SECTION 3 – GENERAL REGULATIONS

A

3.A.1 ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES

3.A.1.1 In a zone which permits a DWELLING UNIT or on a LOT used solely for residential purposes, the following regulations shall apply to ACCESSORY BUILDINGS and ACCESSORY STRUCTURES:

a.) ACCESSORY BUILDINGS and ACCESSORY STRUCTURES shall comply with the regulations in Table 3A:

Table 3A: ACCESSORY BUILDING and ACCESSORY STRUCTURE Regulations

REAR LOT LINE setback (minimum)	0.60 metres
SIDE LOT LINE setback (minimum)	0.60 metres
BUILDING HEIGHT (maximum)	4.00 metres
LOT COVERAGE (maximum)	10%
Minimum setback from a BUILDING (excluding a deck) on an abutting LOT	2.50 metres

b.) Notwithstanding anything to the contrary, an ACCESSORY BUILDING/ACCESSORY STRUCTURE located in the SIDE YARD shall comply with the SIDE YARD setback for the zoning category applied to the LOT.

c.) ACCESSORY BUILDINGS and ACCESSORY STRUCTURES shall be prohibited within the FRONT YARD and FLANKAGE YARD.

d.) The walking surface (floor) of an ACCESSORY BUILDING / ACCESSORY STRUCTURE shall be a maximum zero-point-six metres (0.60m) above GRADE, measured at any point abutting the ACCESSORY BUILDING / ACCESSORY STRUCTURE.

e.) Notwithstanding Table 3A, for a SEMI-DETACHED BUILDING where each DWELLING UNIT is located on a separate LOT, the maximum LOT COVERAGE shall be five percent (5%) of the LOT AREA.

f.) With the exception of permitted COACH HOUSES, ACCESSORY BUILDINGS and ACCESSORY STRUCTURES shall not be used for human habitation.

g.) ACCESSORY BUILDINGS and ACCESSORY STRUCTURES shall not be used for commercial purposes including, but not restricted to, HOME OCCUPATIONS.

h.) An ACCESSORY BUILDING / ACCESSORY STRUCTURE shall be detached from the principal BUILDING. A PRIVATE GARAGE or carport attached to the principal

BUILDING shall not be deemed an ACCESSORY BUILDING / ACCESSORY STRUCTURE, but rather part of the principal BUILDING.

i.) Notwithstanding anything to the contrary, a pergola shall not be deemed an ACCESSORY STRUCTURE.

3.A.1B ADDITIONAL RESIDENTIAL UNITS

3.A.1B.1 ADDITIONAL RESIDENTIAL UNITS shall only be permitted in a:

- DETACHED BUILDING
- FREEHOLD SEMI-DETACHED BUILDING
- FREEHOLD TOWNHOUSE BUILDING
- TOWNHOUSE BUILDING
- COACH HOUSE

3.A.1B.2 Notwithstanding anything to the contrary, the following regulations shall apply to all ADDITIONAL RESIDENTIAL UNITS:

a.) The PARKING SPACE for the ADDITIONAL RESIDENTIAL UNIT may be provided as a TANDEM PARKING SPACE in the DRIVEWAY.

b.) The ADDITIONAL RESIDENTIAL UNIT shall be connected to municipal sanitary services and municipal water services.

c.) The ADDITIONAL RESIDENTIAL UNIT shall not result in a new door / entrance on the FRONT BUILDING FAÇADE or the FLANKAGE BUILDING FAÇADE on a LOT zoned Residential Conservation One (RC1).

d.) The maximum number of ADDITIONAL RESIDENTIAL UNITS permitted on a LOT is three (3).

3.A.1B.3 Notwithstanding anything to the contrary, an ADDITIONAL RESIDENTIAL UNIT shall be prohibited:

a.) within a BUILDING containing a LODGING HOUSE with six (6) or more BEDROOMS;

NOTE: this corresponds with the former Class 1 Lodging House

3.A.1B.4 Notwithstanding anything to the contrary, ADDITIONAL RESIDENTIAL UNITS shall only be permitted in REGULATED AREAS if a PERMIT or written consent is obtained from the Grand River Conservation Authority.

3.A.1B.5 Notwithstanding anything to the contrary, where the floodplain symbol prefix "(F)" on Schedule 'A3' is applied, ADDITIONAL RESIDENTIAL UNITS shall only be permitted on a LOT in compliance with 3.F.1.2 of this BY-LAW.

NOTE:
3.F.1.2 includes:

a.) that the ADDITIONAL RESIDENTIAL UNIT (includes COACH HOUSE) is on lands identified as 'Two Zone Flood Fringe' or 'Laurel/Clair Special Policy Area – Flood Fringe' on Image 1 to Section 3.f.1;
b.) that the ADDITIONAL RESIDENTIAL UNIT (includes COACH HOUSE) is located at or above the elevation of the REGULATORY FLOOD as determined by the Grand River Conservation Authority;
c.) that SAFE ACCESS is provided to the BUILDING as determined by the Grand River Conservation Authority.

3.A.1B.6 Notwithstanding anything to the contrary, ADDITIONAL RESIDENTIAL UNITS shall be excluded from the density provisions in this BY-LAW.

3.A.1B.7 Notwithstanding anything to the contrary:
a.) a SINGLE DETACHED BUILDING in Section 3.A.1B.1 shall include a legal non-conforming SINGLE DETACHED BUILDING;
b.) a FREEHOLD SEMI-DETACHED BUILDING in Section 3.A.1B.1 shall include a legal non-conforming FREEHOLD SEMI-DETACHED BUILDING;
c.) a FREEHOLD TOWNHOUSE in Section 3.A.1B.1 shall include a legal non-conforming FREEHOLD TOWNHOUSE BUILDING.
d.) a TOWNHOUSE in Section 3.A.1B.1 shall include a legal non-conforming TOWNHOUSE BUILDING;

3.A.2 ADULT ENTERTAINMENT PARLOURS

3.A.2.1 Notwithstanding anything to the contrary, ADULT ENTERTAINMENT PARLOURS shall be prohibited except as specified in Schedule 'C' annexed hereto.

3.A.3 ADVANCED TECH

3.A.3.1 ADVANCED TECH includes the ancillary display and retailing of advanced technology products (software and hardware), systems, and or prototypes created on the LOT, provided the display and retail area of the products / systems / prototypes to be sold shall not exceed twenty percent (20%) of the BUILDING FLOOR AREA of the ADVANCED TECH use.

3.A.4 AMENITY AREA

3.A.4.1 AMENITY AREA shall be provided on the same LOT for which it is required.

3.A.4.2 APARTMENT BUILDINGS, MULTI-UNIT RESIDENTIAL BUILDINGS and MIXED USE BUILDINGS containing fifty (50) BEDROOMS or more shall provide a minimum of thirty percent (30%) of the required AMENITY AREA as common AMENITY AREA, meaning AMENITY AREA designed, intended and accessible to all residents of the BUILDING.

3.A.4.3 Notwithstanding anything to the contrary, for EXISTING BUILDINGS, the minimum required AMENITY AREA shall be the lesser of:
a.) the AMENITY AREA that actually existed on the date of passing of this BY-LAW; or
b.) the minimum AMENITY AREA required in the applicable zone of this BY-LAW.

3.A.4.4 Notwithstanding anything to the contrary, a maximum twenty percent (20%) of the required AMENITY AREA may be outdoor rooftop amenity space (such as rooftop decks and terraces) located more than 22 metres above GRADE.

3.A.5 ARCHITECTURAL PROJECTIONS

With the exception of LOW RISE RESIDENTIAL AREAS, the following architectural building projections are permitted to encroach into the minimum BUILDING setbacks specified in the applicable zone, in accordance with the following:

Architectural Projection, Class A

a.) Class 'A' Architectural Projections are restricted to:

- bay window
- belt course
- chimney breast
- architectural columns, piers, pilaster
- cornices
- friezes
- architectural hoods (projecting shelf-like decorative element above an arch, doorway, or window)
- architectural panels
- window boxes
- window sills
- for a BUILDING which is 20 metres or less in BUILDING HEIGHT:
  - a.) an architectural bay or architectural bays, to a maximum 30% of the FRONT BUILDING FAÇADE and a maximum 30% of the FLANKAGE BUILDING FAÇADE
  - b.) cantilevered architectural element
  - c.) balconies projecting into the FRONT YARD, FLANKAGE YARD, or REAR YARD
  - d.) sunshade / sunscreen
  - e.) rooftop architectural element
  - f.) architectural canopy

b.) The maximum encroachment of a Class 'A' Architectural Projection shall be zero-point-six metres (0.60m) measured from the minimum BUILDING setback required in the zoning applied to the LOT.

Architectural Projection, Class B

c.) Class 'B' Architectural Projections are restricted to:

- enclosed ARCHITECTURAL ENTRANCE abutting the FRONT YARD or FLANKAGE YARD
- for a BUILDING which is more than 20 metres in BUILDING HEIGHT but 40 metres or less in BUILDING HEIGHT:
  - a.) an architectural bay or architectural bays, to a maximum 40% of the FRONT BUILDING FAÇADE and a maximum 40% of the FLANKAGE BUILDING FAÇADE
  - b.) cantilevered architectural element
  - c.) balconies projecting into the FRONT YARD, FLANKAGE YARD, or REAR YARD
  - d.) sunshade / sunscreen
  - e.) rooftop architectural element
  - f.) architectural canopy

d.) The maximum encroachment of a Class 'B' Architectural Projection shall be one metre (1m) measured from the minimum BUILDING setback required in the zoning applied to the LOT.

