provided under Section 10.2 of this by-law, Public Parks shall have a minimum lot frontage of 12.0 m. For lands within the Hazard Zone (ZH), a public park shall only be used for conservation and non-intensive recreation uses such as nature viewing and non-motorized trail activities and shall not include any buildings or structures.

~~5.16.6~~5.16.5 Kennel

Where permitted by this By-law, a kennel shall be subject to the provisions of the applicable zone in addition to the following additional provisions:

a) Any outdoor run, pen or similar holding area for dogs, cats or other domesticated animals must be fully enclosed by fencing; and

b) Shall be located a minimum of 200 meters from any lot line.

~~**5.16.7 Body Piercing and Tattoo Parlours**~~

~~Where permitted by this By-law, a body piercing establishment or tattoo parlour shall be subject to the provisions of the applicable zone in addition to the following additional setbacks:~~

~~a) 100 metres minimum from any drinking establishment or adult entertainment facility~~

~~b) 200 metres minimum from an institutional use including a school, daycare or place of worship~~

~~c) 200 metres minimum from a residential zone~~

~~d) 200 metres minimum from another body piercing establishment or tattoo parlour~~

~~5.16.8~~5.16.6 Body Rub Parlour

Where permitted by this By-law, a body rub parlour shall be subject to the provisions of the applicable zone in addition to the following additional setbacks:

a) 100 metres from any drinking establishment or adult entertainment facility

b) 800 metres from an institutional use including a school, daycare or place of worship

c) 500 metres from a residential zone

d) 500 metres from another body rub parlour

~~5.16.9~~5.16.7 Home Occupations

One or more home occupations are permitted within a dwelling unit, subject to the following provisions: ~~A home occupation shall be permitted as an accessory use to any residential use, in accordance with the following:~~

a) No home occupation shall result in a change to the residential character of the building in which it is located. ~~The home occupation shall be conducted secondarily to the main use of the lot or building, or part thereof, which is residential, and shall not change the residential character of the dwelling unit;~~

b) Only 1 non-resident employee, partner, or associate of a home occupation is permitted per dwelling unit, regardless of the number of home occupations in the dwelling unit. ~~The home occupation shall be operated solely by the occupants of the dwelling unit. A single employee who does not permanently reside within the same dwelling unit containing the home occupation shall only be permitted for uses identified in subsection (l.1) below;~~

c) The home occupation shall not create or become a nuisance in regard to noise, odours, vibrations, traffic generated or parking;

d) The home occupation shall not create or become a fire, health or building hazard;

e) There shall be no outdoor display, sales or outdoor storage area in conjunction with a home occupation. ~~There shall be no open storage or materials or goods in support of the home occupation;~~

~~e)~~f) T~~t~~here shall be no external display or advertising or the home occupation except in accordance with the City of Owen Sound Sign Bylaw;

g) There shall be no more than one vehicle, which is either commercially licensed or otherwise used in conjunction with the home occupation, permitted on the premises; subject to the provision of Section 5.17.8 Commercial Motor Vehicles.~~.~~

~~f)~~h) The home occupation shall not involve the shipping or receiving of goods or materials by commercial vehicles other than automobiles or delivery vans used by courier services.

~~g)~~i) ~~In Residential Zones, the~~ The gross floor area (GFA) occupied by one or more home occupations including any~~its~~ accessory buildings and structures, shall not occupy exclusively more than ~~25.0m^2 of the gross floor area of the dwelling unit or,~~ 25% ~~of the gross floor area~~ of the dwelling unit to a maximum of 40.0 m^2, whichever is the greater.

~~h) A home occupation shall not occupy exclusively more than 50% of the gross floor area of any dwelling unit located in a commercial zone.~~

~~i)~~j) There shall be no more than 4 cubic metres of storage of materials of a non toxic or non hazardous nature and such storage shall be wholly within the portion of the building containing the home occupation.

~~j) Notwithstanding any statement in this By-law to the contrary, two home occupations otherwise permitted by this definition may be permitted within one dwelling unit provided the two home occupations cumulatively do not exceed the gross floor area requirements for home occupations as set out in this definition;~~

k) Regardless of the number of home occupations, a maximum of 3 clients may be present on the property at any given time.

l) An additional parking stall is provided for the home occupation in addition to those required by the By-law for other permitted uses on the property. Notwithstanding, if there is no parking requirement for the main use as determined Section 5.18 of this By-law then no additional parking is required.

5.17.9.X Restricted Home Occupation Uses

a) No manufacturing activity involving the processing of raw or semi-processed materials shall be carried out in conjunction with a home occupation except for the fabrication of handmade goods or crafts associated with a studio, home catering service, or home sewing establishment. The assembly of fully processed goods is permitted.

b) Retail sales are not permitted as a home occupation. Indirect sales shall be limited to items that are prepared within the area associated with the home occupation or which are accessory to the home occupation.

c) A repair service shall be limited to the repair of personal effects and small household appliances such as electronic equipment. The repair of household appliances and equipment that have oil and grease-filled transmissions such as lawn care equipment, other power equipment, major appliances and vehicles is not permitted.

d) A Vehicle-for-Hire Service is permitted as a home occupation subject to the provision of Section 5.17.9 but shall not include a transportation depot or taxi dispatch office.

e) The grooming of dogs, cats, or other household pets is permitted as a home occupation provided all pens and holding areas for pets are within completely enclosed buildings and there is no overnight accommodation of such pets.

5.17.9.X Regulations for Bed and Breakfast Establishments

a) in addition to the home occupation regulations in Section 5.17.9, every bed and breakfast establishment shall be developed in accordance with the regulations for the zone in which the bed and breakfast establishment is located.

b) Despite Section 5.17.9 (X), a bed and breakfast is not limited to a gross floor area of 25% of the dwelling unit, to a maximum of 40m^2.

c) Despite Section 5.17.9 (X) a bed and breakfast is not limited to 3 clients at one time.

d) Despite Section 5.17.9 (X), parking for the bed and breakfast shall be provided in accordance with Section 5.18 of this By-law.

5.17.9.X Regulations for Private Home Daycares

a) Despite Section 5.17.9 (X), a private home day care is not limited to a gross floor area of 25% of the dwelling unit, to a maximum of 40m^2.

b) Despite Section 5.17.9 (X), a private home day care may serve a maximum of 5 children on the property at any one time.

~~k) Uses that may be considered as a home occupation include:~~

~~1. an office for an architect, stenographer, lawyer, medical practitioner, engineer, businessperson or other professional person or agent, service use, hawker, pedlar, door-to-door or other sales representative, skilled tradesworker such as a house builder, painter, electrician or plumber;~~

~~2. the instruction of music, art or academic subjects provided facilities are limited to serve a maximum of three students at one time;~~

~~3. a studio;~~

~~4. a private home day care;~~

~~5. a hair, barber, beauty, aesthetics, tailor, dressmaker, or shoemaker establishment containing no more than one chair and one operator;~~

~~6. a home catering service which is limited to the preparation of meals in full or in part for consumption at a location other than the premises in which said food is prepared;~~

~~7. grooming of dogs, cats or other household pets provided all pens and holding areas for pets are within completely enclosed buildings and there is no overnight accommodation of such pets; and~~

~~8. any other use which conforms to the above criteria and which is approved by the Owen Sound Committee of Adjustment.~~

~~Notwithstanding any of the home occupation uses listed above, retail sales and taxi dispatch office shall be prohibited.~~

~~5.16.10 Boarding or Lodging Houses~~

~~Where permitted in this By-law, a Boarding or Lodging House shall be subject to the provisions of the Single Residential (R1) Zone.~~

~~Notwithstanding anything else in this By-law, only one Boarding or Lodging House shall be permitted on a lot. No building or part thereof shall be used for a Boarding or Lodging House on a lot that is situated within 250 metres of another lot on which a Boarding or Lodging House is located, such minimum distance to be measured from the closest point of the lot lines associated with each lot.~~

~~5.16.11~~5.16.8 Cannabis Production Facility

ZBA [25]

Where permitted in this By-law, a Cannabis Production Facility shall be subject to the provisions of the applicable zone. The following separation distances and regulations shall also apply:

a) A Cannabis Production Facility shall not be permitted as an Accessory Industrial Use.

b) All components of a Cannabis Production Facility, including required loading spaces, shall be located in a wholly enclosed building. No open display or outdoor storage shall be permitted.

c) A Cannabis Production Facility shall not be located within a greenhouse structure.

d) No retail sales may be permitted in conjunction with a Cannabis Production Facility.

e) A Cannabis Production Facility shall be equipped with air treatment control and shall meet the following separation distances:

   i. The facility building shall be setback from a sensitive land use zone boundary a minimum of 70 m.

   ii. The facility building shall be setback from a non-conforming sensitive land use receptor a minimum of 70 m.

f) Notwithstanding the separation distance outlined in Sec. 5.17.11 (e), the following provisions shall apply:

   i. Warehousing of packaged goods associated with a Cannabis Production Facility is not subject to a separation distance from sensitive land uses.

   ii. The required separation distance shall not be deemed to apply to a dwelling unit where permitted in an Industrial Zone for a custodian or maintenance employee.

~~5.16.12~~5.16.9 Food/Beverage Production Facility

ZBA [25]

Where permitted in this By-law, a Food/Beverage Production Facility shall be subject to the provisions of the applicable zone. The following setbacks and regulations shall also apply.

a) No open display or outdoor storage shall be permitted in conjunction with a Food/Beverage Production Facility.

b) A Food/Beverage Production Facility shall be equipped with air treatment control and shall meet the following separation distances:

i. The facility building shall be setback from a sensitive land use zone boundary a minimum of 70 m.

ii. The facility building shall be setback from a non-conforming sensitive land use receptor a minimum of 70 m.

c) Notwithstanding the separation distance outlined in Sec. 5.17.12 (b), the following provisions shall apply:

i. Warehousing for packaged goods associated with a Food/Beverage Production Facility is not subject to the separation distance from sensitive land uses.

ii. The required separation distance shall not be deemed to apply to a dwelling unit where permitted in an Industrial Zone for a custodian or maintenance employee.

~~5.16.13~~5.16.10 Accessory Industrial Uses

ZBA [25]

Where permitted in this By-law, an Accessory Industrial Use shall be subject to the provisions of the applicable zone. The following regulations shall also apply.

a) Accessory Industrial Uses shall be conducted directly in conjunction with a primary use permitted in the subject zone.

b) Uses that may be considered as Accessory Industrial Uses are:

i. Industrial Uses, Light

ii. Food/Beverage Production Facilities

iii. Monument Sales

iv. Any other similar use that is approved by the Owen Sound Committee of Adjustment

c) An Accessory Industrial Use shall encompass no more than 50 percent gross floor area to a maximum of 100 m^2 of the cumulative gross floor area dedicated to the primary permitted use and the Accessory Industrial Use.

d) Where permitted as an Accessory Industrial Use and notwithstanding Sec. 5.17.12, an accessory Food/Beverage Production Facility:

i. Shall not be subject to any separation distances from a sensitive land use; and

ii. Shall be equipped with air treatment control.

e) The Accessory Industrial Use shall not create or become a nuisance in regard to noise, odour, vibration, traffic generated or parking/loading.

f) The Accessory Industrial Use shall not create or become a fire, health or building hazard.

g) There shall be no outdoor storage of materials or goods associated with the Accessory Industrial Use.

5.17 GENERAL PARKING REGULATIONS

5.17.1 Provision of Parking Stalls

No person shall erect or enlarge any building or structure or establish or change a use unless parking stalls required by this By-law are provided, unless the requirement to provide such parking is reduced or eliminated through an agreement between the Corporation of the City of Owen Sound and the owner of any lot as provided for in the Planning Act.

5.17.2 Off-Street Parking Requirements for all Zones, excluding C1 Zone

Except as may otherwise be provided for, the minimum number of parking stalls for motor vehicles must be provided as set out in the following table:

Land Use Category	Use	Number of Vehicle Parking stalls Required
Residential Uses	Single detached dwelling, duplex dwelling, semi-detached dwelling, converted dwelling, and street fronting townhouse dwelling	1 space per dwelling unit
	Apartment dwelling and cluster townhouse dwelling	1.25 spaces per dwelling unit
	Residential dwelling units in a portion of non-residential building	1 space per dwelling unit
	Bed and breakfast house and boarding or lodging house	1 space plus 1 space per suite
Commercial Uses	Commercial school, financial institution, Laundromat, personal service use, retail store, service shop, studio	1 space per 25 m^2 of gross floor area or 4 spaces, whichever total is greater
	Restaurant, Drive-thru Restaurant	1 space per 9 m^2 of gross floor area, plus 1 space for each 7.5 m^2 of patio or deck area used for dining or drinking

Land Use Category	Use	Number of Vehicle Parking stalls Required
	Funeral home	1 space for each 15 m^2 of gross floor area
	Shopping Centre (Neighbourhood or otherwise)	1 space for each 15.0 m^2 of gross floor area up to 300. 0 m^2, and 1 space for each 20.0 m^2 of gross floor area thereafter; or 10 spaces, whichever is the greater
	Hotel	1.2 spaces per guest room
	Marina	0.5 space for each water craft slip
	Automotive Rental Establishment	4 spaces plus 1 space per 28.0 m^2 gross floor area
	Automotive Service Station, Vehicle Body/Repair Shop	3 spaces for every service bay or repair station
	Automotive Washing Establishment	2 spaces
	Wholesale establishment	1 space per 90m^2 of gross floor area
	Other commercial uses	1 space per 28.0 m^2 gross floor area
Office Uses	Business or professional office and government administrative offices	1 space per 28 m^2 of gross floor area
	Animal kennel, medical centre, veterinary clinic	Minimum of 4 spaces or 6.0 spaces per 100 m^2 gross floor area, whichever is greater
Industrial Uses	Truck transport terminal	1 space per 100 m^2 gross floor area
	Warehouse	1 space per 185 m^2 of gross floor area
	All other industrial uses	5 plus 1 space per 90 m^2 of gross floor area
Institutional Uses	Place of worship	1 for every 5 seats capacity or 1 for each 10 m^2 of gross floor area used for a hall or auditorium, whichever is greater
	Hospital	1 space per 3 beds plus 1 space for every 4 employees
	Elementary School	5 spaces plus 1 space per classroom

Land Use Category	Use	Number of Vehicle Parking stalls Required
	Secondary School	1 space for each classroom; or 1 space per 10 m^2 of floor area in the gymnasium or auditorium, whichever is greater.
	Group home, group residence, crisis residence	1 space per 3 beds
	Long term care facility	1 space per 4 suites
Leisure and Recreation Type Uses	Museum, library, recreational or athletic facility	1 space per 20 m^2 of gross floor area. Playing areas for squash, tennis, handball and badminton courts are to be excluded for the purposes of calculating parking
	Community lifestyle facility	1 space for every 4 seats or 1 space per 20 m^2 of gross floor area
	Bowling alley, lawn bowling club, tennis club, golf course, curling club, racquet club	3 spaces per alley, bowling green, tennis or racquet court, putting green, or sheet of ice, plus 1 space for each 15.0 m^2 of gross floor area devoted to other uses.
Other uses	All other uses permitted by this By-Law other than those listed in this table	1 per 40 m^2 of gross floor area

5.17.3 Off-Street Parking Requirements for C1 Zone

Except as may otherwise be provided for, the minimum number of parking stalls in the C1 Zone for motor vehicles must be provided as set out in the following table:

Land Use Category	Use	Number of Vehicle Parking stalls Required
Commercial Uses	Retail, rental and repair store, personal service use, financial institution, office, clinic, community lifestyle facility, commercial school, funeral home, veterinarian's clinic, studio, drinking establishment, restaurant	1 space per 40 m^2 of gross floor area
Institutional Uses	Community lifestyle facility, athletic or recreational establishment, theatre, church, art gallery, library, museum.	No parking stalls required
Residential/ Mixed Uses	Dwelling units in combination with non-residential uses, Multiple Dwellings	1 space for each dwelling unit.
Other Uses	All other uses within C-1 Zones shall be as detailed in Section 5.18.2 of this By-law.	

ZBA [4]

5.17.4 Parking Exemption for C1 Zone

Where, in any C1 Zone, a building exists on the date of passing of this By-law, or where a building or use is established in accordance with this By-law, and where a proposal is made to change the use of any such building to a different use without increasing the floor area of the building:

a. The new use shall be permitted without additional parking being provided notwithstanding that additional parking spaces may be required pursuant to Section 5 of this By-law;

b. Notwithstanding the foregoing, parking shall be required in accordance with this By-law where the change in use is from a residential use to any other permitted use;

c. Where an addition is proposed to any building, parking shall be required only for the addition, and any legal deficiency in parking for

the existing building shall not be required to be made up, unless the proposed addition results in the loss of existing parking spaces.

d. No additional parking shall be required where the proposed addition does not exceed 10% of the gross floor area of the existing building.

5.17.5 Use of Parking Areas and Spaces

No parking area or space required under this By-law shall be used for any other purpose than the parking of licensed vehicles used in conjunction with the permitted uses on the lot.

5.17.6 Calculation of Off-Street Parking stalls

Where the calculation of off-street parking requirements results in a fraction, the number of parking stalls to be provided will be rounded to the next highest whole number.

5.17.7 Parking for More Than One Use in a Building

When a lot, building or structure accommodates more than one use as set out in this By-law, the parking stall requirement shall be the sum of the requirements for the separate uses, unless otherwise provided for in this By-law.

5.17.8 Commercial Motor Vehicles, Tractor Trailers and Buses in Residential Zones

No person shall use any lot, building or structure in a Residential Zone for the parking or storage of any commercial motor vehicles unless he is the owner or occupant of such lot, building or structure, and provided that said vehicles shall not exceed 2,721.6 kilograms gross vehicle weight and provided that not more than one commercial motor vehicle is stored in accordance with this Section.

No person shall use any lot, building or structure in a Residential Zone for the parking or storage of any tractor trailer or part thereof. This provision shall not include commercial motor vehicles, and tractor trailers which attend a residential premise for the purposes of delivery and service.

5.17.9 Parking and Storage of Unlicensed and Inoperable Motor Vehicles

Unless specifically provided for by this By-law, no person shall provide outdoor storage for any motor vehicle which is unlicensed or inoperable.

5.17.10 Size ~~and Accessibility~~ of Standard Parking Stalls

~~Motor vehicle parking stalls and parking aisles shall comply with the standards set out in the following table.~~

Required parking stalls shall comply with the standards set out in Table 5.17.10.

Table 5.17.10 – Required Parking Stall Dimensions

Maximum Angle of Parking Stall to Maneuvering Aisle	Required Width	Required Length
0 degrees	2.50 m	6.50 m
30 degrees up to and including 90 degrees	2.65 m	6.0 m

~~Maximum Angle of Parking stall to Maneuvering Aisle~~	~~Parking stall Width~~		~~Parking stall Length~~	
	~~Standard~~	~~Barrier Free~~	~~Standard~~	~~Barrier Free~~
~~0 degrees~~	~~2.50 m~~	~~3.50 m~~	~~6.50 m~~	~~6.50 m~~
~~30 degrees up to and including 90 degrees~~	~~2.65 m~~	~~3.50 m~~	~~6.00 m~~	~~6.00 m~~

5.17.11 Location of Required Off-Street Parking stalls

Unless otherwise provided in this By-law, required off-street parking stalls shall be located on the same lot as the principle or main building or on a lot no more than 100 m from the lot.

5.17.12 Parking Surfaces and Drainage

All off-street parking stalls and areas shall be constructed of a non-migrating hard surface material and treated to prevent erosion and the raising of dust and loose particles. Surface cover shall consist of asphalt, paving brick, concrete or similar hard-surfaced materials. All off-street parking stalls and areas shall be graded and drained so as to prevent the pooling of surface water or the flow of surface water onto adjacent lots.

5.17.13 Tandem Parking

Where parking is provided at the dwelling unit in an individual driveway, the required parking for that dwelling may be provided by a tandem parking stall.

5.17.14 Parking Facilities

In zones where a parking facility is a permitted use, and the parking is to be provided within a structure, such a structure shall be subject to all requirements of the zone except for parking provisions.

5.17.15 Underground Parking Provisions

A~~ll underground~~ parking structure~~s~~, whether attached or detached to the main building, that is located entirely below grade (with the exception of entrances thereto), ~~may be erected to within 0.5 m of any lot line and shall not be subject to lot coverage regulations. For clarity, covered parking structures and entrances thereto located above grade shall be subject to the applicable zone provisions. shall be permitted to extend to 0.5 metres from~~

~~the property line in the side and rear yards only, in the case of the front yard and side yard setback, the regulations of the zone shall apply.~~

5.17.16 Parking Area Location On-Lot

ZBA [4]

Notwithstanding the required yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback provided that no part of any parking area, other than a driveway, is located closer than 1.5 m to any street line, unless otherwise specified below:

a) A parking space for individual residential dwelling units with individual private driveways may be located in the front yard provided that not more than 50% of the front yard area is used for driveways and parking areas. Notwithstanding the above a private drive shall be no less than 3.0 m wide and no more than 8.5 m wide.

b) For Extractive Industrial/Disposal Industrial Uses, parking shall be permitted in the rear yard and interior side yard, and where such uses abut a Residential, Commercial, Institutional or Agricultural use, the parking area shall be set back 9.0 m from the abutting lot line.

~~c)~~ For the conversion of a building, as legally existing on the effective date of this By-law, to permit a residential use containing three (3) or more dwelling units a parking area may be permitted within a front, rear or side yard.

5.18 ACCESSIBLE ~~BARRIER FREE~~ PARKING REGULATIONS

5.18.1 Number of Required Accessible Parking Stalls~~Barrier Free Parking Requirements~~

~~No person shall establish, alter or expand a parking area designed to accommodate more than 5 required parking stalls unless the number of required barrier free parking stalls as set out in the following table are provided.~~

~~Barrier free parking stalls shall be located near and accessible to the point of entrance to the building and be clearly marked as a barrier free parking stall.~~

~~Where the required number of parking stalls equals 100 or more the City may require additional accessible spots for expectant mothers/mothers with small children.~~

Accessible parking stalls shall be provided in accordance with the requirements set out in Table 5.18.1. Accessible stalls shall be counted towards the minimum number of off-street parking stalls required by Section 5.17 of this By-law.

