

TOWN OF WALKERTON
COMPREHENSIVE ZONING BY-LAW
No. 92-35

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EXPLANATORY NOTE

The purpose of this Zoning By-Law is to implement the Official Plan of the Town of Walkerton of the Walkerton Planning Area. The Official Plan states, in several sections, that it is intended that an implementing Comprehensive Zoning By-Law will be adopted which would reflect the principles, policies and land use descriptions contained in this Plan.

The Official Plan is a general document which establishes overall policy for the control of development to ensure that the type, location and timing of development is consistent with good planning and the local municipality's ability to provide the necessary services. This document generally indicates or designates lands in different general categories of use such as Residential, Commercial, Industrial, etc., for the life of the Plan.

The Zoning By-Law implements the Official Plan and all zoning must be in conformity with the Official Plan. This does not mean that the zoning map must be identical with the land use map in the Official Plan; but it does mean that the Zoning By-Law must ensure the implementation of the Official Plan.

If the Official Plan is the document which establishes What will be developed, the Zoning By-Law provides the How of specific provisions governing the use and the When by requiring the change be approved by Council to ensure that the development is not premature.

Unlike the official plan, the zoning by-law contains very specific and legally enforceable regulations. Any new development or construction that fails to comply with a municipality's zoning by-law is not permitted and will be denied a building permit.

1. **TITLE**

This By-Law may be cited as the "Walkerton Comprehensive Zoning By-Law".

2. **AREA OF APPLICATION**

The provision of this By-Law shall apply to the entire area within the corporate limits of the Town of Walkerton.

3. **INTERPRETATION**

3.1 **General**

In their interpretation and application, the provisions of this By-Law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience or general welfare. Whenever the requirements of this By-Law are at variance with the requirements of any other By-Law, the most restrictive, or the By-Law imposing the higher standards, shall govern and apply. Nothing in this By-Law shall be construed to exempt any person from complying with the requirements of any By-Law of the Town of Walkerton or the County of Bruce or from any law of the Province of Ontario or of Canada.

3.2 **Zoning Schedules**

Schedule "A" attached hereto, together with notations and references shown thereon, is hereby declared to form part of this By-Law.

3.3 **Precedence of Schedules**

In the event that a conflict or inconsistency exists between Schedule "A" and any other schedule, the other schedule shall take precedence over Schedule "A" for those lands to which it more particularly refers.

3.4 **Defined Areas**

The extent and boundaries of all Zones are shown on Schedule "A" and all such Zones are hereby defined as areas to which the provisions of the By-Law shall apply.

3.5 **Zone Boundaries**

When determining the boundary of any Zone as shown on any Schedule forming part of this By-Law, the following

provisions shall apply:

- a) A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane;
- b) A boundary indicated as following a watercourse, creek, stream or right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;
- c) A boundary indicated as following a shore line shall follow such shore line, and in the event of change in the shore line, the boundary shall be construed as moving with the actual shore line;
- d) A boundary indicated as approximately following property lot lines or Township lot lines shall follow such lot lines;
- e) Where a boundary is indicated as approximately parallel to a street line or other feature, indicated in clauses a), b) or c) of this subsection, and the distance from such street line or other feature is not indicated, and clause d) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule;
- f) A boundary indicated as following the limits of the Town shall follow such limits.

3.6 **Closings**

In the event that a dedicated street or lane shown on any Schedule forming part of this By-Law is closed, the property formerly in such street or lane shall be included within the Zone of the adjoining property on either side of such closed street or lane. If a closed street or lane is the boundary between two (2) or more different Zones, the new Zone boundaries shall be the former centre line of the closed street or lane except as otherwise noted in detail on Schedule "A".

3.7 **Text**

The particular shall control the general;

- a) The word "shall" is mandatory and not discretionary; and the word "may" is permissive;
- b) Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural shall include the singular, unless the context clearly indicates the contrary;
- c) A "Building" or "Structure" includes any part thereof.

4. **ADMINISTRATION & ENFORCEMENT**

4.1 **Chief Building Official**

There shall be an official of the Corporation of the Town of Walkerton named the Chief Building Official who shall be designated by Council from time to time.

4.2 **Application, Plans and Permits**

- a) In addition to all the requirements of the Corporation's Building By-Law or any other By-Law of the Corporation, every application for a building permit shall be accompanied by a plan (prepared by an Ontario Land Surveyor, if deemed necessary) in duplicate (one copy of which shall be retained by the Zoning Administrator) drawn to scale and showing the following:
 - i) The true dimensions of the lot to be built upon or otherwise used, and
 - ii) The proposed location, height and dimensions of any buildings, structure or use proposed for such lot, and
 - iii) The proposed locations and dimensions of any yards, setback, landscaped open space, off-street parking and loading facilities required by this By-Law, and
 - iv) The location of all existing buildings and structures on the lot; and
 - v) A statement signed by the owner, disclosing the exact use proposed for each foresaid building, structure or use giving all information necessary to determine if such proposed or existing building, structure or use conforms to the requirements of this By-Law.
- b) No building permit shall be issued where the lot lacks frontage on a street.
- c) No building permit shall be issued where the proposed building, structure or use would be in violation of any of the provisions of this By-Law.

4.3 **Final Inspection Report**

No land shall be used or occupied, and no structure which has been erected or altered shall be used or changed in use, until a Final Inspection Report has been issued by the Chief Building Official stating that the proposed use thereof complies with the provisions of this By-Law.

4.4 **Application for Building Permit**

An application for a Building Permit shall be accompanied by a ground plan showing the dimensions of the lot and the proposed building, and the relation of the proposed building to the lot and street lines, the existing or intended use of each building or part of building on the lot, and such additional information as may be necessary to comply with the provisions of this By-Law and the Ontario Building Code.

4.5 **Saugeen Valley Conservation Authority Permits**

Prior to any development taking place within the "Shaded Area" as outlined on Schedule "A" consultation with the Saugeen Conservation Authority shall be required. Information concerning Authority Construction Regulations (R.R.O. 178/80, as amended) should be reviewed with the Saugeen Valley Conservation Authority prior to the commencement of any development and/or the issuance of a building permit. The lands within the Shaded Area, and subject to Construction Regulations, include the lands within the Town of Walkerton which are susceptible to flooding during the Regional Storm Flood. Development may be permitted in part of the floodplain, provided appropriate floodproofing measures are incorporated into the development design. Details regarding floodproofing requirements and the permit procedure are available from the Saugeen Conservation Authority.

4.6 **Issuance of Certificate of Occupancy**

Before any Permit shall be issued for construction of any building or the use of any premises, the Chief Building Official shall examine the application to ensure that the proposed construction or use shall not be in violation of any of the provisions of this By-Law.

4.7 **Records**

A record of all Final Inspection Reports shall be kept on file in the office of the Chief Building Official, and shall be available upon request of any persons having proprietary

or tenancy interest in the buildings.

4.8 Changes of Occupancy

No change shall be made in the use of any structure or part thereof until a Final Inspection Report has been issued covering such proposed change.

4.9 Enforcement

The provisions of this By-Law shall be enforced by the Zoning Administrator and/or Chief Building Official, who shall be designated by Council from time to time.

4.10 Offences & Penalties

Every person who contravenes any of the provisions of this By-law is guilty of an offence and on conviction is liable,

- a) on a first conviction to a fine of not more than twenty-thousand dollars (\$20,000); and
- b) on a subsequent conviction to a fine of not more than ten thousand dollars (\$10,000) for each day or part thereof upon which the contravention has continued after the day on which he was first convicted.

Where a corporation contravenes any of the provisions of this By-law, the maximum penalty that may be imposed is:

- a) on a first conviction a fine of not more than fifty thousand dollars (\$50,000); and
- b) on a subsequent conviction to a fine of not more than twenty-five thousand dollars (\$25,000) for each day or part thereof upon which the contravention continued after the day on which the Corporation was first convicted.

Every such fine shall be recoverable under the Provincial Offences Act, all the provisions of which apply, except that any imprisonment shall be as provided in The Municipal Act.

4.11 Validity

If any of the provisions of this By-Law, including any part of land uses as shown on Schedule "A" are for any reason held to be invalid, it is hereby declared to be the intention that all the remaining provisions shall remain in full force until repealed, notwithstanding that one (1) or more provisions shall have been declared to be invalid.

4.12 **Other By-Laws and Requirements**

Nothing in this By-Law shall operate to relieve any person from the requirements of the Building By-Law, the Ontario Building Code as amended, or any other By-Law of the Town.

4.13 **Metric and Imperial Measurement**

All measurement figures used in the By-law shall be metric measurement. The approximate imperial equivalents to the metric measurements used in this By-law are shown in brackets following each such metric measurement and are provided for information purposes only and do not form part of this By-law.

4.14 **Health Approval**

Where the issuance of a permit for a building or structure or change of use of an existing building or structure may affect any private sewage disposal system, either on the subject land or on adjacent lands or any water supply, no building permit shall be issued for such building or structure unless the building permit application is accompanied by approval in writing from the Ministry of the Environment or approving agency for the proposed method of private sewage disposal and water supply.

5. DEFINITIONS

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

"ACCESSORY", when used to describe a use, building or structure, shall mean a use, a building or a structure that is normally incidental, subordinate and exclusively devoted to a principal use located on the same lot therewith.

"ANIMAL HOSPITAL" shall mean a building or part thereof in an urban setting devoted to the treatment or boarding of animals, birds or other livestock. Such treatment or boarding must take place wholly within an enclosed structure.

"ASSEMBLY HALL" shall mean a building or part thereof in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and shall include a banquet hall or private club.

"AUTOMOBILE GAS BAR" shall mean a building or place:

- a) where gasoline or other motor fuels and oil are kept for sale and for delivery directly into a motor vehicle, but
- b) does not include an automobile service station, a public garage, an automobile washing establishment or an automobile service centre.

"AUTOMOBILE SERVICE CENTRE" shall mean a building or place:

- a) where gasoline or other motor fuels are kept for sale and for delivery directly into a motor vehicle, and
- b) for the servicing, repairing or equipping essential to the actual operation of motor vehicles;
- c) for the performance of diagnostic services on motor vehicles;
- d) for the sale to the motoring public of goods usual to the trade;
- e) that may include an automobile washing establishment.

"AUTOMOBILE SERVICE STATION" shall mean a building or place:

- a) where gasoline or other motor fuels are kept for sale and for delivery directly into a motor vehicle, and

- b) for the performance of minor running repairs essential to the actual operation of motor vehicles, and
- c) for the sale to the motoring public of goods usual to the trade, but
- d) does not include a public garage, an automobile washing establishment or automobile service centre.

"AUTOMOBILE WASHING ESTABLISHMENT" shall mean a building or part thereof used for the operation of automobile wash equipment with a capacity to wash more than ten (10) cars per hour and shall include coin-operated automobile washing establishments.

"BAKERY, INDUSTRIAL" shall mean the use of land, building or structure designed for the purpose of making and preparing bakery products not intended for sale by retail directly to the public on the premises.

"BAKERY, RETAIL" shall mean the use of land, building or structure designed for the purpose of making and preparing bakery products which are offered or kept for sale by retail directly to the public on the premises.

"BASEMENT" shall mean the portion of a building between two floor levels which is partly underground but which has at least one-half (1/2) of its height, from finished floor to finished ceiling, above the adjacent finished grade, and in which the height from finished grade to finished ceiling is less than 1.9 metres (6.2 feet), but more than 1 metre (3.3 feet).

"BOARDING HOUSE OR LODGING HOUSE" shall mean any dwelling containing not more than ten (10) guest rooms used or maintained for the accommodation of the public, in which the proprietor resides and supplies for hire or gain, lodgings with or without meals; but shall not include any other establishment defined or classified herein.

"BUILDING" shall mean any structure used or intended to be used for shelter, accommodation or enclosure of persons, animals, or chattels other than a lawful boundary wall or fence.

"BUILDING, MAIN" shall mean that building the nature of the use of which is determined by the Zone upon which it is authorized to be constructed or upon which it is constructed.

"BUILDING, FRONT OF" shall mean in general that wall of a building which is nearest and more or less parallel to the

front lot line; when setback regulations are applicable, "front of building" shall mean that wall of the building which fronts upon the street on which the setback is applicable.

"BUILDING, HEIGHT OF" shall mean the vertical distance between the average elevation of the finished surface of the ground at the front of the building; and, a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater; b) in the case of a mansard roof, the deck roof line; and, c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and the ridge, exclusive of any accessory roof construction such as a chimney, tower, steeple or television antenna. When no grade has been established, the level of the crown of the street upon which the building fronts at right angles to the midpoint of that building shall be considered the established grade.

"BUSINESS OR PROFESSIONAL OFFICE" shall mean an office in which any business is carried on or any profession is practised.

"CARPORT" shall mean a private enclosure (for the storage or parking of an automobile(s)) having a roof supported by columns, piers, or walls and in which the total area of all walls, doors or windows around the perimeter thereof does not exceed sixty percent (60%) of the total floor area of all sides of said carport, from the floor to the underside of the wall plate or beams supporting the roof.

"CELLAR" shall mean that portion of a building between two floor levels which is partly or wholly underground, and which has more than one-half (1/2) of its height, from finished floor to finished ceiling, below the adjacent finished grade.

"CHURCH" shall mean a building dedicated to religious worship and may include a church hall, church auditorium, Sunday School, convent, monastery or parish hall.

"CHIEF BUILDING OFFICIAL" shall mean the officer or employee of the Corporation for the time being charged with the duty of enforcing the provisions of the Building By-Law of the Corporation and the Ontario Building Code.

"CLINIC" shall mean a building or part thereof used solely by qualified medical practitioners, dentists, optometrist, osteopaths, and/or drugless practitioners, numbering two (2) or more, and their staff, for public or private medical, surgical, physiotherapeutic or other human health purpose except when included within or accessory to a private or public hospital.

"COMMERCIAL USE" shall mean the use of land, structure or building for the purposes of buying or selling commodities and supplying services as distinguished from such uses as manufacturing or assembling of goods, warehousing, and construction.

"CONVENIENCE, RETAIL" shall mean a retail establishment which deals primarily in goods required by the inhabitants of a residential district to meet their day-to-day needs.

"CORPORATION" shall mean the Corporation of the Town of Walkerton.

"COUNCIL" shall mean the Municipal Council of the Corporation of the Town of Walkerton.

"COUNTY" shall mean the Corporation of the County of Bruce.

"COURT" shall mean an open, uncovered, unoccupied space appurtenant to a building and bounded on two (2) or more sides thereby.

"DAIRY, INDUSTRIAL" shall mean the use of land, building or structure designed for the purpose of collecting, processing and storing of dairy produce including milk, cheese, butter and such produce as customarily results from dairy processing.

"DAIRY, RETAIL" shall mean the use of land, structure or building for the purposes of buying and selling of dairy products as distinguished from processing of dairy produce.

"DAY NURSERY OR DAY CARE CENTRE" shall mean a place that receives for temporary custody for a continuous period not exceeding sixteen (16) hours, more than three (3) children under ten (10) years of age not of common parentage and that is not:

- a) part of a school under the Education Act;
- b) part of a private school registered under Education Act; or,
- c) a children's mental health centre under The Children's Mental Health Centres Act.