Architectural Projection, Class C

e.) Class 'C' Architectural Projections are restricted to:
- unenclosed ARCHITECTURAL ENTRANCE abutting the FRONT YARD or FLANKAGE YARD
- for a BUILDING which is more than 40 metres in BUILDING HEIGHT:
  - a.) an architectural bay or architectural bays, to a maximum 40% of the FRONT BUILDING FAÇADE and a maximum 40% of the FLANKAGE BUILDING FAÇADE
  - b.) cantilevered architectural element
  - c.) balconies projecting into the FRONT YARD, FLANKAGE YARD, or REAR YARD
  - d.) sunshade / sunscreen
  - e.) rooftop architectural element
  - f.) architectural canopy

f.) The maximum encroachment of a Class 'C' Architectural Projection shall be one-point-five metres (1.5m) measured from the minimum BUILDING setback required in the zoning applied to the LOT.

g.) Where the minimum STREET LINE setback required in the zoning applied to the LOT is equal to or less than one-point-five metres (1.5m), a Class 'C' Architectural Projection shall not extend beyond the STREET LINE.

3.A.6 ARCHITECTURAL PROJECTIONS – LOW RISE RESIDENTIAL AREAS

3.A.6.1 Within LOW RISE RESIDENTIAL AREAS, in any YARD there may be erected and maintained BUILDING projections of window sills, chimney breasts, belt courses, cornices, eves and other architectural features of a similar nature provided that no such feature shall project more than zero-point-six metres (0.6m) into the applicable BUILDING setback in the zone.

3.A.7 PROJECTIONS – FIRE ESCAPES, EXTERIOR STAIRS, ACCESS RAMPS, RETAINING WALLS

3.A.7.1 Notwithstanding anything to the contrary, an unenclosed metal fire escape required by applicable law shall be permitted in a SIDE YARD provided a minimum setback of zero-point-three metres (0.3m) is provided to the SIDE LOT LINE.

3.A.7.2 Notwithstanding anything to the contrary, an unenclosed metal fire escape required by applicable law shall be permitted in a REAR YARD provided:

a.) a minimum setback of zero-point-three metres (0.3m) is provided from the REAR LOT LINE;

b.) a minimum setback equal to the BUILDING's SIDE YARD is provided from the SIDE LOT LINE;

c.) a minimum setback equal to the BUILDING's FLANKAGE YARD (if applicable) is provided from the FLANKAGE LOT LINE.

3.A.7.3 Notwithstanding anything to the contrary, exterior stairs and accessible ramps less than zero-point-six metres (0.6m) in height above GRADE may project into a YARD.

3.A.7.4 Notwithstanding anything to the contrary, retaining walls that:

a.) are greater than zero-point-six metres (0.6m) above GRADE; and
b.) are attached to or form part of the BUILDING or STRUCTURE,

shall be deemed to be part of the BUILDING or STRUCTURE under this BY-LAW.

3.A.8 ARCHITECTURAL PROJECTIONS – ACCESSORY BUILDINGS / STRUCTURES

3.A.8.1 Notwithstanding anything to the contrary, architectural projections permitted in this BY-LAW shall not apply to ACCESSORY BUILDINGS or ACCESSORY STRUCTURES.

3.A.9 ARTIST STUDIOS – DISPLAY AND RETAILING

3.A.9.1 Up to twenty-five percent (25%) of the BUILDING FLOOR AREA of a CLASS A ARTIST STUDIO may be used for the display and retailing of items made by the artist or craftsperson on the premises.

3.A.9.2 Up to twenty-five percent (25%) of the BUILDING FLOOR AREA of a CLASS B ARTIST STUDIO may be used for the display and retailing of items made by the artist or craftsperson on the premises.

3.A.10 AIR CONDITIONERS & HEAT PUMPS

3.A.10.1 Notwithstanding anything to the contrary, air conditioners (excluding removable window mounted units) and heat pumps shall not be:
a.) affixed to the FRONT BUILDING FAÇADE;
b.) affixed to the FLANKAGE YARD BUILDING FAÇADE;
c.) located in a FRONT YARD
d.) located in a FLANKAGE YARD.

3.A.10.2 Sections 3.A.10.1.(b.) and 3.A.10.1.(d.) shall not apply to:
- SINGLE DETACHED BUILDING
- SEMI-DETACHED BUILDING
- FREEHOLD SEMI-DETACHED BUILDING
- FREEHOLD TOWNHOUSE BUILDING

B

3.B.1 BAKE SHOP

3.B.1.1 Notwithstanding anything to the contrary, the incidental sale of beverages shall be permitted within a BAKE SHOP.

3.B.1.2 Baking shall be permitted within a BAKE SHOP provided that:

a.) the floor area devoted to baking is less than thirty percent (30%) of the BUILDING FLOOR AREA of the BAKE SHOP; and,

b.) baking does not take place at the front of the establishment, where the public entrance is located.

3.B.1.3 Baked goods and incidental beverages may be consumed on the premises.

3.B.2 BED & BREAKFAST ESTABLISHMENTS

3.B.2.1 BED & BREAKFAST ESTABLISHMENTS shall be prohibited in:

- APARTMENT BUILDING
- COACH HOUSE
- MAISONETTE BUILDING
- STACKED TOWNHOUSE BUILDING

NOTE: BED & BREAKFAST ESTABLISHMENTS are regulated by the City's Rental Housing Licensing By-law.

3.B.3 BEDROOMS

3.B.3.1 Notwithstanding anything to the contrary, with the exception of a BEDROOM identified on a building permit, the use of any HABITABLE FLOOR SPACE in whole or in part as a BEDROOM shall be prohibited except where a Zoning Certificate pursuant to Section 34(6) of the PLANNING ACT is obtained from the CITY authorizing such use in accordance with applicable law including the zoning regulations herein such as, but not limited to, density regulations.

3.B.3.2 Notwithstanding anything to the contrary, with the exception of a BEDROOM identified on a building permit, the conversion of any HABITABLE FLOOR SPACE in whole or in part to a BEDROOM shall be prohibited except where a Zoning Certificate pursuant to Section 34(6) of the PLANNING ACT is obtained from the CITY authorizing such conversion in accordance with applicable law including the zoning regulations herein such as, but not limited to, density regulations.

3.B.3.3 For the purposes of this definition, a BACHELOR UNIT shall be considered a one (1) BEDROOM unit.

3.B.4 BEDROOMS – MAXIMUM PER DWELLING UNIT

3.B.4.1 The maximum number of BEDROOMS per DWELLING UNIT shall be five (5).

3.B.4.2 Notwithstanding Section 3.B.4.1, the density regulations of this BY-LAW shall continue to apply.

3.B.4.3 Section 3.B.4.1 shall not apply to:

- SINGLE DETACHED BUILDINGS
- SEMI-DETACHED DWELLING UNITS
- FREEHOLD SEMI-DETACHED DWELLING UNITS
- TOWNHOUSE DWELLING UNITS
- FREEHOLD TOWNHOUSE DWELLING UNITS

3.B.5 BUILDINGS

3.B.5.1 Notwithstanding anything to the contrary, a:

- METAL CONTAINER
- Tent
- Trailer

used for the permanent or temporary shelter, accommodation, or enclosure of persons, animals, or chattels shall be deemed to be a BUILDING for the purposes of this BY-LAW.

3.B.6 BUILDINGS PER LOT

3.B.6.1 Except where expressly permitted in this BY-LAW, no more than one (1) main BUILDING shall be erected on any LOT.

C

3.C.1 CANNABIS DISPENSARIES

3.C.1.1 Notwithstanding anything to the contrary, CANNABIS DISPENSARIES shall only be permitted in a BUILDING or part thereof where the zoning category applied to the LOT or site specific provisions thereto permits one or more of the following uses:

- DRUG STORE
- RETAIL STORE
- VARIETY STORE

NOTE: See section 3.C.10 for CLUSTER DEVELOPMENT provisions

3.C.2 COACH HOUSES

3.C.2.1 A COACH HOUSE shall only be permitted on a LOT containing a:

- DETACHED BUILDING
- FREEHOLD SEMI-DETACHED BUILDING
- FREEHOLD TOWNHOUSE BUILDING
- TOWNHOUSE BUILDING

3.C.2.3 Notwithstanding anything to the contrary, the following regulations shall apply to all COACH HOUSES:

a.) A COACH HOUSE may contain a maximum of two (2) DWELLING UNITS. DWELLING UNITS contained within a COACH HOUSE shall be deemed to be ADDITIONAL RESIDENTIAL UNITS.

b.) The COACH HOUSE shall be accessible from the FRONT YARD or FLANKAGE YARD by an unobstructed walkway with a minimum width of 1.1 metres.

c.) The PARKING SPACE for the COACH HOUSE may be provided as a TANDEM PARKING SPACE in the DRIVEWAY.

d.) The principal BUILDING and the COACH HOUSE shall be connected to municipal sanitary services and municipal water services.

e.) COACH HOUSES shall be erected from a slab or foundation.

f.) COACH HOUSES shall not be designed to be or capable of being portable such as a mobile home.

g.) Modular dwellings constructed off-site that are permanently affixed to a slab or foundation are exempt from regulation e.) above.

h.) COACH HOUSES shall comply with the regulations in Table 3B:

Table 3B: COACH HOUSE Regulations

REAR YARD setback (minimum)	1.2 metres where the COACH HOUSE exceeds 4.5 metres in BUILDING HEIGHT, and 0.6 metres in all other instances
SIDE YARD setback (minimum)	1.20 metres
FLANKAGE YARD setback (minimum)	Shall comply with the FLANKAGE YARD setback (minimum) in the applicable Zone category.
BUILDING HEIGHT (maximum)	6.0 metres, except as specified in section 7.15.2

i.) COACH HOUSES shall be prohibited in the FRONT YARD.