Table 5.18.1 – Number of Required Accessible Stalls

Total Required Parking Stalls	Minimum Number of Accessible Stalls ~~Barrier Free Parking Stalls~~
~~5 to 10~~ 1 to 12	1

Total Required Parking Stalls	Minimum Number of Accessible Stalls ~~Barrier Free Parking Stalls~~
~~11 to 50~~ 13 to 100	~~2~~ 4% of the total required
~~51 to 75~~ 101 to 200	~~3~~ 1, plus 3% of the total required
~~76 to 100~~ 201 to 1,000	~~4~~ 2, plus 2% of the total required
~~101 to 150~~ Greater than 1,000	~~5~~ 11, plus 1% of the total required
~~151 to 200~~	~~6~~
~~201 to 300~~	~~7~~
~~301 to 400~~	~~8~~
~~401 to 500~~	~~9~~
~~501 to 1000~~	~~2% of the total required~~
~~Over 1000~~	~~20 + 1% over 1000 of the total required~~

Notwithstanding Table 5.18.1, where a lot contains a single detached dwelling, semi-detached dwelling, duplex, accessory apartment, or street-fronting townhouse where parking spaces are accessed directly from a driveway, no accessible spaces are required.

5.18.2 Type A and Type B Accessible Stall Calculations

The calculation of the required number of Type A and Type B accessible spaces shall comply with the following provisions:

a) Where an even number of accessible stalls is required by Section 5.18.1, an equal number of Type A and Type B accessible stalls must be provided;
b) Where an odd number of accessible stall is required by Section 5.18.1, an equal number of Type A and Type B accessible stall must be provided, but the additional accessible stall, the odd-numbered stall, may be either a Type A or Type B accessible stall;
c) Despite Section 5.18.2 (b), where only one accessible stall is required, it shall be a Type A accessible stall.

5.18.3 Accessible Parking Design Standards

5.18.3.1 Accessible parking stall dimensions shall comply with Table 5.18.3.1.

Table 5.18.3.1 – Accessible parking space dimensions

Type	Minimum width	Minimum length
Type A accessible stall	3.4 m	6.0 m

Type B accessible stall	2.7 m	6.0 m

5.18.3.2 Accessible spaces must comply with the following minimum vertical clearances:

a) the minimum vertical clearance of an accessible stall located in a parking structure is 2.1 m; and,

b) the minimum vertical clearance of all other accessible stall is 2.9 m.

5.18.3.3 An accessible aisle must be provided for each accessible space and may be shared by a maximum of two accessible stalls. Accessible aisles must:

a) have a minimum width of 1.5 m;

b) extend the full length of the accessible space; and,

c) Be marked with hight tonal contrast diagonal lines where the surface is asphalt, concrete, or other hard surface.

5.18.3.4 All accessible stalls shall:

a) Have an accessible permit parking sign that satisfies the requirements of the Highway Traffic Act,

b) Have a maximum gradient of 5%; and,

c) Type A accessible stalls must have signage that identifies the stall as "van accessible".

5.19 BICYCLE PARKING REGULATIONS

ZBA [4]

5.19.1 Bicycle Space Requirements

The minimum number of parking spaces for bicycles, in addition to the required vehicle parking, must be provided as set out in the following table:

Use	Number of Bicycle Spaces Required
Cluster Townhouse or Apartment Dwellings	10% of required vehicle parking
Schools	1 space per 20 m^2 classroom, plus 1 space per 800 m^2 of office area
Offices	4% of required vehicle parking, or 4 spaces, whichever is greater
Commercial Uses (excluding uses in the C1 Zone, unless otherwise noted), including Restaurants (excluding take-out only)	5% of required vehicle parking, or 4 spaces, whichever is greater
~~Automotive Rental Establishment, Automotive Service Station, Automotive~~	~~1 space~~

~~Washing Establishment, Transportation Depot, Vehicle Body/Repair Shop, Vehicle Sales Establishments~~	
Cinema, Community Lifestyle Facility or Community Centre	10% of required vehicle parking, or 4 spaces, whichever is greater
Hotel	1 space per 20 guest rooms
Industrial Use	4% of required vehicle parking

5.19.2 Bicycle Parking Space Design Standards

ZBA [4]

Bicycle parking shall be provided in an area having a minimum of 1.8 m in length. The minimum number of bicycle parking spaces shall be accommodated by a rack, which will determine the width of the bicycle parking area.

5.19.3 Motorcycle Parking Space Design Standards

a) The minimum dimensions for each space intended for motorcycles or similar vehicles must be 1.0 m in width and 2.1m in length;

b) Motorcycle parking can be located in areas which may be unsuitable for vehicle parking due to size or shape and not intended for pedestrian traffic, however the parking must be clearly delineated by markings and barriers.

5.20 QUEUING REGULATIONS

5.20.1 Queue Space Requirements

Where any of the uses permitted by this by-law offer drive-through service, off-street vehicle queue spaces leading to and from the drive-through service must be provided in accordance with the following table:

Land Use	Required Number of Queuing Spaces
Automated Bank Machine	3.0 before each Automated Bank Machine
Automotive Service Station/Repair Garage	3.0 before each service bay 1.0 at service bay exit if a through-bay
Automotive Washing Establishment	3.0 before each wash bay 1.0 after each wash bay
Restaurant	12.0 total including 11 before the service/pick up window and 1 at the service/pick up window
Convenience Retail or Service Establishment	2.0 before service window

5.20.2 Queue Space Design Standards

All required queue spaces must be provided in accordance with the following design standards:

a) The minimum dimensions for each queue space must be 2.75 m in width and 5.75 m in length;
b) Queue spaces must be arranged in a single waiting line in advance and behind the drive through service window.
c) Queue spaces may be arranged in a double waiting line in advance of the menu board/order station.
d) A minimum inside turning radius for queue spaces forming a waiting line is 7.0 m.
e) Queue spaces forming a waiting line must be unobstructed by parking stalls or loading spaces and must be clearly delineated by markings and barriers; and
f) Queuing spaces forming a waiting line or storage space from the service offered cannot form part of a parking aisle providing access to parking stall.

5.21 LOADING SPACE REGULATIONS

5.21.1 Loading Space Requirements

No person shall erect or enlarge a building or establish or change a use unless permanently maintained off-street loading spaces accessible from an improved street or lane are provided in accordance with the following requirements:

Use	Required Number of Loading Spaces
Multiple Dwelling over 25 units	1 space
All uses involving shipping and/or receiving of goods (See Section 5.22.4)	0 spaces for 0 to 300 m^2 gross floor area
	1 space for over 300 m^2 to 3000 m^2 gross floor area
	2 spaces for over 3000 m^2 gross floor area
Uses in the Commercial C1 (C-1) Zone	N/A

ZBA [15]

5.21.2 Loading Space Access

Each loading space shall be provided with one or more unobstructed driveways of not less than 3.5 m in width and 10 metres in depth. Such driveway shall be contained within the lot on which the spaces are located and are accessible from a street or lane. No part of such driveway shall be used for the parking or temporary storage of vehicles.

5.21.3 Loading Space Surface

The driveways, loading and unloading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles and with provisions for drainage facilities.

5.21.4 Loading Space for Medical Marihuana Production Facility

ZBA [15]

Loading spaces for a Medical Marihuana Production Facility must be in a wholly enclosed building. The required number of loading spaces, access and surface shall be as otherwise described in Section 5.22.

5.22 LIGHTING & LANDSCAPING OF PARKING AND LOADING AREAS

a) Where lighting facilities are provided in conjunction with any off-street parking or loading area, no person shall arrange such lighting such that excessive light and glare is deflected onto adjoining properties.

b) Where a parking area containing 4 or more parking stalls or a loading space(s) abuts any ~~a residential~~ use or undeveloped land in any ~~a Residential~~ Zone, a minimum of 1.5 metres of land abutting the lot line, shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection.

c) Where a parking area consisting of 4 or more parking stalls or a loading space(s) abuts a portion of a street, a minimum width of 1.5 metres of land adjacent to the street shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection.

d) In a C1 Zone, where a parking area consisting of 4 or more parking stalls is located in any yard which abuts a lot in ~~any Zone, a Residential Zone~~, no parking shall be permitted within 7.5 metres ~~of the Residential Zone,~~ unless a continuous privacy fence or solid vegetative screen having a minimum height of 1.5 metres is provided and maintained along the common lot line.

e) A planting strip required for b) shall be used for no other purpose than for a row of trees, a continuous hedgerow of evergreens or shrubs, a berm, a wall, or a privacy fence, not less than 1.5 m high, immediately adjacent to the lot line or portion thereof along which such planting strip is required hereunder, arranged in such a way as to form a dense or opaque screen; with the remainder of the strip used for shrubs, flower beds or grass, ground cover or a combination thereof.

f) A planting strip required for c) shall be used for no other purpose than for a planting strip arranged in such a way as to form a landscape strip with a row of trees shrubs, flower beds or grass, ground cover or a combination thereof. Notwithstanding, a berm, a wall, or a privacy fence may be permitted where it is required for noise attenuation purposes.

5.23 GARBAGE, REFUSE, AND STORAGE

(a) No garbage or refuse shall be stored on any lot in any zone except within the building or structure on such lot or in a container in an interior side yard or rear yard of such lot.

(b) Every garbage or refuse storage area required by this by-law, which is visible from an adjoining site, shall have a visual screening consisting of solid fencing.

(i) Despite Sec 5.23 (b) an enclosed in-ground waste container is not required to have visual screening.

(c) a dumpster or garbage container shall be regulated in the same manner as accessory buildings or structures except such structure shall not be subject to lot coverage regulations.

(d) standard residential garbage containers that are less than 1 cubic metre in size are exempt from the provisions of Section 5.23.

~~5.23~~5.24 DESIGNATED HERITAGE BUILDINGS

Alternative building design or building materials for properties designated under the Ontario Heritage Act that were approved through the issuance of a Heritage Permit shall be deemed to comply with the provisions of this By-law.

~~5.24~~5.25 MODEL HOMES

Where a model home agreement or a subdivision agreement permitting the construction of model homes has been executed by the owner and the City, more than one single detached house, semi-detached house or townhouse may be constructed on a lot prior to registration of the plan of subdivision under the planning act or a description under the condominium act, 1998, subject to the following provisions:

1. The use must be permitted in the underlying zone in which the single detached house, semi-detached house or townhouse is to be located;

2. The model home must not be occupied as a dwelling unit prior to the date of registration of the subdivision plan or condominium plan;

3. The maximum number of model homes within one plan of subdivision under the Planning Act or a description under the Condominium Act, 1998 proposed for registration is equal to 10% of the total number of lots intended for single detached house, semi-detached house, or townhouse purposes within the plan or description for registration, to a maximum of 10 model homes;

4. The model home must comply with all other provisions of this by-law, as though constructed on the lot within the registered plan of subdivision under the Planning Act or the description under the Condominium Act, 1998; and,

5. The model home must comply with all applicable terms and conditions of the model home agreement or subdivision agreement, as applicable.

SECTION 6

RESIDENTIAL ZONES

In any Residential Zone, no land shall be used and no building or structure shall be erected, located or used for any purpose except in accordance with the following regulations:

6.1 PERMITTED USES IN RESIDENTIAL ZONES

Within any Residential Zone, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

Uses	Uses Permitted In Zone					
	R1	R2	R3	R4	R5	MR
RESIDENTIAL						
Dwelling, Single Detached	●	●	●	●	●	●*
Dwelling, Semi Detached		●	●	●	●	●*
Dwelling, Duplex			●	●	●	●*
Dwelling, Townhouse			●*	●	●	●
Dwelling, Converted (see Section 6.1 ii)			●*	●	●	●
Dwelling, Apartment					●	●
Dwelling Units in Combination with a Permitted Non-Residential Use						●
~~Bed & Breakfast House~~					~~●~~	~~●~~
Group Home	●	●	●	●	●	●
Boarding or Lodging House ~~(see Section 5.17.10)~~					●	●
Accessory Apartment (see Section 6.1 i)	●	●	●	●	●	●
COMMERCIAL						
Clinics					●	●
Home Occupation (see Section 5.17.9)						
Personal Service Uses					●	●
INSTITUTIONAL						
Community Lifestyle Facility						●

Uses	Uses Permitted In Zone					
	R1	R2	R3	R4	R5	MR
Day Nursery					●	●
Long Term Care Facility					●	●
Place of Worship (see Section 5.17.4)	●	●	●	●	●	●
Public Parks (see Section 5.17.5)	●	●	●	●	●	●
Schools					●	●

* As existing on the date of this By-law coming into effect

Amendments affecting the table above: **ZBA [4]**

i) An Accessory Apartment may be permitted in a Single Detached Dwelling in the R1, R2, R3, R4, R5 and MR zones in accordance with the following:

   a) Only one (1) accessory apartment shall be permitted in any Single Detached Dwelling~~;, where the dwelling unit is owner occupied~~;

   b) A minimum of one (1) additional on-site parking space shall be provided for the accessory apartment and shall be independently accessible at all times;

   c) All regulations associated with the zone must be complied with;

   d) An Accessory Apartment shall not be more than 33% of the total floor area of the principle dwelling unit on the lot;

   e) An Accessory Apartment cannot be located in an accessory building or attached garage; and,

   f) Any Accessory Apartment shall be required to obtain a Building Permit from the City.

ii) Where a dwelling unit existing as of the date of this By-law in a Zone which permits a Converted Dwelling exceeds the maximum permitted Floor Space Index (FSI), a Converted Dwelling may be permitted provided there are no additions or expansions of the existing building.

6.2 SINGLE RESIDENTIAL (R1) ZONE REGULATIONS

R1 Zone		**Permitted Uses**
Regulations		**Dwelling, Single Detached**
a	Minimum Lot Frontage	15m
b	Minimum Lot Area	550m²
c	Maximum Lot Coverage	35%
d	Minimum Front Yard Setback	7.5m
e	Minimum Rear Yard Setback	7.5m
f	Minimum Interior Side Yard Setback	1.2 m on one side and 0.9 m on the other side or 0.9m on both sides where there is an attached garage or carport
g	Minimum Exterior Side Yard Setback	3.0m
h	Maximum Building Height	10m
~~i~~	~~Minimum Gross Floor Area~~	~~90 m²~~
j	Minimum Landscaped Open Space	N/A

Amendments affecting the table above: **ZBA [4]**

6.3 LOW DENSITY RESIDENTIAL (R2) ZONE REGULATIONS

R2 Zone		**Permitted Uses**	
Regulations		**Dwelling, Single Detached**	**Dwelling, Semi Detached**
a	Minimum Lot Frontage	13.5m	10m/unit
b	Minimum Lot Area	475m²	300m²/unit
c	Maximum Lot Coverage	35%	40%
d	Minimum Front Yard Setback	7.5m	6.5m
e	Minimum Rear Yard Setback	7.5m	7.5m
f	Minimum Interior Side Yard Setback	1.2 m on one side and 0.9 m on the other side ~~(0.0 m where there is a common party wall)~~ or 0.9m on both sides where there is an attached garage or carport ~~for each unit (0.0 m where there is a common party wall)~~	1.2 m on one side and 0.9 m on the other side (0.0 m where there is a common party wall) or 0.9m on both sides where there is an attached garage or carport for each unit (0.0 m where there is a common party wall)
g	Minimum Exterior Side Yard Setback	3.0m	3.0m
h	Maximum Building Height	10m	10m
~~i~~	~~Minimum Gross Floor Area~~	~~90m²~~	~~80m²~~

6.4 LOW DENSITY RESIDENTIAL (R3) ZONE REGULATIONS

R3 Zone		**Permitted Uses**			
Regulations		**Dwelling, Single Detached**	**Dwelling, Semi Detached**	**Dwelling, Duplex**	**Dwelling, Converted having a maximum of 3 dwelling units; Dwelling, Townhouse As existing on the effective date of this By-law**
a	Minimum Lot Frontage	12 m	10m/unit	15m	As regulated by Section 6.5 Medium Density Residential (R4)
b	Minimum Lot Area	400 m²	300m²/unit	500m²	
c	Maximum Lot Coverage	40%	40%	35%	
d	Minimum Front Yard Setback	6.5 m	6.5m	7.5m	
e	Minimum Rear Yard Setback	7.5m	7.5m	7.5m	
f	Minimum Interior Side Yard Setback	1.2 m on one side and 0.9 m on the other side or 0.9m on both sides where there is an attached garage or carport	1.2 m on one side and 0.9 m on the other side (0.0 m where there is a common party wall) or 0.9m on both sides where there is an attached garage or carport for each unit (0.0 m where there is a common party wall)	1.2 m on one side and 3.0 m on the other side or 0.9m on the side where there is an attached garage or carport for each unit and 1.2 metres on the other side	
g	Minimum Exterior Side Yard Setback	3.0m	3.0m	3.0m	
h	Maximum Building Height	10m	10m	10m	

R3 Zone		Permitted Uses			
Regulations		**Dwelling, Single Detached**	**Dwelling, Semi Detached**	**Dwelling, Duplex**	**Dwelling, Converted having a maximum of 3 dwelling units; Dwelling, Townhouse As existing on the effective date of this By-law**
~~i~~	~~Minimum Gross Floor Area~~	~~80 m²~~	~~80m²~~	~~50m²/ unit~~	

Amendments affecting the table above: **ZBA [4]**

6.5 MEDIUM DENSITY RESIDENTIAL (R4) ZONE REGULATIONS

R4 Zone		**Permitted Uses**				
Regulations		**Dwelling, Single Detached**	**Dwelling, Semi Detached**	**Dwelling, Duplex**	**Dwelling, Townhouse**	**Dwelling, Converted maximum of 3 dwelling units** (provisions for original dwelling in R4 Zone apply save and except for those listed below)
a	Minimum Lot Frontage	12m	10m/unit	15m	25m total development parcel and for any Street Fronting Townhouse 5.5 m/unit	
b	Minimum Lot Area	400m²	300m²/unit	500m²	200m²/unit and 900m²/ total development parcel	500 m²
c	Maximum Lot Coverage	40%	40%	40%	40%	40%
d	Minimum Front Yard Setback	6.5m	6.5m	7.5m	7.0m	
e	Minimum Rear Yard Setback	7.5m	7.5m	7.5m	7.0m	

R4 Zone		Permitted Uses				
Regulations		**Dwelling, Single Detached**	**Dwelling, Semi Detached**	**Dwelling, Duplex**	**Dwelling, Townhouse**	**Dwelling, Converted maximum of 3 dwelling units** (provisions for original dwelling in R4 Zone apply save and except for those listed below)
f	Minimum Interior Side Yard Setback	1.2 m on one side and 0.9 m on the other side or 0.9m on both sides where there is an attached garage or carport	1.2 m on one side and 0.9 m on the other side (0.0 m where there is a common party wall) or 0.9m on both sides where there is an attached garage or carport for each unit (0.0 m where there is a common party wall)	1.2 m on one side and 3.0 m on the other side or 0.9m on the side where there is an attached garage or carport for each unit and 1.2 metres on the other side	1.2 m on one side and 3.0 m on the other side (0.0 m where there is a common party wall)	
g	Minimum Exterior Side Yard Setback	3.0m	3.0m	3.0m	3.0m	
h	Maximum Building Height	10m	10m	10m	10m	
~~i~~	~~Minimum Gross Floor Area~~	~~80m²~~	~~80m²~~	~~50m²/ unit~~	~~75m²/unit~~	~~35 m²/ unit~~

R4 Zone		**Permitted Uses**				
Regulations		**Dwelling, Single Detached**	**Dwelling, Semi Detached**	**Dwelling, Duplex**	**Dwelling, Townhouse**	**Dwelling, Converted maximum of 3 dwelling units** (provisions for original dwelling in R4 Zone apply save and except for those listed below)
j	Maximum Density	N/A	N/A	N/A	1 unit/ 300m² total development parcel	1 unit/ 250m² total developmen t parcel

Amendments affecting the table above: **ZBA [4]**

6.6 GENERAL RESIDENTIAL (R5) ZONE REGULATIONS

R5 Zone		**Permitted Uses**				
Regulations		**Dwelling, Single Detached**	**Dwelling, Semi Detached**	**Dwelling, Duplex**	**Dwelling, Townhouse**	**Dwelling, Converted** (provisions for original dwelling in R5 Zone apply save and except for those listed below)
a	Minimum Lot Frontage	12m	10m/ unit	13.5m	25m total development parcel and for any Street Fronting Townhouse 5.5 m/unit	
b	Minimum Lot Area	400m²	300m²/ unit	450m²	200m²/ unit and 900m²/ total development parcel	400m²
c	Maximum Lot Coverage	40%	40%	40%	40%	
d	Minimum Front Yard Setback	6.5m	6.5m	6.5m	6.5m	
e	Minimum Rear Yard Setback	7.5m	7.5m	7.5m	7.0m	

R5 Zone		**Permitted Uses**				
Regulations		**Dwelling, Single Detached**	**Dwelling, Semi Detached**	**Dwelling, Duplex**	**Dwelling, Townhouse**	**Dwelling, Converted** (provisions for original dwelling in R5 Zone apply save and except for those listed below)
f	Minimum Interior Side Yard Setback	1.2 m on one side and 0.9 m on the other side or 0.9m on both sides where there is an attached garage or carport	1.2 m on one side and 0.9 m on the other side (0.0 m where there is a common party wall) or 0.9m on both sides where there is an attached garage or carport for each unit (0.0 m where there is a common party wall)	1.2 m on one side and 3.0 m on the other side or 0.9m on the side where there is an attached garage or carport for each unit and 1.2 metres on the other side	1.2 m on one side and 3.0 m on the other side (0.0 m where there is a common party wall).	
g	Minimum Exterior Side Yard Setback	3.0m	3.0m	3.0m	3.0m	
h	Maximum Building Height	10m	10m	10m	10m	
~~i~~	~~Minimum Gross Floor Area~~	~~80m²~~	~~80m²~~	~~50m²/ unit~~	~~75m²/unit~~	~~35 m²/ unit~~
j	Maximum Density	N/A	N/A	N/A	0.6 FSI	1.0 FSI

Amendments affecting the table above: **ZBA [4]**

R5 Zone		Permitted Uses			
Regulations		**Dwelling, Apartment**	**~~Bed & Breakfast House~~**	**Uses, Institutional**	**Uses, Commercial**
a	Minimum Lot Frontage	13.5m	~~12m~~	20m	12m
b	Minimum Lot Area	450m²	~~400m²~~	1,000m²	500m²
c	Maximum Lot Coverage	40%	~~40%~~	60%	40%
d	Minimum Front Yard Setback	6.5m	~~6.5m~~	10m	7.0m
e	Minimum Rear Yard Setback	7.5m	~~7.5m~~	2.0m	7.0m
f	Minimum Interior Side Yard Setback	1.2m on one side and 4.0m on the other side	~~0.9m~~	3.0m	1.5m
g	Minimum Exterior Side Yard Setback	3.0m	~~3.0m~~	2.0m	3.0m
h	Maximum Building Height	12m	~~10m~~	12m	10m
~~i~~	~~Gross Floor Area~~	~~35m²/unit (minimum)~~	~~80m² (minimum)~~	~~N/A~~	~~125m² (maximum)~~
j	Maximum Density	1.0 FSI	~~N/A~~	1.5 FSI	1.5 FSI