"DAYLIGHTING TRIANGLE" shall mean an area free of buildings or structures, which area is to be determined by measuring from the point of intersection of the street lines on a corner lot the distance required by this By-law along each such street line and joining such points with a straight line. This triangular shaped land is the "daylighting triangle". Such daylighting triangle shall be kept clear of any and all obstructions.

"DEVELOPMENT" shall mean the construction or erection of structures on land or the movement of prefabricated structures including but not limited to mobile homes and modular units

onto building lots.

"DRIVEWAY" shall mean land used to provide access to a lot, building or structure, with a minimum width of 3 metres (9.8 feet) and a maximum width of 7.5 metres (24.6 feet). The driveway shall be constructed of concrete, asphalt, crushed gravel or similar substance.

"DRY CLEANER'S DISTRIBUTION STATION" shall mean a building or part thereof used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process.

"DRY CLEANING ESTABLISHMENT" shall mean a building or part thereof used for the purpose of receiving, cleaning, pressing, dry dyeing, dry cleaning (wherein only non-flammable solvents are or can be used, no odour of fumes are emitted, no noise or vibration is created which causes nuisance or inconvenience within or without the premises) and distribution of articles or goods of fabric.

"DWELLING" shall mean a building, occupied or capable of being occupied as the home or residence of one (1) or more persons, containing one (1) or more dwelling units.

DWELLING UNITS

- a) shall mean a suite of two (2) or more rooms used or designed or intended for use by only one family as a single, independent and separate housekeeping establishment:
 - i) in which food preparation and sanitary facilities are provided for the exclusive use of such a family, and
 - ii) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but
- b) does not mean or include a tent, cabin, trailer, mobile home, motor home, or a room or suite of rooms in a boarding or rooming house, in a hotel, motel, motor hotel, or tourist home.

APARTMENT DWELLING shall mean a building consisting of four (4) or more dwelling units which units have a common entrance from the street level and are served by a common corridor, and the occupants of which have

equal right to the use of all common corridors and/or stairs and/or elevators and yards.

BACHELOR DWELLING UNIT shall mean a dwelling unit consisting of one (1) bathroom and not more than two (2) habitable rooms providing therein living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms.

CONVERTED DWELLING shall mean a dwelling, including any addition thereto, altered or converted so as to provide therein not more than four (4) dwelling units, provided the main dwelling house was erected prior to the passing of this By-Law.

DOUBLE DUPLEX DWELLING shall mean a single building that consists of two (2) duplexes attached to each other, with a common wall dividing the two duplex dwellings vertically.

DUPLEX DWELLING shall mean a single building of two (2) or more storeys divided horizontally into two (2) separate dwelling units, each of which is completely on a separate storey.

MAISONETTE DWELLING shall mean a single building that is divided into three (3) or more dwelling units, each of which is a self-contained dwelling unit having two (2) independent entrances, one(1) to a common first storey corridor and the other directly to the outside yard area adjacent to the said dwelling unit.

ROW HOUSE DWELLING shall mean a single building that is divided vertically into three (3) or more dwelling units each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.

SEMI-DETACHED DWELLING shall mean a single building divided vertically above and below grade into two (2) separate dwelling units.

LINK SEMI-DETACHED OR LINK VILLA DWELLING shall mean one of a pair of two single dwelling units attached below grade by means of a common masonry footing connecting the pair of dwelling units, each of which has an independent entrance directly from the outside.

SINGLE DETACHED DWELLING shall mean a completely detached dwelling containing only one dwelling unit and occupied by not more than one (1) family.

SPLIT LEVEL DWELLING shall mean a dwelling in which the first floor above finished grade is so constructed as to create two (2) or more different levels, the vertical distance between such levels being always less than the full storey. For the purpose of this By-Law, a split level dwelling shall be considered as a one (1) storey dwelling.

TOWNHOUSE DWELLING shall mean a single building that is divided vertically into three (3) or more dwelling units each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit, and each unit has frontage and access to a public street.

TRIPLEX DWELLING shall mean a single building divided horizontally into three (3) dwelling units.

"EATING ESTABLISHMENT" shall mean a building or part thereof where food is offered for sale or sold to the public for immediate consumption therein and includes a restaurant, licensed dining lounge, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar, or refreshment room or stand; but does not include a boarding or lodging house or drive-in restaurant.

"ERECT" shall include build, construct, reconstruct, alter relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining; structurally altering any existing building or structure by an addition, deletion, enlargement, extension or other structural change, and any work for the doing of which a building permit is required under the Building By-Law of the Corporation. "Erected" and "erection" shall have a corresponding meaning.

"ESTABLISHED BUILDING LINE" shall mean the average distance from the street line to existing buildings in any block where more than one-half (1/2) of the frontage has been built upon, at the date of the final passing of this By-Law.

"EXISTING" shall mean existing on the date of the final passing of this By-Law.

"FAMILY" shall mean an individual, or two (2) or more persons who are related by consanguinity or marriage or legal adoption and not more than two (2) persons or a group of not more than three (3) unrelated persons occupying a dwelling unit. "Family" shall also include domestic servants. For the

purposes of this By-Law, a maximum of six (6) foster children shall be considered to be related by consanguinity.

"FLOOR AREA, DWELLING" shall mean the total floor area of a dwelling excluding exterior walls and garages and, except in the case of a permitted apartment, the basement.

"FLOOR AREA, DWELLING UNIT" shall mean the total floor area contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, veranda, unfinished attic, cellar, or sun room (unless such sun room is habitable during all seasons of the year) and excluding public or common halls or areas, stairways and the thickness of outside walls.

"FLOOR AREA, GROSS" shall mean the aggregate of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, exclusive, however, of:

- a) any part of the building or structure below grade which is used for heating equipment, the storage or parking of motor vehicles, locker storage and laundry facilities, children's play areas and other accessory uses or used as living quarters by the caretaker, watchman or other supervisor of the building or structure, and
- b) enclosed malls when used as a common area between stores.

"FLOOR AREA, GROUND" shall mean the floor area of the lowest storey of a building approximately at or first above the finished grade level, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but

- a) excluding, in the case of a dwelling, any private garage, carport, porch, veranda, sun room (unless such sun room is habitable during all seasons of the year);
- b) for the purposes of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

"FLOOR AREA, MANUFACTURING" shall mean that portion of the gross floor area of an establishment which is used for manufacturing purposes and office purposes but does not include areas used for storage.

"FLOOR AREA, GROSS LEASABLE" shall mean the gross floor area designated for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, as expressed

in square metres measures from centre lines of joint partitions and exteriors of outside walls. This does not include office buildings in which medical, dental, research and other kinds of special organizations are housed, nor theatres, although it does include banks and other such activities which are part of the shopping centre.

"GARAGE" shall mean any building or enclosure in which one (1) or more motor vehicles are stored, kept or repaired.

"GARAGE, ATTACHED" shall mean a private garage, accessory to a dwelling unit on the same lot, and separated therefrom by a common wall, provided, however, for the purpose of determining lines of setback and side yard, an attached garage shall be considered part of the main building. Also, for the purpose of this definition, a wall between a house and an attached garage may be considered "common" as long as at least forty percent (40%) of the length of the attached garage wall is common with the dwelling unit wall.

"GARAGE, PRIVATE" shall mean an accessory building or portion of a building which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration. Garages and carports shall have a clear inside width of at least 3 metres (9.8 feet) for single car parking and at least 2.4 metres (7.9 feet) additional clear width shall be provided for each additional car.

"GARAGE, PUBLIC" shall mean and includes a building or place where motor vehicles are hired or kept or used for hire or where such vehicles and gasoline or oils are stored or kept for sale, or a building or place used as a motor vehicle repair shop or for washing or cleaning motor vehicles and includes an automobile washing establishment, but does not include any use otherwise defined or classified herein.

"GOLF COURSE" shall mean a public or private area operated for the purpose of playing golf and includes a par three (3) golf course but does not include driving ranges, miniature courses and similar uses.

"GRADE" shall mean the average elevation of the finished ground level abutting the wall or walls in question.

"GROUP HOUSING" shall mean two (2) or more separate triplex, double duplex, row, maisonette, and/or apartment dwellings located on one (1) lot and which lot is retained under one (1) ownership.

"GUEST ROOM" shall mean a room or suite of rooms used or maintained for the accommodation of the public.

"HABITABLE ROOM" shall mean a room designed for living, sleeping, eating, or food preparation, including a den, library, sewing room or enclosed sun room.

"HOME OCCUPATION" shall mean the doing of any work in the manufacture, preparation, improvement, repair, alteration, assembly or completion of any article or thing or any part thereof or Personal, Professional, Business and Cultural Services by a person for wages, gain or support conducted entirely within the principal dwelling or accessory buildings and not external thereto only by one or more residents residing in such dwelling and provided that:

- a) said dwelling is occupied primarily as living accommodation by the person(s) conducting the home occupation;
- b) home occupation shall be operated solely by the residents of the dwelling and other individuals outside of the dwellings full-time residents will not be employed at the site; and,
- c) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling house or unit nor interfere with the use and enjoyment of surrounding properties.

"HOSPITAL PRIVATE" shall mean a hospital as defined by The Private Hospitals Act, Revised Statutes of Ontario, 1970, as amended from time to time, and a sanatorium as defined by the Private Sanitarian Act, Revised Statutes of Ontario, 1970, as amended from time to time.

"HOSPITAL, PUBLIC" shall mean a hospital as defined by The Public Hospitals Act, Revised Statutes of Ontario, 1970, as amended from time to time.

"HOTEL" shall mean any hotel, tavern, inn, lounge, lodge, or public house in one (1) main building or two (2) or more buildings used mainly for the purpose of catering to the needs of the travelling public by:

- a) the supply of food and/or other refreshments and entertainment, and also by the furnishing of sleeping accommodation consisting of not less than ten (10) guest rooms, which guest rooms contain no provision for cooking and,
- b) includes all premises licensed under the Liquor License Act, and
- c) includes permanent staff accommodation, but
- d) does not mean or include a boarding or lodging house, apartment hotel, private hotel, motel or motor hotel.

"HOTEL, APARTMENT" shall mean a hotel except that no more than fifty percent (50%) of the living accommodation therein according to floor area, may be dwelling units.

"INDUSTRIAL USE" shall mean the use of land, building or structure designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, or any part thereof and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services and shall include printing.

"INSTITUTION" shall mean land, building, structure or part thereof used by any organization, group or association for the promotion of charitable, educational or benevolent objects and not for profit or gain.

"LANDSCAPING" shall consist of at least lawn and ornamental shrubs which shall be maintained in a healthy growing condition, neat and orderly in appearance. Landscaping may include paths, patios, walkways, fences, land contouring, sound barriers and existing natural treed areas, but shall not include driveways, ramps, lanes or parking areas or any space beneath, within or on top of the building.

"LANE" shall mean a thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

"LAUNDRY SHOP" shall mean a building or part thereof in which the business of a laundry is conducted by means of one (1) or more washers, having a capacity not exceeding 30 kilograms (66.1 lb) each, and drying, ironing, finishing and incidental equipment:

- a) in which only water and detergents are or can be used;
- b) which emit no odour or fumes, noise or vibration causing nuisance or inconvenience within or without the premises; and
- c) shall include a business where only washing or ironing is done, a self-service laundry and a laundry receiving depot.

"LOADING SPACE" shall mean an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area:

- a) is provided for the temporary parking of one (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking is not for the purpose of offering commodities for sale and display, and
- b) is adequate for the temporary parking of one (1) commercial motor vehicle, and
- c) is not less than 3.6 metres (11.8 ft) in width, nor less than 15 metres (49.2 ft) in length, nor less than 4.5 metres (14.8 ft) in clear and unobstructed height nor with a slope of greater than eight percent (8%), exclusive of any land used for access, manoeuvring, driveway or similar purpose, and
- d) is not upon or partly upon any street, lane or alley, and
- e) has adequate access to permit ingress and egress of a commercial motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which is to be used for the temporary parking or storage of any motor vehicle.

"LOT" shall mean a parcel of land or continuous parcels of land under one ownership which is described in a deed or other document legally capable of conveying an interest in land from one party to another and which is on record in the Land Registry Office #3, Ministry of Consumer & Commercial Relations. A "lot" may be shown on a Registered Plan of Subdivision, or described by metes and bounds, or described otherwise.

"LOT, CORNER" shall mean a lot situated at the intersection of and abutting upon two (2) or more streets, provided that the interior angle of intersection of such streets is not more than one hundred and thirty-five degrees (135°).

LOT, INTERIOR" shall mean a lot other than a corner lot or through lot.

"LOT, THROUGH" shall mean a lot bounded on two (2) opposite sides by streets, and not otherwise defined herein.

"LOT AREA" shall mean the total horizontal area within the lot lines of a lot:

- a) excluding the horizontal area of such lot covered by

water or marsh, or between the rim of the banks of a river or watercourse, and

- b) in the case of a corner lot having street lines rounding at the corner with a radius of 6 metres (19.7 ft) or less, the lot area of such lot is to be circulated as if the lot lines were projected to this point of intersection.

"LOT COVERAGE" shall mean that percentage of the lot area covered by all buildings above ground level, but does not include that portion of the lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this paragraph the lot coverage in each Zone applies and shall be deemed to apply only to that portion of such lot that is located within said Zone.

"LOT DEPTH" shall mean the horizontal distance between the front and rear lot lines, but where the front and rear lot lines are not parallel the "lot depth" is the length of a straight line joining the midpoints of such lot lines. Where there is no rear lot line the "lot depth" is the length of a straight line joining the mid-point of the front lot line with the apex of the triangle formed by the side lot lines.

"LOT FRONTAGE" shall mean the horizontal distance between the side lot lines measured along the building setback line, but where the front lot line is not a straight line or where the side lot lines are not parallel the lot frontage is to be measured by a line 6 metres (19.7 ft) back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot line.

"LOT LINE" shall mean any boundary of a lot and/or the vertical projection thereof.

"LOT LINE, FRONT" shall mean the lot line that divides the lot from the street, provided that:

- a) in the case of a corner lot, in any residential, commercial or industrial Zone, the shorter lot line that abuts a street shall be deemed to be the front lot line; and
- b) in the case of a through lot the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.

"LOT LINE, REAR" shall mean a lot line opposite the front lot

line.

"LOT LINE, SIDE" shall mean a lot line other than a front or rear lot line.

"LOT LINE, EXTERIOR SIDE" shall mean a side lot line of a corner lot which abuts the street or lane.

"LOT LINE, INTERIOR SIDE" shall mean a side lot line which abuts on the adjoining lot.

"MOBILE HOME" shall mean a transportable single or multiple section single family dwelling of residential occupancy and conforming to the CSA Z240 Series of Standards at time of manufacture. It is ready for occupancy upon completion of set-up in accordance with required factory recommended installation details.

"MOBILE HOME PARK" shall mean an area set aside for the use of mobile homes in which communal sewer, water and hydro resources are provided and in which community laundry, social, local commercial and recreation facilities may be located and which is licensed for this purpose of the Municipality.