3.C.2.4 Notwithstanding anything to the contrary, COACH HOUSES shall only be permitted in REGULATED AREAS if a PERMIT or written consent is obtained from the Grand River Conservation Authority

3.C.2.5 Notwithstanding anything to the contrary, where the floodplain symbol "(F)" on Schedule 'A3' is applied, COACH HOUSES shall only be permitted on a lot in compliance with 3.F.1.2 of this BY-LAW.
NOTE:
3.F.1.2 includes:
a.) that the ADDITIONAL RESIDENTIAL UNIT (includes COACH HOUSE) in on lands identified as 'Two Zone Flood Fringe' or 'Laurel/Clair Special Policy Area – Flood Fringe' on Image 1 to Section 3.F.1;
b.) that the ADDITIONAL RESIDENTIAL UNIT (includes COACH HOUSE) is located at or above the elevation of the REGULATORY FLOOD as determined by the Grand River Conservation Authority;
c.) the SAFE ACCESS is provided to the BUILDING as determined by the Grand River Conservation Authority.

3.C.2.6 Notwithstanding anything to the contrary, COACH HOUSES shall be excluded from the density provisions in this BY-LAW.

3.C.3 COMMERCIAL RECREATION

3.C.3.1 A maximum of ten percent (10%) of the BUILDING FLOOR AREA of a COMMERCIAL RECREATION use may be used for the display and retailing of products related to the recreational activity.

3.C.3.2 A maximum of twenty-five percent (25%) of the BUILDING FLOOR AREA of a COMMERCIAL RECREATION use may be used for food services, being any combination of the preparation, serving, sale and consumption of food and beverages on the premises.

3.C.4 COMMERCIAL WELLNESS

3.C.4.1 A maximum of ten percent (10%) of the BUILDING FLOOR AREA of a COMMERCIAL WELLNESS use may be used for the display and retailing of products related to the relaxation and or fitness activity conducted by the COMMERCIAL WELLNESS use.

3.C.5 COMMITTEE OF ADJUSTMENT

3.C.5.1 Where the CITY's Committee of Adjustment or the Ontario Municipal Board / Local Planning Appeal Tribunal has authorized a minor variance to any provision in the FORMER BY-LAWS with respect to any land, BUILDING or STRUCTURE, this BY-LAW shall be modified to give effect to the provisions of the variance if all conditions applied to the variance are satisfied.

3.C.5.2 Where the CITY's Committee of Adjustment or the Ontario Municipal Board / Local Planning Appeal Tribunal has granted an approval pursuant to subsection 45(2) of the PLANNING ACT to any provision in the FORMER BY-LAWS with respect to any land, BUILDING or STRUCTURE, this BY-LAW shall be modified to give effect to the provisions of the 45(2) approval if all conditions applied to the 45(2) approval are satisfied.

3.C.6 COMMON WALLS

3.C.6.1 SIDE YARD setback regulations in this BY-LAW shall not apply to common walls of SEMI-DETACHED BUILDINGS and FREEHOLD TOWNHOUSE BUILDINGS.

3.C.7 COMMUNITY GARDENS

3.C.7.1 A COMMUNITY GARDEN shall be permitted in all zones except:
- the Conservation Zone (OS3)
- the Environmentally Sensitive Landscape Two (ESL2) Zone

3.C.7.2 For the purposes of this BY-LAW, a COMMUNITY GARDEN shall be deemed LANDSCAPED OPEN SPACE, excluding ACCESSORY BUILDINGS and ACCESSORY STRUCTURES thereto.

3.C.7.3 A COMMUNITY GARDEN shall be setback a minimum of zero-point-six metres (0.6m) from a LOT LINE.

3.C.7.4 Notwithstanding anything to the contrary, a COMMUNITY GARDEN is prohibited within a DAYLIGHT TRIANGLE.

NOTE: A COMMUNITY GARDEN shall not be permitted on CITY lands without written permission from the CITY.

NOTE: A COMMUNITY GARDEN shall not be permitted on REGIONAL lands without written permission from the REGION.

3.C.8 COMMUTER PARKING FACILITIES

3.C.8.1 Notwithstanding anything to the contrary, commuter parking facilities owned or leased by the Province of Ontario, the REGION, or the CITY shall be permitted in the following zones:

- RMU (all suffixes)
- RN (all suffixes)
- U1, U2
- C1, C2, C3, C4, C5, C6, C7
- C1A, C2A, C2B, C4A (restricted to structured parking)
- E1, E2, E3, UC
- E2A, E2B (restricted to structured parking)
- EI, I

3.C.9 CONVENTIONS AND TRADE SHOWS

3.C.9.1 Notwithstanding anything to the contrary, temporary conventions and trade shows shall be permitted in a:

- AUDITORIUM
- BANQUET HALL
- Community Centre
- HOTEL
- RETAIL STORE
- vacant BUILDING or part thereof in any Employment Zone specified in Section 9 of this BY-LAW

For the purposes of this regulation, "temporary" shall mean a short period of time not exceeding twenty-one (21) consecutive days.

3.C.10 CLUSTER DEVELOPMENT

3.C.10.1 Notwithstanding anything to the contrary, for CLUSTER DEVELOPMENT, BUILDINGS shall comply with the regulations in Table 3C and the regulations of the zoning applied to the LOT, whichever is more restrictive:

Table 3C: CLUSTER DEVELOPMENT Regulations

STREET LINE setback (minimum)	6.00 metres
COMMON ELEMENT ROAD or PRIVATE ROAD width, two-way road (minimum)	6.10 metres
COMMON ELEMENT ROAD or PRIVATE ROAD width, one-way road (minimum)	3.50 metres
COMMON ELEMENT ROAD or PRIVATE ROAD setback, where a DRIVEWAY is provided for the DWELLING UNIT (minimum, excluding exterior stairs and accessible access ramps less than zero-point-six metres (0.6m) in height above GRADE which may project towards the COMMON ELEMENT ROAD or PRIVATE ROAD)	6.00 metres
INTERIOR LOT LINE setback (minimum)	7.50 metres
BUILDING Separation – residential (minimum)	2.40 metres
BUILDING Separation – non-residential (minimum)	6.00 metres

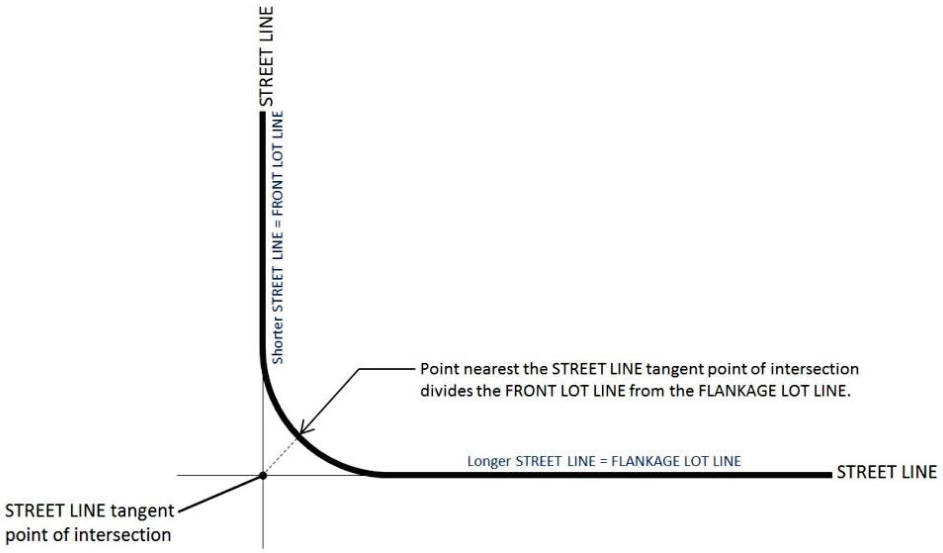
3.C.10.2 Notwithstanding anything to the contrary, for CLUSTER DEVELOPMENT, more than one (1) BUILDING shall be permitted on a LOT.

3.C.11 CONFLICTING REGULATIONS

3.C.11.1 Where regulations in this BY-LAW conflict, the most restrictive regulation shall apply.

3.C.12 CORNER LOTS – LOT LINE MEASUREMENT

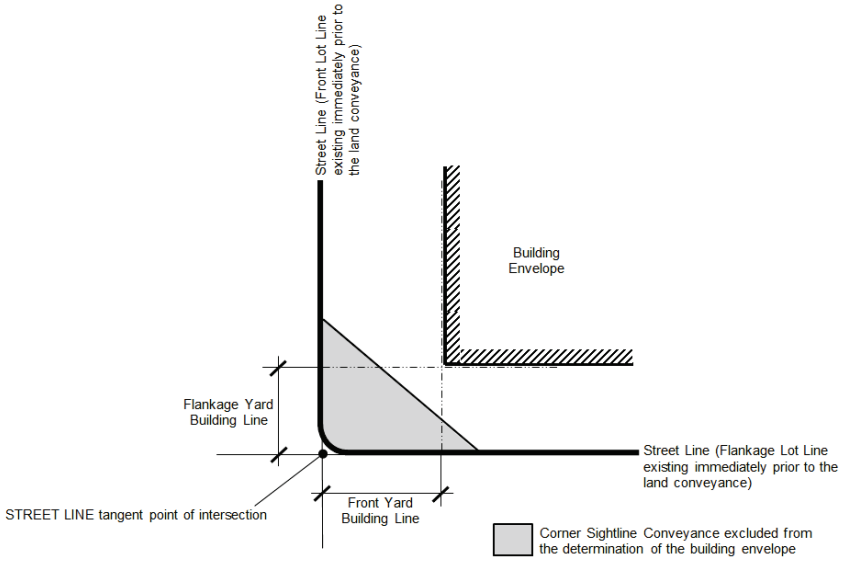
3.C.12.1 Where a CORNER LOT has a curve, the FRONT LOT LINE will be distinguished from the FLANKAGE LOT LINE at that point on the STREET LINE nearest to the STREET LINE tangent point of intersection.