Amendments affecting the table above: **ZBA [4]**

6.7 MULTIPLE RESIDENTIAL (MR) ZONE REGULATIONS

MR Zone		**Permitted Uses**			
Regulations		**Dwelling, Single Detached; Dwelling, Semi Detached; Dwelling, Duplex** as existing on the date of this By-law coming in to effect	**Dwelling, Townhouse**	**Dwelling, Converted** (provisions for original dwelling in MR Zone apply save and except for those listed below)	**Dwelling, Apartment**
a	Minimum Lot Frontage	As regulated by Section 6.6 General Residential (R5)	25 m total development parcel, and for any Street Fronting Townhouse 5.5 m/unit		25m
b	Minimum Lot Area		200m²/ unit and 900m²/ total development parcel	500m²	1,000m²
c	Maximum Lot Coverage		40%		40%
d	Minimum Front Yard Setback		6.5m		10m
e	Minimum Rear Yard Setback		7.0m		10m
f	Minimum Interior Side Yard Setback		1.2 m on one side and 3.0 m on the other side (0.0 m where this is a common part wall)		6.0m for buildings over 3 storeys in height or 4.0m for buildings 3 storeys and less
g	Minimum Exterior Side Yard Setback		3.0m		
h	Maximum Building Height		10m		15m
~~i~~	~~Minimum Gross Floor Area~~		~~75m²/ unit~~	~~35m²/ unit~~	~~35m²/ unit~~
j	Maximum Density		1.0 FSI	1.0 FSI	1.5 FSI

MR Zone		**Permitted Uses**			
Regulations		**Dwelling, Single Detached; Dwelling, Semi Detached; Dwelling, Duplex** as existing on the date of this By-law coming in to effect	**Dwelling, Townhouse**	**Dwelling, Converted** (provisions for original dwelling in MR Zone apply save and except for those listed below)	**Dwelling, Apartment**
k	Minimum Landscaped Open Space		N/A		30%

Amendments affecting the table above: **ZBA [4]**

MR Zone		Permitted Uses		
Regulations		**Uses, Commercial** (including residential uses in combination with a permitted non-residential use)	~~**Bed & Breakfast House**~~	**Uses, Institutional**
a	Minimum Lot Frontage	10m	~~12m~~	20m
b	Minimum Lot Area	500m²	~~400m²~~	1,000m²
c	Maximum Lot Coverage	50%	~~40%~~	60%
d	Minimum Front Yard Setback	7.0m	~~6.5m~~	10m
e	Minimum Rear Yard Setback	7.0m	~~7.5m~~	2.0m
f	Minimum Interior Side Yard Setback	1.5m	~~0.9m~~	3.0m
g	Minimum Exterior Side Yard Setback	3.0m	~~3.0m~~	2.0m
h	Maximum Building Height	15m	~~10m~~	15m
i	Gross Floor Area	Maximum 175m² for a commercial use~~; Minimum 35 m² / dwelling unit~~	~~80m² (minimum)~~	~~N/A~~
j	Maximum Density	N/A	~~N/A~~	1.5 FSI
k	Minimum Landscaped Open Space	N/A	~~N/A~~	N/A

Amendments affecting the table above: **ZBA [4]**

SECTION 7
COMMERCIAL & MIXED USE ZONES

In any Commercial Zone, no land shall be used and no building or structure shall be erected, located or used for any purpose except in accordance with the following regulations:

PERMITTED USES IN COMMERCIAL & MIXED USE ZONES

Within any Commercial Zone, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

	Uses Permitted In Zone					
Uses	**C1**	**C2**	**C3**	**C4**	**C5 (Section 14.82)**	**MC**
Automotive Rental Establishment		●	●	●		
Automotive Service Stations (see Section 5.17.1)		●	●	●		
Automotive Washing Establishments		●				
~~Bed & Breakfast House~~	●	●	●	●		●
~~Body Piercing Establishments (see Section 5.17.7)~~	●					
Catering Services	●	●				
Clinics	●	●	●	●	●	●
Commercial Schools	●	●	●	●		●
Commercial Use	●	●	●	●	●	●
Community Centre	●					
Community Lifestyle Facilities	●	●		●	●	●
Convenience Stores	●	●	●	●	●	●
Crisis Residence	●	●	●	●		●
Day Nursery	●	●	●	●		●

	Uses Permitted In Zone					
Uses	**C1**	**C2**	**C3**	**C4**	**C5 (Section 14.82)**	**MC**
Drinking Establishments	●	●			●	●
Financial Institutions	●	●	●	●	●	●
Funeral Homes	●	●	●	●		
Gas Bar		●	●		●	
Grocery Store	●	●	●		●	
Group Home	●					●
Group Residence	●	●	●	●		●
Hotels	●	●		●		●
Laundromat	●	●				●
Libraries	●	●		●		●
Long Term Care Facility	●		●	●		●
Marinas						●
Museums/Galleries	●	●	●	●		●
Offices	●	●	●	●	●	●
Parking Area or Structure	●				●	●
Personal Service Use	●	●	●	●	●	●
Place of Worship (see Section 5.17.4)	●	●	●	●		●
Printing and Publishing Establishments	●	●				
Public Park (see Section 5.17.5)	●	●	●	●	●	●
Public Uses	●	●		●		●
Rental Stores, Media	●	●	●			●
Repair Stores	●	●				●
Restaurants	●	●		●	●	●
Restaurants, Drive-Thru		●		●	●	
Retail Stores	●	●	●	●	●	●
Schools (see Section 5.17.3)	●	●		●		●
Self Serve Use	●	●		●		
Service Uses	●	●				●

	Uses Permitted In Zone					
Uses	**C1**	**C2**	**C3**	**C4**	**C5 (Section 14.82)**	**MC**
Shopping Centres	●	●		●	●	●
Storage, Indoor	●					●
Studios	●	●	●	●		●
~~Tattoo Parlours (see Section 5.17.7)~~	~~●~~					
Transportation Depot	●					●
Industrial Use, Accessory (see Sec. 5.17.13)	●	●				●
Vehicle Body/Repair Shop						●
Vehicle Sales Establishments		●				
Veterinarian Clinics	●	●		●		
Wholesale Establishments	●	●		●		
RESIDENTIAL						
Dwelling, Single Detached	●*	●	●			●*
Dwelling, Semi Detached	●*		●			●*
Dwelling, Duplex	●*		●			●*
Dwelling, Converted	●	●	●	●		●
Dwelling, Townhouse	●*		●			●
Dwelling, Apartment	●	●	●	●		●
Dwelling Units in combination with a permitted non-residential use	●	●	●	●		●

* As existing on the date of this By-law coming into effect.

Amendments affecting the table above: **ZBA [4], [25]**

7.2 CORE COMMERCIAL (C1) ZONE REGULATIONS

C1 Zone		**Permitted Uses**	
Regulations		**Uses, Commercial** (For those lots fronting onto 2nd Avenue East between 7th Street East and 11th Street East and those lots fronting onto 8th, 9th and 10th Streets East between 1st Avenue East and 3rd Avenue East)	**Uses, Commercial** (All other locations)
a	Minimum Lot Frontage	N/A	N/A
b	Minimum Lot Area	N/A	N/A
c	Maximum Lot Coverage	N/A	N/A
d	Required Front Yard Setback	0.0 m	3.0 m maximum
e	Minimum Rear Yard Setback	N/A	5.0 m
f	Minimum Interior Side Yard Setback	N/A	1.0 m
g	Minimum Exterior Side Yard Setback	N/A	2.0
h	Minimum Building Height	6.0 m	N/A
~~ih~~	Maximum Building Height	12m	12m
~~i~~	~~Minimum Gross Floor Area~~	~~N/A~~	~~35m^2 per dwelling unit~~
kj	Floor Space Index	Maximum 5.0	Maximum 5.0
l~~k~~	Other		

Amendments affecting the table above: **ZBA [4]**

C1 Zone		Permitted Uses	
Regulations		**Other Permitted Uses, Residential (excluding dwelling units in combination with a permitted non-residential use)**	**Dwelling Units in combination with a permitted non-residential use**
a	Minimum Lot Frontage	As required by Section 6.6 General Residential (R5)	As required for the permitted non-residential use
b	Minimum Lot Area		
c	Maximum Lot Coverage		
d	Minimum Front Yard Setback		
e	Minimum Rear Yard Setback		
f	Minimum Interior Side Yard Setback		
g	Minimum Exterior Side Yard Setback		
h	Maximum Building Height		
~~i~~	~~Minimum Gross Floor Area~~		~~35m^2 per dwelling unit~~
j	Floor Space Index		As required for the permitted non-residential use
k	Minimum Landscaped Open Space		

Amendments affecting the table above: **ZBA [4]**

7.3 RETAIL COMMERCIAL (C2) ZONE REGULATIONS

C2 Zone		**Permitted Uses**	
Regulations		**Uses, Commercial (including residential uses in combination with a permitted non-residential use)**	**Uses, Residential (excluding residential uses in combination with a permitted non-residential use)**
a	Minimum Lot Frontage	30m	As required by Section 6.6 General Residential (R5)
b	Minimum Lot Area	1,500m²	
c	Maximum Lot Coverage	50%	
d	Minimum Front Yard Setback	10.0m	
e	Minimum Rear Yard Setback	2.0m	
f	Minimum Interior Side Yard Setback	2.0m	
g	Minimum Exterior Side Yard Setback	3.0m	
h	Maximum Building Height	18m	
~~i~~	~~Minimum Gross Floor Area~~	~~35m² per dwelling unit~~	
j	Floor Space Index	N/A	
k	Maximum Density	1 dwelling unit per 200m² of lot area	
l	Minimum Landscaped Open Space	40m² per dwelling unit	

Amendments affecting the table above: **ZBA [4]**

7.4 NEIGHBOURHOOD COMMERCIAL (C3) ZONE REGULATIONS

C3 Zone		**Permitted Uses**	
Regulations		**Uses, Commercial (includes residential uses in combination of a permitted non-residential use)**	**Uses, Residential (excluding residential uses in combination with a permitted non-residential use)**
a	Minimum Lot Frontage	15m	As required by Section 6.6 General Residential (R5)
b	Minimum Lot Area	700m^2	
c	Maximum Lot Coverage	50%	
d	Minimum Front Yard Setback	7.5m	
e	Minimum Rear Yard Setback	2.0m	
f	Minimum Interior Side Yard Setback	2.0m	
g	Minimum Exterior Side Yard Setback	2.0m	
h	Maximum Building Height	10.0m	
~~i~~	~~Gross Floor Area~~	~~A minimum of 35m^2 per dwelling unit~~	
j	Maximum Floor Space Index	2.0 FSI	
k	Minimum Landscape Open Space	40m^2 per dwelling unit	

Amendments affecting the table above: **ZBA [4]**

7.5 ARTERIAL COMMERCIAL (C4) ZONE REGULATIONS

C4 Zone		**Permitted Uses**
Regulations		**Uses, Commercial (including residential uses in combination with a permitted non-residential use)**
a	Minimum Lot Frontage	25m
b	Minimum Lot Area	1,400m²
c	Maximum Lot Coverage	50%
d	Minimum Front Yard Setback	7.5m
e	Minimum Rear Yard Setback	2.0m
f	Minimum Interior Side Yard Setback	2.0m
g	Minimum Exterior Side Yard Setback	2.0m
h	Maximum Building Height	18m
~~i~~	~~Gross Floor Area~~	~~A minimum of 35m² per dwelling unit~~
j	Maximum Floor Space Index	2.0 FSI
k	Minimum Landscaped Open Space	Minimum of 40m² per dwelling unit

Amendments affecting the table above: **ZBA [4]**

C4 Zone		Permitted Uses	
Regulations		**Dwelling, Converted and Existing Dwellings**	**Dwelling, Apartment (excluding residential uses in combination with a permitted non-residential use)**
a	Minimum Lot Frontage	25m	As required by Section 6.6 General Residential (R5)
b	Minimum Lot Area	1,000m²	
c	Maximum Lot Coverage	35%	
d	Minimum Front Yard Setback	10.0m	
e	Minimum Rear Yard Setback	10.0m	
f	Minimum Interior Side Yard Setback	6.0m for buildings over 3 storeys in height 4.0m for buildings 3 storeys and less	
g	Minimum Exterior Side Yard Setback		
h	Maximum Building Height	18m	
~~i~~	~~Minimum Gross Floor Area~~	~~35.0m² per dwelling unit~~	
j	Maximum Floor Space Index	2.0 FSI	
k	Minimum Landscaped Open Space	30% of lot area	

7.6 REGIONAL SHOPPING CENTRE (C5) ZONE REGULATIONS

C5 Zone (also reference Section 14.82)		**Permitted Uses (also reference Section 14.82)**
Regulations		**All permitted uses in a C5 Zone**
a	Minimum Lot Frontage	330m
b	Minimum Lot Area	12.5ha
c	Maximum Lot Coverage	30%
d	Minimum Front Yard Setback	10.0m
e	Minimum Rear Yard Setback	15m
f	Minimum Interior Side Yard Setback	6m
g	Minimum Exterior Side Yard Setback	6m
h	Maximum Building Height	12m
i	Total Floor Area	34,500m²
j	Gross Leasable Floor Area	For the purposes of this zone the following uses are identified: i) Major/traditional department store: - Minimum - 6,500m² - Maximum - 7,500m² ii) Discount/promotional department store: 6,500m² (maximum); iii) Grocery Store (maximum of one store): 3,720m² (maximum); iv) Ancillary Retail & Service (maximum): - Combined Total - 13,000 m² - Individual single retail or service stores - 1,200m²
k	Parking	Notwithstanding Section 5.17 of this By-law, 1 parking spaces per 22m² of Total Floor Area shall be required. No fewer than 29 barrier free parking spaces shall be provided on site.

Amendments affecting the table above: **ZBA [4]**

7.7 MIXED USE COMMERCIAL (MC) ZONE

MC Zone		**Permitted Uses**
Regulations		**Uses, Commercial (including residential uses in combination with a permitted non-residential use)**
a	Minimum Lot Frontage	N/A
b	Minimum Lot Area	N/A
c	Maximum Lot Coverage	N/A
d	Minimum Front Yard Setback	3.0m (except in a case where a building located on an abutting lot is less than 3.0m from the front lot line, the minimum setback shall be not less than the setback provided by the building on an abutting lot.)
e	Minimum Rear Yard Setback	1.5m (except in a case where a rear lot line abuts a Residential Zone the setback shall be 3.0m)
f	Minimum Interior Side Yard Setback	1.5m (except in a case where an interior lot line abuts a Residential Zone the setback shall be 3.0m)
g	Minimum Exterior Side Yard Setback	3.0 m
h	Maximum Building Height	21m
~~i~~	~~Gross Floor Area~~	~~Minimum 35m^2 per dwelling unit~~
j	Floor Space Index	Maximum 4.0
k	Maximum Density	N/A
l	Minimum Landscaped Open Space	10%
m	Amenity Area	Minimum 30% of the lot area where a commercial use is developed in combination with a residential use and can include required landscaped open space

Amendments affecting the table above: **ZBA [4]**

MC Zone		**Permitted Uses**	
Regulations		**Dwellings, Single Detached, Semi Detached, Duplex ~~and Converted~~ (Existing)**	**Dwellings, Apartment ~~and~~ Townhouse, and Converted**
a	Minimum Lot Frontage	As required by Section 6.6 General Residential (R5)	As required by Section 6.7 Multiple Residential (MR)
b	Minimum Lot Area		
c	Maximum Lot Coverage		
d	Minimum Front Yard Setback		
e	Minimum Rear Yard Setback		
f	Minimum Interior Side Yard Setback		
g	Minimum Exterior Side Yard Setback		
h	Maximum Building Height		
~~i~~	~~Gross Floor Area~~		
j	Floor Space Index		
k	Maximum Density		
l	Minimum Landscaped Open Space		
m	Amenity Area		

SECTION 8

INDUSTRIAL ZONES

In any Industrial Zone, no land shall be used and no building or structure shall be erected, located or used for any purpose except in accordance with the following regulations:

8.1 PERMITTED USES IN INDUSTRIAL ZONES

Within any Industrial Zone, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

Uses	Uses Permitted In Zone		
	M1	M2	MU
Animal Shelter	●	●	●
Automotive Rental Establishment	●		
Automotive Service Stations (see Section 5.17.1)	●		●
Automotive Washing Establishment	●	●	
~~Body Piercing Establishment (see Section 5.17.7)~~	~~●~~	~~●~~	
Cannabis Production Facility (See Sec. 5.17.11)	●	●	
Catering Services	●	●	●
Clinic			●
Commercial School	●		
Community Lifestyle Facilities	●		●
Contractors Yard		●	
Day Nursery	●		
Dwelling unit (1) accessory to a permitted use for a custodian or maintenance employee	●	●	●
~~Financial Institution~~	~~●~~	~~●~~	~~●~~
Food/Beverage Production Facility (See Sec. 5.17.12)	●	●	●
Hotel			●
Industrial Mall	●	●	
Kennels (see Section 5.17.6)		●	
Laboratory	●		

Uses	Uses Permitted In Zone		
	M1	M2	MU
Marina			●
Monument Sales	●	●	
Museums/Galleries			●
Office	●	●	●
~~Place of Worship (see Section 5.16.4)~~	~~●~~	~~●~~	
Printing and Publishing Establishments	●	●	
Public Park (see Section 5.17.5)	●	●	●
Railway Marshalling Yard	●	●	●
Public Use	●	●	●
Rental Store, General	●	●	
Repair Store	●	●	●
Retail Store Accessory to a Permitted Use	●	●	●
Restaurant			●
Self Serve Use	●		
Service Use	●	●	●
Storage, Indoor	●	●	●
Storage, Outdoor		●	
Storage of Inflammable, Explosive and other Liquids and Gases		●	
Studio	●	●	●
~~Tattoo Parlour (see Section 5.17.7)~~	~~●~~	~~●~~	
Transportation Depot	●	●	●
Uses, Industrial		●	●
Uses, Light Industrial	●		●
Utility Service and Buildings	●	●	
Vehicle Body/Repair Shop	●	●	
Veterinarian Clinic	●	●	●
Warehouse	●	●	
Warehouse (within enclosed building)	●	●	●
Wholesale Establishment	●	●	●

Amendments affecting the table above: **ZBA [15], [25]**

i) Permitted Accessory Uses within an Industrial Mall are limited to 25% gross floor area.

8.2 GENERAL INDUSTRIAL (M1) ZONE

M1 Zone		
Regulations		**Permitted Uses**
a	Minimum Lot Frontage	20m
b	Minimum Lot Area	750m²
c	Maximum Lot Coverage	60%
d	Minimum Front Yard Setback	7.5m
e	Minimum Rear Yard Setback	2.0m
f	Minimum Interior Side Yard Setback	2.0m
g	Minimum Exterior Side Yard Setback	2.0m
h	Minimum Setback from a Residential Zone	5.0m
i	Maximum Gross Floor Area Devoted to Retail where permitted as an Accessory Use	Not more than 10% of the amount of gross floor area used for a permitted main use shall be used for accessory retail purposes
j	Maximum Building Height	15 m
k	Minimum Landscaped Open Space	25%

Amendments affecting the table above: **ZBA [15], [25]**

8.3 HEAVY INDUSTRIAL (M2) ZONE

M2 Zone		**Permitted Uses**	
Regulations		**Railway Marshalling Yards**	**All other M2 permitted uses**
a	Minimum Lot Frontage		25m
b	Minimum Lot Area	500m²	1,000m²
c	Maximum Lot Coverage		80%
d	Minimum Front Yard Setback		10m
e	Minimum Rear Yard Setback		3.0m
f	Minimum Interior Side Yard Setback		3.0m
g	Minimum Exterior Side Yard Setback		3.0m
h	Minimum Setback from a Residential Zone		10m
i	Maximum Gross Floor Area Devoted to Retail where permitted as an Accessory Use		Not more than 10% of the amount of gross floor area used for a permitted main use shall be used for accessory retail purposes
j	Maximum Building Height	12m	15m
k	Maximum Floor Space Index	1.0 FSI	N/A
l	Minimum Landscaped Open Space	25%	25%

Amendments affecting the table above: **ZBA [15], [25]**

8.4 MIXED USE INDUSTRIAL (MU) ZONE

MU Zone		**Permitted Uses**		
Regulations		**Retail Store and Restaurant**	**Hotel**	**All other MU permitted uses**
a	Minimum Lot Frontage	12m	20m	20m
b	Minimum Lot Area	500m²	750m²	750m²
c	Maximum Lot Coverage	60%	50%	60%
d	Minimum Front Yard Setback	5.0m	7.5m	7.5m
e	Minimum Rear Yard Setback	5.0m	7.5m	2.0m
f	Minimum Interior Side Yard Setback	1.0m	3.0m	2.0m
g	Minimum Exterior Side Yard Setback	2.0m	3.0m	2.0m
h	Maximum Building Height	10m	12m	15m
I	Maximum Floor Space Index	1.0	1.0	1.0
j	Minimum Landscaped Open Space	25%	30%	25%

MU Zone		**Permitted Uses**
Regulations		Railway Marshalling Yards
a	Minimum Lot Frontage	
b	Minimum Lot Area	500m²
c	Maximum Lot Coverage	
d	Minimum Front Yard Setback	
e	Minimum Rear Yard Setback	
f	Minimum Interior Side Yard Setback	
g	Minimum Exterior Side Yard Setback	
h	Maximum Building Height	12m
i	Maximum Density	1.0 FSI

SECTION 9

INSTITUTIONAL ZONE

In any Institutional Zone, no land shall be used and no building or structure shall be erected, located or used for any purpose except in accordance with the following regulations:

9.1 PERMITTED USES IN INSTITUTIONAL ZONE

Within any Institutional Zone, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses as identified by a dot:

Uses	Uses Permitted in Zone
Clinics	●
Commercial School	●
Community Centre	●
Community Lifestyle Facility	●
Crisis Residence	●
Day Nursery	●
Group Home	●
Group Residence	●
Hospital	●
Library	●
Long Term Care Facility	●
Museums/Galleries	●
Place of Worship (see Section 5.17.4)	●
Public Park (see Section 5.17.5)	●
Public Use	●
Schools	●
Studio	●
Student Residence	●

9.2 INSTITUTIONAL ZONE REGULATIONS

I ZONE		**Permitted Uses**
Regulations		**All permitted uses, excluding ~~Places of Worship and~~ Public Parks**
a	Minimum Lot Frontage	20m
b	Minimum Lot Area	800m^2
c	Maximum Lot Coverage	60%
d	Minimum Front Yard Setback	7.5m
e	Minimum Rear Yard Setback	2.0m
f	Minimum Interior Side Yard Setback	1.0m
g	Minimum Exterior Side Yard Setback	3.0m
h	Maximum Building Height	12m
i	Minimum Landscaped Open Space	25%
j	Floor Space Index	1.5

SECTION 14

SPECIAL PROVISIONS

Where any land shown on Schedule A of this By-law is described with a '14._', the following provisions shall have effect notwithstanding anything else in this By-law and the other provisions of this By-law shall be deemed to be amended insofar as is necessary to give effect thereto.