"MOTEL, OR MOTOR HOTEL" shall mean a building or two (2) or more connected or detached buildings designed and used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and/or other refreshment, and without limiting the generality of the foregoing shall include a motor court, auto court and tourist home, within the meaning of the Tourism Act.

"MOTOR HOME" shall mean an automotive vehicle built on a truck or bus chassis and equipped as a self-contained travelling home.

"MOTOR VEHICLE SALES ESTABLISHMENT" shall mean a building or place where new and/or used motor vehicles, as defined by the Highway Traffic Act, are kept for display or sale, and where maintenance of these vehicles is provided along with the distribution and sale of new parts for the vehicle.

"MUNICIPALITY" shall mean the Corporation of the Town of Walkerton.

"NON-COMPLYING" shall mean an established use which is a permitted use in the Zone in which the said use is situated at the date of final passing of this By-Law, but which has less than the minimum frontage and/or depth and/or area, or less than the minimum setback and/or side yard and/or rear yard and/or minimum open space required or fails to meet any other provision of this By-Law.

"NON-CONFORMING" shall mean an established use which is not a permitted use in the Zone in which the said use is situated at the date of the final passing of this By-Law.

"NURSING HOME" shall mean a dwelling or other building in which rooms or lodging are provided for hire or gain, and where meals, personal care, nursing services, and medical care and treatment are provided or made available, and includes a rest home or convalescent home, but does not include any other establishment otherwise defined or classified herein.

"OBNOXIOUS USE" shall mean any use which shall be a nuisance to the occupants or owners of any neighbouring land or buildings by reason of the emission or the creation of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste or the depositing or leaving of unsightly objects or chattels on land.

"OFFICE" shall mean a room or rooms where business may be transacted, a service performed or consultation given, but shall not include the manufacture, assembly or servicing of any product.

"PARK" shall mean an area of land designed for the purposes of passive or active leisure activities and may include thereon one (1) or more athletic fields, field houses, community centres, bleachers, swimming pools, wading pools, greenhouses, bandstands, skating rinks, tennis courts, bowling greens, curling rinks, refreshment rooms, camping area, arenas and golf courses.

"PRIVATE PARK" shall mean a park other than a public park.

"PUBLIC PARK" shall mean a park or area of land owned or controlled by the Corporation of the Town of Walkerton or the Saugeen Valley Conservation Authority or by any Board, Commission or other Authority established under any Statute of the Province of Ontario or Dominion of Canada, except for school property.

"PARKING AREA" shall mean an area provided for the parking of motor vehicles and which area:

- a) shall include any related aisles, manoeuvring area, parking spaces, ingress and egress lanes, private garage and similar areas used for the purpose of parking but does not include any part of a public street; and
- b) is provided and maintained in accordance with all applicable provisions of this By-Law.

"PARKING LOT" shall mean any parking area other than a parking area required under the provisions of this By-Law.

"PARKING SPACE" shall mean an area enclosed in a principal building, in an accessory building or unenclosed, set aside for the purpose of the temporary parking or storage of one (1) motor vehicle having access to a street or lane and having a minimum area and dimensions exclusive of aisles or driveways.

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

"PERSONAL SERVICE SHOP" shall mean a building or part thereof in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, and includes such establishments as barber shops, shoe repair and shoe shine shops, and depots for collecting dry cleaning and laundry and laundromats.

"PLACE OF ENTERTAINMENT" shall mean a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall or music hall or similar use approved by Council.

"PUBLIC AUTHORITY" shall mean the Council, any School Board, Public Utility Commission, Transportation Commission, Conservation Authority, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, or other board or commission or committee of a local authority established or exercising any power or authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of a municipality or portion thereof, and includes any committee or local authority established by By-Law of the Council.

"RECREATIONAL" shall mean the use of land for activities for diversion or relaxation, together with the necessary and accessory facilities, buildings, and structures, but does not imply any specific use of facility not provided for in any Zone.

"RESTAURANT, DRIVE -IN" shall mean a building or part thereof where food is offered for sale to the public to be consumed within or outside the building.

"RETAIL ESTABLISHMENT" shall mean a building or part thereof which is not otherwise defined in this By-Law, in which goods, wares, merchandise, substances, articles or things are offered or kept for sale by retail directly to the public.

"SALVAGE YARD" shall mean an establishment, land or buildings

where goods, wares, merchandise, substances, articles or things are kept and/or stored and/or processed for further use and where such goods, wares, merchandise, articles, substances or things are stored wholly or partly in the open and includes a junk yard, a scrap metal yard and an automobile wrecking yard or premises.

"SCHOOL" shall mean

- (a) the body of public school pupils or separate school pupils or secondary school pupils that is organized as a unit for educational purposes under the jurisdiction of the appropriate board, or
- (b) the body of pupils enroled in any of the elementary or secondary school courses of study in an educational institution operated by the Government of Ontario

"SCHOOL, PRIVATE" shall mean an institutional at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any school day for five or more pupils who are of or over compulsory school age in any of the subjects of the elementary or secondary school courses or study and that is not a "school" as defined elsewhere in this section.

"SERVICE OR REPAIR SHOP" shall mean a building or part thereof, not otherwise defined or classified in this By-Law, and whether conducted in conjunction with a retail establishment or not, for the servicing, repairing or renting of articles, goods or materials, but does not include the manufacture or assembly of articles, goods or materials.

"SETBACK" shall mean the horizontal distance from the street line measured at right angles to such line, to the nearest part of any building on the lot. A cornice, retaining wall or fence shall not be deemed to be a structure or building or part thereof for the purpose of this definition.

"SHOPPING CENTRE" shall mean a group of commercial establishments designed, developed and managed as a unit by a single owner or tenant, or group of owners or tenants, for which parking is provided in common off-street parking areas, as opposed to a business area comprising unrelated individual business uses.

"SIGN" shall mean a name, identification, description, device, display or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business.

"STOREY" shall mean that portion of a building, between any floor and the floor next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 1.8 metres (5.9 ft) above grade. Provided also that any portion of a storey, exceeding 4.3 metres (14.1 ft) in height shall be deemed an additional storey for each 4.3 metres (14.1 ft) or fraction thereof of such excess.

"STOREY, HALF" shall mean that portion of a building located wholly or partly within a sloping roof, having sufficient space to provide a height between finished floor and finished ceiling of at least 2.2 metres (7.2 ft) over a floor area equal to at least fifty percent (50%) of the floor area next below.

"STREET OR ROAD" shall mean a "highway" as defined by the Municipal Act which affords the principal means of access to abutting lots, and shall exclude a lane.

"STREET LINE" shall mean the limit of the road or street and is the dividing line between a street and a lot.

"STRUCTURE" shall mean anything that is erected, built or constructed or parts joined together or any such erection fixed to or supported by the ground. But for the purposes of this By-Law, an in-ground swimming pool shall be deemed to be a structure.

"STRUCTURAL ALTERATIONS" shall mean any change in the supporting members of a building such as foundations, bearing walls, columns, beams or girders and partitions.

"SWIMMING POOL, PRIVATE" shall mean a body of water in excess of 0.5 metres (1.6 ft) in depth and of more than 10.0 square metres (32.8 sq. ft) in area, used for bathing, swimming or diving.

"SWIMMING POOL, PRIVATE IN-GROUND" shall mean a swimming pool constructed so that no part of the pool is greater than 0.3 metres (1.0 ft) above the adjacent surrounding grade.

"TAVERN" shall mean a public house for supply of food and beverage to be consumed on and off the premises within applicable licence restrictions.

"TOWN" shall mean the Corporation of the Town of Walkerton.

"TRAILER" shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose

of being drawn or propelled by the said motor vehicle and capable of being used for living, sleeping or eating accommodation or the transport of a boat, snowmobile, tent or materials, notwithstanding that such vehicle is jacked up or that its running gear is removed. For the purposes of this By-Law, and without limiting the generality of the foregoing, camper trailers, travel trailers, mobile homes, motor homes, land cruisers and truck campers are included in this definition.

"TUCK SHOP" shall mean a retail establishment, secondary to a principle residential/institutional use, which acts as a gift shop and/or provides incidental items of personal and household necessity and has a limited floor area.

"USE" shall mean the purpose for which any land, building, structure or premises, or part thereof:

- a) is designed, arranged or intended to be used, or
- b) is or may be occupied or maintained, and
- c) the word "used" has a corresponding meaning.

"YARD" shall mean an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures except as may be expressly permitted in this By-Law but does not include a court yard. A yard is measured by the minimum horizontal distance from the respective lot line to the closest wall or part thereof the buildings or structures on the lot.

"YARD, ACCESS" shall mean the outdoor area adjacent to and associated with an individual dwelling unit, and is used primarily in reference to multiple family units.

"YARD, FRONT" shall mean a yard extending across the full width of a lot between the front lot line and the nearest wall or part thereof of any building or structure on the lot, or the nearest open storage use on the lot.

"YARD, REAR" shall mean a yard extending across the full width of a lot between the rear lot line and the nearest wall or part thereof of any structure or building on the lot.

"YARD, SIDE" shall mean a yard located between the side wall
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YARD, EXTERIOR SIDE shall mean a side yard immediately adjoining a public street or lane.

YARD, INTERIOR SIDE shall mean a side yard other than an exterior side yard.

YARD, MINIMUM FRONT shall mean the minimum depth of a front yard on a lot between the front lot line and the nearest wall or part thereof of any building or structure on the lot.

YARD, MINIMUM REAR shall mean the minimum depth of a rear yard on a lot between the rear lot line and the nearest wall or part thereof of any main building or structure on the lot.

YARD, MINIMUM SIDE shall mean the minimum width of a side yard on a lot between a side lot line and the nearest wall or part thereof of any building or structure on the lot.

ZONE means an area delineated on a Zoning Map Schedule and established and designated by this By-law for a specific use.

ZONING OFFICER means the employee of the Corporation for the time being charged with the duty of administering and enforcing the provisions of the Zoning By-law of the Corporation.

6. GENERAL PROVISIONS FOR ALL ZONES

6.1 Zones

The following Zones are established within the Town of Walkerton and such Zones may be referred to by the appropriate symbols:

<u>Zones</u>	<u>Symbol</u>
Residential R1 Zone	R1
Residential R1a Zone	R1a
Residential R2 Zone	R2
Residential R3 Zone	R3
Residential RM1 Zone	RM1
Residential RM2 Zone	RM2
Residential RM3 zone	RM3
Local Commercial C1 Zone	C1
Highway Commercial C2 Zone	C2
General Commercial C3 Zone	C3
General Industrial M1 Zone	M1
Heavy Industrial M2 Zone	M2
Industrial Park M3 Zone	M3
Industrial Park M4 Zone	M4
Planned Development PD Zone	PD
Public Use O Zone	O
Park G Zone	G
Environmental Protection EP Zone	EP
Silver Creek S Zone	S

6.2 Scope and Effect

6.2.1 Use of Land, Buildings or Structures

No person shall use any land or erect or use any building or structure except in conformity with the provisions of this By-Law respecting the zone;

- a) in which such land, building or structure is located, or
- b) in which it is proposed to use any land or to erect or use any building or structure.

6.2.2 Area and Yard Requirements

No person shall within any Zone use land, or erect, alter or use any building or structure except in accordance with the Zone Provisions for each Zone in this By-Law.

6.3 **Exceptions to Height Requirements**

The height requirements set out herein shall not apply to church spires, church belfries, or chimneys, water tanks, elevator enclosures, or penthouse occupying in the aggregate less than ten percent (10%) of the area of the roof of the building on which they are located, nor shall they apply to storage bins, monuments, flag poles, receiving radio poles or receiving televisions antennas.

6.4 **Area Requirements to Remain**

When any part of a lot is required by this By-Law to be reserved as an open space, it shall continue to be so used regardless of changes in the ownership of such land and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

6.5 **Parking Requirements**

Off street parking facilities shall be provided in accordance with the following schedule of minimum requirements:

	<u>Type of Land Use</u>	<u>Minimum Number of Parking Spaces Required</u>
6.5.1	Residential	
	a) detached dwelling unit semi-detached, duplex street townhousing, link villas	2 per unit
	b) apartment and all other multiple dwellings of more than two (2) dwelling units	
	i) for the exclusive use of occupants /tenants	

- | | | |
|-----|---|---------------------------------|
| | bachelor | 1.0 per unit |
| | 1 bedroom | 1.2 per unit |
| | 2 bedroom | 1.4 per unit |
| | 3 or more bedrooms | 1.6 per unit |
| | ii) for the exclusive use of visitors. These spaces should be clearly marked as such. | 0.25 per unit |
| c) | converted dwelling | |
| | i) for the exclusive use of dwelling unit occupants | 1.25 per unit |
| | ii) for the exclusive used of visitors | 0.25 per unit |
| | iii) for the exclusive use of guest room occupants | 0.75 per unit |
| (d) | Bed and Breakfast Establishment | |
| | In addition to the two parking spaces a detached dwelling is required to have by this by-law, a Bed and Breakfast Establishment shall be provided with: | 1 parking space per guest room. |

6.5.2 **Commercial**

- | | | |
|----|---|---|
| a) | all commercial uses with the exception of those identified in the following sections: | |
| | i) ground floor | 4.0 per 100 square metres (1,076 sq. ft.) of gross floor area or part thereof |
| | ii) upper floors | 3.0 per 100 square metres (1,076 sq. ft.) of gross floor area or part thereof |

- b) Banks, medical buildings, transportation depots 5.0 per 100 square metres (1,076 sq. ft.) of gross floor area or part thereof
- c) Eating establishments, theatres 1 space per 5 square metres (53.8 sq. ft.) of building floor area or fraction thereof, devoted to public use or where outdoor seating is provided 1 space per 5 seats or fraction thereof.
- d) Hotels 0.75 per 100 square metres (1,076 sq. ft.) of gross floor area or part thereof
- e) Motels 1.00 per rentable unit plus 0.5 per employee
- f) Motor vehicle sales establishment, furniture stores 1.6 per 100 square metres (1,076 sq. ft.) of gross floor area or part thereof
- g) Shopping centres - No additional parking spaces in shopping centres shall be required for office space which comprises less than twenty percent (20%) of the gross leasable floor area. Office space in excess of this amount shall provided 2.5 parking spaces per 100 square metres (1,076 sq. ft) of gross space (exclusive of theatre)

- h) Offices (except in shopping centres) 3.6 per 100 square metres (1,076 sq. ft.) of gross floor area
- i) Billiard hall, bowling alley 0.2 per person at normal capacity attendance
- j) Drive-in restaurants 27 per 100 square metres (1,076 sq. ft.) of gross floor area or part thereof

6.5.3 **Schools, Institutions and Places of Assembly**

- a) Public or Private Schools (Elementary or Secondary)
 - i) elementary 1.5 spaces per classroom or teaching area
 - ii) secondary 4 spaces per classroom or teaching area
- b) Auditoriums, stadiums, clubs, lodges, union halls or places of worship 0.3 spaces per fixed seat plus 1 space per 1.8 square metres (19.4 sq. ft.) of gross floor area excluding the seating.
- c) Hospitals 1.2 per bed
- d) All other places of public assembly 0.3 spaces per fixed seat plus 1 space per 18 square metres (59.1 sq.ft.) of gross floor area excluding the area of fixed seating

6.5.4 **Industrial**

- a) Any Industrial use 0.6 per employee at the maximum shift

6.5.5 **Existing Building or Structure**

When an existing building or structure has insufficient parking area at the date of passing of this By-Law to comply with the requirements herein, this By-Law shall not be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built, however, and no change of use may occur, the effect of which would be an increase in that deficiency.