3.C.13 CORNER LOTS – SIGHTLINE TRIANGLE CONVEYANCE

3.C.13.1 Notwithstanding anything to the contrary, where lands are conveyed to a municipality for the purposes of a sightline triangle on a CORNER LOT, the FRONT YARD BUILDING LINE shall be measured from the FRONT LOT LINE that would have existed if the sightline triangle was not conveyed to the municipality, after the conveyance of all other highway widenings.

3.C.13.2 Notwithstanding anything to the contrary, where lands are conveyed to a municipality for the purposes of a sightline triangle on a CORNER LOT, the FLANKAGE YARD BUILDING LINE shall be measured from the FLANKAGE LOT LINE that would have existed if the sightline triangle was not conveyed to the municipality, after the conveyance of all other highway widenings.



3.C.14 CORNER LOTS – REAR YARD REDUCTION

3.C.14.1 In a LOW RISE RESIDENTIAL AREA, the REAR YARD setback requirement on a CORNER LOT shall be satisfied if the sum of the SIDE YARD setback and the REAR YARD setback equals or exceeds the required REAR YARD setback, provided that neither the SIDE YARD nor the REAR YARD is less than three metres (3.0m).

3.C.15 CUSTOM SERVICE SHOP

3.C.15.1 A maximum of twenty-five percent (25%) of the BUILDING FLOOR AREA of a CUSTOM SERVICE SHOP may be used for the display and retailing of goods stored, produced, assembled, and or serviced (repaired) on the premises.

D

3.D.1 DAYLIGHT TRIANGLE

3.D.1.1 Notwithstanding anything to the contrary, BUILDINGS and STRUCTURES are prohibited within a DAYLIGHT TRIANGLE.

3.D.1.2 No person shall use any land in whole or in part within a DAYLIGHT TRIANGLE for any purpose other than landscaping, provided further that:

a.) The maximum height of landscaping shall be zero-point-five metres (0.50m), measured from the adjacent STREET LINE ELEVATION.

b.) Landscaping shall not obstruct the vision of a motor vehicle driver or cyclist approaching the intersection.

3.D.2 DECKS

In a zone which permits a DWELLING UNIT or on a LOT used solely for residential purposes, the following regulations shall apply to DECKS:

3.D.2.1 DECKS shall be attached to the principal BUILDING.

3.D.2.2 DECKS shall not be attached to the FRONT BUILDING FACADE of the principal BUILDING.

3.D.2.3 The FLANKAGE YARD setback applied to the principal BUILDING shall apply to the DECK.

3.D.2.4 The SIDE YARD setback applied to the principal BUILDING shall apply to the DECK.

3.D.2.5 DECKS shall be permitted to extend into the REAR YARD setback by a maximum three metres (3.0m), excluding stairs.

3.D.2.6 Notwithstanding anything to the contrary, DECKS are prohibited within four metres (4m) of the REAR LOT LINE.

3.D.2.7 The area directly beneath the DECK may be enclosed, but shall not contain HABITABLE FLOOR SPACE.

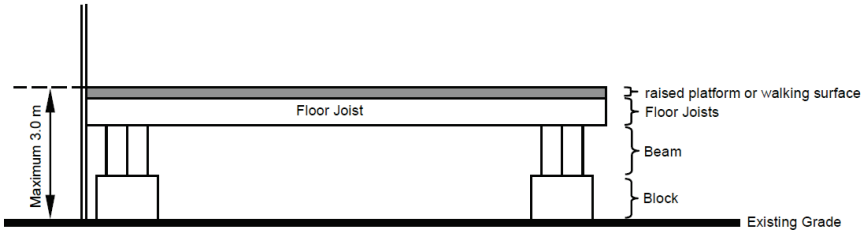
3.D.2.8 a.) Notwithstanding anything to the contrary, the top of the raised platform (the walking surface) of a DECK shall not exceed the height of the floor of the upper STOREY of the DWELLING,
b.) Notwithstanding section 3.D.2.8.a.), for the portion of a DECK extending into the REAR YARD setback pursuant to 3.D.2.5., the top of the raised platform (the walking surface) of a DECK shall be a maximum three metres (3.0m) above GRADE, measured at any point around the perimeter of that portion of the DECK extending into the REAR YARD setback pursuant to 3D.2.5.

3.D.2.9 A roof shall be permitted above a DECK provided that the roof complies with the same setbacks applicable to the principal BUILDING on the LOT.

3.D.2.10 Notwithstanding anything to the contrary, the area of a DECK that is roofed pursuant to 3.D.2.9. shall be included in LOT COVERAGE calculations.

3.D.2.11 Notwithstanding anything to the contrary, DECKS shall be excluded from IMPERVIOUS AREA calculations provided that:

a.) the DECK is constructed with at least three millimetre (3mm) spaces between each DECK board;
b.) the DECK boards do not exceed zero-point-three metres (0.30m) in width;
c.) the DECK is not roofed;
d.) no impervious materials are stored or installed beneath the DECK; and,
e.) the ground surface beneath the DECK is pervious.



3.D.3 DONATION BOX

3.D.3.1 A DONATION BOX shall be permitted in:

- all Commercial Zones specified in Section 8 of this BY-LAW
- all Employment Zones specified in Section 9 of this BY-LAW
- all Institutional Zones specified in Section 10 of this BY-LAW
- all Academic Zones specified in Section 11 of this BY-LAW

3.D.3.2 A DONATION BOX shall be deemed to be a BUILDING for the purposes of applying setbacks in this BY-LAW.

3.D.3.3 A DONATION BOX shall not be placed on a required PARKING SPACE, drive aisle, LANDSCAPED OPEN SPACE, LANDSCAPED BUFFER, or DAYLIGHT TRIANGLE.

3.D.4 DRIVE-THROUGH FACILITIES

3.D.4.1 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall only be permitted where the zoning applied to the LOT expressly permits the USE.

3.D.4.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH that contains an intercom order station within one hundred metres (100m) of:

- a DWELLING UNIT
- a SENSITIVE USE
- a LOT LINE of a Residential Zone specified in Section 7 of this BY-LAW

that exceeds the maximum noise level specified by the Province's NPC-300 publication shall be prohibited.

3.D.5 DUAL ZONING

3.D.5.1 Notwithstanding anything to the contrary in this BY-LAW, where two (2) or more zones are applied to the same LOT or any part of a LOT:

a.) Where the LOT is developed with a single USE:

i. Where the USE is permitted in only one of the zones, the regulations of that zone shall apply.

ii. Where the USE is permitted in more than one zone, the most restrictive regulations applicable to the USE as prescribed in the zones shall apply.

b.) Where the LOT is developed with multiple USES, the regulations specific to each USE shall apply to the related USE, provided further that:

i. Where the USE is permitted in only one of the zones, the regulations of that zone shall apply.

ii. Where the USE is permitted in more than one zone, the most restrictive regulations applicable to the USE as prescribed in the zones shall apply.

E

3.E.1 EDUCATIONAL INSTITUTION

3.E.1.1 An EDUCATIONAL INSTITUTION may include an ancillary residence devoted solely to the EDUCATIONAL INSTITUTION.

3.E.1.2 An EDUCATIONAL INSTITUTION may include an ancillary RESTAURANT (including TAKE-OUT RESTAURANT) or CAFE provided that the floor area devoted to the RESTAURANT or CAFE does not exceed ten percent (10%) of the BUILDING FLOOR AREA of the EDUCATIONAL INSTITUTION.

3.E.2 ELECTRONIC GAMING CENTRE

3.E.2.1 A maximum of ten percent (10%) of the BUILDING FLOOR AREA of an ELECTRONIC GAMING CENTRE may be used for the display and retailing of products related to the gaming activity.

3.E.2.2 A maximum of twenty-five percent (25%) of the BUILDING FLOOR AREA of an ELECTRONIC GAMING CENTRE may be used for food services, being any combination of the preparation, serving, sale and consumption of food and beverages on the premises.

3.E.3 EASEMENTS-MAXIMUM SETBACKS

3.E.3.1 Notwithstanding anything to the contrary, a maximum BUILDING setback in this BY-LAW shall be automatically increased as necessary to recognize an existing easement(s) granted to one or more of the following:

- Municipality
- Province of Ontario
- Federal Government of Canada
- Enova Power Corporation or similar electricity provider
- Enbridge Gas Inc. or similar natural gas provider

3.E.3.2 Notwithstanding anything to the contrary, a maximum STREET LINE setback in this BY-LAW shall be automatically increased as necessary to recognize easements required for essential infrastructure, utilities, generation facilities, and distribution and transmission facilities by:

- Municipality
- Province of Ontario
- Federal Government of Canada
- Enova Power Corporation or similar electricity provider
- Enbridge Gas Inc. or similar natural gas provider

F

3.F.1 FLOODPLAIN ZONING

3.F.1.1 Where the floodplain symbol prefix "(F)" on Schedule 'A3' is applied to a LOT, the lands or part thereof are classified as floodplain (which includes the watercourse), and no PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration, without a PERMIT or written consent from the Grand River Conservation Authority.