14.1 Notwithstanding the provisions of the Low Density Residential (R2) Zone and for lands shown on Schedule A, Zoning Map 8, the minimum front yard setback may be reduced to 5.0 metres for lots fronting onto the west side of 8th Avenue 'A' East and south of 4th Street East.

14.2 Notwithstanding the provisions of the Single Residential (R1) Zone and for lands shown on Schedule A, Zoning Map 5, the following provisions shall apply:

(i)	Lot Frontage (Minimum):	15 m for lots fronting on to Beattie Avenue and 13.5 metres for all other lots
(ii)	Lot Area (Minimum):	475.0 m^2
(iii)	Gross Floor Area (Minimum):	90.0 m^2

14.3 Reserved

14.4 Notwithstanding the provisions of the Single Residential (R1) Zone and for lands shown on Schedule A, Zoning Map 5, the following provisions shall apply to a single detached dwelling:

(i)	Lot Frontage (minimum):	17.0 metres
(ii)	Lot Area (minimum):	425.0 m^2
(iii)	Lot Coverage (maximum):	40%
(iv)	Front Yard Setback (minimum):	5.5 metres
(v)	Rear Yard Setback (minimum):	10.0 metres

14.5 Notwithstanding the provisions of the Low Density Residential (R3) Zone and for lands shown on Schedule A, Zoning Map 20, the following use shall be permitted in addition to all other uses permitted in the R3 zone: **ZBA [16]**

(a) Long Term Care Facility, which shall include a residential hospice

Notwithstanding the provisions of the R3 zone, the following shall apply to a Long Term Care Facility permitted above:

(i)	Lot frontage (minimum):	20 m
(ii)	Lot Area (minimum):	1,000 m^2
(iii)	Lot Coverage (maximum):	60%
(iv)	Front yard setback (minimum):	10 m
(v)	Rear yard setback (minimum):	N/A
(vi)	Interior side yard setback (minimum) :	2 m
(vii)	Exterior side yard setback (minimum):	2 m
(viii)	Building height (maximum):	12 m

For the purposes of a residential hospice, a minimum 30 parking spaces (including 6 barrier free) are required.

14.6 Notwithstanding the provisions of the Single Residential (R1) Zone and for lands shown on Schedule A, Zoning Map 5, Public Parks shall be permitted in accordance with Section 5.17.5. Single Detached Dwellings shall also be permitted in accordance with the following regulations: **ZBA [4]**

(i)	Lot Frontage (minimum):	15.0 m
(ii)	Lot Area (minimum):	550.0 m^2
(iii)	Lot Coverage (maximum):	35%
(iv)	Front Yard Setback (minimum):	5.0 m
(v)	Rear Yard Setback (minimum):	7.5m
(vi)	Interior Side Yard Setback (minimum):	1.2 m on one side and 0.9 m on the other side or 0.9 m on both sides where there is an attached garage or carport
(vii)	Exterior Side Yard Setback (minimum):	3.0m
(viii)	Building Height (maximum):	10.0 m
(ix)	Gross Floor Area (minimum):	100.0 m^2

14.7 Notwithstanding the provisions of the Mixed Use Commercial (MC) and Hazard (ZH) Zones and for lands shown on Schedule A, Zoning Map 1 and 2, parking areas and structures shall be a permitted use.

A public marina may include as an accessory use Extended Parking during a maximum two regional fish derbies for a maximum 25 self contained vehicles where said vehicles are located 100 metres minimum from any Residential Zone and 20 metres minimum from the shoreline.

14.8 Notwithstanding the provisions of the Low Density Residential (R3) Zone and for lands shown on Schedule A, Zoning Map 10, no person shall use any lot or erect, alter or use any building or structure for any purpose except for

uses existing on the effective date of By-law 2006-023 so long as the "Holding" symbol is affixed to the R3 (14.8) lands.

The City of Owen Sound shall not remove the "Holding" symbol until such time as the matters outlined in Section 8.1.2 of the City's Official Plan are satisfied including the execution of a servicing agreement, payment of applicable frontage charges, and approval of an engineered site plan containing lot grading, drainage and storm water management provisions and erosion control provisions.

At a time when the "Holding" symbol is removed by the City and notwithstanding the provisions of the Low Density Residential (R3) Zone, no person shall use any lot or erect, alter or use any building or structure except for a single detached dwelling in accordance with the following:

(i) Where the minimum elevation at the high water mark (100 year flood line) is 177.9m G.S.C:

  (a) If Construction is proposed greater than 15m from the high water mark then the elevation at the grade and openings / floodproofing for any building (or part thereof) shall be a minimum of 178.5m G.S.C.

  (b) If Construction is proposed within 15m or less of the high water mark then the minimum elevation at building shall be 178.5m G.S.C. and the minimum elevation for floodproofing (minimum grade of openings) shall be 179.5m G.S.C.

14.9 Notwithstanding the provisions of the Low Density Residential (R3) Zone and for lands shown on Schedule A, Zoning Map 10, no person shall use any lot or erect, alter or use any building or structure for any purpose except for uses existing of the effective date of By-law 2006-146 so long as the "Holding" symbol is affixed to the R3 (14.9) lands.

The City of Owen Sound shall not remove the "Holding" symbol until such time as the matters outlined in Section 8.1.2 of the City's Official Plan are satisfied including the execution of a servicing agreement, payment of applicable frontage charges, and approval of an engineered site plan containing lot grading, drainage and storm water management provisions and erosion control provisions.

At a time when the "Holding" symbol is removed by the City and notwithstanding the provisions of the Low Density Residential (R3) Zone, no person shall use any lot or erect, alter or use any building or structure except for a single detached dwelling in accordance with the following:

(i) Where the minimum elevation at the high water mark (100 year flood line) is 177.9m G.S.C:

  (a) If Construction is proposed greater than 15m from the high water mark then the elevation at the grade and openings / floodproofing for any building (or part thereof) shall be a minimum of 178.5m G.S.C.

(b) If Construction is proposed within 15m or less of the high water mark then the minimum elevation at any building shall be 178.5m G.S.C. and the minimum elevation for floodproofing (minimum grade of openings) shall be 179.5m G.S.C.

14.10 Notwithstanding the provisions of the Density Residential (R3) Zone, and for lands shown on Schedule A, Zoning Map 10, no person shall use any lot or erect, alter or use any building or structure except for a single detached dwelling in accordance with the following:

(i) The provisions for a single detached dwelling in the Medium Density Residential (R4) Zone shall apply.

(ii) Where the minimum elevation at the high water mark (100 year flood line) is 177.9m G.S.C:

(a) If Construction is proposed greater than 15m from the high water mark then the elevation at the grade and openings / floodproofing for any building (or part thereof) shall be a minimum of 178.5m G.S.C.

(b) If Construction is proposed within 15m or less of the high water mark then the minimum elevation at any building shall be 178.5m G.S.C. and the minimum elevation for floodproofing (minimum grade of openings) shall be 179.5m G.S.C.

14.11 Notwithstanding the provisions of the Density Residential (R3) Zone, and for lands shown on Schedule A, Zoning Map 10, no person shall use any lot or erect, alter or use any building or structure except for a single detached dwelling in accordance with the following:

(i) The provisions for a single detached dwelling in the Medium Density Residential (R4) Zone shall apply.

(ii) Where the minimum elevation at the high water mark (100 year flood line) is 177.9m G.S.C:

(a) If Construction is proposed greater than 15m from the high water mark then the elevation at the grade and openings / floodproofing for any building (or part thereof) shall be a minimum of 178.5m G.S.C.

(b) If Construction is proposed within 15m or less of the high water mark then the minimum elevation at any building shall be 178.5m G.S.C. and the minimum elevation for floodproofing (minimum grade of openings) shall be 179.5m G.S.C.

14.12 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 7, no person shall use any lot or erect, alter or use any building or structure for any purpose except for the following: **ZBA [4]**

(a) Public Park
(b) Single Detached Dwelling

No person shall use any lot or erect, alter or use any building or structure for a Public Park except in accordance with Section 5.17.5 for a Public Park.

No person shall use any lot or erect, alter or use any building or structure for any Single Detached Dwelling except in accordance with the following provisions:

(i)	Lot frontage (minimum):	10.0 m Notwithstanding the foregoing on interior lots 25 and 26, the minimum lot frontage shall be 7.0 m
(ii)	Lot area (minimum):	240.0 m²
(iii)	Lot coverage (maximum):	65%
(iv)	Front yard setback (minimum):	6.5 m
(v)	Rear yard setback (minimum):	5.0 m
(vi)	Side yard setbacks (minimum):	For an interior lot line 0.9 m minimum with the exception of Lot 9 which shall have a minimum side yard setback of 1.2 m from the easterly interior lot line; 1.2 m minimum adjacent to the exterior side lot line on a corner lot.
(vii)	Gross Floor Area (minimum):	80 m^2
(viii)	Building Height (maximum):	10.0 m

14.13 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 7, no person shall use any lot or erect, alter or use any building or structure for any purpose except for the following: **ZBA [4]**

(a) Single Detached Dwelling
(b) Semi Detached Dwelling
(c) Street Fronting Townhouse Dwelling
(d) Public Park

No person shall use any lot or erect, alter or use any building or structure for a Single Detached Dwelling except in accordance with the regulations for a Single Detached Dwelling listed in Section 14.12.

No person shall use any lot or erect, alter or use any building or structure for a Semi Detached Dwelling except in accordance with the regulations for a Semi Detached Dwelling listed in the R4 Zone.

No person shall use any lot or erect, alter or use any building or structure for a Public Park except in accordance with Section 5.17.5 for a Public Park.

No person shall use any lot or erect, alter or use any building or structure for any Street Fronting Townhouse Dwelling except in accordance with the following provisions:

(i)	Lot frontage (minimum):	7.4 m
(ii)	Lot area (minimum):	190 m²/unit and 1,600 m² for total development parcel
(iii)	Lot coverage (maximum):	75%
(iv)	Front yard setback (minimum):	6.5 m
(v)	Rear yard setback (minimum):	5.0 m
(vi)	Side yard setbacks (minimum):	0.9 m for an end dwelling unit on an interior lot 2.0 m for an end dwelling unit on a corner lot adjacent to 5th Avenue East 1.2 m for any other corner lot
(vii)	Building height (maximum):	10.0 m (maximum)
(viii)	Gross floor area (minimum):	75 m²/unit
(ix)	Maximum Density:	1 dwelling unit for each 250m² of lot area for total development parcel

14.14 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 1, the minimum lot frontage for semi-detached dwellings shall be 8.0 m for each dwelling unit.

14.15 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 13, the minimum setback from a street line and any lot line that abuts a lot in a Residential Zone shall be 7.5 m for townhouse dwellings.

14.16 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 11, no person shall use any lot or erect, alter or use any building or structure for apartments except in accordance with the following provisions:

(i)	Lot Frontage (minimum):	15.0 m
(ii)	Maximum Density:	1 dwelling unit for each 200.0 m² of lot area
(iii)	Maximum Number of Dwelling Units:	4 units
(iv)	Side yard setbacks (minimum):	4.0 m on one side and 2.0 m on the other side
(v)	Gross floor area (minimum):	35.0 m² for each dwelling unit

14.17 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 16, no person shall use any lot or

erect, alter or use any building or structure for apartment dwellings except in accordance with the following provisions:

(i)	Lot Frontage (minimum):	25.0 m
(ii)	Lot Area (minimum):	2,800 m²
(iii)	Maximum Number of Dwelling Units:	10 units
(iv)	Front yard setback (minimum):	20.0 m
(v)	Rear yard setback (minimum):	10.0 m
(vi)	Side yard setback (minimum):	4.0 m
(vii)	Building height (maximum):	2 storeys
(viii)	Gross floor area (minimum):	50.0 m² for each dwelling unit

14.18 Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 2, all uses permitted in the MR zone shall be permitted in accordance with the following: **ZBA [4]**

a) Notwithstanding the provisions of the MR Zone, the following regulations shall apply to apartment dwellings:

i)	Lot Frontage (minimum):	30.0 m
ii)	Lot Area (minimum):	10,000 m²
iii)	Lot coverage (maximum):	50%
iv)	Front yard setback (minimum):	15.0 m
v)	Rear yard setback (minimum):	7.5 m
vi)	Side yard setback (minimum):	3.0 m
vii)	Building height (maximum):	5.0 m
viii)	Gross Floor Area (minimum):	35.0 m^2/unit
ix)	Maximum Number of Dwelling Units:	31 units

b) For all other uses permitted in the Multiple Residential (MR) Zone, the Multiple Residential (MR) zone regulations shall apply.

14.19 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 7, a maximum of three (3) semi detached dwellings are permitted with the following provisions:

(i)	Lot Frontage (min):	No minimum lot frontage is required
(ii)	Lot area (min):	150m² for each dwelling unit
(iii)	Setback from a street line (min):	6.0 m
(iv)	Setback from the lot line opposite the street line (min):	4.5 m
(v)	Setback from all other lot lines except the common lot line (min):	3.0 m

(vi) Gross floor area (min): 50.0 m² for each dwelling unit

A minimum of 2 parking spaces shall be provided for each dwelling unit which may be provided in tandem.

14.20 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 2, no opening to a building shall be permitted below 178.35 m above mean sea level. All other provisions of the R5 zone shall apply. **ZBA [4]**

14.21 Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 2, the following provisions shall apply to a private elementary school:

(i) Lot Frontage (min): 30.0 m

(ii) Lot area (min): 1,000 m²

(iii) Building setbacks (min): 6.0 m from 3rd Avenue West street line; 2.0 m from the lot line forming the boundary with 16th Street West; 30.0 m from any lot line adjacent to the Pottawatomi River and the lot line opposite the 3rd Avenue street line.

(iv) Floor elevation (min): No opening to a building shall be less than 178.35 m above mean sea level.

(v) Site elevation (min): No portion of the site between the main building on the lot and 3rd Avenue West shall be less than 178.35 m above mean sea level.

(vi) Lot coverage (max): 40%

(vii) Building height (max): 5.0 m

14.22 Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 11, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses so long as the "Holding" symbol is affixed to the MR (14.22) lands:

(a) Four (4) Townhouse units for the sole use of a model suite and sales centre with no residency permitted therein
(b) Public Parks

At a time when the "Holding" symbol is removed by the City and notwithstanding the provisions of the Multiple Residential (MR) Zone, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more the following uses:

(a) Dwellings, Townhouse
(b) Dwellings, Apartment

(c) Public Parks

The following provisions shall apply to the permitted uses listed above:

(i)	Minimum Elevation:	No opening to a building shall be less than 178.4 m above mean sea level.
(ii)	Maximum Density:	41 townhouse units 64 apartment units
(iii)	Gross Floor Area (min):	80.0 m² for each dwelling unit
(iv)	Building Height (max):	10.0 m (townhouses) 12.5 m (apartments)

14.23 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 13, no land shall be used and no building or structure shall be erected, altered or used for any purpose except the following uses: **ZBA [4]**

a) Semi Detached Dwelling
b) Street Fronting Townhouse Dwelling
c) Cluster Townhouse Dwelling
d) Uses permitted in the R5 Zone

Notwithstanding the regulations of the R5 Zone, the following shall apply to a Semi Detached Dwelling or Street Fronting Townhouse Dwelling permitted above:

(i)	Lot Frontage (minimum):	4.5 m (Dwelling, Semi-Detached) 5.0m (Street Fronting Townhouse Dwelling)
(ii)	Lot Area (minimum):	150 m²/unit
(iii)	Maximum Number of Dwelling Units:	56 semi detached or street fronting townhouse units within the area of lands to which Section 14.23 applies
(iv)	Building setbacks (minimum):	6.0 m from any lot line abutting a Commercial Zone boundary for a maximum two semi-detached dwelling units; 7.5 m from any R5 Zone; 2.0 m from any street line where there is an attached garage or carport; 0.9 m from any other lot line except a lot line forming part of a common or party wall where the dwelling contains an attached garage or carport; 5.0 m from any other lot line, except a lot line forming part of a common or party wall where there is no attached garage or carport.

(v) Lot coverage (maximum): 60%

(vi) Building height (maximum): 9.0 m

Notwithstanding the regulations of the R5 Zone, the following shall apply to a Cluster Townhouse Dwelling permitted above:

i) Lot Area (minimum): 2500 m^2

ii) Lot Coverage (maximum): 35%

iii) Building Setbacks (minimum): 7.5m from any street line and any lot line abutting a Residential Zone; 3.0m from any other lot line

iv) Gross Floor Area (minimum): 75.0 m^2/unit

v) Maximum Density: 1 dwelling unit for each 400.0 m^2 of lot area, or for any existing townhouse dwelling existing on October 13, 1998 shall be 11 dwelling units.

vi) Building Height (maximum): 9.0 m

For all other uses permitted in the General Residential (R5) Zone, the General Residential (R5) zone regulations shall apply.

14.24 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Maps 13, 14 and 20, no person shall use any lot or erect, alter or use any building or structure subject to the following provisions:

(a) For any purpose except one of the following uses so long as the "Holding" symbol is affixed to the R4 (14.24) lands:

(i) Public Parks
(ii) Dwelling~~s~~, Single Detached
(iii) Home Occupation, Rural Residential

No person shall use any lot or erect, alter or use any building or structure for any of the permitted uses listed above except in accordance with Section 13.2 of this By-law for such uses in a RUR Zone.

(b) At a time when the "Holding" symbol is removed by the City the following uses may be permitted: **ZBA [2]**

i) Single Detached Dwellings, Semi-Detached Dwellings
ii) Duplex Dwellings
iii) Townhouse Dwellings
iv) Converted Dwellings have a maximum of 10 units
v) Apartment dwellings having a maximum of 10 units
vi) Boarding or Lodging House
vii) Long Term Care Facility
viii) Public Parks
ix) Places of Worship

For uses identified as 14.24 (b) (vii), (viii), and (ix), the provisions of the Institutional (I) Zone and Section 5.17.9 shall apply

For uses identified as 14.24 (b) (i), no person shall use any lot or erect, alter or use any building or structure for any permitted use in except in accordance with Section 6.5 for such uses in an R4 Zone with the exception of the following provisions:

(i)	Lot area (min):	250.0 m²
(ii)	Front yard setback (min):	5.0 m
(iii)	Rear yard setback (min):	5.0 m
(iv)	Lot coverage (max):	50%

For uses identified as 14.24 (b) (i), no person shall use any lot or erect, alter or use any building or structure for any permitted use in except in accordance with Section 6.5 for such uses in an R4 Zone with the exception of the following provisions:

Maximum density: 1 dwelling unit for each 250.0 m² of lot area for the total development parcel

For uses identified as 14.24 (b) (v), the General Residential (R5) Zone shall apply.

For uses identified as 14.24 (b) (vi), the site and building regulations of a single-detached dwelling in the Medium Residential (R4) Zone shall apply.

For all other permitted uses, the Medium Residential (R4) Zone shall apply.

14.25 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 13, the maximum density for an apartment dwelling shall be 18 units. The lot frontage for an apartment dwelling shall be considered the longest frontage on an open street.

14.26 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 3, no land shall be used and no building or structure shall be erected, located or used for any purpose except the following uses:

(a) an existing group home in keeping with the definition contained in Section 4 except that the maximum number of residents is twenty-three (23).

(b) open space uses in conjunction with the group home.

The existing buildings or structures on lands zoned R4 (14.26) shall be deemed to comply with this By-law. No person shall alter or expand any of the above uses without a further amendment to this By-law. No accessory buildings or structures are permitted.

14.27 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 11, no person shall use any lot or

erect, alter or use any building or structure for apartment dwellings except in accordance with the following provisions:

(i)	Lot Frontage (minimum):	15.0 m
(ii)	Lot Area (minimum):	525 m²
(iii)	Maximum Number of Dwelling Units:	4 units
(iv)	Maximum density:	1 dwelling unit for each 175.0m² of lot area
(v)	Side yard setback (minimum):	4.0 m on one side and 2.0m on the other side
(vi)	Gross floor area (minimum):	35.0 m² for each dwelling unit

14.28 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 3, a group home and a crisis residence shall be permitted. The provisions for a single detached dwelling in the R4 Zone shall apply to these uses.

14.29 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 6, 7 and 13, no person shall use any lot or erect, alter or use any building or structure for apartment dwellings except in accordance with the following provisions:

(i)	Lot Frontage (min):	20.0 m
(ii)	Lot Area (min):	1,000 m²
(iii)	Lot Coverage (max):	35%
(iv)	Side yard setback (min):	4.0 m for buildings less than 3 storeys and 6.0 m for buildings more than 6 storeys
(v)	Landscaped open space (min):	30%
(vi)	Gross floor area (min):	35.0 m² for each dwelling unit
(vii)	Building height (max):	18.0 m

(viii) The maximum density shall be 200.0 m² of lot area for each of the first four dwelling units, and 100.0 m² of lot area for each additional dwelling unit. For each required parking space provided in covered or underground parking garages, there may be a 25.0m² reduction in the lot area.

14.30 Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 2, all uses permitted in the MR zone shall be permitted in accordance with the following: **ZBA [4]**

a) Notwithstanding the provisions of the MR Zone, the following regulations shall apply to apartment dwellings:

i)	Lot Area (minimum):	2,000 m²

ii) Lot Frontage (minimum): 25.0 m

iii) Lot Coverage (maximum): 35%

iv) Front Yard Setback (minimum): 10.0 m

v) Side Yard Setback (minimum): 10.0 m

vi) Rear Yard Setback (minimum): 10.0 m

vii) Building Height (maximum): No portion of any building shall project above 190 m above mean sea level

viii) Gross Floor Area (minimum): 35.0 m²/unit

ix) Maximum Density: 1 dwelling unit for each 175.0 m² of lot area

x) Landscaped Open Space (minimum): 35%

b) For all other uses permitted in the Multiple Residential (MR) Zone, the Multiple Residential (MR) zone regulations shall apply.