6.5.6 **More Than One Use**

Where there is more than one use in a building, the minimum parking requirements for such building shall be the total of the minimum parking requirements for each use.

6.5.7 **Parking Space Dimensions**

a) Automobile Parking Space

- Minimum Area - 16.7 square metres (179.8 sq ft)
- Minimum Length - 6.0 metres (19.7 ft)
 - 6.7 metres (22.0 ft) for parallel parking
- Minimum Width - 2.7 metres (8.9 ft)
 - 2.4 metres (7.9 ft) for parallel parking

b) Aisle Space

- Minimum Width - 6.7 metres (22.0 ft) for ninety degree (90°) to sixty degree (60°) parking
- Minimum Width - 5.4 metres (17.7 ft) for sixty degree (60°) to forty-five degree (45°) parking.
- Minimum Width - 3.6 metres (11.8 ft) for forty-five degree (45°) or less parking, in which case access to such aisles shall be from one (1) direction only.

6.5.8 **Parking Regulations For Residential Zones**

- a) No part of the required front yard of any residential lot except as otherwise specifically

permitted in this By-Law shall be used for the temporary parking or storage of any trailer, boat, or the body of any truck, bus or coach.

- b) Not more than thirty percent (30%) of the aggregate area of the side yards and rear yard of any residential lot shall be occupied by parking spaces or storage spaces for motor vehicles, trailers, boats and motorized snow vehicles;
- c) Parking in the front yard of a residential lot is restricted to parking on a driveway, such driveway to be no wider than to accommodate two car widths, and in no case shall this driveway width exceed 7.5 metres (24.6 ft).

6.5.9 **Ingress & Egress**

- a) Ingress and egress, to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 3.0 metres (9.8 ft) but not more than 9.0 metres (29.5 ft) in perpendicular width;
- b) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9.0 metres (29.5 ft);
- c) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 metres (24.6 ft); and,
- d) The minimum angle of intersection between a driveway and a street line shall be 45 degrees.

6.5.10 **Parking of Commercial Motor Vehicles, Trailers, Boats and Motorized Snow Vehicles**

Commercial Motor Vehicles shall mean any motor vehicle having permanently attached thereto a truck or delivery body and, without limiting the generality of the foregoing, includes: ambulances, hearses, motor buses and tractors.

- a) No person shall in any Residential Zone, use any lot for the parking or storage of any Commercial motor vehicle in excess of Gross Vehicle Weight of 3500 kilograms (7,716 lb);
- b) No person shall in any Residential Zone use any part of any front yard except the driveway for the parking or temporary storage of camper trailers, motor homes, land cruisers, truck campers, boats or motorized snow vehicles. Notwithstanding, no person shall in any Residential Zone use any part of a front yard for the parking or storage of any travel trailer;
- c) No person shall in any Residential Zone use any trailer for the purposes of providing temporary or permanent living, or eating accommodations. Sleeping accommodations may be provided in a trailer for a period not exceeding fourteen (14) days, notwithstanding that such vehicle is jacked up or that its running gear is removed.

- d) The parking or temporary storage of camper trailers, motor homes, land cruisers, truck campers, boats or motorized snow vehicles on a municipal road allowance shall be regulated by the municipality's Parking By-law.

6.6 Loading Requirements

The owner or occupant of any lot, building or structure erected or used for all uses in Commercial and Industrial Zones shall provide loading spaces for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares and merchandise, and raw materials, but not for the purpose of offering commodities for sale and display, in accordance with the following schedule:

6.6.1 Required Number of Loading Space

<u>Gross Commercial and Industrial Floor Area</u>	<u>Number of Loading Spaces</u>
Up to and including 2,500 sq. metres (26,910 sq.ft)	One Loading Space
Over 2,500 square metres to and including 7,500 sq. metres (80,732 sq. ft)	Two Loading Spaces
Over 7,500 square metres to and including 14,000 sq. metres (150,700 sq. ft)	Three Loading Spaces
Over 14,000 square metres to and including 22,000 sq. metres (236,814 sq. ft)	Four Loading Spaces
Over 22,000 square metres	Four Loading Spaces plus 1 for each additional 9,500 square metres (102,260 sq. ft) or part thereof.

6.6.2 Loading Space Dimensions, Access and Locations

Each loading space shall:

- a) be not less than 3.6 metres (11.8 ft) in width, nor less than 15 metres (49.2 ft) in length, nor less than 4.5 metres (14.8 ft) in clear and unobstructed height nor with a slope of greater than eight percent (8%), exclusive of any land

used for access, manoeuvring, driveway or similar purpose;

- b) have adequate access to permit ingress and egress of a commercial motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which is to be used for the temporary parking or storage of any motor vehicle;
- c) be adequate for the temporary parking of one (1) commercial motor vehicle;
- d) be not upon or partly upon any street, lane or alley;
- e) be not for the purpose of offering commodities for sale and display.

6.7 **Truck, Bus and Coach Bodies**

Except as otherwise specifically permitted in this By-Law, no truck trailer, bus, coach, street-car body or structure of any kind, other than a dwelling unit erected and used in accordance with this and all other By-Laws of the Town, shall be used for human habitation, whether or not the same is mounted on wheels or other form of mounting or foundation.

6.8 **Swimming Pools**

Notwithstanding anything contained in this By-Law, a private swimming pool is permitted as an accessory use to a permitted residential or agricultural use except in the Environmental Protection Zone.

6.9 **Permitted Uses in All Zones**

6.9.1 **Public Streets**

Nothing in this By-Law shall prevent the use of any land as a public street or road.

6.9.2 **Public Utilities**

The use of land for the erection of buildings or structures, or the installation of other facilities essential to the operation of a public utility as defined in the Public Utilities Act, or for the purpose of the public service by the local municipality or by any local Board, thereof, as defined by the Planning Act, 1983, or the County of Bruce, or department of the Government of Ontario or Canada, provided that any such use, building or structure, shall be used in compliance

with the relevant provisions of this By-Law governing the Zone in which such use, building or structure is located and shall not adversely affect the character or amenity of the neighbourhood in which the same is located.

6.9.3 **Government Signs**

Nothing in this By-Law shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department or authority.

6.10 **Temporary Uses**

Nothing in this By-Law shall prevent the use of any land, or the erection or use of any building or structure for a construction camp, work camp, tool shed, scaffold, or other building or structure incidental to and necessary for construction work on the premises, but only so long as such use, building or structure is necessary for such construction work which has not been finished or abandoned.

6.11 **Obnoxious Uses**

Except as otherwise specifically permitted in this By-Law, no land shall be used and no building or structure shall be erected, altered or used for any purpose which is obnoxious, and without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offensive, or both, to an adjacent property holder or to the general public.

- a) by the creation of noise or vibration, or
- b) by reason of the emission of gas fumes, smoke, airborne particulate matter or objectionable odour, or
- c) by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers, boats, or parts of vehicles or trailers, machinery, or other such material, or
- d) by any combination of these things described in clauses (a), (b) and (c) of this subsection.

6.12 **Non-Conforming Uses**

This By-Law shall not apply to prevent 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 this By-Law, so long as it continues to be used for that purpose. This By-Law shall also not apply to prevent the erection or use for a purpose prohibited by the By-Law of any building or structure, the plans for which a permit had been issued under Section 5 of The Building Code Act, prior to the day of the passing of this By-Law. This section shall apply 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 6 of the Building Code Act.

6.13 **Non-Compliance of Existing Uses**

Where a building has been erected prior to the day of the passing of this By-Law on a lot having less than the minimum frontage and/or depth and/or area, or having less than minimum setback and/or side yard and/or rear yard and/or minimum usable open space, parking spaces or fails to meet other standards required by this By-Law, the said building may be enlarged, repaired or renovated provided that:

- a) the enlargement, repair or renovation does not further reduce a front yard and/or side yard and/or rear yard and/or usable open space and/or other standards having less than the minimum required by this By-Law, and
- b) all other applicable provisions of this By-Law are complied with.

6.14 **Exception to Yard Requirements**

The front yard requirements herein set forth shall not apply to bay windows or unenclosed porches on residential dwellings.

The side yard requirements herein set forth shall not apply to chimneys on residential dwellings. These chimneys may encroach to a maximum fifty percent (50%) of the width of the side yard.

The rear yard requirements herein set forth shall not apply to unenclosed porches and decks on residential dwellings.

6.15 **Exemption from Front Yard Requirements**

Where a new building or structure is to be erected on a lot

in an existing built-up area, such building shall be exempted from the front yard requirements provided that no building shall be erected closer to the street line than the average building line existing.

6.16 **Exemption from Lot Frontage or Area Requirements**

Where a lot having a lesser lot area or lot frontage than that herein required is held under distinct and separate ownership from abutting lots, according to the register for land in the Land Titles or Registry Office, on the date of the passing of this By-Law, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot provided that all other requirements of this By-Law are complied with.

6.17 **Frontage on a Street**

No person shall erect or use any building or structure on a lot which does not front on a street developed to the standards of the Town of Walkerton.

6.18 **Multiple Uses**

Notwithstanding anything contained in this By-Law where any land, building or structure is used for more than one purpose, all provisions of this By-Law relating to each use shall be complied with, but no dwelling shall be located within 3.0 metres (9.8 ft) of any other building on the lot except a building accessory to such dwelling.

6.19 **Landscaping of Front Yard**

Unless otherwise specified, abutting property owners shall be responsible for the provision and maintenance of front yard landscaping to the travelled limit of the public road.

In Residential R1, R1a and R2 Zones no less than fifty percent (50%) of the front yard must be landscaped and such landscaping shall not include driveways or parking areas.

In Residential R3 and RM1 Zones, no less than thirty-five percent (35%) of the front yard must be landscaped and such landscaping shall not include driveways or parking areas.

6.20 **Prohibited Uses**

Shopping Centres are only permitted in the General Commercial C3 Zone.

6.21 **Provincial Road Right-of-Way Setback**

Notwithstanding any other provisions of this By-Law, no person shall hereafter, in any zone erect any permanent building or structure closer than 32 metres (105.0 ft) for commercial structures and 26 metres (85.3 ft) for residential structures to the centre line of any Provincial Road Right-of-Way.

6.22 Regulations for Daylighting Triangles

In all zones, on a corner lot, no building or structure or vegetation shall be erected and no vehicle shall be parked in such a manner as to materially impede vision above a height of 0.5 metres (1.6 feet) above the centre line grade of the intersecting streets in the triangular area bounded by the street lines of the corner lot and a line distant 9 metres (29.6 feet) measured from the point of intersection of the said street line.

6.23 Converted Dwellings

Notwithstanding any other provision of this By-Law, the conversion of an existing detached dwelling to a multiple dwelling shall only be permitted in accordance with the following provisions:

- a) The building by reason of its age, location and size has become unsuitable for use as a detached dwelling, and shall be at least twenty (20) years old;
- b) No exterior addition to or major exterior alteration of any such dwelling house proposed to be converted is made and the external appearance and general character of the building as a detached dwelling is not changed;
- c) The detached dwelling to be converted shall have a minimum floor area of not less than 140 square metres (1,507 sq.ft) and such floor area shall have a minimum ceiling height of not less than 2.3 metres (7.5 ft) over at least seventy five percent (75%) of the required floor area with clear height of 2.1 metres (6.9 ft) at any point;
- d) There shall be no exterior stairways except open metal fire escapes which shall be located in a rear yard or side yard;
- e) Off-street parking shall be provided according to Section 6.5 of this By-Law;
- f) Such detached dwellings shall have been certified by the Chief Building Official as being structurally sound for such conversion;
- g) Such converted dwellings shall not contain more than four (4) dwelling units or in the case of a

boarding house or lodging house not more than ten
(10) guest rooms.

6.24 Accessory Buildings

Within all zones permitted accessory buildings shall not be erected prior to the erection of the principle structure on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such principle structure and no accessory building shall be used prior to the erection of such principle structure for any purpose other than such storage.

Unless otherwise specified all accessory buildings must be located in the rear yard.

Accessory buildings shall not exceed one storey in height.

- a) Within all residential zones the following shall apply to accessory buildings:
 - i) In addition to being permitted in the rear yard, accessory buildings may be permitted in the side yard.
 - ii) Total area of all accessory buildings shall not exceed ten percent (10%) of the area of the lot and for the provisions of this By-Law an in-ground swimming pool shall not be considered an accessory building; however, any swimming pool roofed enclosure, whether temporary or permanent, shall be considered an accessory building unless such roofed enclosure is designed and built as an integral part of the permitted dwelling on that lot;
 - iii) The regulations governing the location of any accessory building in relation to a lot line shall not apply to prevent the erection or use of a jointly-owned double garage which services two dwellings whose common lot line shall be the dividing line of such garage;
 - iv) The minimum distance from the main building for a detached accessory building shall be 1.8 metres (5.9 ft) provided that in no case shall any overhang, eaves, gutter, project into this required minimum area, which shall be clear of any obstruction from the ground to the sky;
 - v) For the purpose of this By-law a satellite

dish shall be considered an accessory structure.

- b) Within the Highway Commercial (C2) Zone the gross floor area of an accessory buildings shall not exceed 15% of the area of the lot.
- c) Within all Industrial Zones accessory buildings shall not be less than 5 metres (16.4 ft) from any lot line.

6.25 **Home Occupations Permitted**

- a) That an area not to exceed to a maximum of 28 square metres (91.9 sq.ft) is devoted to such uses and such area shall be internal to the dwelling or accessory buildings and not external.
- b) There shall be no display of goods or advertising other than a plate or sign which is not larger than 0.1 square metres (1 sq.ft) in area, non illuminated, and attached to the dwelling.
- c) All the parking for the home occupation must be accommodated on the same lot as the dwelling within which the home occupation is being conducted. The regulations for parking associated with the home occupation shall be those as contained in Section 6.5.8 herein.
- d) There shall be no more than one (1) commercially licensed vehicle, gross weight not to exceed 3,500 kilograms (7,716 lb), permitted in the allowable driveway as defined herein.
- e) That no machinery or instrument shall be used in conducting the said home occupation that is not normally used in a residence or is not compatible with a residential area.
- f) The home occupation shall not create or become a nuisance in regards to noise, odours, vibrations, traffic generated or parking or radio and television reception interference in comparison to what is recognized as normal for the neighbourhood where the Home Occupation is proposed.
- g) The home occupation shall not created or become a fire, health or building hazard according to any

Federal, Provincial, County of Municipal standards and/or codes.