3.F.1.2 Where the floodplain symbol prefix "(F)" on Schedule 'A3' is applied to a LOT, the following additional regulations shall apply to:

- the erection, alteration, enlargement, reconstruction, or use of any BUILDING or STRUCTURE in whole or in part;
- any increase in density;
- the use of land in whole or in part;
- any site alteration of land, including changes to the elevation of land,

after the effective date of this BY-LAW:

a.) the following regulations shall apply to lands identified as **One Zone Policy Area** or **Candidate Two Zone Policy Area** on Image 1 to section 3.F.1:

i.) No PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration, within a **One Zone Policy Area** or **Candidate Two Zone Policy Area** except in accordance with sections 3.F.1.2.a.).ii.) and 3.F.1.2.a.).iii.).

ii.) Notwithstanding section 3.F.1.2.a.).i.), the following uses shall be permitted within a **One Zone Policy Area** or **Candidate Two Zone Policy Area** provided a PERMIT or written consent is obtained from the Grand River Conservation Authority:

- flood or erosion control works
- water supply and wastewater management facilities
- stormwater management or control works
- Conservation Areas
- open space lands for passive recreation
- LANDSCAPED BUFFER

iii.) Notwithstanding anything to the contrary, additions and alterations to EXISTING facilities, EXISTING BUILDINGS and EXISTING STRUCTURES shall be permitted within a **One Zone Policy Area** or **Candidate Two Zone Policy Area** provided:

A.) a PERMIT or written consent is obtained from the Grand River Conservation Authority;

B.) the addition or alteration shall not increase the number of DWELLING UNITS on the LOT; and

C.) All BUILDINGS and STRUCTURES shall be FLOODPROOFED to the elevation of the REGULATORY FLOOD, unless otherwise authorized by the Grand River Conservation Authority.

NOTE: Additions and alterations to EXISTING facilities, EXISTING BUILDINGS and EXISTING STRUCTURES within a One Zone Policy Area or Candidate Two Zone Policy Area should generally: (a.) exclude habitable floor space below the regulatory flood elevation; (b.) exclude non-habitable floor space below the elevation of existing non-habitable floor space; (c.) exclude openings, windows and doors below the regulatory flood elevation; and (d.) locate building services, such as mechanical and electrical services, above the regulatory flood elevation.

b.) the following regulations shall apply to lands identified as **Two Zone Floodway** on Image 1 to section 3.F.1:

i.) No PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration, within a **Two Zone Floodway** except in accordance with sections 3.F.1.2.b.).ii.) and 3.F.1.2.b.).iii.).

ii.) Notwithstanding section 3.F.1.2.b.).i.), the following uses shall be permitted within a **Two Zone Floodway** provided a PERMIT or written consent is obtained from the Grand River Conservation Authority:

- flood or erosion control works
- water supply and wastewater management facilities
- stormwater management or control works
- Conservation Areas
- open space lands for passive recreation
- LANDSCAPED BUFFER

iii.) Notwithstanding section 3.F.1.2.b.).i.), no PERSON shall alter, enlarge, reconstruct or use an EXISTING BUILDING or EXISTING STRUCTURE unless a PERMIT or written consent is obtained from the Grand River Conservation Authority.

NOTE: As specified in the City's Official Plan, only minor alterations are typically considered under iii.) above.

c.) the following regulations shall apply to lands identified as **Two Zone Flood Fringe** on Image 1 to section 3.F.1:

i.) No PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration, within a **Two Zone Flood Fringe** unless a PERMIT or written consent is obtained from the Grand River Conservation Authority.

ii.) In addition to the USES permitted in the zoning applied to the LOT, the following additional uses shall be permitted provided a PERMIT or written consent is obtained from the Grand River Conservation Authority:

- flood or erosion control works
- water supply and wastewater management facilities
- stormwater management or control works
- Conservation Areas
- open space lands for passive recreation
- LANDSCAPED BUFFER

iii.) Notwithstanding anything to the contrary, within the **Two Zone Flood Fringe**, the conversion of non-residential BUILDING FLOOR AREA to a residential use such as a DWELLING UNIT shall not be permitted below the elevation of the REGULATORY FLOOD. Permitted conversions shall require a PERMIT or written consent from the Grand River Conservation Authority.

iv.) Within the **Two Zone Flood Fringe**, septic systems shall not be permitted.

v.) Notwithstanding section 3.F.1.2.c.).iv.), EXISTING septic systems shall be permitted and may be replaced provided a PERMIT or written consent is obtained from the Grand River Conservation Authority.

vi.) Notwithstanding anything to the contrary, within the **Two Zone Flood Fringe**, no PERSON shall alter and enlarge an EXISTING BUILDING or EXISTING STRUCTURE unless a PERMIT or written consent is obtained from the Grand River Conservation Authority.

vii.) Notwithstanding anything to the contrary, within the **Two Zone Flood Fringe**, the following regulations shall apply to the erection or reconstruction of a BUILDING or STRUCTURE in whole or in part undertaken after the effective date of this BY-LAW:

A.) All BUILDINGS and STRUCTURES shall be FLOODPROOFED to the elevation of the REGULATORY FLOOD, unless otherwise authorized by the Grand River Conservation Authority.

B.) HABITABLE FLOOR SPACE shall be located above the elevation of the REGULATORY FLOOD.

C.) BASEMENTS located below the elevation of the REGULATORY FLOOD shall be restricted to common AMENITY AREA and or parking.

D.) BUILDING and STRUCTURE services (such as mechanical and electrical services) shall be located above the elevation of the REGULATORY FLOOD.

E.) All USES shall be prohibited unless SAFE ACCESS is provided to the BUILDING or STRUCTURE as determined by the Grand River Conservation Authority.

F.) The following uses shall not be permitted:
- ASSISTED LIVING FACILITY
- LONG TERM CARE FACILITY
- CHILD CARE CENTRE
- HOME CHILD CARE
- INSTITUTION where an individual sleeps or is present on a full-time basis
- MEDICAL CLINIC where an individual sleeps or is present on a full-time basis
- Private Hospital
- Public Hospital
- SCHOOL
- Emergency Services, meaning Police Stations, Fire Stations, and Ambulance Stations
- Permanent and temporary manufacturing, production, treatment, disposal, warehousing, and storage facilities for HAZARDOUS SUBSTANCES and or CONTAMINANTS
- Utility / Public Works Yards
- Utility / Electrical Stations / Substations

G.) STRUCTURED PARKING shall be permitted provided the lowest level of the STRUCTURED PARKING is entirely or partially above GRADE and not enclosed.

d.) the following regulations shall apply to lands identified as **Laurel/Clair Special Policy Area** on Image 1 to section 3.F.1:

Laurel/Clair Special Policy Area - Floodway

i.) No PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration, within the **floodway** of the Laurel/Clair Special Policy Area as illustrated on Image 1 to section 3.F.1.

ii.) Notwithstanding section 3.F.1.2.d.).i.), the following uses shall be permitted within the **floodway** of the Laurel/Clair Special Policy Area provided a PERMIT or written consent is obtained from the Grand River Conservation Authority:
- flood or erosion control works
- water supply and wastewater management facilities
- stormwater management or control works
- Conservation Areas
- open space lands for passive recreation
- LANDSCAPED BUFFER
- PARKING FACILITY that is entirely above GRADE and located between the Erb Street West / Caroline Street intersection and the Erb Street East / Peppler Street intersection
- additions and alterations to EXISTING facilities, EXISTING BUILDINGS and EXISTING STRUCTURES that improve the flow characteristics of the floodway or shall not change the flow characteristics of the floodway, provided the

addition or alteration is FLOODPROOFED to the elevation of the REGULATORY FLOOD unless otherwise authorized by the Grand River Conservation Authority

iii.) Notwithstanding section 3.F.1.2.d.).ii.), no PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration, within the **floodway** of the Laurel/Clair Special Policy Area located between Weber Street North and University Avenue East, except:

A.) The CITY may erect a Fire Training Facility within the **floodway** of the Laurel/Clair Special Policy Area located between Weber Street North and University Avenue East, provided a PERMIT or written consent is obtained from the Grand River Conservation Authority.

iv.) Notwithstanding anything to the contrary, on CITY lands to the north of Silver Lake, BUILDINGS and STRUCTURES may be erected, altered, enlarged, reconstructed, and used within the **floodway** of Silver Lake, provided a PERMIT or written consent is obtained from the Grand River Conservation Authority.

NOTE: Works on City lands to the north of Silver Lake should improve or not negatively affect the floodway or flow characteristics of Laurel Creek or Silver Lake.