14.31 Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 7, no person shall use any lot or erect, alter or use any building or structure for apartments except in accordance with the following provisions:

(i) Lot Frontage (min): 60.0 m

(ii) Lot Area (min): 3,900 m²

(iii) Maximum density: 1 dwelling unit for each 175.0 m² of lot area

(iv) Maximum number of Dwelling Units: 36 units

(v) Front yard setback (min): 7.5 m

(vi) Rear yard setback (min): 7.5 m

(vii) Building height: 18.0 m

At least three (3) units shall be located in the basement (Ontario Municipal Board Order - March 26, 1993).

14.32 Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 13, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses so long as the "Holding" symbol is affixed to the MR (14.32) lands:

(a) Public Parks
(b) Dwelling~~s~~, Single Detached
(c) Home Occupation, Rural Residential

No person shall use any lot or erect, alter or use any building or structure for any of the permitted uses listed above except in accordance with Section 13.2 of this By-law for such uses in a RUR Zone.

At a time when the "Holding" symbol is removed by the City, the provisions from the Multiple Residential (MR) Zone shall apply.

14.33 Notwithstanding the provisions of the Core Commercial (C1) Zone and for lands shown on Schedule A, Zoning Map 7, the following shall apply:

(a) a drinking establishment shall not be a permitted use at the properties addressed as:

- 369 8th Street East, Part of Lane, Lot 13, West of Murdoch Street on Plan 7, Part Lots 1,2 and 3
- 777 3rd Avenue East, Part of Lot 14, East of Scrope Street
- 345 8th Street East, Part of Lots 13 to 15, West of Murdoch Street, Part Lots 13 to 15, East of Scrope Street
- Vacant lot known municipally as 288-300 8th Street East, described legally as Part of Lot 12, West of Scrope Street
- Vacant lot known municipally as 810-814 3rd Avenue East, described legally as Part of Lot 12, West of Scrope Street
- 785 3rd Avenue East, West Part Lot 13, Part Lot 14, East of Scrope, Plan 16R-2610, Part 1

(b) a dwelling unit in combination with permitted non-residential uses shall be located above the first storey with the exception of entrances thereto.

14.34 Notwithstanding the provisions of the Retail Commercial (C2) Zone and for lands shown on Schedule A, Zoning Map 20, no minimum lot frontage shall be required.

14.35 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 7, a museum with a maximum of one (1) dwelling unit shall be permitted in accordance with the following provisions:

(i)	Lot Frontage (min):	25.0 m
(ii)	Lot Area (min):	1,500 m²
(iii)	Gross floor area (min):	35.0m² for the dwelling unit
(iv)	Landscaped open space (min):	500.0 m²

The minimum front and rear yard setbacks, the minimum side yard setbacks and the maximum building height shall be as they existed on the effective date of this By-law.

14.36 Notwithstanding the provisions of the Low Density Residential (R2) Zone and for lands shown on Schedule A, Zoning Map 5, a seniors living facility or

apartment dwelling designed for the exclusive use by the elderly shall be permitted in accordance with the following provisions:

(i)	Lot Frontage (min):	6.0 m
(ii)	Lot Area (min):	4,800 m²
(iii)	Lot coverage (max):	40%
(iv)	Maximum number of Dwelling Units:	200 m² of lot area for each of the first four dwelling units, and 100 m² of lot area for each additional dwelling unit; or 44 dwelling units for each lot, whichever is the lesser.
	Maximum number of nursing homes beds:	200 m² of lot area for each bed; or 80 beds for each lot, whichever is the lesser.
(v)	Building setbacks (min):	7.5 m from a street line 3.0 m from side and rear lot lines
(vi)	Building height (max):	8.0 m
(vii)	Gross floor area (min):	40.0 m² for a dwelling unit

14.40 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 4, in addition to all other uses permitted in the R4 zone a Bed and Breakfast House, with a maximum of four (4) guest bedrooms shall be permitted.

For this additional use, the R4 Zone regulations shall apply except for the following:

i) A Bed and Breakfast House for the purposes of this section shall be defined as in Section 4 of this By-law, and that:

- The bed and breakfast house is contained within a Single Detached Dwelling;
- Temporary lodging for each guest shall not exceed 30 days within any 60 day consecutive day period;
- No cooking facilities are provided or permitted in guest rooms; and
- Where guest means a person including all members of a person's party who contracts for accommodation in a bed and breakfast.

ii) The regulations for a Single Detached Dwelling in the R4 Zone shall apply.

For all other uses permitted in the Medium Density Residential (R4) Zone, the Medium Density Residential (R4) zone regulations shall apply."

14.37 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 4, in addition to all other **ZBA [4]**

uses permitted in the R4 zone a Day Nursery having a maximum of one (1) dwelling unit therewith shall be permitted.

For this additional use, the R4 Zone regulations shall apply except for the following:

i) Gross floor area: Maximum of 100.0 m² for the day nursery;
Minimum of 50.0 m² for the dwelling unit

For all other uses permitted in the Medium Density Residential (R4) Zone, the Medium Density Residential (R4) zone regulations shall apply.

14.38 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 3, a bed and breakfast with a maximum of four (4) guest bedrooms and an office and clinic for specialty footwear and therapy shall be permitted. A maximum of two (2) dwelling units are permitted in combination of the uses. The site provisions for a single detached dwelling in a R4 Zone shall apply to these uses except for gross floor area:

(i) Gross floor area (max): 75.0 m² (commercial use)

(ii) Gross floor area (min): 50.0 m² (dwelling unit)

14.39 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 7, a bed and breakfast with a maximum of eight (8) guest bedrooms shall be permitted. The site provisions for a single detached dwelling in a R4 Zone shall apply except for the following provisions:

(i) Lot Frontage (min): 40.0 m

(ii) Lot Area (min): 2,200 m²

A dwelling unit in combination with a bed and breakfast may be permitted with a maximum of five (5) guest bedrooms.

14.40 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 4, in addition to all other uses permitted in the R4 zone a Bed and Breakfast House, with a maximum of four (4) guest bedrooms shall be permitted. **ZBA [4]**

For this additional use, the R4 Zone regulations shall apply except for the following:

i) A Bed and Breakfast House for the purposes of this section shall be defined as in Section 4 of this By-law, and that:

- The bed and breakfast house is contained within a Single Detached Dwelling;
- Temporary lodging for each guest shall not exceed 30 days within any 60 day consecutive day period;
- No cooking facilities are provided or permitted in guest rooms; and

- Where guest means a person including all members of a person's party who contracts for accommodation in a bed and breakfast.

ii) The regulations for a Single Detached Dwelling in the R4 Zone shall apply.

For all other uses permitted in the Medium Density Residential (R4) Zone, the Medium Density Residential (R4) zone regulations shall apply.

14.41 Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 3, no person shall use any lot or erect, alter or use any building or structure for any purpose except of the following: **ZBA [4]**

a) Uses permitted in the MR Zone

b) Convenience store, personal service use, or a butcher shop or bakery, but only in combination with an apartment dwelling

c) Hospital

Notwithstanding the regulations of the MR Zone, the following provisions shall apply to the permitted uses listed above:

i) For uses identified as 14.41(a) and (b) the regulations of the MR Zone shall apply except that any building existing on December 16, 1996 may be used for an apartment dwelling having a maximum of 58 dwelling units, which may be in combination with a maximum of 125 m^2 gross floor area devoted to uses identified in 14.41(b) notwithstanding that the lot frontage, maximum density, lot coverage, front yard depth, rear yard depth, side yard width, landscaped open space, and building height regulations may not be met. And any condominium apartment dwelling having 56 dwelling units and up to 125 m^2 of permitted commercial use shall provide a minimum of 87 parking spaces of which no more than 12 shall be in tandem.

ii) For a hospital, the regulations of the Institutional (I) Zone shall apply except for the following:

Lot Frontage (minimum):	30.0 m
Lot Area (minimum):	1,500 m²
Lot coverage (maximum):	60%
Building height (maximum):	26.0 m

14.42 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 7, no person shall use any lot or erect, alter or use any building or structure for an office except in accordance with the following provisions:

(i) A minimum of three (3) parking spaces shall be required provided such parking is located in the rear yard with access to 3rd Avenue West only.

(ii) The minimum lot frontage and lot area, the minimum building setbacks, the maximum building height and lot coverage shall be as they existed on the date of the passing of this By-law.

14.43 Notwithstanding the provisions of the Medium Density Residential (R4) ~~General Residential (R5) Zone~~ and for lands shown on Schedule A, Zoning Map 3, a personal service store with a maximum of one (1) dwelling unit in combination shall be permitted in accordance with the following provisions:

(i) Gross floor area (max): 190.0 m² (commercial use)

No person shall use any lot of erect, alter or use any building or structure for a personal service store except within the building existing on July 31, 2006.

14.44 Notwithstanding the provisions of the Mixed Use Commercial (MC) Zone and for lands shown on Schedule A, Zoning Map 3, the following provisions apply to a permitted use excluding gas bars, public parks and townhouse dwellings:

(i) Building setbacks (min): 5.0 m from a street line

10.0 m from any lot line which abuts a lot used for a railway line

6.0 m from any lot line (excluding a street line or any lot line which abuts a lot used for a railway line) which also constitutes a zone boundary of the MC Zone

No building setback shall be required from any lot line which does not constitute a street line, lot line abutting a lot used for a railway line, or a MC Zone boundary

14.45 Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 1, a marina shall be a permitted use. No person shall use any lot or erect, alter or use any building or structure for marinas or apartment dwellings except in accordance with the following provisions:

(i) Lot frontage (min): 40.0 m (apartment)

(ii) Lot area (min): 4,500 m²

(iii) Lot coverage (max): 35%

(iv) Maximum density: 1 dwelling unit for each 300.0 m² of lot area; or 1 dwelling unit for each 117.0 m² of lot area where underground or covered parking areas are provided at a rate of a minimum of 1 parking space per dwelling unit (apartment)

(v) Building setbacks (min): 7.5 m from a street line, but no building setback shall be required from 2nd Avenue West or any lot line established within said street; 2.0 m from any other lot line

(vi) Landscaped open space (min): 50.0 m² per dwelling unit (apartment)

(vii) Building height (max): No main building shall exceed 196.0 m above mean sea level

(viii) Gross floor area (min): 60.0 m² per dwelling unit (apartment)

If an attached or detached parking structure is located completely below grade (with the exception of entrances thereto), no building setbacks shall be required and such structures shall not be subject to lot coverage regulations.

14.46 Notwithstanding the provisions of the Mixed Use Commercial (MC) Zone and for lands shown on Schedule A, Zoning Map 7, the following provisions shall apply:

(A) So long as the "Holding" symbol is affixed to the MC (14.46) lands no person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on October 4, 1999. The gross floor area, building height, building setbacks and lot coverage shall be as they existed on October 4, 1999.

(B) At a time when the "Holding" symbol is removed by the City the permitted uses in the Mixed Use Commercial (MC) Zone shall apply and notwithstanding the provisions of the Mixed Use Commercial (MC) Zone, no person shall use any lot or erect, alter or use any building or structure for any permitted use in the Mixed Use Commercial (MC) Zone except in accordance with the following:

(i) For the purposes of an Apartment Dwelling, the provisions of the Multiple Residential (MR) Zone shall apply with the exception of the following provisions:

Building setbacks (min): 0 m from 1st Avenue West street line
2.5 m from 11th Street West street line
3.5 m from 12th Street West street line
5.0 m from 2nd Avenue West street line
2.5 m from any other lot line

Building height (max): 26.0 m for buildings within 120 metres of 1st Avenue West and 20.0 m for any other apartment

Maximum Density: 200 m^2 minimum of lot area for each of the first four dwelling units, and 100 m^2 minimum of lot area for each additional unit. For each required parking spaces provided in covered or underground parking areas, there may be a 25 m^2 reduction in the lot area.

(ii) For the purposes of a Townhouse Dwelling, the provisions of the Townhouse Dwelling provisions of the Multiple Residential (MR) Zone shall apply with the exception of the following provisions:

Building Setbacks (min): 0 m from 1st Avenue West street line

2.5 m from 11th Street West street line
3.5 m from 12th Street West street line
5.0 m from 2nd Avenue West street line
2.5 m from any other lot line

Maximum Density: 1 dwelling unit for each 300 m^2 of lot area; or 1 dwelling unit for each 200 m^2 of lot area where common fully enclosed parking areas are provided at a rate of 1 parking spaces per dwelling unit minimum.

(iii) For all other uses permitted in the Mixed Use Commercial (MC) Zone, the following shall apply:

Lot coverage (maximum): 60%.

Building Setbacks (min): 0 m from 1st Avenue West street line
2.5 m from 11th Street West street line
3.5 m from 12th Street West street line
5.0 m from 2nd Avenue West street line
2.5 m from any other lot line

Floor Space Index: N/A

Maximum Density: 200 m^2 minimum of lot area for each of the first four dwelling units, and 90 m^2 minimum of lot area for each additional dwelling unit. For each required parking space provided in covered or underground parking areas, there may be a 25 m^2 reduction in the lot area.

(iv) For the purposes of public parks, the Open Space (OS) Zone shall apply.

14.47 Notwithstanding the provisions of the Mixed Use Commercial (MC) Zone and for lands shown on Schedule A, Zoning Map 3, retail stores and shopping centres shall not be permitted.

14.48 Notwithstanding the provisions of the Arterial Commercial (C4) Zone and for lands shown on Schedule A, Zoning Map 14, a contractor's yard and asphalt and concrete manufacturing facility shall be permitted in accordance with the following provisions:

(i) Lot frontage (min): 50.0 m

(ii) Lot area (min): 2,500 m²

(iii) Lot coverage (max): 50%

(iv) Building setbacks (min): 10.0 m from a front lot line
5.0 m from side and rear lot lines

(v) Building height (max): 15.0 m

14.49 Notwithstanding the provisions of the Mixed Use Industrial (MU) Zone and for lands shown on Schedule A, Zoning Map 6, utility service buildings, grain

elevators, feed mills, and transportation depots shall be permitted in accordance with the following provisions:

(i)	Lot area (min):	1,000 m²
(ii)	Lot coverage (max):	75%
(iii)	Building setbacks (min):	5.0 m from a street line 2.0 m from other lot lines 0.0 m from any waterway navigable by ships
(iv)	Building height (max):	75.0 m for a grain elevator 12.0 m for all other uses

14.50 Notwithstanding the provisions of the Arterial Commercial (C4) Zone and for lands shown on Schedule A, Zoning Map 13, no person shall use any lot or erect, alter or use any building or structure for any non-residential permitted use in the C4 Zone except in accordance with the following provisions:

(i)	Lot frontage (min):	15.0 m
(ii)	Lot area (min):	750 m²
(iii)	Lot coverage (max):	30%
(iv)	Front yard setback (min):	2.0 m
(v)	Rear yard setback (min):	10.0 m
(vi)	Side yard setbacks (min):	3.0 m
(vii)	Landscaped open space (min):	250.0 m²
(viii)	Building height (max):	10.0 m

14.51 Notwithstanding the provisions of the Open Space (OS) Zone and for lands shown on Schedule A, Zoning Map 6, no person shall use any lot or erect, alter or use any building or structure except for the following uses:

(a) Community Lifestyle Facility
(b) Uses, Recreational
(c) Public Parks
(d) Parking Areas and Structures
(e) Uses permitted in the Mixed Use Commercial (MC) Zone

A building or structure containing any permitted use listed above excluding boat launch or dockage, boat repair uses, warehouses and storage uses within completely enclosed buildings, parking areas and structures, or public parks, shall be set back a minimum of 100 m from any lot line abutting an Institutional (I) Zone. No person shall use any lot or erect, alter or use any building or structure for any permitted use except in accordance with the following provisions:

(i)	Lot area (min):	1,500 m²
(ii)	Lot coverage (max):	50%
(iii)	Building setbacks (min):	3.0 m from a lot line

		No building setback is required for a community lifestyle facility or public use
(iv)	Building height (max):	26.0 m
(v)	Maximum density:	1 dwelling unit for each 200.0 m² of lot area
(vi)	Landscaped open space (min):	50.0 m² for each dwelling unit
(vii)	Gross floor area (min):	40.0 m² for each dwelling unit

14.52 Notwithstanding the provisions of the Core Commercial (C1) Zone and for lands shown on Schedule A, Zoning Map 7, no person shall use any lot or erect, alter or use any building or structure except for the following uses:

(a) Neighbourhood Shopping Centre having a maximum gross floor area of 600.0 m²
(b) Retail stores
(c) Offices, financial institutions, clinics
(d) Personal service stores
(e) Studios and art galleries
(f) Commercial schools
(g) Repair stores
(h) Restaurants
(i) Dwelling units in combination with permitted non-residential uses
(j) Uses permitted in R5 Zone but not on the same lot used for other uses permitted in this section

A residential use permitted in the R5 Zone under this section shall be subject to the site provisions in the R5 Zone. No person shall use any lot or erect, alter or use any building or structure for any permitted use (excluding R5 permitted residential uses) except in accordance with the following provisions:

(i)	Lot frontage (min):	19.0 m
(ii)	Lot area (min):	600.0 m²
(iii)	Lot coverage (max):	60%
(iv)	Building setbacks (min):	3.0 m from a street line 1.5 m from side and rear lot lines
(v)	Building height (max):	10.0 m

14.53 Notwithstanding the provisions of the General Industrial (M1) Zone and for lands shown on Schedule A, Zoning Map 8, the uses permitted in the R5 Zone shall be permitted in M1 (14.53) but not on the same lot used for any other use permitted in a M1 Zone. A use permitted in the R5 Zone under this section shall be subject to the site provisions in the R5 Zone.

14.54 Notwithstanding the provisions of the General Industrial (M1) Zone ~~Retail Commercial (C2) Zone~~ and for lands shown on Schedule A, Zoning Map 8,

no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, such uses permitted without connection to a public sanitary sewer system:

(a) Automotive Sales Establishment
(b) Automotive Services Station; Automotive Repair Establishment
(c) Retail Warehouse; Retailing and Wholesaling of Automotive Supplies. Lumber and Home Improvement Sales
(d) Truck Terminals; Warehouses
(e) Printing and Publishing Establishment
(f) Tourist Information Centre
(g) Single Detached Dwelling existing on the effective date of this By-law
(h) Public Park

Such uses shall be permitted in accordance with the following provisions:

(i)	Lot frontage (min):	30.0 m
(ii)	Lot area (min):	1,500 m²
(iii)	Lot coverage (max):	20%
(iv)	Building setbacks (min):	10.0 m from a front lot line 5.0 m from side and rear lot lines
(v)	Building height (max):	10.0 m

14.55 Notwithstanding the provisions of the Low Density Residential Three Zone (R3), and for lands shown on Schedule A, Zoning Map 10: **ZBA [10]**

(a) The permitted uses, site and building regulations of the General Industrial (M1) Special Provision (14.55) shall continue to apply to any use of the buildings which exist on the effective date of this By-law provided that the height and gross floor area are not increased so long as the "Holding (H)" symbol is affixed to the R3(14.55) lands. **ZBA [19]**

(b) The City of Owen Sound shall not remove the "Holding" provision until such time as the matters outlined below are satisfied and, notwithstanding the provisions of the Low Density Residential Three Special Provision 14.55 (R3 14.55), for those lands shown on Schedule A, Zoning Map 10:

i. The completion of land use compatibility studies, such as stationary noise, dust and odour studies at the time of any future site plan or plan of subdivision application to understand the need for specific mitigation measures, as may be required;

ii. That any future plan of subdivision or site plan application include the submission and approval of an urban design brief to address: overall plan design and layout; land use compatibility considerations such as implementation of recommended mitigation measures from approved noise/dust/odour study; lot/building orientation and interface with existing industrial uses, built form and location of driveways; architectural design and control; and, pedestrian connections;

iii. Compliance with the Environmental Protection Act and its regulations;

iv. Archaeological Study ;

v. Servicing Studies and entering into agreements with the City with respect to the implementation of these upgrades;

vi. That those portions of the subject property located in the southwest quadrant, subject to periodic flooding, and as shown in the attached Schedule are subject to a holding provision. The City of Owen Sound shall not remove the "Holding" provision until such time as the flooding hazard has been removed through the re-grading or the site. These works will be carried out with appropriate permits to the satisfaction of the City of Owen Sound and the Grey Sauble Conservation Authority.

(c) At the time when the "Holding (H)" Symbol is removed by the City and notwithstanding the provision of the Residential Three Zone (R3), in addition to all other uses permitted in the R3 Zone, a "Dwelling, Townhouse" shall be permitted. For any permitted use, the following special provisions shall apply:

(i) Low Density Residential Zone Regulations (Dwelling, Single Detached)

For a Single Detached Dwelling the R3 regulations shall apply save and except for the following:

a) Minimum Front Yard Setback: 6.0 m to the garage and 5.5 m to the habitable portion

b) Maximum Lot Coverage: 50 %

(ii) Low Density Residential Zone Regulations (Dwelling, Townhouse)

For a Townhouse Dwelling the R4 regulations shall apply save and except for the following:

a) Minimum Front Yard Setback: 6.0 m to garage and 5.5 m to the habitable portion

b) Maximum Lot Coverage: 50%

c) Minimum Rear Yard Setback: 6.0 m

(d) At the time when the "Holding (H)" Symbol is removed by the City for the purposes of any use permitted in the Multiple Residential (MR) Zone, the provisions of the Multiple Residential (MR) Zone shall apply.

14.56 Notwithstanding the provisions of the Mixed Use Commercial (MC) Zone and for lands shown on Schedule A, Zoning Map 11, the following provisions shall apply:

(A) So long as the "Holding" symbol is affixed to the MC (14.56) lands no person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on January 28, 2002. The gross floor area, building height, building setbacks and lot coverage shall be as they existed on January 28, 2002.