- h) There shall be no open and external storage of materials or goods or equipment in support of the home occupation and there shall be no hazardous materials stored on the residential property in order to maintain the residential character of the neighbourhood.
- i) No person shall prohibit the Chief Building Official and/or Zoning Officer of the Town of Walkerton from entering a dwelling when authorized to do so according to law.
- j) No person conducting a home occupation use shall contravene the property standards by-law for the Town of Walkerton.

6.26 **Drainage of Lots**

In any zones, all lands, buildings and structures shall provide adequate drainage so as to prevent the flow of surface water onto adjoining lots.

6.27 **Bed and Breakfast Establishment**

Where permitted by this by-law, a bed and breakfast establishment will be subject to the following provisions.

- a) The lot and detached dwelling in which the bed and breakfast establishment is located must meet all the requirements of the zone in which it is located.
- b) No person, other than members of the family who operate the establishment shall be employed except as is necessary for housekeeping purposes.
- c) Each guest room shall have a minimum floor area of 10.5 square metres (113.0 sq.ft).
- d) Guest rooms are not permitted within an attic.
- e) No bed and breakfast establishment shall provide more than 3 guest rooms for overnight accommodation.
- f) No food or drink shall be offered or kept for sale for persons who are not guests of the

establishment.

- g) In addition to the two parking spaces a detached dwelling is required to have by this by-law, a Bed and Breakfast Establishment shall be provided with one parking space per guest room.
- h) A sign shall be permitted provided such sign is not larger than 0.37 square metres (4.0 sq.ft) in area and is not flashing.
- i) Maximum number of occupants permitted to lodge within a Bed and Breakfast Establishment shall be eight (8).

6.28 **Watercourse Setbacks**

Notwithstanding any yard provisions of this By-law, no person shall hereafter erect any permanent building or structure in any zone, save and except for the Silver Creek (S) Zone, which is:

- (a) closer than 8 metres (26.3 ft) from an open municipal drain,
- (b) closer than 8 metres (26.3 ft) to the top of the bank of any watercourse or an enclosed municipal drain or within the boundaries of an Environmental Protection Zone.

This provision shall not apply to lands under the Silver Creek Zone symbol "S". Lands so zoned shall be regulated by the provisions of Section 14 of this By-law.

6.29 **Dwelling Units Below Grade**

No dwelling unit shall in its entirety be located in a cellar. If any portion of a dwelling unit is located in a cellar such portion of the dwelling unit shall be used as a furnace room, laundry room, storage room, recreation room or for a similar use only. However, a dwelling unit in its entirety, may be located in a basement in accordance with the permitted uses and regulations of this By-law and provided the finished floor level of such basement is not below the level of any sanitary or storm sewer serving the building or structure in which the basement is located.

6.30 **Special Holding Provisions**

The symbol "H" when used in conjunction with a zone

designation (eg. C1-H) can denote areas in which the use of land and the erection of buildings or structures will not be permitted in accordance with provisions for such zone designation. The removal of the holding symbol "H" by Council By-law will permit the use of land and erection of buildings and structures in accordance with the zone designation and its provisions. Until such time as the "H" symbol is removed, any lands so designated may be used for lawfully existing uses.

Notwithstanding the provisions of this Section, alterations, additions or enlargements to existing residential building or structures and accessory structures will be permitted provided such buildings and structures were lawfully used for residential purposes on the date of the passing of this by-law and provided such alterations, additions or enlargements conform to the provisions of Section 9 of this by-law.

6.31 **Special Use Provisions**

Where any of the Zone symbols described in herein are shown on Schedule 'A' followed by a dash and a letter (eg. R1-a) then special provisions and/or uses to the normal zone provisions apply to such lands. Such special provisions will be found by reference to that section of the By-law which deals with that particular zone. Lands designated in this manner shall be subject to all the restrictions of the zone, except as otherwise provided by the special provisions.

6.32 **Servicing Requirements**

Unless stated to the contrary, all residential development shall be connected to municipal water and sanitary sewer servicing.

7. **RESIDENTIAL "R" ZONES**

7.1 **General Provisions for Residential Zones**

7.1.1 **Uses of Residential Lots**

No person shall erect more than one single family detached dwelling or one semi-detached dwelling on any lot.

7.1.2 **Non-Residential Buildings**

Where a recreational, institutional or public building is constructed in any Residential Zone, the said building shall be located no closer than one-half (1/2) the height of the building or 7.5 metres (24.6 ft), whichever is the greater, to any property line of the site on which said building is located.

7.1.3 **Minimum Frontage - Corner Lots**

Notwithstanding other limitations imposed by this By-Law no detached dwelling unit that is situated on a corner lot shall have a lot frontage of less than 18.0 metres (59.1 ft).

7.1.4 **Parking Requirements**

Off-street parking shall be provided in accordance with Section 6.5.

7.2 **Residential "R1" Zone**

7.2.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) a single family dwelling;
- b) home occupations in accordance with Section 6.25;
- c) accessory building to any permitted use in accordance with Section 6.24.

7.2.2 **Zone Provisions (Full Municipal Services)**

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions when developed on full municipal services:

Minimum lot area	560.0 sq. metres (6,028 sq.ft)
Minimum lot frontage	18.0 metres (59.1 ft)
Minimum lot depth	27.4 metres (89.9 ft)
Maximum lot coverage	30.0 per cent
Minimum front yard	6.0 metres (19.7 ft)
Min. interior side yard	1.2 metres (3.9 ft) (a)
Min. exterior side yard	6.0 metres (19.7 ft)
Minimum rear yard	7.5 metres (24.6 ft)
Minimum distance from accessory buildings to an:	
interior side lot line	1.8 metres (5.9 ft);
exterior side lot line	6.0 metres (19.7 ft).
rear lot line	0.6 metres (1.9 ft);

Minimum floor area:

one storey	100.0 sq. metres (1,076 sq.ft)
1 1/2 storey	74.0 sq. metres (796.6 sq. ft)
Maximum building height	10.0 metres (32.8 ft)

NOTE:

- (a) Where no garage, carport or similar parking structure is provided, one side yard of at least 2.4 metres (7.9 ft) shall be provided.

7.2.3 Zone Provisions (Partial Municipal & Private Services)

When development within the R1 zone takes place on partial municipal services or private services all buildings and structures or part thereof shall conform to the provisions of Section 7.2.2 except that:

	<u>No municipal water or sewers</u>	<u>Municipal water or sewers</u>
Minimum Lot Area metres	1395.0 sq. metres (15,016 sq. ft)	700.0 sq. (7,535 sq. ft)
Minimum Lot Frontage	36.5 metres (119.8 ft)	23.0 metres (75.5 ft)

7.2.4 Special Provisions

- a) Notwithstanding their 'R1' zoning designation those lands delineated as 'R1-1' on Schedule 'A' to this By-law shall only be used in accordance with the 'R1' zone provisions contained in this By-Law, excepting however that:
- i) for the purposes of this paragraph, 'lot coverage' shall mean that percentage of the lot area covered by all buildings above ground level, but does not include that portion thereof which is completely below ground level.

- b) Notwithstanding their 'R1' zoning designation those lands delineated as 'R1-2' on Schedule 'A' to this By-law shall only be used in accordance with the 'R1-1' zone provisions contained in paragraph a) above, excepting however that:
 - i) the 'minimum front yard' may be reduced to 4.5 metres (14.8 ft).

7.3 **Residential "R1a" Zone**

7.3.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) a single family dwelling;
- b) an accessory building to any permitted use in accordance with Section 6.24.

7.3.2 **Zone Provisions**

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

Minimum lot area	400.0 sq. metres (4,305.7 sq. ft)
Minimum lot frontage	13.5 metres (44.3 ft) (a)
Minimum lot depth	27.0 metres (88.6 ft)
Maximum lot coverage	30.0 per cent
Minimum front yard	6.0 metres (19.7 ft)
Min. interior side yard	1.8 metres (5.9 ft)
Min. exterior side yard	6.0 metres (19.7 ft)
Minimum rear yard	7.0 metres (23.0 ft)
Minimum distance from an accessory buildings to an:	
interior side lot line	1.2 metres (3.9 ft)
exterior side lot line	6.0 metres (19.7 ft)
rear lot line	0.6 metres (2.0 ft)
Minimum floor area:	
one storey	70.0 sq. metres (753.5

	sq. ft)		
1 1/2 storey	54.0 sq. metres	(581.3	
	sq. ft)		
Maximum building height	10.0 metres	(32.8 ft)	

NOTE:

- (a) Where the detached dwelling unit is situated on a corner lot, the minimum frontage shall be 18.0 metres (59.1 ft).

7.3.3 Special Provisions

- a) Notwithstanding their 'R1a' Zoning designation, lands delineated as 'R1a-1' on Schedule "A" to this By-Law, shall only be used for residential purposes in accordance with the R1a Zone contained in this By-Law excepting however that:
- i) the minimum lot frontage for a corner lot shall be 17.5 metres (57.4 ft);
 - ii) the minimum frontage for an interior lot shall be 12.2 metres (40 ft);
 - iii) the maximum floor area of a dwelling unit shall be 102 square metres (1,098 sq. ft); and,
 - iv) for the purposes of this Section "floor area" shall mean the total floor area contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, veranda, unfinished attic, cellar or sun room (unless such sun room is habitable during all seasons of the year).

7.4 **Residential "R2" Zone**

7.4.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) a single family dwelling in accordance with the provisions of the R1a Zone, Section 7.3;
- b) a converted dwelling in accordance with Section 6.23;
- c) a boarding house or lodging housing in accordance with Section 6.23;
- d) a semi-detached dwelling;
- e) a duplex dwelling;
- f) a home occupation in accordance with Section 6.25;
- g) an accessory building to any permitted use in accordance with Section 6.24.

7.4.2 **Zone Provisions**

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

	Semi-Detached Dwelling	Duplex Dwelling
minimum lot area	720 sq. metres (7,750 sq. ft)	560 sq. metres (6,028 sq. ft)
minimum lot frontage	21.0 metres (68.9 ft) (a)	18.0 metres (59.1 ft)
minimum lot depth	27.0 metres (88.6 ft)	27.4 metres (89.9 ft)
maximum lot coverage	35.0 per cent	35.0 per cent
minimum front yard	6.0 metres (19.7 ft)	6.0 metres (19.7 ft)

minimum side yard	1.2 metres (3.9 ft) (b)	1.2 metres (3.9 ft) (b)
minimum exterior side yard	6.0 metres (19.7 ft)	6.0 metres (19.7 ft)
minimum rear yard	7.5 metres (24.6 ft)	7.5 metres (24.6 ft)
minimum distance from accessory building to:		
side lot line	0.6 metres (2 ft)	0.6 metres (2 ft)
exterior lot line	6.0 metres (19.7 ft)	6.0 metres (19.7 ft)
rear lot line	0.6 metres (2 ft)	0.6 metres (2 ft)
minimum floor area:		
one storey	66.0 sq. metres (710 sq. ft)	66.0 sq. metres (710 sq. ft)
1 1/2 storey	55.0 sq. metres (592 sq. ft)	N.A.
maximum building height	10.0 metres (32.8 ft)	10.0 metres (32.8 ft)

NOTE:

- (a) Where the semi-detached dwelling is situated on a corner lot, the minimum frontage shall be 12.0 metres (29.4 ft) per dwelling unit.
- (b) Where no garage or carport or similar parking structure is provided, one side yard of at least 2.4 metres (7.9 ft) shall be provided.

7.4.3 Special Provisions

- a) Notwithstanding their 'R2' Zoning designation, lands delineated as 'R2-1' on Schedule 'A' to this By-Law, shall only be used for the purposes of a converted dwelling in accordance with the 'R2'

Zone provisions contained in this By-Law excepting however that:

- i) the maximum number of dwelling units shall be five (5)
 - ii) the minimum lot area shall be 2043 square metres (21,991 sq. ft)
 - iii) the minimum lot frontage shall be 21 metres (68.9 ft)
- b) Notwithstanding their 'R2' zoning designation, those lands delineated as 'R2-2' on Schedule 'A' to this By-Law may be used in accordance with the "R2" zone provisions contained in this By-Law excepting however that:
- (i) the 'minimum northerly side yard' may be reduced to 1.2 metres (3.9 ft).

7.5 **Residential "R3" Zone**

7.5.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) a single family dwelling in accordance with the provisions of the R1a Zone, Section 7.3;
- b) a semi-detached dwelling in accordance with the provisions of the R2 Zone, Section 7.4;
- c) a triplex dwelling;
- d) a double duplex dwelling;
- e) a row dwelling in accordance with the provisions of the RM1 Zone, Section 7.6;
- f) a converted dwelling in accordance with Section 6.23;
- g) a boarding house or lodging house in accordance with Section 6.23;
- h) a home occupation in accordance with Section 6.25;
- i) an accessory building to any permitted use in accordance with Section 6.24.

7.5.2 **Zone Provisions**

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

	TRIPLEX DWELLING	DOUBLE DWELLING	DUPLEX
minimum lot area	690.0 sq. metres (7,427 sq. ft)	920.0 sq. metres (9,903 sq. ft)	
Minimum frontage	lot 20.0 metres (65.6 ft)	30.0 metres (98.4 ft)	
Maximum coverage	lot 35 per cent	35 per cent	

Minimum front yard	6.0 metres (19.7 ft)	6.0 metres (19.7 ft)
Min. interior side yard	4.9 metres (16.1 ft)	4.9 metres (16.1 ft)
Min. exterior side yard	6.0 metres (19.7 ft)	6.0 metres (19.7 ft)
Minimum rear yard	7.5 metres (24.6 ft)	7.5 metres (24.6 ft)
Minimum distance from an accessory building to an:		
interior side lot line	0.6 metres (2 ft)	0.6 metres (2 ft)
exterior side lot line	6.0 metres (19.7 ft)	6.0 metres (19.7 ft)
rear lot line	0.6 metres (2 ft)	0.6 metres (2 ft)
Maximum building height	10.0 metres (32.8 ft)	10.0 metres (32.8 ft)
Minimum floor area per dwelling unit	65.0 sq. metres (700.0 sq. ft)	65 sq. metres (700.0 sq. ft)

7.5.3 **Maximum Density**

A maximum density of 37 dwelling units per hectare (15 dwelling units per acre) will be permitted in an "R3" Zone.

7.5.4 **Special Provisions**

- a) Notwithstanding their 'R3' zoning designation, those lands delineated as 'R3-1' on Schedule 'A' to this By-Law may be used for the purposes of a funeral home establishment, in accordance with the C2 zone provisions contained in this By-Law.

7.6 **Residential "RM1" Zone**

7.6.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) a street townhouse dwelling;
- b) an accessory building to any permitted use in accordance with Section 6.24.