Laurel/Clair Special Policy Area – Flood Fringe

v.) No PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration (including grading and placement of fill), within the **flood fringe** of the Laurel/Clair Special Policy Area without a PERMIT or written consent from the Grand River Conservation Authority. The **flood fringe** of the Laurel/Clair Special Policy Area means the outer portion of the floodplain between the Special Policy Area Floodway and the limit of the Special Policy Area as illustrated on Image 1 to section 3.F.1.

vi.) Within the **flood fringe** of the Laurel/Clair Special Policy Area, no PERSON shall increase the number of DWELLING UNITS on the LOT without a PERMIT or written consent from the Grand River Conservation Authority.

vii.) Notwithstanding anything to the contrary, within the **flood fringe** of the Laurel/Clair Special Policy Area, the conversion of non-residential BUILDING FLOOR AREA to a residential use such as a DWELLING UNIT shall not be permitted below the elevation of the REGULATORY FLOOD. Permitted conversions shall require a PERMIT or written consent from the Grand River Conservation Authority.

viiii.) Notwithstanding anything to the contrary, within the **flood fringe** of the Laurel/Clair Special Policy Area, no PERSON shall alter and enlarge an EXISTING

BUILDING or EXISTING STRUCTURE unless a PERMIT or written consent is obtained from the Grand River Conservation Authority.

ix.) Notwithstanding anything to the contrary, within the **flood fringe** of the Laurel/Clair Special Policy Area, the following regulations shall apply to the erection and reconstruction of any BUILDING or STRUCTURE in whole or in part undertaken after the effective date of this BY-LAW:

A.) All BUILDINGS and STRUCTURES shall be FLOODPROOFED to the elevation of the REGULATORY FLOOD, unless otherwise authorized by the Grand River Conservation Authority.

B.) HABITABLE FLOOR SPACE shall be located above the elevation of the REGULATORY FLOOD.

C.) BUILDING and STRUCTURE services (such as mechanical and electrical services) shall be located above the elevation of the REGULATORY FLOOD.

D.) BASEMENTS located below the elevation of the REGULATORY FLOOD shall be restricted to common AMENITY AREA and or parking.

E.) The following USES shall be prohibited unless SAFE ACCESS is provided to the BUILDING or STRUCTURE as determined by the Grand River Conservation Authority:
- residential uses, including DWELLING UNITS
- HOTEL, provided further that all hotel rooms where individuals sleep shall be located above the elevation of the REGULATORY FLOOD

F.) The following uses shall not be permitted:
- ASSISTED LIVING FACILITY
- LONG TERM CARE FACILITY
- CHILD CARE CENTRE
- HOME CHILD CARE
- INSTITUTION where an individual sleeps or is present on a full-time basis
- MEDICAL CLINIC where an individual sleeps or is present on a full-time basis
- Private Hospital
- Public Hospital
- SCHOOL
- Emergency Services, meaning Police Stations, Fire Stations, and Ambulance Stations
- Permanent and temporary manufacturing, production, treatment, disposal, warehousing, and storage facilities for HAZARDOUS SUBSTANCES and or CONTAMINANTS
- Utility / Public Works Yards
- Utility / Electrical Stations / Substations

G.) STRUCTURED PARKING, including UNDERGROUND PARKING, shall be permitted within the **flood fringe** of the Laurel/Clair Special Policy Area

provided: (a.) all openings are located at or above the elevation of the REGULATORY FLOOD; (b.) STRUCTURED PARKING entirely or partially below GRADE shall be designed for controlled seepage and filling by flood waters; (c.) STRUCTURED PARKING entirely or partially below GRADE shall be designed with facilities to remove flood waters, such as pumps; (d.) services, such as mechanical and electrical services, shall be located above the elevation of the REGULATORY FLOOD; and (e.) a PERMIT or written consent is obtained from the Grand River Conservation Authority. Openings shall include an entrance to UNDERGROUND PARKING.

ix.) Notwithstanding anything to the contrary, within the **flood fringe** of the Laurel/Clair Special Policy Area, in addition to the USES permitted in the zoning applied to the LOT, the following additional uses shall be permitted provided a PERMIT or written consent is obtained from the Grand River Conservation Authority:

- flood or erosion control works
- water supply and wastewater management facilities
- stormwater management or control works
- Conservation Areas
- open space lands for passive recreation
- LANDSCAPED BUFFER

x.) Notwithstanding anything to the contrary, on CITY lands to the north of Silver Lake, BUILDINGS and STRUCTURES may be erected, altered, enlarged, reconstructed, and used within the **flood fringe** of Silver Lake, provided a PERMIT or written consent is obtained from the Grand River Conservation Authority.

NOTE: Works on City lands to the north of Silver Lake should improve or not negatively affect the floodway or flow characteristics of Laurel Creek or Silver Lake.

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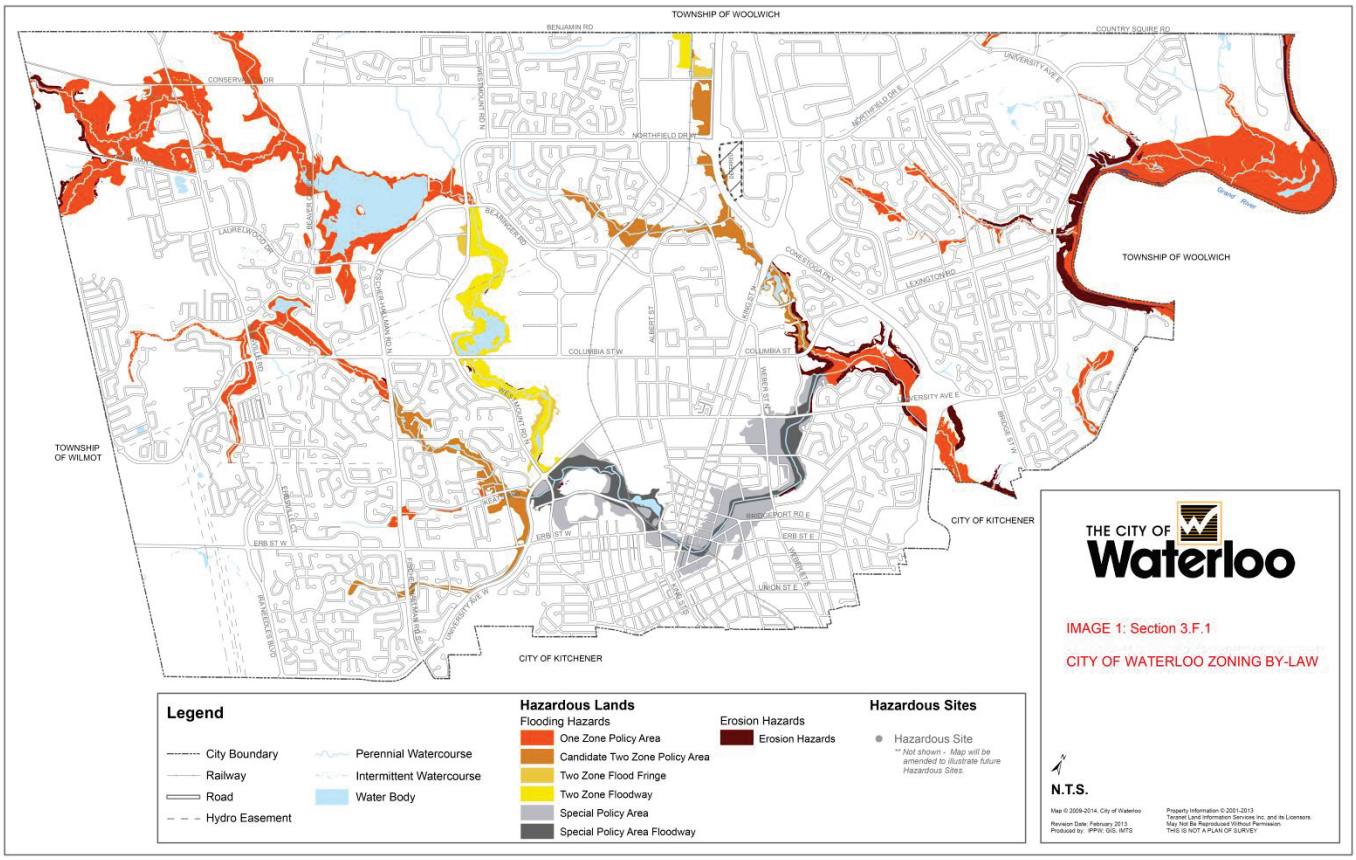
Image 1 – Section 3.F.1



NOTE: For more detailed information regarding Image 1 above, please see OFFICIAL PLAN Schedule 'A5' (Natural Hazards) or contact the Grand River Conservation Authority.

3.F.2 FRONTAGE ON PUBLIC STREET

3.F.2.1 No LOT shall be used in whole or in part, nor shall any BUILDING or STRUCTURE be erected thereon or used for any purpose in any zone unless the LOT abuts a STREET. For the purposes of this regulation, a STREET excludes a LANE.

G

3.G.1 GAS STATION SERVICE PUMPS AND STORAGE TANKS

3.G.1.1 AUTOMOBILE GAS STATION fuel service pumps shall be set back a minimum six metres (6m) from the STREET LINE.

3.G.1.2 AUTOMOBILE GAS STATION fuel storage tanks shall be set back a minimum four-point-five metres (4.5m) from any LOT LINE.

3.G.1.3 Notwithstanding anything to the contrary, for an AUTOMOBILE GAS STATION, the maximum width of the DRIVEWAY shall be 9 metres, measured at the STREET LINE.

3.G.2 GROUP HOMES

3.G.2.1 A GROUP HOME shall be limited to and shall occupy the whole of a residential BUILDING on a LOT.

3.G.2.2 No person shall operate a GROUP HOME, or permit a GROUP HOME to be operated, unless a Zoning Certificate pursuant to Section 34(6) of the PLANNING ACT is obtained from the CITY authorizing the GROUP HOME in accordance with applicable law including this BY-LAW.