(B) At a time when the "Holding" symbol is removed by the City and notwithstanding the provisions of the Mixed Use Commercial (MC) Zone, the following provisions shall apply:

(i) The following uses shall also be permitted:

1. Industrial Use, Industrial Mall
2. Wholesale Establishment
3. Transportation Depot
4. Utility Service Buildings and Uses
5. Warehouse within a completely n enclosed buildings
6. Boat Launch And Dockage Facilities
7. Retail Sale Of Fuel For Boats
8. All uses permitted in the MC Zone

(ii) No person shall use any lot or erect, alter or use any building or structure for any permitted use identified above in 14.56 subsection (B) as (1~~a~~), (2~~b~~), (3~~c~~) and (4~~d~~), except in accordance with the following:

Lot area (min):	1,500 m²
Lot coverage (max):	50%
Building setbacks (min):	3.0 m from any lot line
Building height (max):	15.0 m
Setback from any lot line abutting and Institutional (I) Zone:	100 m

(iii) No person shall use any lot or erect alter or use any building or structure for Townhouse Dwellings as a main use on a lot except in accordance with the provisions of the Multiple Residential (MR) Zone, with the exception of the following:

Minimum Lot Frontage:	N/A
Maximum Density:	1 dwelling unit for each 300 m^2 of lot area; or 1 dwelling unit for each 200 m^2 of lot area where common fully enclosed parking areas are provided at a rate of 1 parking spaces per dwelling unit minimum.

Setback from any lot line abutting and Institutional (I) Zone:
100 m

(iv) No person shall use any lot or erect alter or use any building or structure for Apartment Dwellings as a main use on a lot except in accordance with the provisions of the Mixed Use Commercial (MC) Zone, with the exception of the following:

Minimum Lot Frontage:	N/A
Maximum Building Height:	26 m
Side Yard Setback:	6.0 m for main buildings over 3 storeys in height and 4.0 m for main buildings 3 storeys or less in height
Maximum Density:	200 m^2 minimum of lot area for each of the first four dwelling units, and 100 m^2 minimum of lot area for each additional unit. For each required parking spaces provided in covered or underground parking areas, there may be a 25 m^2 reduction in the lot area.
Setback from any lot line abutting an Institutional (I) Zone:	100 m

(v) For all other permitted uses, the provisions of the MC Zone shall apply, with the exception of the following:

Building Height (maximum):	26.0 m
Gross Floor Area:	40.0 m^2 / dwelling unit established in combination with a permitted non-residential use
Maximum Density:	For a dwelling unit established in combination with permitted non-residential uses 200m^2 / dwelling unit
Minimum Landscaped Open Space:	50m^2 / dwelling unit established in combination with permitted non-residential uses
Setback from any lot line abutting and Institutional (I) Zone:	10 0 m

14.57 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Maps 11 and 12, the following uses shall be permitted in addition to all other uses permitted in the R5 Zone: **ZBA [4]**

a) Community Lifestyle Facility, excluding banquet and bingo halls

Notwithstanding the regulations of the R5 Zone, the following shall apply to a School, Long Term Care Facility, or Community Lifestyle Facility, excluding banquet and bingo halls, permitted above:

(i)	Lot frontage (minimum):	20.0 m
(ii)	Lot area (minimum):	1,000 m²
(iii)	Lot coverage (maximum):	60%
(iv)	Front yard setback (minimum):	10.0 m
(v)	Rear yard setback (minimum):	2.0 m
(vi)	Interior side yard setback (minimum):	2.0 m
(vii)	Exterior side yard setback (minimum):	3.0 m
(viii)	Building height (maximum):	12.0 m
(ix)	Floor Space Index (maximum):	1.5

(x) In addition, for any Community Lifestyle Facility, excluding banquet and bingo halls the permitted gross floor area shall be located entirely within buildings existing on September 28, 1998. Parking shall be provided entirely on privately owned lands up to a maximum of 20 parking spaces. The premises shall not be used for banquets, weddings, receptions or similar for persons or groups other than for the primary tenant of the Community Lifestyle Facility.

For all other uses permitted in the General Residential (R5) Zone, the General Residential (R5) Zone regulations shall apply.

14.58 Notwithstanding the provisions of the Arterial Commercial (C4) Zone and for lands shown on Schedule A, Zoning Map 13, no person shall use any lot or erect, alter or use any building or structure for any non-residential permitted use in the C4 Zone except in accordance with the following provisions:

(i)	Lot frontage (min):	15.0 m
(ii)	Lot area (min):	550 m²
(iii)	Lot coverage (max):	30%
(iv)	Front yard setback (min):	0.5 m
(v)	Rear yard setback (min):	7.5 m
(vi)	Side yard setbacks (min):	2.0 m
(vii)	Building height (max):	10.0 m

14.59 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 20, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses so long as the "Holding" symbol is affixed to the R5 (14.59) lands:

(a) Public Parks
(b) Dwelling~~s~~, Single Detached
(c) Home Occupation, Rural Residential

No person shall use any lot or erect, alter or use any building or structure for any permitted use listed above except in accordance with Section 13.2 of this By-law for such uses in a RUR Zone.

At a time when the "Holding" symbol is removed by the City, the provisions and permitted uses from the General Residential (R5) Zone shall apply.

14.60 Notwithstanding the provisions of the Neighbourhood Commercial (C3) Zone and for lands shown on Schedule A, Zoning Map 13, a veterinarian clinic and uses permitted in the R3 Zone but not on the same lot used for any other use in this section, shall be permitted.

A use permitted in the R3 Zone under this section shall be subject to the site provisions in the R3 Zone. Where any lot line abuts a lot line in a Residential Zone, a minimum 20.0 m setback is required for a veterinarian clinic.

14.61 Notwithstanding the provisions of the Arterial Commercial (C4) Zone, and for lands shown on Schedule A, Zoning Map 14, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses:

(a) Retail warehouse
(b) Place of worship
(c) Offices and clinics
(d) Community lifestyle facilities
(e) Warehouses

No person shall use any lot or erect, alter or use any building or structure for the permitted uses except in accordance with the following provisions:

(i)	Lot frontage (min):	60.0 m
(ii)	Lot area (min):	5,000 m²
(iii)	Lot coverage (max):	50%
(iv)	Building setbacks (min):	8.0 m from a front lot line 3.0 m from a side and rear lot line
(v)	Building height (max):	10.0 m

A retail warehouse and place of worship may be permitted on the subject lot provided a minimum of 48 parking spaces are provided on-site. The parking requirements of Section 5.22.2 of this By-law apply to all other permitted uses.

14.62 Notwithstanding the provisions of the Arterial Commercial (C4) Zone, and for lands shown on Schedule A, Zoning Map 14, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses so long as the "Holding" symbol is affixed to the C4 (14.62) lands:

(a) Public Parks
(b) Single Detached Dwelling
(c) Home Occupation

No person shall use any lot or erect, alter or use any building or structure for any permitted use listed above except in accordance with Section 13.2 of this By-law for such uses in a RUR Zone.

At a time when the "Holding" symbol is removed by the City and notwithstanding the provisions of the C4 Zone, no person shall use any lot or erect, alter or use any building or structure except for the following uses:

(a) Offices and clinics
(b) Seniors Living Facility
(c) Places of worship
(d) Dwelling units in combination with permitted non-residential uses

No person shall use any lot or erect, alter or use any building or structure for any permitted use except in accordance with the following provisions:

(i)	Lot frontage (min):	30.0 m
(ii)	Lot area (min):	2,500 m²
(iii)	Lot coverage (max):	50%
(iv)	Building setbacks (min):	8.0 m from a front lot line 3.0 m from a side and rear lot line
(v)	Building height (max):	10.0 m
(vi)	Maximum density:	1 dwelling unit for each 200.0 m² of lot area
(vii)	Landscaped open space (min):	40.0 m² for each dwelling unit
(viii)	Gross floor area (min):	35.0 m² for a dwelling unit

14.63 Notwithstanding the provisions of the Retail Commercial (C2) Zone and for lands shown on Schedule A, Zoning Map 19, no person shall use any lot or erect, alter or use any building or structure for any purpose except for the following uses:

(a) Uses permitted in the M1 Zone
(b) Retail stores
(c) Restaurants
(d) Community Lifestyle Facilities

No person shall use any lot or erect, alter or use any building or structure for any permitted use in 14.63 (a) except in accordance with the provisions of Section 8.2 for such uses in an M1 Zone.

No person shall use any lot or erect, alter or use any building or structure for any permitted use in 14.63 (b), (c) or (d) except in accordance with the regulations of the C2 Zone with the exception of gross floor area and number of uses which shall be as follows: **ZBA [4]**

(i)	Gross floor area (minimum):	1,300 m² for any single retail store
(ii)	Number of uses (maximum):	No more than three (3) uses permitted under section 14.63 (b), (c), and (d)

shall be permitted within the area zoned C2 (14.63).

14.64 Notwithstanding the provisions of the Retail Commercial (C2) Zone and for lands shown on Schedule A, Zoning Map 20, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses so long as the "Holding" symbol is affixed to the C2 (14.64) lands:

(a) Uses existing on October 2nd, 2000

The minimum lot frontage, lot area, building setbacks, lot coverage and building height shall be as they existed on October 2, 2000.

At a time when the "Holding" symbol is removed by the City and notwithstanding the provisions of the C2 Zone, no person shall use any lot or erect, alter or use any building or structure except for the following uses:

(a) Retail stores
(b) Home improvement warehouse outlet
(c) Restaurants
(d) Offices, financial institutions and clinics
(e) Personal service stores
(f) Community lifestyle facilities

No person shall use any lot or erect, alter or use any building or structure for any permitted use except in accordance with the following provisions:

(i)	Lot frontage (min):	180.0 m
(ii)	Lot area (min):	10.0 ha except for a Home Improvement Warehouse where a minimum lot area of 4.0 ha is required provided the entire lot area is located within the area zoned C2 (14.64) by this By-law
(iii)	Lot coverage (max):	50%
(iv)	Building setbacks (min):	10.0 m from any street line 3.0 m from any other lot line
(v)	Building height (max):	10.0 m

The maximum gross floor area shall be 27,290 m² for all permitted uses, which shall include one retail store having a maximum gross floor area of 9,800 m² and a minimum gross floor area of 9,000 m² and one home improvement warehouse outlet having a maximum gross floor area of 12,080 m² and a minimum gross floor area of 11,500 m².

14.65 Notwithstanding the provisions of the Institutional (I) Zone and for lands shown on Schedule A, Zoning Map 20, no person shall use any lot or erect, alter or use any building or structure for any purpose except for a hospital, offices and clinics in accordance with the following provisions:

Lot frontage (min): 500.0 m

Lot area (min):	2.0 ha
Lot coverage (max):	50%
Building setbacks (min):	20.0 m from a front lot line 10.0 m from a side and rear lot line
Building height (max):	25.0 m

14.66 Notwithstanding the provisions of the Arterial Commercial (C4) Zone, and for lands shown on Schedule A, Zoning Map 13, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses so long as the "Holding" symbol is affixed to the C4 (14.66) lands:

(a) Public Parks
(b) Dwelling~~s~~, Single Detached
(c) Home Occupation, Rural Residential

No person shall use any lot or erect, alter or use any building or structure for any permitted use listed above except in accordance with Section 13.2 of this By-law for such uses in a RUR Zone.

At a time when the "Holding" symbol is removed by the City and notwithstanding the provisions of the C4 Zone, no person shall use any lot or erect, alter or use any building or structure except for the following uses:

(a) Offices and clinics
(b) Convenience stores, personal service stores, bakery or butcher shops
(c) Restaurants except that take out facilities for the purposes of direct pick-up from an automobile shall not be permitted
(d) Neighbourhood Shopping Centres
(e) Places of worship
(f) Uses permitted in a R5 Zone but not on the same lot as any use listed above

A use permitted in the R5 Zone under this section shall be subject to the site provisions in the R5 Zone. No person shall use any lot or erect, alter or use any building or structure for any permitted use listed in (a) through (e) except in accordance with the following provisions:

(i)	Lot frontage (min):	30.0 m
(ii)	Lot area (min):	2,500 m²
(iii)	Lot coverage (max):	50%
(iv)	Building setbacks (min):	8.0 m from a front lot line 3.0 m from a side and rear lot line
(v)	Building height (max):	10.0 m

14.67 Notwithstanding the provisions of the Neighbourhood Commercial (C3) Zone, and for lands shown on Schedule A, Zoning Map 1, no person shall use any lot or erect, alter or use any building or structure except for the following uses:

(a) Automotive Service Station
(b) Home Occupation or Studio having a maximum gross floor area of 60.0m²
(c) Maximum of one (1) dwelling unit in combination with a permitted non-residential use
(d) Uses permitted in the Medium Density Residential (R4) Zone, but not on the same lot used for other uses permitted in this section

A use permitted in the R4 Zone under this section shall be subject to the site provisions in the R4 Zone. No person shall use any lot or erect, alter or use any building or structure for any permitted use (excluding R4 permitted uses) except in accordance with the following provisions:

(i)	Lot frontage (min):	12.0 m
(ii)	Lot area (min):	550.0 m²
(iii)	Lot coverage (max):	40%
(iv)	Building setbacks (min):	7.0 m from a street line 1.0 m from an interior side yard and rear yard lot lines
(v)	Building height (max):	10.0 m

Notwithstanding the foregoing, a gasoline pump island shall be setback a minimum of 5.0 m from any lot line. A minimum of 6 parking spaces shall be required for any combination of permitted uses on a lot in a C3 (14.67) Zone.

14.68 Notwithstanding the provisions of the Neighbourhood Commercial (C3) Zone, and for lands shown on Schedule A, Zoning Map 2, no person shall use any lot or erect, alter or use any building or structure for any purpose except for the following uses:

(a) Offices
(b) Uses permitted in the R5 Zone

A use permitted in the R5 Zone under this section shall be subject to the site provisions in the R5 Zone. No person shall use any lot or erect, alter or use any building or structure for any permitted use (excluding R5 permitted uses) except in accordance with the following provisions:

(i)	Lot frontage (min):	50.0 m
(ii)	Lot area (min):	6,000 m²
(iii)	Building setbacks (min):	5.0 m from 3rd Avenue West street line
(iv)	Floor elevation (min):	No opening to a building shall be less than 178.35 m above mean sea level
(v)	Gross floor area (max):	2,300 m²
(vi)	Building height (max):	8.0 m

14.69 Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 2 and 12, a day nursery and recreational uses including lawn bowling, racquet or curling clubs shall be permitted in accordance with the following provisions:

(i)	Lot frontage (min):	40.0 m
(ii)	Lot area (min):	1,800 m²
(iii)	Lot coverage (max):	25%
(iv)	Building setbacks (min):	2.0 m from side and rear lot lines
(v)	Building height (max):	11.0 m

14.70 Notwithstanding the provisions of the General Residential (R5) Zone, and for lands shown on Schedule A, Zoning Map 3, a funeral home including a maximum of one (1) dwelling unit in combination therewith shall be permitted in accordance with the following provisions:

(i)	Lot frontage (min):	35.0 m
(ii)	Lot area (min):	1,500 m²
(iii)	Lot coverage (max):	40%
(iv)	Front yard setback (min):	7.5 m
(v)	Rear yard setback (min):	1.0 m
(vi)	Interior side yard setback (min):	1.0 m
(vii)	Exterior side yard setback (min):	3.0 m
(viii)	Building height (max):	11.0 m
(ix)	Gross floor area (min):	35.0 m² for a dwelling unit in combination with a funeral home

14.71 Notwithstanding the provisions of the General Residential (R5) Zone, and for lands shown on Schedule A, Zoning Map 3, an art gallery, museum, library, studio and day nursery shall be permitted in accordance with the following provisions:

(i)	Lot frontage (min):	30.0 m
(ii)	Lot area (min):	1,000 m²
(iii)	Lot coverage (max):	40%
(iv)	Building setbacks (min):	7.5 m from a street line
		2.0 m from a side and rear lot line
(v)	Building height (max):	12.0 m

14.72 Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 4, the following uses shall be permitted in addition to all other uses permitted in the R4 Zone: **ZBA [4]**

a) Convenience Store

b) Butcher or Bakery Shop
c) Office
d) Clinic
e) Personal Service Use
f) A maximum of two (2) dwelling units in combination with any of the above permitted non-residential uses

For these additional uses the R4 Zone regulations shall apply, except for the following:

(i) Gross floor area: 75.0 m² maximum for non-residential uses;
35.0 m² minimum for dwelling units in combination with permitted non-residential uses

(ii) The minimum lot frontage, lot area, minimum building setbacks, maximum building height and lot coverage shall be as they existed on the effective date of this By-law.

For all other uses permitted in the Medium Density Residential (R4) Zone, the Medium Density Residential (R4) zone regulations shall apply.

14.73 Notwithstanding the provisions of the Low Density Residential (R2) Zone and for lands shown on Schedule A, Zoning Map 8, a restaurant shall be permitted in accordance with the following provisions:

(i) Lot area (min): 2,500 m²

(ii) Building height (max): 6.0 m

(iii) Building setbacks (min): 1.0 m from any lot line

(iv) Gross floor area (max): 400.0 m²

14.74 Notwithstanding the provisions of the Open Space (OS) Zone and for lands shown on Schedule A, Zoning Map 6, no person shall use any lot or erect, alter or use any building or structure for any purpose except for the following uses:

(a) Public Uses including a Visitor Centre and accessory offices
(b) Rental Uses geared towards outdoor recreation activities
(c) Restaurants in combination with or on an adjacent lot to any other permitted use
(d) Uses permitted in the OS Zone

No person shall use any lot or erect, alter or use any building or structure for any permitted use listed in OS (14.74) except in accordance with Section 10.2 with the exception of the following:

(i) Building setbacks (min): 0 m from any street line;
2.0 m from any other lot line

14.75 Notwithstanding the provisions of the General Industrial (M1) Zone and for lands shown on Schedule A, Zoning Map 12, the lands are identified with the suffix (A) and (B) and the following provisions shall apply:

(A) Notwithstanding the M1 Zone, the following provisions shall be applied to lands identified as 14.75 (A):

i) Notwithstanding the M1 Zone, the following uses shall also be permitted:

(a) Light industrial uses; Industrial Malls;
(b) Warehouse and Storage Uses excluding open, bulk above-ground storage of liquids and gases; Wholesale Establishments;
(c) Banks; Offices; Broadcasting Studios;
(d) Animal Shelters; Veterinarian's Clinic;
(e) Repair Stores; Service Uses; Repair of recreational, farm and heavy machinery and/or vehicles; Welding shops;
(f) Automotive Service Stations;
(g) Truck, Bus or Railway Terminals; Courier's Depot;
(h) Athletic or recreational establishments;
(i) Utility Service Buildings and Uses;
(j) A dwelling unit accessory to a permitted use used by a custodian or similar employee;
(k) Assembly Halls; Private clubs;
(l) Automotive Repair Establishment; Automotive Washing Establishment; Automotive Sales Establishment; Farm implement dealership;
(m) Commercial Schools; Schools;
(n) Ambulance Depot;
(o) Public Uses;
(p) Horticultural Nursery;
(q) Retail Store Selling Lumber, Homes Improvement Supplies, Swimming Pools or safety supplies, Monument Sales Establishments, Retail Stores Accessory to a permitted use;
(r) Rental Uses; Catering Services;
(s) Tattoo Parlour; Body Piercing Establishment in accordance with Section 5 of this By-law;
(t) Uses on a stand-alone basis that are permitted in an Industrial Mall in an M1 Zone;
(u) Place of Entertainment or Amusement;
(v) Agricultural uses existing as of November 3, 1976;
(w) Household Pet Grooming Service;
(x) Existing single-detached dwelling and accessory buildings and structures.

ii) For the purposes of Section 14.75 (A)i)(f), no person shall use any lot or erect, alter or use any building or structure for an Automotive Service Station, except in accordance with the following provisions:

(i) Lot frontage (min): 30.0 m

(ii) Lot area (min): 1,200.0 m^2

(iii) Building setbacks (min): 10.0 m from a street line; 3.0 m from interior side and rear lot lines;

Notwithstanding the foregoing, where a lot within this Zone abuts any land within R1, R2, R3, R4 or R5 Zones, the building setback from the common lot line shall be 5.0 m minimum.

(iv) Pump Island Setback (min): 5.0 m from all lot lines

(v) Setback for Canopies: No part of any canopy shall encroach to within less that 2.0 m of any lot line

(vi) Setback for Other Accessory Buildings: 10.0 m from a street line; 3.0 m from interior side and rear lot lines;

(viii) Building height (max): 10.0 m for a main building and canopy

iii) For the purposes of Section 14.75 (A) i)(a) to (e), (g) to (x), no person shall use any lot, or erect, alter or use any building or structure for any other permitted use in Section 14.75 except in accordance with the following:

(i) Lot frontage (min): 20.0 m

(ii) Lot area (min): 750.0 m2

(iii) Lot coverage (max): 60%

(iv) Building setbacks (min): 7.5 m minimum from a front lot line; 2.0 m minimum from side and rear lot Iines;

Notwithstanding the foregoing, where a lot within this Zone abuts any land within R1, R2, R3, R4 or R5 Zones, the building setback from the common lot line shall be 5.0 m minimum.

(vi) Building height (max): 15.0 m

iv) For all other uses permitted in the M1 Zone, the provisions and regulations of the M1 Zone shall apply.

(B) Notwithstanding the M1 Zone, the following provisions shall be applied to lands identified as 14.75 (B):

i) Notwithstanding the M1 Zone, the following uses shall also be permitted:

(a) Light industrial uses; Industrial Malls;
(b) Warehouse and Storage Uses excluding open, bulk above-ground storage of liquids and gases; Wholesale Establishments;
(c) Banks; Offices; Broadcasting Studios;
(d) Animal Shelters; Veterinarian’s Clinic; Household Pet Grooming Service;
(e) Repair Stores; Service Uses; Repair of recreational, farm and heavy machinery and/or vehicles; Welding shops;
(f) Automotive Service Stations;
(g) Truck, Bus or Railway Terminals; Courier’s Depot;
(h) Athletic or recreational establishments.
(i) Utility Service Buildings and Uses.

(j) A dwelling unit accessory to a permitted use used by a custodian or similar employee.
(k) Assembly Halls; Private clubs,
(l) Automotive Repair Establishment; Automotive Washing Establishment; Automotive Sales Establishment; Farm implement dealership;
(m) Commercial Schools; Schools;
(n) Ambulance Depot;
(o) Public Uses
(p) Horticultural Nursery
(q) Retail Store Selling Lumber, Homes Improvement Supplies, Swimming Pools or safety supplies, Monument Sales Establishments, Retail Stores Accessory to a permitted use.
(r) Rental Uses; Catering Services.
(s) Tattoo Parlour; Body Piercing Establishment in accordance with Section 5 of this By-law;
(t) Uses on a stand-alone basis that are permitted in an Industrial Mall in an M1 Zone;
(v) Place of Entertainment or Amusement;
(w) Agricultural uses existing as of November 3, 1976;
(x) Existing single-detached dwelling and accessory buildings and structures;
(y) Parking Areas or Outside Storage Areas Accessory to Industrial Uses located within 50.0 m of the subject lot;
(z) Miniature Golf Facilities; Driving Ranges

ii) For the purposes of Section 14.75 (B)i)(f), no person shall use any lot or erect, alter or use any building or structure for an Automotive Service Station, except in accordance with the following provisions:

(i) Lot frontage (min): 30.0 m

(ii) Lot area (min): 1,200.0 m2

(iii) Building setbacks (min): 10.0 m from a street line; 3.0 m from interior side and rear lot Iines;

Notwithstanding the foregoing, where a lot within this Zone abuts any land within R1, R2, R3, R4 or R5 Zones, the building setback from the common lot line shall be 5.0 m minimum.