7.6.2 **Zone Provisions**

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

STREET TOWNHOUSE DWELLING

Minimum lot area per dwelling unit	195.0 sq. metres (2,099 sq. ft)
Minimum lot frontage per dwelling unit	5.4 metres (18 ft)
Minimum lot depth	30.0 metres (98.4 ft)
Maximum lot coverage	40.0 per cent
Minimum front yard	6.0 metres (19.7 ft)
Min. interior side yard	4.9 metres (16.1 ft)
Min. exterior side yard	6.0 metres (19.7 ft)
Minimum rear yard	10.5 metres (34.4 ft) (a)
Maximum building height	10.0 metres (32.8 ft)
Minimum distance from accessory buildings to an:	
interior side lot line	0.6 metres (2 ft)
exterior side lot line	6.0 metres (19.7 ft)
rear lot line	0.6 metres (2 ft)
Minimum floor area per dwelling unit	65.0 sq. metres (700 sq. ft)

NOTE:

- (a) Provided that any yard adjoining the full length of the rear wall of the dwelling unit shall be clear and unobstructed by any public pedestrian access or surface parking area, excluding a private driveway for the dwelling house for a minimum depth of 7.5 metres (24.6 ft) measured at right angles from such wall.

7.6.3 **Maximum Density**

A maximum density of 37 dwelling units per hectare (15 dwelling units per hectare) will be permitted in an "RM1" Zone.

7.6.4 **Special Provisions**

7.7 **Residential "RM2" Zone**

7.7.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) a row dwelling in accordance with the provisions of the RM1 Zone, Section 7.6;
- b) a maisonette dwelling;
- c) home occupation in accordance with Section 6.25;
- d) an accessory building to any permitted use in accordance with Section 6.24.

7.7.2 **Zone Provisions**

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

MAISONETTE DWELLING

Minimum lot area per dwelling unit	195.0 sq. metres (2,099 sq. ft)
Minimum lot frontage	30.0 metres (98.4 ft)
Minimum lot depth	30.0 metres (98.4 ft)
Maximum lot coverage	35.0 per cent
Minimum front yard	6.0 metres (19.7 ft)
yard Min. interior side	4.9 metres (16.1 ft)
yard Min. exterior side	6.0 metres (19.7 ft)
Minimum rear yard	10.5 metres (34.4 ft) (a)
from building Minimum distance an accessory to an:	
interior side	0.6 metres (2 ft)

lot line		
exterior side lot line		6.0 metres (19.7 ft)
rear lot line		0.6 metres (2 ft)
Minimum dwelling unit floor area:		65.0 sq. metres (700 sq. ft)

NOTE:

- (a) Provided that any yard adjoining the full length of the rear wall of the dwelling unit shall be clear and unobstructed by any public pedestrian access or surface parking area, excluding a private driveway for the dwelling house for a minimum depth of 7.5 metres (24.6 ft) measured at right angles from such wall.

7.7.3 Maximum Density

A maximum density of 37 dwelling units per hectare (15 dwelling units per acres) will be permitted in an "RM2" Zone.

7.7.4 Access Yard

Where the access yard is adjacent to a lot line, the greater of the access requirements of this By-Law shall prevail.

7.7.5 Outdoor Living Area

For each dwelling unit with direct access to the outside, one access yard shall serve as an outdoor living area for the occupants.

7.7.6 Minimum Distance Between Residential Buildings

- a) The minimum distance between two adjacent residential buildings shall not be less than the sum of the minimum depths of their adjacent access yards, in accordance with the following requirements:
 - i) An access yard which includes the outdoor living area shall have a minimum depth equal to one and one-half (1 1/2) times the height of the adjacent building.

- ii) An access yard which does not include the outdoor living area shall have a minimum depth equal to one half ($1/2$) times the height of the adjacent building.
 - iii) Where the access yard is adjacent to the blank wall of a building, the minimum depth of this yard shall be equal to one quarter ($1/4$) times the height of said building.
 - iv) Where the blank end wall of one building faces the blank end wall of an adjacent building, the minimum distance between these buildings shall be equal to one half ($1/2$) times the average height of the two buildings.
- b) Where two residential buildings face each other and are not parallel, the minimum access yard depth shall be taken as the average depth of the yard measured at right angles to the centre of the external wall of the dwelling unit.

7.7.7

Special Provisions

7.8 **Residential "RM3" Zone**

7.8.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) an apartment dwelling;
- b) an accessory building to any permitted use in accordance with Section 6.24;
- c) a personal service shop within an apartment dwelling;
- d) a tuck shop within an apartment dwelling.

7.8.2 **Zone Provisions**

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

a) APARTMENT DWELLING

Minimum lot area	1850.0 sq. metres (19,914 sq. ft)
Minimum lot frontage	35.0 metres (114.8 ft)
Maximum lot coverage	30.0 per cent
Minimum front yard	10.5 metres (34.4 ft)
Min. interior side yard	8.2 metres (26.9 ft)
Min. exterior side yard	10.5 metres (34.4 ft)
Minimum rear yard	15.0 metres (49.2 ft)
Minimum distance from accessory buildings to an:	
interior side lot line	6.0 metres (19.7 ft)
exterior side lot line	9.0 metres (29.5 ft)
rear lot line	6.0 metres (19.7 ft)

Minimum floor area per dwelling unit:

Bachelor	45.0 sq. metres (484 sq. ft)
One bedroom	60.0 sq. metres (646 sq. ft)
Two bedroom	74.0 sq. metres (797 sq. ft)
Three bedroom	85.0 sq. metres (915 sq. ft)
For each bedroom in excess of three	11.0 sq. metres (118 sq. ft)

Maximum building height 24.0 metres (78.7 ft)

a) PERSONAL SERVICE SHOP

Maximum one establishment per building.

Maximum floor area: 75.0 sq. metres (807 sq. ft)

c) TUCK SHOP

Maximum one establishment per building.

Maximum floor area: 25.0 sq. metres (269 sq. ft)

7.8.3 **Maximum Density**

A maximum gross density of 86 units per hectare (34.4 units per acre) shall be permitted in an "RM3" Zone.

7.8.4 **Minimum Distance Between Residential Buildings**

a) The minimum distance between two adjacent apartment buildings or an apartment building and a multiple attached dwelling unit on the same or the adjacent lot shall be equal to the average height

of the two adjacent buildings;

- b) The minimum distance between an apartment building and a detached dwelling unit on an adjacent lot shall be equal to the height of the apartment building.

7.8.5 **Play Space for Apartments**

Notwithstanding anything contained in this By-Law, no person shall use land for, erect or use an apartment building containing other than bachelor units unless he provides on the lot:

- a) Play space for children as follows:

A minimum of 18 square metres (194 sq. ft) or the total of the following space requirements for each dwelling unit, whichever is greater.

Bachelor Unit	0.0 sq. metres
1 Bedroom	1.8 sq. metres (19.4 sq. ft)
2 Bedroom	3.7 sq. metres (39.8 sq. ft)
3 Bedroom	4.6 sq. metres (49.5 sq. ft)

- b) Such play space shall be:
 - i) enclosed with a suitable fence at least 1.2 metres (3.9 ft) in height;
 - ii) located at least 4.5 metres (14.8 ft) from the nearest wall of the building;
 - iii) accessible to the building without the necessity of crossing a parking lot or driveway;
 - iv) in one location as shown on the site plan;
 - v) may be considered as part of the landscaped area.

7.8.6 **Landscaping for Apartments**

Notwithstanding anything contained in this By-Law, no person shall use land for, erect or use a building containing apartment dwelling units, unless he provides on the lot:

- a) A minimum of 30 % of the lot area for landscaping;
- b) A strip of land for landscaping abutting on the side lot line and on the rear lot line;
- c) A strip of land for landscaping abutting on the walls of the apartment dwelling, where units on the ground floor have windows to habitable rooms, which face onto either a driveway or a parking lot in the said yards;
- d) A screen in the form of landscaping to a height of not less than 1.5 metres (4.9 ft) adjacent to the side and rear lot lines, where such lot lines abut a single-family Residential Zone. The screen is to have reached the required height within three years of the date of issuance of the building permit for the said apartment dwelling;
- e) The width of the strip of land for landscaping, as described in Section 7.8.6 b), c), and d) shall be determined by Development Control Agreement. However, in no case shall it be less than 1.5 metres (4.9 ft) .

7.8.7 **Canopies for Entrances to Apartment Buildings**

Notwithstanding any other provisions of this By-Law, a canopy or portico over the major entrance to an apartment building may project into the required yard a distance equal to one-half (1/2) the required setback of the building from the street line.

7.8.8 **Special Provisions**

- a) Notwithstanding their "RM3" Zoning designation, those lands delineated as 'RM3-1' on Schedule "A" to this By-Law shall only be used for the purpose of an apartment of not more than twelve (12) dwelling units in compliance with the RM3 Zone provisions contained in this By-Law, except that one minimum interior side yard requirement be permitted at 6.0 metres (19.7 ft) and one interior side yard requirement be permitted at 7.0 metres (23 ft) on those lands delineated as 'RM3-1'.

- b) Notwithstanding their "RM3" zoning designation, those lands delineated as "RM3-2" on Schedule "A" to this By-Law shall only be used for the purpose of an apartment of not more than twenty-four (24) dwelling units in compliance with the RM3 Zone provisions contained in this By-Law except that one minimum front yard requirement be permitted at 9.0 metres (29.5 ft), one minimum interior side yard requirement be permitted at 6.4 metres (21 ft), one minimum exterior side yard requirement be permitted at 9.0 metres (29.5 ft) and one minimum rear yard requirement be permitted at 11.5 metres (37.7 ft) on those lands delineated as RM3-2.

- c) Notwithstanding their 'RM3' Zoning designation, lands delineated as 'RM3-3' on Schedule "A" to this By-Law, may be used for the purposes of a residential apartments and uses accessory thereto in accordance with the RM3 Zone provisions contained in this By-Law, excepting however that:
 - i) the minimum lot frontage may be reduced to 28 metres (91.9 ft);
 - ii) the minimum side yard may reduced to 8.2 metres (26.9 ft);
 - iii) a balcony may project into the required side yard by not more than 1.7 metres (5.6 ft);
 - iv) the minimum separation distance between apartment buildings may be reduced to 4.5 metres (14.8 ft);

- d) Notwithstanding their 'RM3' Zoning designation, lands delineated as 'RM3-4' on Schedule 'A' to this By-Law, may be used for the purposes of residential apartments and uses accessory thereto in accordance with the RM3 Zone provisions contained in this By-Law, excepting however that:
 - i) the minimum lot area may be reduced to 1740 square metres (18,730 sq. ft);
 - ii) the percent maximum lot coverage may be increased to 42 percent;
 - iii) the minimum front yard may be reduced to 0 metres (0 feet);

- iv) the minimum exterior side yard may be reduced to 0 metres (0 feet);
- v) the minimum rear yard may be reduced to 4.6 metres (15.1 ft);
- vi) the minimum lot frontage may be reduced to 34.7 metres (114 ft);
- vii) only those buildings or structures existing on the date of passing of the By-Law No. 86-35 shall be permitted.
- e) Notwithstanding their 'RM3' zoning designation, those lands delineated as 'RM3-5' on Schedule 'A' to this By-Law shall only be used for the purposes of a retirement lodge in accordance with the RM3 provisions contained in this By-Law, excepting however that:
 - i) for the purposes of this By-Law a 'Retirement Lodge' shall mean a residence providing accommodation, primarily for retired persons or couples, with separate private bathrooms, and separate entrances from a common hall, but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation facilities and other basic housekeeping services as well as medical care may also be provided,
 - ii) the maximum number of beds shall be sixty (60);
 - iii) the maximum lot coverage shall be 23% of the total lot area;
 - iv) the minimum landscaped open space shall be 50% of the total lot area;
 - v) the minimum required on-site parking shall be one space for every three (3) beds;
 - vi) the minimum westerly interior side yard setback may be reduced to 3 metres (9.8 ft);
 - vii) the minimum front yard setback may be reduced to 7.6 metres (24.9 ft) and no parking shall be permitted within the front yard; and,
 - viii) the maximum building height shall be three

(3) storeys.

- f) Notwithstanding their 'RM3' Zoning designation, lands delineated as 'RM3-6-S' on Schedule 'A' to this By-Law may be used for the purposes of residential apartments and uses accessory thereto in accordance with the RM3 Zone provisions contained in this By-Law, excepting however that:
- i) the 'minimum lot area' may be reduced to 828 square metres (8,912 sq. ft);
 - ii) the 'minimum lot frontage' may be reduced to 31 metres (101.7 ft);
 - iii) the 'maximum lot coverage' may be increased to 36%;
 - iv) the 'minimum front yard' for a structure existing at the date of passing of By-Law No. 87-09 may be reduced to 3.0 metres (9.8 ft);
 - v) the 'minimum interior side yard' for a structure existing at the date of passing of By-Law NO. 87-09 may be reduced to 0.4 metres (1.3 ft); and,
 - vi) the 'minimum rear yard' for structure existing at the date of passing of By-Law No. 87-09 may be reduced to 2.5 metres (8.2 ft).
- (g) Notwithstanding their 'RM3' zoning designation, those lands delineated as 'RM3-7' on Schedule 'A' to this By-Law shall only be used for the purpose of a rest-home and seniors apartment complex or a seniors apartment complex in compliance with the 'RM3' zone provisions contained in this By-Law provided however that:
- i) for the purposes of this paragraph a 'Rest-home' shall mean a residence providing accommodation, primarily for retired persons or couples, with separate private bathrooms, and separate entrances from a common hall, but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation facilities and other basic housekeeping services as well as medical care may also be provided;

- ii) for the purposes of this paragraph 'Seniors Apartments' shall mean a building consisting of four or more dwelling units which provide accommodation primarily for retired persons and which have a common entrance from the street level and are served by a common corridor, and the occupants of which have equal right to the use of all common corridors and/or stairs and/or elevators and yards;
 - iii) the maximum building height shall not exceed three storeys or 11.4 metres (37.4 ft), whichever is the lessor;
 - iv) the complex shall be used for rest-home units and/or seniors apartment dwelling units;
 - v) the minimum required on-site parking for the apartment units shall be provided in accordance with Section 6.5.1;
 - vi) the minimum required on-site parking for the rest-home units shall be provided at the rate of 1 space for every three units;
 - vii) the minimum visitor parking spaces shall be provided at a rate of 0.25 spaces per unit;
 - viii) the minimum rear yard setback may be reduced to 7.62 metres (25 ft);
 - ix) the minimum northerly interior side yard setback may be reduced to 7.62 metres (25 ft);
 - x) the minimum size of a rest-home unit shall be 32.5 square metres (349.8 sq. ft);
 - xi) the maximum density shall not exceed 62.9 units; and,
 - xii) the maximum density on the subject lands shall not exceed 64 units based on a ratio of 86 units/hectare (34 units/acre) and a site area of 7432 square metres (80,000 sq. ft).
- h) Notwithstanding their 'RM3' zoning designation those lands delineated as RM3-8 on Schedule 'A' to this By-law, may be used for a 17 unit condominium apartment complex in compliance with the RM3 zone

provisions contained in this By-law provided however that:

i) the minimum side yard may be reduced to 6.1 metres (20 ft).

i) Notwithstanding their 'RM3' zoning designation, those lands delineated as 'RM3-9' on Schedule 'A' to this By-law shall only be used for the purposes of an apartment dwelling in accordance with the RM3 provisions contained in this By-law, excepting however that:

i) Section 6.5.8 c) of this By-law shall not apply in order to prevent the location of a parking lot in the front yard, not closer than 1.25 metres (4.1 ft) to the front lot line.