3.G.3 GUEST SUITES

3.G.3.1 Notwithstanding anything to the contrary, a GUEST SUITE shall be deemed to be a DWELLING UNIT for the purposes of this BY-LAW.

3.G.3.2 Notwithstanding anything to the contrary, a GUEST SUITE shall not be used as a commercial operation, including but not restricted to SHORT-TERM RENTAL HOUSING.

3.G.3.3 GUEST SUITES shall be permitted in a:

- APARTMENT BUILDING
- ASSISTED LIVING FACILITIES
- LONG TERM CARE FACILITIES
- MIXED-USE BUILDING
- MULTI-UNIT RESIDENTIAL BUILDING
- STACKED TOWNHOUSE BUILDING

H

3.H.1 HOLDING SYMBOLS

3.H.1.1 Where a holding symbol prefix "(H)" is applied to a zone governed by this BY-LAW, no PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, until the prefix "(H)" is removed by amendment to this BY-LAW, except:

a.) for any interim use specified in the by-law that established the holding symbol;

b.) for any use existing on the LOT on the date of the passing of the by-law that established the holding symbol.

3.H.1.2 Where a holding symbol prefix "(HL)" is applied to a zone governed by this BY-LAW, the associated lands are a classified landfill, and no PERSON shall erect, alter, enlarge, or reconstruct any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor subdivide any land in whole or in part, until the prefix "(HL)" is removed by amendment to this BY-LAW.

The holding provision as it applies to the LOT shall not be removed or modified until the CITY receives verification from the REGION and or the Province of Ontario that the owner has completed a Record of Site Condition.

3.H.2 HOME CHILD CARE

3.H.2.1 HOME CHILD CARE shall be permitted in a lawful DWELLING UNIT provided that:

a.) The caregiver shall reside in the DWELLING UNIT associated with the HOME CHILD CARE.

b.) A maximum of one (1) HOME CHILD CARE business shall be permitted in a DWELLING UNIT.

3.H.3 HOME OCCUPATIONS

3.H.3.1 The following HOME OCCUPATIONS shall be permitted within all DWELLING UNITS:

- HOME OFFICE which may include INDIRECT SALES
- CLASS A ARTIST STUDIO, excluding the display and retail of items made by the artist or craftsperson on the premises

3.H.3.2 The following additional HOME OCCUPATIONS shall be permitted in a SINGLE DETACHED BUILDING, SEMI-DETACHED BUILDING, DUPLEX BUILDING, TRIPLEX BUILDING, FREEHOLD TOWNHOUSE BUILDING, TOWNHOUSE BUILDING, MAISONETTE BUILDING, and STACKED TOWNHOUSE BUILDING:

- HOME CHILD CARE in accordance with section 3.H.2.1
- HOME COMMERCIAL WELLNESS
- HOME HEALTH PRACTITIONER
- HOME LOW RISK FOOD KITCHEN
- HOME PERSONAL SERVICE
- TEACHER

3.H.3.3 Notwithstanding anything to the contrary, for HOME OCCUPATIONS permitted in section 3.H.3.2, a maximum of one (1) employee shall be permitted in addition to the Operator of the HOME OCCUPATION.

3.H.3.4 The following regulations shall apply to all HOME OCCUPATIONS:

a.) The maximum number of HOME OCCUPATIONS per DWELLING UNIT shall be two (2), except:

i.) For HOME HEALTH PRACTITIONER, the maximum number of HOME OCCUPATIONS per DWELLING UNIT shall be one (1).

ii.) For HOME PERSONAL SERVICE, the maximum number of HOME OCCUPATIONS per DWELLING UNIT shall be one (1).

iii.) For HOME COMMERCIAL WELLNESS, the maximum number of HOME OCCUPATIONS per DWELLING UNIT shall be one (1).

iv.) For LOW RISK FOOD KITCHEN, the maximum number of HOME OCCUPATIONS per DWELLING UNIT shall be one (1).

b.) Each HOME OCCUPATION shall be conducted by a maximum of one (1) person, herein the “Operator” and owner of the HOME OCCUPATION, with or without the employee permitted in section 3.H.3.3.

c.) The Operator of the HOME OCCUPATION shall reside within the DWELLING UNIT associated with the HOME OCCUPATION.

d.) The HOME OCCUPATION shall not change the external character of the BUILDING or the DWELLING UNIT as a private residence.

e.) HOME OCCUPATION(S) shall not occupy more than twenty five percent (25%) of the BUILDING FLOOR AREA of the DWELLING UNIT.

f.) Required PARKING SPACES may be located in front of the BUILDING LINE within the DRIVEWAY as TANDEM PARKING.

g.) There shall be no external storage of goods or materials.

h.) No more than two (2) clients or customers shall be serviced at any one time.

i.) Notwithstanding anything to the contrary, the following uses shall be prohibited as a HOME OCCUPATION:
   i. the repair and service of motor vehicles and or internal combustion engines
   ii. BODY-RUB PARLOUR
   iii. ADULT ENTERTAINMENT PARLOUR
   iv. manufacturing, production and or the sale or servicing of:
      - explosives, including fireworks
      - fuels, including propane
      - firearms
      - any CONTAMINANT
      - any HAZARDOUS SUBSTANCE

j.) Notwithstanding anything to the contrary, for a HOME LOW RISK FOOD KITCHEN, no client or customer shall pick-up/take possession of LOW RISK FOOD from the premises containing the HOME LOW RISK FOOD KITCHEN or the surrounding HIGHWAY(S).

NOTE: Prior to the establishment of a HOME OCCUPATION, the Operator shall obtain a Business License from the CITY for the HOME OCCUPATION.

3.H.4 HOSPICE

3.H.4.1 Notwithstanding anything to the contrary, a Hospice is permitted on any LOT where an:
- ASSISTED LIVING FACILITY
- INSTITUTION
- LONG TERM CARE FACILITY

is permitted in this BY-LAW.

3.H.5 HYDRO SERVICES – MAXIMUM SETBACKS

3.H.5.1 Notwithstanding anything to the contrary, a maximum BUILDING setback in this BY-LAW may be increased to permit the installation of underground and or overhead hydro services/infrastructure and related appurtenances.

3.H.5.2 Notwithstanding anything to the contrary, a maximum STREET LINE setback in this BY-LAW may be increased to permit the installation of underground and or overhead hydro services/infrastructure and related appurtenances.

I

3.I.1 IMPERVIOUS COVERAGE

3.I.1.1 The maximum IMPERVIOUS AREA permitted on any LOT shall be determined by a numerical prefix shown on the zoning map attached as Schedule "A" to this BY-LAW. The numerical prefix represents the maximum percentage of IMPERVIOUS AREA permitted on the LOT.

3.I.1.2 If a numerical prefix is absent, no IMPERVIOUS AREA regulation shall apply to the LOT.

3.I.1.3 If a numerical prefix contains a backslash:

a.) The number to the left of the backslash shall be the maximum IMPERVIOUS AREA excluding ACCESSORY BUILDINGS and ACCESSORY STRUCTURES on the LOT.

b.) The number to the right of the backslash shall be the maximum IMPERVIOUS AREA for all ACCESSORY BUILDINGS and ACCESSORY STRUCTURES on the LOT.

3.I.2 INCLUSIONARY ZONING

a) The Inclusionary Zoning regulations in section 3.I.2 shall apply to DEVELOPMENT containing residential uses in the following MAJOR TRANSIT STATION AREAS identified on Schedule 'A2' of this BY-LAW:

- Conestoga
- North field
- Research & Technology Park
- University of Waterloo
- Laurier-Waterloo Park
- Waterloo Public Square
- Willis way
- Allen

b) Notwithstanding anything to the contrary, the Inclusionary Zoning regulations 3.I.2 a) and 3.I.2 c) to i) inclusive shall not apply to:

i) EXISTING BUILDINGS except where any addition, extension, alteration or change in use results in fifty (50) or more new DWELLING UNITS, net of any rental replacement DWELLING UNIT required under an applicable Rental Replacement By-law;

ii) DEVELOPMENT that would add fewer than fifty (50) new DWELLING UNITS to a LOT, net of any rental replacement DWELLING UNIT required under an applicable Rental Replacement By-law;

iii) DEVELOPMENT where a NON-PROFIT HOUSING PROVIDER has an interest that is greater than 51 per cent;

iv) DEVELOPMENT that, on or before the day the by-law establishing Section 3.I.2 in this BY-LAW was passed, had made a COMPLETE APPLICATION for:

a. a plan of subdivision under Section 51 of the PLANNING ACT;

b. a description or an amendment to a description under Section 9 of the CONDOMINIUM ACT.

c. a building permit; and/or

d. a site plan under Section 41 of the PLANNING ACT;

v) DEVELOPMENT that is exempt in accordance with the PLANNING ACT and associated regulations;

vi) ASSISTED LIVING FACILITY

vii) GROUP HOME;

viii) HOSPICE; and,

ix) LONG TERM CARE FACILITY;

x) LODGING HOUSE;

xi) A student residence owned and/or operated by a UNIVERSITY / COLLEGE.

c) Commencing on an undetermined date in the future, on a LOT that is located within a MAJOR TRANSIT STATION AREA as identified on Schedule 'A2' of this BY-LAW, a percentage of GROSS LEASABLE RESIDENTIAL FLOOR AREA shall be set aside for AFFORDABLE DWELLING UNITS in accordance with Table 3C-2, net of any rental replacement DWELLING UNIT required under an applicable Rental Replacement By-law.