(iv) Pump Island Setback (min): 5.0 m from all lot lines

(v) Setback for Canopies: No part of any canopy shall encroach to within less that 2.0 m of any lot line

(vi) Setback for Other Accessory Buildings: 10.0 m from a street line; 3.0 m from interior side and rear lot Iines;

(viii) Building height (max): 10.0 m for a main building and canopy

iii) For the purposes of Section 14.75 (B)i)(a) to (e) and (g) to (z), no person shall use any lot, or erect, alter or use any building or structure for any other permitted use, except in accordance with the following:

(i) Lot frontage (min): 20.0 m

(ii) Lot area (min): 750.0 m2

(iii) Lot coverage (max): 60%

(iv) Building setbacks (min): 7.5 m minimum from a front lot line; 2.0 m minimum from side and rear lot Iines;

Notwithstanding the foregoing, where a lot within this Zone abuts any land within R1, R2, R3, R4 or R5 Zones, the building setback from the common lot line shall be 5.0 m minimum.

(v) Building height (max): 15.0 m

iv) For all other uses permitted in the M1 Zone, the provisions and regulations of the M1 Zone shall apply.

(C) Notwithstanding the M1 Zone, a "Retail Warehouse" shall be permitted on lands identified as "A" or "B", on Schedule A, Zoning Map 12 and in Section 14.75, subject to the following provisions:

i) For the purposes of Section 14.75 C), a "Retail Warehouse" shall be defined as: a building or structure, or portion thereof, where goods, wares or merchandise are warehoused and offered for sale at retail and wherein ancillary uses may be provided.

ii) A Retail Warehouse shall be subject to the following provisions:

(i) Lot frontage (min): 30.0 m

(ii) Lot area (min): 1.3 ha

(iii) Lot coverage (max): 50%

(iv) Building setbacks (min): 10.0 m from any street line; 3.0 m from any other lot line

(v) Building height (max): 15.0 m

(vi) Total maximum gross floor area devoted to retail warehouse: 25,293.7 m^2

(vii) Minimum gross floor area: 743.2 m^2

Notwithstanding the definitions in Section 4 of this By-law, the following definitions shall be used for the purposes of determining uses identified in Section 14.75 (A)i) and (B)i):

Industrial Mall – means a lot, building or part thereof or a group of buildings which is planned, developed, owned and managed as a unit or condominium, used by two or more industrial uses permitted in the applicable zone, and may include dining establishments, banks, offices, personal service stores, and other uses allowed in the applicable zone.

Veterinarian Clinic – means a lot, building or part thereof where animals are examined and treated or are kept for treatment by qualified veterinarians, and where animals kept for treatment are housed within a completely enclosed building.

Athletic or recreational establishment – means a lot, building or part thereof in which the main use is for athletic activities including racquet sports, roller or ice skating, bowling, curling, lawn bowling, swimming, and includes health and exercise clubs and gymnasiums, but shall not include an assembly hall, drinking establishment, or place of entertainment or amusement.

Assembly Hall – means a lot, building or part thereof use for gathering or meeting of a civic, educational, political, religious, social or recreational nature, including banquet and bingo halls and rehearsal studios.

Private club – means a lot, building or part thereof used by a service club, sorority, lodge, fraternity, or similar organization as a meeting place for members thereof or their invited guests for the conduct of business, meetings, social events or similar activities, but shall not include an assembly hall, drinking establishment, or place of entertainment or amusement.

Automotive Repair Establishment – means a lot, building or part thereof used for the servicing, repair, cleaning, polishing, rust proofing, and lubrication of motor vehicles and may include vehicular body repair and painting.

Automotive Sales Establishment – refer to definition of Vehicle Sales Establishment

Commercial School – means a lot, building or part thereof used for a school where instruction is given for hire or gain and includes a studio for dance, sport or music, art, business or trade school.

Place or Entertainment or Amusement – means a lot, building or part thereof used for an arcade, theatre, dance pavilion, bingo hall, billiard hall, or similar, and where not limited to enclosed buildings, means a lot, buildings and structures used for miniature golf, golf driving ranges, amusement park, or similar establishments designed to entertain or amuse patrons.

Dining Establishment – means a lot and/or building of part thereof, either unlicensed or licensed under the provisions of the Liquor License Act S.O. 1990, where the main use is the preparation and serving of meals and sundries to the public in consideration of payment, intended for consumptions on the same premises (in the building of an abutting terrace or patio), and may include home delivery, catering or food pick-up/take-out services provided as an accessory use, but shall not include a place of entertainment or amusement, an assembly hall, a private club, a drinking establishment, a drive-in restaurant, or a take out restaurant.

14.76 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 17, no person shall use any lot or erect, alter or use any building or structure for any purpose except for the following uses:

(a) Schools
(b) Uses permitted in the R4 Zone but not on the same lot as a school

No person shall use any lot or erect, alter or use any building or structure for any permitted use listed in R4 (14.76), save and except a School, except in accordance with Section 6.5. A School shall be subject to the following provisions:

(i)	Lot frontage (min):	100 m
(ii)	Lot area (min):	2.0 ha
(iii)	Lot coverage (max):	40%
(iv)	Building setbacks (min):	10.0 m except when abutting a Residential lot in which a 30.0 m setback is required
(v)	Floor space index (max):	1.0
(vi)	Building height (max):	12.0 m

14.77 Notwithstanding the provisions of the Open Space (OS) Zone and Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 11, any building or structure shall be set back a minimum of 150 m from any lot line abutting an Institutional (I) Zone.

14.78 Notwithstanding the provisions of the Single Residential (R1) Zone, Low Density Residential (R2) Zone and the Hazard Land (ZH) Zone, and for lands shown on Schedule A, Zoning Map 5, no person shall use any lot or erect, alter or use any building or structure for an above ground pool.

Notwithstanding the Regulations in the Single Residential (R1) Zone, the following provisions shall apply to the subject lands: **ZBA [3]**

(i)	Minimum Lot Frontage:	13.5 m
(ii)	Minimum Lot Area:	475 m²
(iii)	Maximum Lot Coverage:	40%
(iv)	Minimum Front Yard Setback:	5.5 m
(v)	Minimum Gross Floor Area:	90 m^2

For the purposes of calculating "lot frontage" as defined in Section 4.2 of this Bylaw, the minimum front yard depth as provided for in the definition shall be 7.5 metres.

Notwithstanding the required site and building regulations under 14.78 existing single detached dwellings located on lands zoned R1 (14.78) shall be deemed to comply with this By-law. For additions to these existing single detached dwellings, the yard and height requirements of the R1 (14.78) Zone shall apply.

14.79 Notwithstanding the provisions of the Retail Commercial (C2) Zone and for lands shown on Schedule A, Zoning Map 13, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of

the following uses so long as the "Holding" symbol is affixed to the C2 (14.79) lands:

(a) Public Parks
(b) Dwellings, Single Detached
(c) Home Occupation, Rural Residential

No person shall use any lot or erect, alter or use any building or structure for any of the permitted uses listed above except in accordance with Section 13.2 of this By-law for such uses in a RUR Zone.

At a time when the "Holding" symbol is removed by the City, the provisions and permitted uses from the C2 Zone shall apply.

14.80 Notwithstanding the provisions of the Arterial Commercial (C4) Zone and for lands shown on Schedule A, Zoning Map 14, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

(a) Offices and Clinics
(b) Long Term Care Facilities
(c) Boarding or Lodging Houses
(d) Churches
(e) Dwelling units in combination with a permitted non-residential use

No person shall use any lot or erect, alter or use any building or structure for any permitted use in C4 (14.80) except in accordance with the following provisions:

(i)	Lot frontage (min):	30 m
(ii)	Lot area (min):	2,500 m²
(iii)	Lot coverage (max):	50%
(iv)	Building setbacks (min):	8.0 m from a front lot line; 3.0 m from a side and rear lot line
(v)	Building height (max):	10.0 m
(vi)	Landscaped open space (min):	40 m² for each dwelling unit

14.81 Notwithstanding the provisions of the Mixed Use Commercial (MC) Zone and for lands shown on Schedule A, Zoning Map 3, no person shall use any lot or erect, alter or use any building or structure for any purpose except for the following uses:

(a) Gas bar
(b) Uses permitted in a MC Zone

No person shall use any lot or erect, alter or use any building or structure for a gas bar except in accordance with the provisions contained in Section 5.19.1 of this By-law.

14.82 Notwithstanding the definitions in Section 4 of this By-law, the following definitions shall be used for the purposes of determining uses in the Regional Shopping Centre (C5) Zone:

"Regional Shopping Centre" shall mean a group of commercial uses conceived, designed, developed and managed as in inter-dependent and inter-related unit whether by a single owner or tenant or by a group of owners or tenants, acting in collaboration, intended to serve the urban community in which it is located and the surrounding regional market area outside the urban limits. A Regional Shopping Center must include all of the following retails uses: Major/Traditional Department Store, a supermarket, ancillary retail and service stores; and may include a Discount/Promotional Department Store.

"Department Store, Major/Traditional" shall mean one of the group of Department Stores which emphasizes a broad selection of higher price and quality range merchandise, specialty goods and large household furnishings and appliances in a distinctly departmentalized format with specialized service personnel and cashier facilities typically available in each department.

"Department Store, Discount/Promotional" shall mean one of the group of Department Stores which emphasizes a large selection of lower and middle price range merchandise in the supermarket style format, with cashier stations predominantly grouped at a store exit location and featuring discount pricing made possible by volume merchandising, standardization and the self-service format.

"Total Floor Area" shall mean the aggregate of all floor areas within a building, which are used, intended to be used, or capable of being used for a permitted use, including mezzanine areas, mechanical rooms, common malls, stairwells, garbage and electrical rooms, all enclosed services and loading areas, to be measured from the outside of exterior wall faces. For purposes of this definition, a mezzanine shall not be considered Total Floor Area where such mezzanine is used for storage or office uses which are accessory to the principle use.

14.83 Notwithstanding the provisions of any Zone and for the lands shown on Schedule A, Zoning Maps 6 and 11 subject to this provision, no new buildings or structures shall be permitted, excluding uses lawfully existing on the effective date of this by-law, buildings or structures accessory to a lawfully existing main use, boat launch or dockage, parking areas and structures, or public parks may be permitted in accordance with other provisions of the By-law.

14.84 Notwithstanding the provisions of the Core Commercial (C1) Zone and for lands shown on Schedule A, Zoning Maps 7 and 8, dwelling units must be in combination with permitted non-residential uses and shall be located above the first storey with the exception of entrances thereto.

Further to the above, a residential unit and entrance thereto may be permitted on the first storey in accordance with the following:

(a) The non-residential use and store front shall be maintained.

(b) The residential unit shall not exceed 45% of the gross floor area of the first storey of the non-residential use located on the same building on a lot.
(c) A separate entrance to the residential unit shall be required and shall not be from the store front or by way of common access through the non-residential use.

14.85 Notwithstanding the provisions of the Downtown Commercial (C1) Zone and for lands shown on Schedule A, Zoning Map 7, a drive-thru restaurant shall be permitted in addition to all other uses permitted in the C1 Zone. All permitted uses shall be in accordance with the regulations of the Downtown Commercial (C1) Zone. ZBA [4]

14.86 Notwithstanding the provisions of the Mixed Use Commercial (MC) Zone and for lands shown on Schedule A, Zoning Map 7, the following uses shall be permitted in addition to those permitted in the MC Zone:

(a) Printing and publishing establishment
(b) Boarding or Lodging House
(c) Catering Service
(d) School
(e) Wholesale Establishment
(f) Funeral Home
(g) Transportation Depot
(h) Veterinarian Clinic
(i) Tattoo Parlour in accordance with Section 5.17.7
(j) Body Piercing Establishment in accordance with Section 5.17.1

14.87 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 7, a boarding or lodging house may be permitted in accordance with the provisions of Section 5.17.10 of this By-law.

14.88 Notwithstanding the provisions of the General Industrial (M1) Zone and for lands shown on Schedule A, Zoning Map 19, the following uses shall be permitted in addition to those permitted in the M1 Zone:

(a) Vehicle Sales Establishment

14.89 Notwithstanding the provisions of the Retail Commercial (C2) Zone and for lands shown on Schedule A, Zoning Map 20, the following provisions shall apply:

1) Permitted Uses:

Notwithstanding the list of uses permitted in the C2 Zone, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

(a) Retail Stores according to the North American Industry Classification System (NAICS) limited to the following categories:

i. Furniture, Home Furnishings and Electronics ZBA [6]

ii. Pharmacies and Personal Care Stores
iii. Clothing and Accessories
iv. General Merchandise
v. Miscellaneous Retail

(b) Service Uses limited to the following categories:

i. Medical and dental clinics and laboratories
ii. Tool or party rental
iii. Veterinary services
iv. Fitness centres
v. Restaurants with or without drive-through services

(c) Amusement arcade

(d) Billiards and/or bowling

(e) Movie Theatre

2) Site and Building Regulations:

Notwithstanding the Site and Building Regulations in the C2 Zone, no person shall use any lot or erect, alter or use any building or structure for any permitted use or combination of permitted uses listed in Section 14.89.1 except is accordance with the following provisions:

i.	Lot Frontage:	20 m minimum
ii.	Lot Area:	No individual minimum lot area is required where the area of the overall development is 7.6 hectares minimum
iii.	Lot Coverage:	50% maximum
iv.	Building Setbacks:	6m minimum from any street line 8m minimum from any other lot line
vi.	Building Height:	19 m maximum for medical and dental clinics and laboratories, 10 m maximum for all other permitted uses

vii. Floor Area Provisions:

1. Maximum gross floor area for any combination of uses permitted under Section 14.89.1 (a) and (b): 17,443.7 m^2
2. Maximum gross floor area applicable to any combination of amusement arcade, billiards and/or bowling, and movie theatres: 1,858 m^2
3. Any combination of retail uses permitted under Section 14.89.1(a) shall be subject to a maximum gross floor area of 14,865.7 m^2 with no single use having a unit size less than 697 m^2 gross floor area, and subject to the following maximum gross floor area distribution:
    a. Furniture, Home Furnishings and Electronics – Max. 3,716.4 m^2
    b. Pharmacies and Personal Care Stores – Max. 1,393.6 m^2
    c. Clothing and Accessories – Max. 3,716.4 m^2

d. General Merchandise – Max. 2,322.8 m^2

e. Miscellaneous Retail – Max. 4,645.5 m^2

4. Notwithstanding 14.89.2 (3) above, a total of five (5) individual Retail Stores with no minimum unit size may be permitted, provided they do not exceed 2,230m^2 in aggregate and provided that the maximum gross floor area distribution per category is maintained as noted in 14.89.2 (3).

5. Any combination of service uses permitted under Section 14.89.1 (b) shall be subject to a maximum gross floor area of 2,578 m^2 and the following:

   a. Medical and dental clinics and laboratories – Min. unit size of 697 m^2

   b. Tool or party rental – no further restriction

   c. Veterinary services – no further restriction

   d. Fitness centre – no further restriction

   e. Restaurants – Minimum unit size of 325.2 m^2, however smaller restaurants with no minimum unit size may be permitted provided that they not exceed 464 m^2 in aggregate.

6. Definitions for the purposes of Section 14.89:
   a) "Miscellaneous Retail" means retailers primarily engaged in the sale of the following goods:
      (i) Sporting Goods;
      (ii) Toys, Hobby,Games;
      (iii) Sewing/Fabric/Needlework;
      (iv) Music/Books/Instruments;
      (v) Florist;
      (vi) Office Supply and Stationery;
      (vii) Gift/Novelty/Souvenir;
      (viii) Pet Supplies;
      (ix) Art Dealers; and,
      (x) Used Merchandise.

14.90 Notwithstanding Section 5.18.3 for any dwelling units in combination with a non-residential use where such dwelling units are geared toward housing for the elderly the minimum required number of vehicle parking stalls shall be 0.5 spaces for each dwelling unit.

Notwithstanding the provisions of the Core Commercial (C1) Zone the definition of Landscaped Open Space for any dwelling units in combination with a non-residential use shall be permitted to include common balconies as landscaped open space.

14.91 Notwithstanding the provisions of the Heavy Industrial (M2) Zone and for lands shown on Schedule A, Zoning Map 18, an athletic or recreational

establishment having a maximum gross floor area of 1000 m^2 shall also be permitted.

14.92 Notwithstanding the provisions of the Mixed Use Industrial (MU) Zone and for lands shown on Schedule A, Zoning Map 6, the following uses shall also be permitted:

(a) Railway tracks and supplementary and complementary operational and safety apparatus and equipment
(b) Railway Marshalling Yard

Until such time as the holding provision is removed the use, minimum lot frontage, lot area, building setbacks, lot coverage and building height shall be as they existed on January 28, 2002.

14.93 Notwithstanding the provisions of the Mixed Commercial (MC) Zone and for lands shown on Schedule A, Zoning Map 6, the following provisions shall apply:

(a) For the purposes of any apartment or converted dwellings established in this location the maximum FSI shall be 2.0;

(b) A maximum height shall be permitted to be 26.0 metres; and,

(c) Notwithstanding the provisions of Section 5.18 of this By-law, off-street parking shall be established in accordance with the requirements for the C1 zone.

14.94 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 13, the following provisions shall apply:

(a) No person shall use any lot or erect, alter or use any building or structure for any purpose except for the following:

i) Single detached dwelling
ii) Semi detached dwelling
iii) Townhouse dwelling

Any single detached dwelling, semi detached or townhouse dwelling shall be permitted accordance provisions of the R4 zone (Section 6.5).

14.95 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 16, no person shall use any lot or erect, alter or use any building or structure for any purpose except for uses existing on the effective date of this By-law until such time as the following provisions are satisfied.

(a) The permitted uses and regulations of the Medium Density Residential (R4) Zone shall apply to the lands and any building or structure when the following provisions are satisfied:

i) A geotechnical study from a Certified Professional Engineer regarding slope stability, structural integrity and/or grading and drainage supporting the proposed use is completed at the expense of the

owner to the satisfaction of the City of Owen Sound and Grey Sauble Conservation Authority;

ii) Municipal services, including water, improved road and sanitary sewer, are designed by a professional engineer and extended to the lands at the expense of the owner to the satisfaction of the City of Owen Sound which may include the execution of a Servicing Agreement.

iii) Upon completion of construction of all on-site and off-site works including the extension of services (road, water, sanitary), written certification by the Certified Professional Engineer at the expense of the owner.

iv) Compliance with the Zoning By-law including but not limited to minimum required lot frontage on an improved street.

(b) The City of Owen Sound shall not issue a building permit on the lands until such time as the matters outlined in Section 14.95 (a) are addressed to the satisfaction of the City and Grey Sauble Conservation Authority. The Chief Building Official may apply additional conditions to any Building Permit in accordance with the Ontario Building Code. **ZBA [4]**

14.96 Notwithstanding the provisions of the Institutional (I) Zone and for lands shown on Schedule A, Zoning Map 7, a converted dwelling shall be permitted in accordance with the General Residential (R5) regulations in Section 6 of this By-law.

14.97 Notwithstanding the provisions of the General Industrial (M1) Zone and for lands shown on Schedule A, Zoning Map 17, a retail warehouse shall also be permitted.

14.98 Notwithstanding the provisions of the General Industrial (M1) Zone and for lands shown on Schedule A, Zoning Map 17, a clinic shall also be permitted.

14.99 Notwithstanding the provision of the Medium Density Residential (R4) zone and for lands shown on Schedule A, Zoning Map 7, the following provisions shall apply:

(i) Notwithstanding the list of uses permitted in the R4 Zone, and for lands shown on Schedule A, Zoning Map 7, the following uses shall be permitted in addition to those permitted in the R4 Zone:

a) Office
b) Clinic
c) Personal Service Use
d) Residential uses in combination with any of the foregoing uses.

(i) Notwithstanding the site and building regulations, the Permitted Uses described in 14.99 shall be permitted with the minimum lot frontage, lot area, building setbacks, lot coverage and building height as they existed on the date of passing this By-law.

(ii) Any single detached dwelling, semi, duplex or townhouse or converted dwelling shall be permitted in accordance with the provisions of the R4 zone (Section 6.5)

14.100 Notwithstanding the provisions of the Single Residential (R1) Zone and for lands shown on Schedule A, Zoning Map 5, the following provisions shall apply to the subject lands: **ZBA [3]**

(i) Minimum Front Yard Setback: 6.0 m

(ii) Maximum Lot Coverage: 40%

14.101 Notwithstanding the provisions of the Low Density Residential (R3) Zone and for lands shown on Schedule A, Zoning Map 11, all uses permitted in the R3 zone as well as the following uses shall be permitted: **ZBA [3]**

a) Converted Dwelling (maximum of 10 units)
b) Townhouse Dwelling (maximum of 10 units)
c) Apartment Dwelling (maximum of 10 units)
c) Boarding/Lodging Houses
d) Church

i) Notwithstanding the R3 Zone, no person shall alter or use any lot or erect, use any building or structure for a church use except in accordance with the Institutional (I) Zone of this By-law.

ii) Notwithstanding the R3 Zone, no person shall alter or use any lot or erect, use any building or structure for a townhouse dwelling except in accordance with the following:

(i)	Minimum Lot Frontage:	18.0 m and 5.5 m for each unit
(ii)	Minimum Lot Area:	900 m² for total development parcel
(iii)	Maximum Density:	200 m^2 for each of the first five dwelling units and 150 m^2 minimum of lot area for each additional dwelling unit
(iv)	Maximum Lot Coverage:	40%
(v)	Maximum # of Units:	10 units
(vi)	Minimum Front Yard Setback:	7.0 m
(vii)	Minimum Rear Yard Setback:	7.0 m
(viii)	Minimum Side Yard Widths:	3.5 m from side lot lines and for end dwelling units
(ix)	Maximum Building Height:	10.0 m
(x)	Gross Floor Area:	75 m^2

iii) Notwithstanding the R3 Zone, no person shall alter or use any lot or erect, use any building or structure for an apartment with a maximum of 10 units except in accordance with the following:

(i)	Minimum Lot Frontage:	18.0 m
(ii)	Minimum Lot Area:	600 m²
(iii)	Maximum Density:	200 m^2 for each of the first five dwelling units and 150 m^2 minimum of lot area for each additional dwelling unit
(iv)	Maximum Lot Coverage:	40%
(v)	Maximum # of Units:	10 units
(vi)	Minimum Front Yard Setback:	7.5 m
(vii)	Minimum Rear Yard Setback:	7.5 m
(viii)	Minimum Side Yard Widths:	4.0 m on each side
(ix)	Maximum Building Height:	10.0 m
(x)	Gross Floor Area:	40 m^2 minimum for each dwelling unit

iv) For purposes of site and building regulations, a boarding or lodging house shall be considered a single detached dwelling.