8. **COMMERCIAL "C" ZONES**

8.1 **General Provisions for Commercial Zones**

8.1.1 **Space for Landscaping**

Notwithstanding anything else in this By-Law, where a Commercial Zone fronts opposite to or abuts a Residential or Open Space Zone, a strip of land not less than 3 metres (9.8 ft) in width inside and abutting the Commercial Zone boundary shall not be used for any purpose other than landscaping, but this shall not prevent the provision of entrances and exits to the Commercial Area across such strip of land.

8.1.2 **Dwelling Unit and Sleeping Accommodation**

- a) No dwelling unit or sleeping accommodation shall be permitted in a Commercial Zone except as specified in each Zone.
- b) No permitted dwelling units shall be located except in any storey above the first storey.

8.2 Local Commercial "C1" Zone

8.2.1 Permitted Uses

No building or part thereof and no land shall be used for purposes other than:

- a) a convenience retail establishment;
- b) a personal services shop;
- c) a bank or financial institution;
- d) a business or professional office;
- e) a dry cleaners distribution station;
- f) a dwelling unit in a part of a permitted non-residential use;
- g) an accessory building to any permitted use in accordance with Section 6.24.

8.2.2 Zone Provisions

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

Minimum lot area	910.0 sq. metres (9,795 sq. ft.)
Minimum lot frontage	20.0 metres (65.6 feet)
Maximum lot coverage	40.0 per cent
Minimum front yard	7.5 metres (24.6 ft)
Minimum interior side yard	(a)
Minimum exterior side yard	6.0 metres (19.7 ft)
Minimum rear yard	6.0 metres (19.7 ft) (b)
Minimum distance from accessory buildings to an:	
interior side lot line	1.2 metres (3.9 ft)

exterior side lot line	6.0 metres (19.7 ft)
rear lot line	1.2 metres (3.9 ft)
Minimum floor area per dwelling unit	65.0 square metres (700 sq. ft)
Maximum building height	10.0 metres (32.8 ft)

NOTE:

- (a) No minimum side yard shall be required except where the side yard abuts a Residential or Plan Development Zone, in which case the minimum side yard shall be 9.0 metres (29.5 ft).
- (b) Where the rear lot line abuts a Residential or Plan Development Zone the minimum rear yard shall be 9.0 metres (29.5 ft).

8.2.3 Residential Uses

There shall be a maximum of 1 apartment unit for each commercial use.

8.2.4 Open Storage

No open storage of goods or materials will be permitted.

8.2.5 Landscaped Open Space

A minimum of ten percent (10%) of the lot area shall be landscaped. The 3 metres (9.8 ft) strip of land as outlined in Section 8.1.1 may form part of the required Landscaped Open Space.

8.2.6 Structure on a Lot

A maximum of four (4) commercial uses shall be allowed on any one lot.

8.2.7 Special Provisions

8.3 Highway Commercial "C2" Zone

8.3.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) an animal hospital;
- b) an automobile washing establishment;
- c) a motel;
- d) a dry cleaning establishment;
- e) a drive-in restaurant;
- f) taxi service;
- g) a funeral home;
- h) a florist;
- i) a convenience retail establishment;
- j) an automotive parts retail outlet and repair shop;
- k) one dwelling unit which is required for the normal operation of any permitted commercial use and is attached to and forms an integral part of the commercial use;
- l) a locker for cold storage establishment;
- m) a motor vehicle sales establishment;
- n) a public garage;
- o) a public transportation depot;
- p) a service or repair shop;
- q) an automobile service station and/or gas bar;
- r) a retail nursery;
- s) a market gardening produce retail outlet;
- t) a farm implement dealer;

u) accessory buildings in accordance with Section 6.24.

8.3.2 Zone Provisions

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

Minimum lot area	1,800.0 sq. metres (19,375 sq. ft)
Minimum lot frontage	30.0 metres (98.4 ft)
Maximum lot coverage	40.0 per cent
Minimum front yard	7.5 metres (24.6 ft)
Minimum interior side yard	(a)
Minimum exterior yard	7.5 metres (24.6 ft)
Maximum building height	11.0 metres (36.1 ft)

NOTE:

(a) No interior side yard is required provided that a side yard with a minimum width of 6 metres (19.7 ft) shall be provided on a lot immediately adjacent to a Residential or Plan Development Zone.

8.3.3 Regulations for Automobile Service Stations

Notwithstanding anything else in this By-Law, where a lot is used for an Automobile Service Station or Public Garage, the following special regulations shall apply:

	<u>Interior Lot</u>	<u>Corner Lot</u>
Minimum lot frontage	60.0 metres (196.9 ft)	60.0 metres (196.9 ft)
Minimum lot depth metres	45.0 metres (147.6 ft)	60.0 (196.9 ft)
Minimum front yard (49.2 ft)	15 metres	15 metres (49.2 ft)
Minimum rear yard	7.5 metres	7.5 metres

	(24.6 ft)	(24.6 ft)
Minimum side yard	6.0 metres (19.7 ft)	6.0 metres (19.7 ft)
Minimum exterior side metres yard (49.2 ft)	N.A.	15.0

8.3.4 **Special Regulations for Automobile Washing Establishments**

Where a lot in a Commercial Zone is used for an automobile washing establishment, the entrance layout for progressive movement of cars entering the establishment shall be sufficient to accommodate not less than fifteen (15) cars outside the building and on the subject lot and the exit layout shall be sufficient to accommodate not less than five (5) cars outside the building and on the subject lot.

8.3.5 **Open Storage**

When a lot or part thereof is used for open storage, the following standards shall apply:

- a) open storage shall be permitted in the rear yard only;
- b) open storage shall not be permitted within 15 metres (49.2 ft) of a Residential Zone;
- c) the area to be used for open storage shall be enclosed by a fence to a height of 1.8 metres (5.9 ft).

8.3.6 **Special Provisions**

- a) Notwithstanding their C2 zoning designation, the lands delineated as C2-1 on Schedule 'A' shall only be used for the purpose of a bank and accessory uses thereto in compliance with the C2 zone provisions contained in this by-law.
- b) Notwithstanding their C2 zoning designation, the lands delineated as C2-2 on Schedule 'A' may be used for local commercial uses which provide for the daily needs of the adjacent residential area. Those uses existing on June 1, 1992 shall also be

permitted.

8.4 **General Commercial "C3" Zone**

8.4.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) a retail establishment;
- b) a bank or financial institution;
- c) a personal services shop;
- d) a service shop;
- e) a shopping centre;
- f) a hotel;
- g) a motel;
- h) an eating establishment;
- i) an undertaker's establishment;
- j) a business or professional office;
- k) a club, lodge, or place of assembly;
- l) an automobile service and sales garage;
- m) builder's supply;
- n) a clinic;
- o) a commercial or music school;
- p) a dry cleaning establishment and distribution station;
- q) a newspaper office;
- r) a laundry shop;
- s) a monument sale shop;
- t) a place of entertainment;
- u) a printing plant;

- v) a public garage;
- w) an automotive gas bar;
- x) one dwelling unit in a part of a permitted use;
- y) apartment units as part of the following uses listed above a), b), c), d), f), h), j), n), o), p), q), s), u).
- z) an accessory building to any permitted use in accordance with Section 6.24.

8.4.2 Zone Provisions

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

Minimum lot area	100.0 sq. metres (1,076 sq. ft)
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Minimum lot frontage	5.2 metres (17 ft)
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Minimum front yard	not required
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Minimum exterior side yard	not required
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Minimum side yard	(a)
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Minimum distance from
accessory buildings to an:

interior side lot line ft)	1.2 metres	(3.9
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exterior side lot line ft)	6.0 metres	(19.7
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rear lot line ft)	1.2 metres	(3.9
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Maximum building height ft)	24.0 metres	(78.7
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Maximum gross floor area as a percentage of lot area	400.0 per cent
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NOTE:

- (a) A side yard is not required when abutting an adjoining lot Zoned C3 along the interior side yard lot line. Where a side yard is abutting a residential zone, a 3.0 metre (9.8 ft) planting strip shall be required along the interior side yard lot line.

8.4.3 Distance From Lot Line

No portion of any building or structure in excess of 13 metres (42.7 ft) in height shall be located closer to any lot line than thirty percent (30%) of its height.

8.4.4 Hotels, Motels

Where the exterior wall of a guest room contains a habitable room window such wall shall be located not closer than 7.5 metres (24.6 ft) to any interior side or rear lot line.

8.4.5 Automobile Service Stations and Public Garages

In a "C3" zone, where a lot is used for an Automobile Service Station or Public Garage, the following regulations shall apply:

Minimum lot frontage	38.0 metres (124.7 ft)
Minimum lot depth	38.0 metres (124.7 ft)
Minimum front yard	15.0 metres (49.2 ft)
Minimum rear yard	7.5 metres (24.6 ft)
Minimum interior side yard	6.0 metres (19.7 ft)
Minimum exterior side yard	15.0 metres (49.2 ft)

8.4.6 Dwelling Units in Part of a Permitted Use

Residential dwelling units in a commercial establishment shall comply with the following requirements:

- a) usable open space shall be provided for the exclusive use of each dwelling unit in the amount of 18 square metres (193 sq. ft) per dwelling

unit.

- b) parking shall be provided in accordance with the provisions of Section 6.5.
- c) access to dwelling units shall be separate from the access to the commercial use.
- d) maximum building height shall be 24 metres (78.7 ft).
- e) no dwelling units shall be located except in any storey above the first storey.
- f) front yard for residential dwelling units shall be a minimum 7.5 metres (24.6 ft).
- g) rear yard for residential dwelling units shall be a minimum 10.5 metres (34.4 ft).
- h) exterior side yard for residential dwelling units shall be half the height of the building or 10.5 metres (34.4 ft) which ever is greater.
- i) an interior side yard for residential dwelling units shall not be required unless no access is available to the rear of the building by a public or private street or lane, then one side yard shall be provided and have a minimum width of 4 metres (13.1 ft).
- j) no windows of habitable rooms shall face a side lot line which is not an exterior side lot line.
- k) where a side lot line abuts a Residential Zone, the setback, from the said side lot line shall be a minimum of 4.5 metres (14.8 ft).
- l) landscaped open space shall be a minimum of 35% of the lot area and may include a play area.

8.4.7 **Special Provisions**

- a) Notwithstanding their 'C3' Zoning Designation, where lands are delineated as 'C3-1' on Schedule 'A' to this By-Law, they may be used for the purposes of apartment units in part of a hotel, in addition to those uses normally permitted in the 'C3' Zone, in accordance with the following:

- i) the minimum floor area per dwelling unit shall be 35 square metres (377 sq. ft);
 - ii) Parking spaces shall be provided in accordance with Section 6.5 and shall be set aside and clearly identified as parking spaces for the sole use of the apartment units.
 - iii) For the purposes of this section 'minimum floor area' shall mean the total floor area contained within the inside walls of the apartment dwelling excluding public or common halls or areas, stairways and the thickness of outside walls.
- b) Notwithstanding their 'C3' zoning designation, those lands delineated as 'C3-2' on Schedule 'A' to this By-Law may be used for the purposes of a residence for the developmentally handicapped in addition to those uses normally permitted in the 'C3' zone, in accordance with the C3 zone provisions contained in this By-Law excepting however that:
- i) the 'minimum distance from an accessory building to a side lot line' may be reduced to 0.15 metres (0.5 ft).

9. **INDUSTRIAL "M" ZONES**

9.1 **General Provisions for Industrial Zones**

9.1.1 **Separation on Lands Adjoining Other Zones**

Where an Industrial Zone abuts or is opposite any Residential, Commercial or Plan Development Zone, the following yard provisions shall prevail on the yard that abuts or is opposite:

ft)	minimum front yard	18.0	metres	(59.0)
ft)	minimum exterior side yard	18.0	metres	(59.0)
	minimum interior side yard ft)	6.0	metres	(19.7)
ft)	minimum rear yard	15.0	metres	(49.2)

9.1.2 **Use of Front and Exterior Side Yard**

No person shall use the front yard of any lot in an Industrial Zone for any purpose other than for landscaping or the temporary parking of visitors' private passenger vehicles, provided that no parking shall be permitted in an area having a depth of 5 metres (16.4 ft), across the entire front yard and exterior side yard, nearest the street line.

9.1.3 **Material to be Used in Construction**

No building or structure permitted in an Industrial Zone shall be hereafter erected or altered, unless the exterior construction thereof is of stone, brick, reinforced concrete, glass or steel, or a combination of these materials, or any other suitable material.

9.1.4 **Fencing**

No fence shall be erected upon any land in an Industrial Zone or any part thereof unless it is constructed of ornamental wire, iron or wood rail or post and wire of open construction or of other suitable materials, with or without brick or stone foundations; and no such fence shall be place nearer to the street line in the front of the said land than 10 metres (32.8

ft) to the main front wall of the building or buildings erected on the said land, whichever is less.

9.1.5 **Quonset Buildings**

Notwithstanding anything else in this By-Law, Quonset-type buildings shall not be permitted as a main building in an Industrial Zone, but shall be allowed as an accessory building only in the rear yard of said Industrial Zones.

9.1.6 **Noxious Trade**

No use shall be permitted which from its nature or the materials used therein is declared to be a noxious trade, business or manufacture under The Public Health Act or Regulations thereunder.

9.1.7 **Property Abutting Railway**

Notwithstanding any other provision of this By-Law to the contrary, where any lot line or portion thereof abuts a railway right-of-way, no interior side or rear yard shall be required along that portion of such lot line which so abuts the railway right-of-way.

9.1.8 **Dwelling Unit and Sleeping Accommodation**

No dwelling unit shall be permitted in an Industrial Zone. Sleeping accommodation may be permitted provided that it is required for the normal operation of a permitted use. Such accommodation may include provision for security, medical and maintenance personnel.

9.1.9 **Industrial Park Holding Zone**

Those lands delineated by an Industrial Park Holding Zone ('h-M3' and 'h-M4'), or any sub-zone thereof, on Schedule 'A' to this By-Law shall be used in compliance with the Industrial Park Zoning requirements contained in this By-Law once the Holding symbol 'h' is removed. In the interim, only non-intensive agricultural uses and those uses, buildings and structures legally existing at the date of passing of By-Law No. 87-24 shall be permitted.

9.2 General Industrial "M1" Zone

9.2.1 Permitted Uses

No building or part thereof and no land shall be used for purposes other than:

- a) any manufacturing or industrial use, which is contained within a wholly enclosed structure and which is not an obnoxious use;
- b) warehousing and storage in wholly enclosed building;
- c) a retail store or service shop if accessory and incidental to a use permitted in the "M1" Zone on the same lot;
- d) railway tracks for industrial purposes;
- e) an accessory building to a permitted use;
- f) a contractor's or tradesman's shop;
- g) open storage area incidental to a permitted use;
- h) a public garage;
- i) a service or repair shop;
- j) a machinery and equipment establishment for sales, service and rental;
- k) a painting shop;
- l) a plumbing shop;
- m) a printing or blueprinting establishment;
- n) a sheet metal shop;
- o) a laundry shop;
- p) a warehouse;
- q) a newspaper office;
- r) an egg grading station;
- s) an industrial dairy;
- t) an industrial bakery;
- u) a parking lot.

9.2.2 **Zone Provisions**

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

Minimum lot area	1,300.0 sq. metres (13,994 sq. ft)
Minimum lot frontage	30.0 metres (98 ft)
Maximum lot coverage	60.0 per cent
Minimum front yard	9.0 metres (29.5 ft)
Minimum interior side yard	3.0 metres (9.8 ft)
Minimum exterior side yard	9.0 metres (29.5 ft)
Minimum rear yard	7.5 metres (24.6 ft)
Minimum distance from accessory buildings to an	
interior side lot line	4.5 metres (14.8 ft)
exterior side lot line	12.0 metres (29.4 ft)
rear lot line	4.5 metres (14.8 ft)
Maximum building height ft)(a)	12.0 metres (45.9 ft)

NOTE:

- a) A building height may exceed 12 metres provided that any portion above 12 metres in height must be setback from the abutting lot line in addition the minimum setback of such lot line's requirement under this by-law, a further distance of 1 metre by which such portion of the building above a height of 12 metres.

9.2.3 **Open Storage**

No storage of goods or materials shall be permitted outside any building except that the open storage of goods or materials may be permitted to the rear of the main building provided that:

- a) such open storage is accessory to the use of the main building on the lot;

- b) no storage is located closer than 9 metres (29.5 ft) to any street line;
- c) any portion of the area used for open storage where it does not adjoin the outside wall of a building is enclosed by a fence at least 2 metres (6.6 ft) in height from the ground which fence shall be of permanent masonry, wood and/or plastic construction with a ratio of voids to solids not greater than fifty percent (50%);
- d) such open storage shall not be located closer than 15 metres (49.2 ft) to any Residential lot line.

9.2.4 **Use of Front & Exterior Side Yards**

Required front and exterior side yards shall be kept open and unobstructed by any structure or parking area for motor vehicles except for visitor parking areas.

9.2.5 **Special Provisions**

- (a) Notwithstanding the M1-1 Zoning designation, the lands shown as M1-1 on Schedule "A" of this By-Law shall only be used for parking purposes and uses accessory thereto in compliance with the M1 zone provisions contained in this By-Law.
- (b) Notwithstanding their 'M1' zoning designation, those lands delineated as 'M1-2' on Schedule 'A' to this by-law, may be used for the purposes of a multi-building office complex and/or light industrial uses, in compliance with the M1 zone provisions contained in this By-law excepting however that:
 - (i) the permitted light industrial uses shall be limited to non-obnoxious uses which are contained within wholly enclosed structures and which do not involve outside storage.

9.3 **Heavy Industrial "M2" Zone**

9.3.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) a concrete batching, mixing or products manufacturing plant;
- b) a contractor's yard;
- c) a feed mill;
- d) a flour mill;
- e) a fuel storage tank;
- f) a fuel storage tank supply yard;
- g) a grain elevator;
- h) a lumber yard;
- i) the open storage use of goods or materials if accessory to a permitted use;
- j) a planing mill;
- k) a trucking and transport depot and warehouse;
- l) a building and construction materials yard;
- m) an automobile and construction materials yard;
- n) a salvage yard;
- o) a parking lot.

9.3.2 **Zone Provisions**

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

Minimum lot area	1910.0 sq. metres (20,560 sq. ft)
Minimum lot frontage	30.0 metres (98 ft)

Maximum lot coverage	60.0 per cent
Minimum front yard	9.0 metres (29.5 ft)
Minimum interior side yard	3.0 metres (9.8 ft)
Minimum exterior side yard	9.0 metres (29.5 ft)
Minimum rear yard	7.5 metres (24.6 ft)
Minimum distance from accessory buildings to an	
interior side lot line	4.5 metres (14.8 ft)
exterior side lot line	9.0 metres (29.5 ft)
rear lot line	4.5 metres (14.8 ft)
Maximum building height	12.0 metres (39.4 ft)

9.3.3 **Open Storage**

Any part of any lot used for a permitted open storage purpose shall be enclosed within a 2 metre (6.6 ft) high board or chain wire fence.

9.3.4 **Use of Front & Exterior Side Yards**

Required front and exterior side yards shall be kept open and unobstructed by any structure or parking area for motor vehicles except for visitor parking areas.

9.3.5 **Special Provisions**

9.4 **Industrial Park "M3" Zone**

9.4.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) a manufacturing or industrial use which is contained within a wholly enclosed building and which is not an obnoxious use;
- b) warehousing and storage within wholly enclosed buildings;
- c) a wholesale or retail outlet, or business offices accessory and incidental to a use permitted under paragraphs a) and b) above, and contained within the same building; and,
- d) buildings, structures and uses accessory to a permitted use on the same lot.

9.4.2 **Zone Provisions**

No person shall within the 'M3' Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- a) the minimum lot frontage shall be 45 metres (147.6 ft) except in the case of a corner lot, a lot abutting a residential, agricultural, or open space zone, and a lot abutting a Provincial or County road; in which case, the minimum lot frontage shall be 53 metres (173.9 ft).
- b) the minimum lot area shall be 4180 square metres (44,133 sq. ft), except in the case of a corner lot, a lot abutting a residential, agricultural, or open space zone, and a lot abutting a Provincial or County road, in which case, the minimum lot area shall be 8128 square metres (87,492 sq. ft).
- c) except as mentioned in this Section all other zone provisions contained in this by-law for the 'M1' Zone shall also be applicable to the 'M3' Zone.

9.4.3 **Open Storage**

No storage of goods or materials shall be permitted

outside of any building. This provision however shall not apply to the parking or storage of motor vehicles.

9.4.4 **Special Provisions**

(a) Notwithstanding their 'M3' zoning designation, those lands zoned as 'M3-1' may be used for the following uses, in addition to those uses normally permitted in the 'M3' Zone, subject to compliance with the 'M3' Zone provisions contained in this By-Law:

- i) a farm implement dealer;
- ii) an automotive parts retail outlet and repair shop; and,
- iii) a motor vehicle sales establishment.

9.5 **Industrial Park "M4" Zone**

9.5.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) uses permitted by the General Industrial 'M1' Zone, subject to compliance with the 'M1' Zone provisions contained in this By-Law unless otherwise specified; and,
- b) uses permitted by the Heavy Industrial 'M2' Zone, subject to compliance with the 'M2' Zone, subject to compliance with the 'M2' Zone provisions contained in this By-Law, unless otherwise specified.

9.5.2 **Zone Provisions**

Notwithstanding the 'M1' and 'M2' Zone provisions contained in this By-Law.

- a) the minimum lot frontage for a lot in the 'M4' Zone shall be 45 metres (147.6 ft) except in the case of a corner lot, a lot abutting a residential, agricultural, or open space zone, and a lot abutting a Provincial or County road; in which case, the minimum lot frontage shall be 53 metres (173.9 ft).
- b) the minimum lot area for a lot in the 'M4' Zone shall be 4180 square metres (44,995 sq. ft), except in the case of a corner lot, a lot abutting a residential, agricultural, or open space zone, and a lot abutting a Provincial or County road, in which case, the minimum lot area shall be 8128 square metres (87,492 sq. ft).

9.5.3 **Special Provisions**

10. **PLAN DEVELOPMENT "PD" ZONE**

10.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

a) Residential Use

an existing single family detached dwelling

b) Other Uses

an existing non-residential use

a public utility

a use or a building accessory to a permitted use

10.2 **Zone Provisions**

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

Minimum distance from
accessory buildings to an:

interior side lot line 1.8 metres (5.9 ft)

exterior side lot line 0.6 metres (2 ft)

rear lot line 0.6 metres (2 ft)

Maximum building height 10.0 metres (32.8 ft)

10.3 **Special Provisions**

11. **PUBLIC USE "O" ZONE**

11.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) a government or municipal building;
- b) a school, day nursery, or day care centre;
- c) a church;
- d) a public library, art gallery, museum, community centre, live theatre;
- e) a hospital;
- f) residences for the retarded;
- g) cemetery;
- h) arena or stadium;
- i) a nursing home;
- j) fraternal lodge, association or institutional hall;
- k) a tuck shop; and,
- l) an accessory building to a permitted use in accordance with Section 6.24.
- m) assembly hall

11.2 **Zone Provisions**

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

Maximum lot coverage	30.0 per cent
Minimum front yard	7.5 metres (24.6 ft)
Minimum interior side yard	6.0 metres (19.7 ft)
Minimum exterior side yard	7.5 metres (24.6 ft)

Minimum rear yard 7.5 metres (24.6 ft)

Minimum distance from
accessory buildings to an

interior side lot line 1.5 metres (4.9 ft)

exterior side lot line 12.0 metres (39.4
ft)

rear lot line 1.5 metres (4.9 ft)

Maximum building height 12.5 metres (41.0
ft)

11.3 Dwelling Accommodation

No dwelling unit shall be permitted in any Public Use "O" Zone except:

- a) a dwelling unit for clergy accessory to a church;
- b) a nurses' or interns' dwelling unit in connection with a hospital;
- c) a boarding dwelling unit in connection with a school or association for retarded children.

11.4 Special Provisions

- a) Notwithstanding their 'O' Zoning designation, where lands are delineated as 'O-1' on Schedule "A" to this By-Law, shall only be used for the purposes of a church and uses accessory thereto in accordance with the "O" Zone provisions contained in this By-Law excepting however that:
 - i) the minimum lot frontage shall be 82 metres (272 ft);
 - ii) the minimum lot area shall be 8296 square metres (89,343 sq. ft);
 - iii) no parking spaces shall be located within the required front yard set back.
- b) Notwithstanding their 'O' Zoning designation, lands delineated as 'O-2' on Schedule "A" to this By-Law, shall only be used for the purposes of a

church parking lot in accordance with the 'O' Zone provisions contained in this By-Law excepting however that:

- i) the minimum lot frontage shall be 16.8 metres (55 ft);
- ii) the minimum lot area shall be 1257 square metres (13,534 sq. ft).
- c) Notwithstanding their 'O' zoning designation, those lands delineated as 'O-3' on Schedule 'A' to this By-law may be used for the purposes of a weekly farmer's market, community trade shows, exhibitions, auctions, Agricultural Society activities and an amusement midway in addition to uses normally permitted in the 'O' zone, in accordance with the 'O' zone provisions contained in this By-law.

12. **PARK "G" ZONE**

12.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) a public park, playground, playing field;
- b) a bowling green, tennis court, swimming pool, open air skating rink, lacrosse box;
- c) parking lot;
- d) an accessory building to a permitted use in accordance with Section 6.24.

12.2 **Zone Provisions**

No building and structure or part thereof shall be erected, altered or used except in accordance with the following provisions:

Maximum lot coverage	10.0 per cent
Minimum front yard	7.5 metres (24.6 ft)
Minimum interior side yard	7.5 metres (24.6 ft)
Minimum exterior side yard	7.5 metres (24.6 ft)
Minimum rear yard	7.5 metres (24.6 ft)
Minimum distance from accessory buildings to an	
interior side lot line	1.5 metres (4.9 ft)
exterior side lot line	1.5 metres (4.9 ft)
rear lot line	1.5 metres (4.9 ft)
Maximum building height ft)	11.0 metres (36.1

12.3 **Special Provisions**

13. **ENVIRONMENTAL PROTECTION "EP" ZONE**

13.1 **Permitted Uses**

No building or part thereof and no land shall be used for purposes other than:

- a) agricultural and forestry uses, saving and excepting the erection of buildings and structures;
- b) recreational uses;
 - natural outdoor rinks
 - athletic fields
 - picnic area
 - golf course
 - ski slopes
 - snowmobile trails
 - riding trails
 - conservation or park
 - nature trails
 - game preserve
 - outdoor in-ground swimming pool
 - parking lot in conjunction with a permitted recreational use
- c) erosion or flood control projects which are approved by the Town of Walkerton and the Saugeen Valley Conservation Authority.

13.2 **Special Provisions**

- a) Notwithstanding their 'EP' zoning designation those lands delineated as 'EP-1' on Schedule 'A' to this By-law shall only be used in accordance with the 'EP' Zone provisions contained in this By-law, excepting however that:
 - i) private indoor/outdoor swimming pool uses shall not be permitted.

14. **SILVER CREEK "S" ZONE**

Where lands are shown on schedule 'A' with any of the zone symbols described in Section 6.1 of this By-law followed by the Silver Creek Zone symbol 'S' (e.g. R1-S), such lands may be used in accordance with the zone symbol preceding the 'S' and shall be flood proofed to the satisfaction of the Saugeen Valley Conservation Authority in accordance with Revised Regulation of Ontario No. 178/80 and Revised Regulation of Ontario No. 349/85, as amended from time to time, to ensure that building openings are located above the elevation of the Regional Storm flood level at the building location. For the purposes of this section, the elevation of the Regional Storm flood level shall be as detailed in Drawing No.5 Walkerton Floodline, of the Town of Walkerton Flood Control and Policy Study - Saugeen Valley Conservation Authority, dated August, 1982. The above regulations and maps are all on file at the office of the Saugeen Valley Conservation Authority and the Regional Office of the Ministry of Natural Resources in London, Ontario.

The provisions of this section do not apply to minor additions or extensions to buildings existing at the date of passing of By-law No. 87-30.

15. **ENACTMENT**

15.1 **Repeal of Existing By-law**

From the coming into force of this By-law, By-law 84-41, passed under Section 34 of the Planning Act, R.S.O. 1983 or a predecessor thereof, shall be deemed to have been repealed except to the extent that any of the said by-laws prohibits the use of any land, building or structure for a purpose that is also prohibited by this By-law.

Notwithstanding the above, By-law 84-41 shall remain in effect, in as much as it regulate the following properties as recognized on the Schedule 'A':

- Lots 4 to 13, Plan 3M-150
- Parts 2, 3 & 5, Reference Plan 3R-4473, Part of Park Lot M, Plan 162
- Lots 81, 82 & 83, Plan 7
- Part of Lot 33, Concession 1, N.D.R., Town of Walkerton
- Registered Plan 791, Part Lot 11 and Registered Plan 84, Part Lot 11

15.2 **Effective Date**

This By-law shall come into force on the date it is passed by Council subject to the provisions of The Planning Act, 1983.

READ A FIRST & SECOND TIME THIS 21st. DAY OF DECEMBER, 1992.

MOVED BY "DAVID MULLEN"

"JAMES W. BOLDEN"
MAYOR

SECONDED BY "RICHARD MULLEN"

"RICHARD W. RADFORD"
CLERK

READ A THIRD TIME & FINALLY PASSED THIS 21st. DAY OF DECEMBER, 1992.

MOVED BY "DAVID MULLEN"

"JAMES W. BOLDEN"
MAYOR

SECONDED BY "RICHARD MULLEN"

"RICHARD W. RADFORD"
CLERK