~~**14.102** Notwithstanding the provisions of the Institutional (I) Zone, and for lands shown on Schedule A, Zoning Map 6:~~ **ZBA [5]**

~~a) In addition to all other uses permitted in the Institutional (I) Zone, a dwelling unit shall be permitted alone or in combination with other uses permitted in the I Zone. For this use, the I Zone regulations shall apply and the minimum gross floor area of any dwelling unit shall be 35 m^2.~~

~~b) For all other uses permitted in the Institutional (I) Zone, the I Zone regulations shall apply.~~

~~(c) Notwithstanding the above, for any permitted use, the following provisions shall pply to front yard setback and any porch or deck:~~

~~(ii) Minimum Front Yard Setback: 6.5 m~~

~~(iii) A porch or deck may encroach into the required front yard up to a maximum of 2.5 m, with a minimum front yard setback for the porch or deck of 4.0 m.~~

14.102 Notwithstanding the provisions of the Single Residential Zone (R1), and for lands shown on Schedule A, Zoning Map 5: **ZBA [7]**

(a) Notwithstanding the above, for any permitted use, the following provisions shall apply:

(i) Minimum Front Yard Setback: 5.5 m

(ii) Maximum Lot Coverage : 45 %

ZBA [7]

14.103 Notwithstanding the provisions of the Single Residential Zone (R1), and for lands shown on Schedule A, Zoning Map 5:

(a) Notwithstanding the above, for any permitted use, the following provisions shall apply:

(i) Minimum Front Yard Setback: 6.0 m

(ii) Maximum Lot Coverage : 45 %

(iii) Minimum Rear Yard Setback: 6.5 m

For the purposes of calculating "lot frontage" as defined in Section 4.2 of this By-law, the minimum front yard depth as provided for in the definition shall be 7.5 m.

14.105 Notwithstanding the provisions of the Commercial Core Zone (C1), and for lands shown on Schedule A, Zoning Map 7: **ZBA [9]**

a) The permitted uses and site and building regulations of the Core Commercial Zone (C1) shall continue to apply to any use of the buildings which exist on the effective date of this By-law provided that the height and gross floor area are not increased so long as the "Holding (H)" symbol is affixed to the C1 (14.105) lands.

b) The City of Owen Sound shall not remove the "Holding" provision until such time as the matters outlined below are satisfied and, notwithstanding the provisions of the Core Commercial Zone (C1), for those lands shown on Schedule A, Zoning Map 7, no person shall increase the height or increase the gross floor area beyond the extent of the buildings existing on the effective date of this By-law until such time as the following items have been addressed to the satisfaction of the City of Owen Sound:

- A Site Plan Agreement
- A Hydrostatic assessment
- A Hydrodynamic assessment
- Final Geotechnical Assessment
- Record of Site Condition

c) At a time when the "Holding (H)" Symbol is removed by the City and notwithstanding the provisions of the Core Commercial Zone (C1), for any use permitted in the Core Commercial Zone (C1), the following provisions shall apply:

(i)	Minimum Rear Yard Setback:	0.0 metres
(ii)	Minimum Exterior Side Yard Setback	0.0 metres
(iii)	Minimum Interior Side Yard Setback	0.0 metres
(iv)	Maximum Building Height	23.0 metres

(v) A minimum of 7.0 % of the GFA on the ground floor shall be devoted to commercial use.

(v) Regulation 5.23 (c) shall not apply.

14.106 Notwithstanding the provisions of the Retail Commercial (C2) Zone, and for lands shown on Schedule A, Zoning Map 13, the following uses shall be permitted in addition to all other uses permitted in the C2 Zone: **ZBA [21]**

a) Long Term Care Facility

For any lot, building or structure used for a Long Term Care Facility the Retail Commercial (C2) provisions for Uses, Commercial (including residential uses in combination with a permitted non-residential use) shall apply with the exception of the following:

a)	Minimum Front Yard Setback	3m
b)	Minimum Landscaped Open Space	25% of Lot Area
c)	16th Avenue East shall be deemed to be the "Lot Line, Front"	

For all other uses permitted in the Retail Commercial (C2) Zone, the Retail Commercial (C2) Zone regulations shall apply.

14.107 Notwithstanding the provisions of the Low Density Residential (R2) Zone and for lands shown on Schedule A, Zoning Map 1, no person shall use any lot or erect, alter or use any building or structure for any permitted semi-detached dwelling in the R2 Zone except in accordance with the following provisions: **ZBA [23]**

a) Minimum Lot Frontage – 10m/unit
b) Minimum Lot Area – 300 m^2/unit
c) Maximum Lot Coverage – 40%
d) Minimum Front Yard Setback – 8.8 m
e) Minimum Rear Yard Setback – 7.5 m
f) Minimum Interior Side Yard Setback – 1.2m on one side, 0.0 m where there is a common wall
g) Minimum Exterior Side Yard Setback (adjacent to unopened road allowance) – 0.6m
h) Maximum Building Height – 8.0m

For all other uses permitted in the R2 Zone, the Low Density Residential (R1) zone regulations shall apply.

14.108 Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 20: **ZBA [26]**

(1) No person shall use any lot or erect, alter or use any building or structure except for:

a) Single Detached Dwelling

b) Semi Detached Dwelling

c) Duplex Dwelling

(2) No person shall use any lot or erect, alter or use any building or structure for any Single Detached Dwelling except in accordance with the regulations for a Single Detached Dwelling listed in the R4 Zone with the exception of Lot Area which shall be as follows:

(i) Lot Area (Min): 355 m^2

(3) For all other uses permitted in the Medium Density Residential (R4) 14.108 Zone, the Medium Density Residential (R4) Zone regulations shall apply.

14.109 Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 20: **ZBA [26]**

(1) No person shall use any lot or erect, alter or use any building or structure except for those uses permitted in the R4 Zone.

(2) No person shall use any lot or erect, alter or use any building or structure for any Townhouse Dwelling except in accordance with the regulations for a Townhouse Dwelling listed in the R4 Zone with the exception of Number of Units per Block, Lot Area, Density and Coverage which shall be as follows:

(i) Number of Townhouse Units per Block (Max): 8

(ii) Minimum Lot Area: 1 unit / 195 m^2 total development parcel

Maximum Density: 1 unit / 195 m^2 total development parcel

(iii) Maximum Lot Coverage: 60%

(3) For all other uses permitted in the Medium Density Residential (R4) 14.109 Zone, the Medium Density Residential (R4) Zone regulations shall apply.

14.110 Notwithstanding the provisions of the General Residential (R5) Zone, and for lands shown on Schedule A, Zoning Map 20: **ZBA [26]**

(1) No person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on January 21, 2019 so long as the "Holding" symbol is affixed to the R5 (14.110) lands.

(2) The City of Owen Sound shall not remove the "Holding" provision until such time as the matters outlined below are satisfied:

(i) The execution of a Subdivision Agreement;

(ii) The completion of a Shadow Study and Urban Design Brief at the time of any future Site Plan application to address building height, built form, overall plan design and layout, and land use compatibility considerations including lot/building orientation, interface with adjacent uses, and any recommended mitigation measures;

(iii) The granting of conditional Site Plan Approval by the Council of the City of Owen Sound and the execution of a Site Plan Agreement.

(3) At a time when the "Holding" symbol is removed by the City, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Uses permitted in the R5 zone

b) Convenience Store

c) Laundromat

d) Office

e) Restaurant

f) Commercial School

g) Place of Entertainment or Amusement

h) Community Lifestyle Facility

(4) Notwithstanding the site and building regulations of the R5 Zone, no person shall use any lot or erect, alter or use any building or structure for any permitted Commercial Use or combination of permitted Commercial Uses (including those listed in b) – h) above or otherwise listed in the R5 Zone) except in accordance with the regulations for 'Uses, Commercial' listed in the R5 Zone and the following:

(i) All Commercial Uses shall be limited to the ground floor;

(ii) Notwithstanding the definitions of Section 4 of this By-law, the following definitions shall be used for the purposes of those uses listed in Special Provision 14.110:

Commercial School – means a lot, building or part thereof used for a school where instruction is given for hire or gain and includes a studio for dance, sport, art, business or trade school.

Place of Entertainment or Amusement – means a lot, building or part thereof used for an arcade, theatre, dance pavilion, bingo hall, billiard hall, or similar establishments designed to entertain or amuse patrons.

(iii) Commercial Uses shall be limited to a total cumulative maximum of 200 m^2 gross floor area unless they are accessory to a Residential or Institutional use on the subject lands and intended only for use by the public on a secondary basis.

(5) Notwithstanding the site and building regulations of the R5 Zone and subsection 14.110 (4), no person shall use any lot or erect, alter or use any building or structure for any permitted Apartment Dwelling, Institutional Use, or Commercial Use (including those listed in b) – h) above or otherwise listed in the R5 Zone) or combination thereof except in accordance with the regulations listed in the R5 Zone and the following:

(i) Maximum Building Height: 16 m

(6) For all other uses permitted in the General Residential (R5) Zone 14.110, the General Residential (R5) Zone regulations shall apply.

14.111 Notwithstanding the provisions of the General Residential (R5) Zone, and for lands shown on Schedule A, Zoning Map 20: **ZBA [26]**

(1) No person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on January 21, 2019 so long as the "Holding" symbol is affixed to the R5 (14.111) lands.

(2) The City of Owen Sound shall not remove the "Holding" provision until such time as the matters outlined below are satisfied:

(i) The execution of a Subdivision Agreement;

(ii) The completion of a Shadow Study and Urban Design Brief at the time of any future Site Plan application to address building height, built form, overall plan design and layout, and land use compatibility considerations including lot/building orientation, interface with adjacent uses, and any recommended mitigation measures;

(iii) The granting of conditional Site Plan Approval by the Council of the City of Owen Sound and the execution of a Site Plan Agreement.

(3) At a time when the "Holding" symbol is removed by the City, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Uses permitted in the R5 zone

b) Convenience Store

c) Laundromat

d) Office

e) Restaurant

f) Commercial School

g) Place of Entertainment or Amusement

h) Community Lifestyle Facility

(4) Notwithstanding the site and building regulations of the R5 Zone, no person shall use any lot or erect, alter or use any building or structure for any permitted Commercial Use or combination of permitted Commercial Uses (including those listed in b) – h) above or otherwise listed in the R5 Zone) except in accordance with the regulations for 'Uses, Commercial' listed in the R5 Zone and the following:

(i) All Commercial Uses shall be limited to the ground floor;

(ii) Notwithstanding the definitions of Section 4 of this By-law, the following definitions shall be used for the purposes of those uses listed in Special Provision 14.111:

Commercial School – means a lot, building or part thereof used for a school where instruction is given for hire or gain and includes a studio for dance, sport, art, business or trade school.

Place of Entertainment or Amusement – means a lot, building or part thereof used for an arcade, theatre, dance pavilion, bingo hall, billiard hall, or similar establishments designed to entertain or amuse patrons.

(iii) Commercial Uses shall be limited to a total cumulative maximum of 200 m^2 gross floor area unless they are accessory to a Residential or Institutional use on the subject lands and intended only for use by the public on a secondary basis;

(5) Notwithstanding the site and building regulations of the R5 Zone and subsection 14.111 (4), no person shall use any lot or erect, alter or use any building or structure for any permitted Apartment Dwelling, Institutional Use, or Commercial Use (including those listed in b) – h) above or otherwise listed in the R5 Zone) or combination thereof except in accordance with the regulations listed in the R5 Zone and the following:

(i) Maximum Building Height: 19 m

(6) For all other uses permitted in the General Residential (R5) 14.111 Zone, the General Residential (R5) Zone regulations shall apply.

14.112 Notwithstanding the provisions of the General Residential (R5) Zone, and for lands shown on Schedule A, Zoning Map 20: **ZBA [26]**

(1) No person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on January 21,

2019 so long as the "Holding" symbol is affixed to the R5 (14.112) lands.

(2) The City of Owen Sound shall not remove the "Holding" provision until such time as the matters outlined below are satisfied:

(i) The execution of a Subdivision Agreement;

(ii) The completion of a Shadow Study and Urban Design Brief at the time of any future Site Plan application to address building height, built form, overall plan design and layout, and land use compatibility considerations including lot/building orientation, interface with adjacent uses, and any recommended mitigation measures;

(iii) The granting of conditional Site Plan Approval by the Council of the City of Owen Sound and the execution of a Site Plan Agreement.

(3) At a time when the "Holding" symbol is removed by the City, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

a) Uses permitted in the R5 zone

b) Convenience Store

c) Laundromat

d) Office

e) Restaurant

f) Commercial School

g) Place of Entertainment or Amusement

h) Community Lifestyle Facility

(4) Notwithstanding the site and building regulations of the R5 Zone, no person shall use any lot or erect, alter or use any building or structure for any permitted Commercial Use or combination of permitted Commercial Uses (including those listed in b) – h) above or otherwise listed in the R5 Zone) except in accordance with the regulations for 'Uses, Commercial' listed in the R5 Zone and the following:

(i) All Commercial Uses shall be limited to the ground floor;

(ii) Notwithstanding the definitions of Section 4 of this By-law, the following definitions shall be used for the purposes of those uses listed in Special Provision 14.112:

Commercial School – means a lot, building or part thereof used for a school where instruction is given for hire or gain and includes a studio for dance, sport, art, business or trade school.

Place of Entertainment or Amusement – means a lot, building or part thereof used for an arcade, theatre, dance pavilion, bingo hall, billiard hall, or similar establishments designed to entertain or amuse patrons.

(iii) Commercial Uses shall be limited to a total cumulative maximum of 200 m^2 gross floor area unless they are accessory to a Residential or Institutional use on the subject lands and intended only for use by the public on a secondary basis;

(5) Notwithstanding the site and building regulations of the R5 Zone and subsection 14.112(4), no person shall use any lot or erect, alter or use any building or structure for any permitted Apartment Dwelling, Institutional Use, or Commercial Use (including those listed in b) – h) above or otherwise listed in the R5 Zone) or combination thereof except in accordance with the regulations listed in the R5 Zone and the following:

(i) Maximum Building Height: 22 m

(6) For all other uses permitted in the General Residential (R5) 14.112 Zone, the General Residential (R5) Zone regulations shall apply.

14.113 Notwithstanding the provisions of the Multiple Residential (MR) Zone, and for lands shown on Schedule A, Zoning Map 21: **ZBA [18]**

(a) No person shall use any lot or erect, alter or use any building or structure except for those uses permitted in the MR Zone. The MR zone provisions shall apply, save and except for the following:

i) Minimum Front Yard Setback: 9 m

ii) Maximum Height: 13.12 m

(b) Notwithstanding the definitions in Section 4, the lot line abutting and parallel to 8th Street East is considered the 'Lot Line, Front' for the purposes of Subsection 14.113.

14.114 Notwithstanding the provisions of the Multiple Residential (MR) Zone, and for lands shown on Schedule A, Zoning Map 21: **ZBA [18]**

(a) No person shall use any lot or erect, alter or use any building or structure except for those uses permitted in the MR Zone. The MR zone provisions shall apply, save and except for the following:

i) Minimum Front Yard Setback: 9 m

ii) Maximum Height: 16.2 m

(b) Notwithstanding the definitions in Section 4, the lot line abutting and parallel to 8th Street East is considered the Lot Line, Front for the purposes of Subsection 14.114.

14.115 Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 21: **ZBA [18]**

(a) No person shall use any lot or erect, alter or use any building or structure except for those uses permitted in the R4 Zone.

(b) The regulations for a 'Dwelling, Townhouse' in the R4 Zone shall apply to a 'Dwelling, Townhouse' use save and except for the following:

(i) Minimum Lot Frontage: 15 m for the total development parcel

Notwithstanding the provisions of this Section or Section 5.12.2, a minimum lot frontage of 15 m may be provided via an easement to 8th Street East only until such time as Street 'A' is upgraded to an improved street.

(ii) Maximum Density: 1 unit per 250 m^2 of lot area for total development parcel.

(c) For all other uses permitted in the Medium Density Residential (R4) Zone, the Medium Density Residential (R4) Zone regulations shall apply.

14.116 Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 21: **ZBA [18]**

(a) No person shall use any lot or erect, alter or use any building or structure save and except for those uses permitted in the R4 Zone.

(b) The regulations for a 'Dwelling, Street Fronting Townhouse' in the R4 Zone shall apply to a 'Dwelling, Street Fronting Townhouse' use except for the following:

i) Maximum Lot Coverage: 53%

ii) Maximum Density: 1 unit per 250 m^2 of lot area for total development parcel

(c) For all other uses permitted in the Medium Density Residential (R4) Zone, the Medium Density Residential (R4) Zone regulations shall apply.

14.117 Notwithstanding the provisions of the Single Residential (R1) Zone, and for lands shown on Schedule A, Zoning Map 21: **ZBA [18]**

(a) No person shall use any lot or erect, alter or use any building or structure save and except for those uses permitted in the R1 Zone.

(b) The regulations for a 'Dwelling, Single Detached' in the R1 Zone shall apply to a 'Dwelling, Single Detached' use except for the following:

(i) Minimum Lot Area: 440 m^2

(ii) Minimum Front Yard Setback: 6.5 m

(iii) Maximum Lot Coverage: 45%

14.118 Notwithstanding the provisions of the Rural (RUR) Zone, and for lands shown on Schedule A, Zoning Map 21 no person shall use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions: **ZBA [18]**

(a) So long as the 'Holding' symbol is affixed to the RUR (14.118) lands, permitted uses shall be limited to:

i) Agricultural uses limited to the growing of crops and pasturing livestock.

ii) Habitat maintenance and enhancement as per the Development Plan developed for the block through the Environmental Impact Study submitted for OPA 6 and ZBA 18.

(b) The 'Holding' provision may be removed at such time as the matters outlined below are satisfied:

i) The required habitat maintenance and enhancement consistent with the Development Plan developed for the parcel through the Environmental Impact Study submitted for OPA 6 and ZBA 18 has been completed.

ii) It is demonstrated through an Environmental Impact Study that development will not negatively impact significant natural heritage and environment features to the satisfaction of the City of Owen Sound.

iii) It is demonstrated that the lot can be provided with adequate servicing and physical frontage to a public road.

14.119 Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 13: **ZBA [27]**

(a) No person shall use any lot or erect, alter or use any building or structure save and except for those uses permitted in the R4 Zone. The R4 zone provisions shall apply, save and except for the following:

i. Maximum Lot Coverage: 55%

14.120 Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 13: **ZBA [27]**

(a) No person shall use any lot or erect, alter or use any building or structure save and except for those uses permitted in the R4 Zone. The R4 zone provisions shall apply, save and except for the following:

i. Maximum Lot Coverage: 45%

ii. Minimum Interior Side Yard (West): 7.5m

iii. Minimum Interior Side Yard (East): 5.0 m

14.121 Notwithstanding the provisions of the Retail Commercial (C2) Zone, and for lands shown on Schedule A Zoning Map 13, the following provisions shall apply: **ZBA [28]**

(a) No person shall erect, alter or use any building or structure for any purpose except for those outlined in the table in 14.121 (c)(ii).

(b) No person shall establish a use in the basement of the commercial building other than storage accessory to the permitted uses.

(c) Notwithstanding the provisions of Section 5.18.2 regulating Off-street Parking Requirements:

i. Minimum Site Parking Requirement 131 spaces

The number of parking spaces required by Sec. 5.18.2 as-of-right is 146 spaces to serve the site. Notwithstanding this requirement, a reduced number of parking spaces to 131 spaces is permitted to serve all uses on the lands subject to 14.121.

ii. The following table outlines the uses permitted on site and specifies the minimum number of vehicle parking stalls (131) required by ratio:

Land Use Category	**Permitted Use**	**Min. Number Parking Stalls**

		Required (131)
Commercial Uses	Hotel	1.0 space per guest room
	Commercial school, financial institution, laundromat, personal service use, retail store, service shop, studio	1 space per 40.5 m^2 of gross floor area
	Wholesale Establishment	
	Business or professional office and government administrative office	

iii. No person shall erect, alter or use any building or structure that has the effect of increasing the parking required on the lands subject to 14.121 above the 146 stalls required as-of-right by Sec. 5.18.2.

(d) The provisions of Section 5.10 regulating Outdoor Patios shall apply, save end except for the following:

a. An outdoor patio located on the lands subject to 14.121 shall have a minimum setback of 43 m from a Long Term Care Facility.

b. An outdoor patio located on the lands subject to 14.121 shall have a minimum setback of 35 m from a Residential Zone boundary.

(e) The provisions of Section 5.22.1 regulating Loading Space Requirements shall apply, save end except for the following:

a. The number of loading spaces required is reduced from two (2) loading spaces for the Hotel, which is >3000 m^2 to one (1) loading space for the Hotel.

(f) The C2 zone provisions shall apply, save and except for the following:

i. Minimum Front Yard Setback: 7.7 m

ii. Notwithstanding the definition of 'Building, Height' in Sec. 4, the maximum height of a Hotel shall be as follows:

- Maximum 18.5 m for a flat roof
- Maximum 23.3 m for the top tallest parapet

All other buildings shall be subject to the maximum height applicable in the C2 zone.

14.122 Notwithstanding the provisions of the Institutional (I) Zone, and for lands shown on Schedule A, Zoning Map 6:

a) In addition to all other uses permitted in the Institutional (I) Zone, a dwelling unit shall be permitted alone or in combination with other uses permitted in the I Zone. For this use, the I Zone regulations shall apply and the minimum gross floor area of any dwelling unit shall be 35 m^2.

b) For all other uses permitted in the Institutional (I) Zone, the I Zone regulations shall apply.

(c) Notwithstanding the above, for any permitted use, the following provisions shall pply to front yard setback and any porch or deck:

(ii) Minimum Front Yard Setback: 6.5 m

(iii) A porch or deck may encroach into the required front yard up to a maximum of 2.5 m, with a minimum front yard setback for the porch or deck of 4.0 m.