Table 3C-2: Inclusionary Zoning Set Aside Requirements

Market Area	MAJOR TRANSIT STATION AREA	Minimum Percentage of GROSS LEASABLE RESIDENTIAL FLOOR AREA AREA to be provided for AFFORDABLE DWELLING UNITS
Prime	• University of waterloo • Laurier-Waterloo park • Waterloo public square • Willis way • Allen	2%
Established	• Conestoga • Research & Technology Park • Northfield	1%
Emerging		0%

d) Notwithstanding Policy 3.I.2 c), any lands located within a MAJOR TRANSIT STATION AREA that are zoned:

- E1-Business Employment One (E1)Zone

- E2-Business Employment Two (E2) Zone
- E3-Flexible Industrial (E3) Zone
- E2A-Station Area Business Employment Two (E2A) Zone
- E2B-Station Area Business Employment Two (E2B) Zone

as of the date of the passing of the by-law establishing Section 3.I.2 in this BY-LAW (date), shall be subject to the Inclusionary Zoning set aside rate within the Prime Market Area in Table 3C-2 as amended if residential uses are permitted on such lands by amendment to this BY-LAW.

e) The maximum rent that shall be charged for Inclusionary Zoning AFFORDABLE DWELLING UNITS will be determined annually by the CITY by by-law, in consultation with the REGION, and according to the following procedure:

i) within BUILDINGS that are not PURPOSE-BUILT RENTAL HOUSING, the lesser of the average market rent for the REGIONAL MARKET AREA according to the number of bedrooms, or 30% of the 60th percentile household income for renter households for the REGIONAL MARKET AREA.

ii) within PURPOSE-BUILT RENTAL HOUSING, the greater of the figure calculated in accordance with Section 3.I.2e) i) above, or 30% of median renter household income for the REGIONAL MARKET AREA, as published from time to time by the Canada Mortgage and Housing Corporation.

f) ELIGIBLE TENANT(s) of Inclusionary zoning AFFORDABLE DWELLING UNITS shall be individuals pre-approved by the CITY or its designate, and who have a total maximum household income from all sources of all persons who reside / will reside in said unit of 3.5 times the unit's rent at the time the ELIGIBLE TENANT(s) occupies the Inclusionary Zoning AFFORDABLE DWELLING UNIT.

g) Inclusionary Zoning AFFORDABLE DWELLING UNITS shall be similar to market units in the DEVELOPMENT in terms of mix, type and size.

NOTE: Section 3.1.2(g) will be secured by one or more legal agreements with the CITY, pursuant to the OFFICIAL PLAN and the PLANNING ACT, and/or the REGION, and/or an owner of offsite Inclusionary Zoning AFFORDABLE DWELLING UNITS. The form and content of such legal agreements shall be to the satisfaction of the City Solicitor, and such agreements will be registered on title to the applicable lands.

h) Inclusionary Zoning AFFORDABLE DWELLING UNITS shall be provided for a minimum of 25 continuous years, commencing on the date that the Inclusionary Zoning AFFORDABLE DWELLING UNIT is first occupied by an ELIGIBLE TENANT.

i) Inclusionary Zoning AFFORDABLE DWELLING UNITS shall be provided in the DEVELOPMENT or offsite in a separate newly constructed BUILDING within a MAJOR TRANSIT STATION AREA in the CITY.

J

K

L

3.L.1 LAUREL CREEK

3.L.1.1 No PERSON shall erect, alter, enlarge, or use any BUILDING or STRUCTURE in whole or in part within thirty metres (30m) of the centre line of Laurel Creek downstream from Marshall Street and upstream from University Avenue East.

3.L.2 LODGING HOUSES

3.L.2.1 Notwithstanding anything to the contrary, a LODGING HOUSE shall occupy the whole of a BUILDING.

3.L.2.2 The following regulations shall apply to a LODGING HOUSE:

c.) There shall be a minimum LOT AREA of three hundred and sixty square metres (360 sq. m.) plus fifty square metres (50 sq. m.) for each occupant of a LODGING UNIT.

d.) There shall be a minimum STREET LINE setback of six metres (6.0m).

e.) There shall be a minimum SIDE YARD of one-point-eight metres (1.8m) on both sides of the LOT. Where parking is provided in the SIDE YARD or REAR YARD, one (1) SIDE YARD shall have a minimum width of three metres (3m).

f.) There shall be a minimum REAR YARD setback of seven-point-five metres (7.5m).

g.) There shall be a maximum BUILDING HEIGHT of ten metres (10m).

h.) There shall be a minimum of one (1) PARKING SPACE for every two LODGING UNIT occupants plus one (1) PARKING SPACE for the proprietor if the proprietor resides within the LODGING HOUSE.

i.) A minimum twenty percent (20%) of the LOT AREA shall be LANDSCAPED OPEN SPACE.

3.L.2.3 Notwithstanding anything to the contrary, a LODGING HOUSE that lawfully and actually existed on the date of the passing of this BY-LAW shall be permitted under this BY-LAW provided further that:

a.) the LODGING HOUSE continues without interruption;

b.) the LODGING HOUSE occupies the whole of the BUILDING;

c.) the BUILDING is not expanded or enlarged; and,

d.) the regulations applied to the original BUILDING shall apply to the LODGING HOUSE.

3.L.3 LODGING ROOM

3.L.3.1 For the purpose of calculating density, a LODGING ROOM shall be considered a BEDROOM.

3.L.4 LOT AREA – REDUCTIONS PROHIBITED

3.L.4.1 No LOT AREA shall be so diminished that the YARDS or other required open spaces shall be smaller than prescribed in this BY-LAW. For any part of a LOT which is required under this BY-LAW to be reserved as a YARD or other required open space, it:

a.) shall continue to be so used regardless of changes in ownership of the lands or part thereof;

b.) shall be deemed not to form part of an adjacent LOT for the purpose of calculating the area thereof available for building purposes.

3.L.5 LOT DEVELOPMENT

3.L.5.1 BUILDINGS and STRUCTURES shall be erected entirely within the limits of a LOT.

3.L.5.2 USES shall be contained entirely within the limits of a LOT, unless otherwise expressly stated in this BY-LAW.

3.L.6 LOW RISE RESIDENTIAL AREA - LANDSCAPED BUFFER

3.L.6.1 A LANDSCAPED BUFFER shall abut a LOW RISE RESIDENTIAL LOT LINE.

3.L.6.2 The minimum width of the LANDSCAPED BUFFER shall be an average three metres (3m), with no point less than one-point-five metres (1.5m).

3.L.6.3 The LANDSCAPED BUFFER shall contain plant material that forms a visual buffer, with a minimum height of one-point-five metres (1.5m).

M

3.M.1 MEDICAL CLINIC – PHARMACEUTICAL DISPENSARY

3.M.1.1 Notwithstanding anything to the contrary, a MEDICAL CLINIC may contain an ancillary PHARMACEUTICAL DISPENSARY to a maximum twenty-five percent (25%) of the BUILDING FLOOR AREA of the MEDICAL CLINIC or 465 square metres, whichever is less.

3.M.2 METAL CONTAINERS

3.M.2.1 A METAL CONTAINER shall not be used for human habitation.

3.M.2.2 A METAL CONTAINER shall not be placed on a required PARKING SPACE, drive aisle, LANDSCAPED OPEN SPACE, LANDSCAPED BUFFER, or DAYLIGHT TRIANGLE. This regulation shall not apply to a METAL CONTAINER on a DRIVEWAY of a residential LOT used for the purpose of loading and unloading household items during the process of moving.

3.M.2.3 A METAL CONTAINER on a LOT shall be setback a minimum five metres (5m) from the STREET LINE. This regulation shall not apply to a METAL CONTAINER on a residential LOT used for the purpose of loading and unloading household items during the process of moving.

3.M.2.4 A METAL CONTAINER on a LOT shall be setback a minimum zero-point-six metres (0.6m) from an INTERIOR LOT LINE.

3.M.2.5 METAL CONTAINERS shall only be permitted in accordance with the following:

a.) METAL CONTAINERS used for temporary storage shall be permitted in the following zone categories:

- C5 - Corridor Commercial, for a period of time not exceeding 30 consecutive days.
- E3 - Flexible Industrial, for a period of time not exceeding 180 consecutive days.

Notwithstanding anything to the contrary, METAL CONTAINERS located on a LOT zone Flexible Industrial (E3) shall be screened from view from the abutting STREET(S).

b.) One (1) METAL CONTAINER shall be temporarily permitted on a residential LOT for the purpose of loading and unloading household items during the process of moving. Temporary means located on the LOT for a short period of time not exceeding twenty one (21) consecutive days.

c.) METAL CONTAINERS used for temporary storage shall be permitted on a LOT during the erection, alteration, enlargement, or reconstruction of a BUILDING provided that the METAL CONTAINER is removed from the LOT within thirty (30) days of the completion of the building permit.

d.) One (1) METAL CONTAINER may be used as a TEMPORARY CONTRACTOR OFFICE during site servicing provided that the METAL CONTAINER is removed from the LOT within thirty (30) days of the completion of the servicing works, excluding required monitoring and maintenance periods.

e.) One (1) METAL CONTAINER may be used as a TEMPORARY CONTRACTOR OFFICE during demolition, remediation, development, and BUILDING construction provided that the METAL CONTAINER is removed from the LOT within thirty (30) days of the completion of the building permit.

f.) METAL CONTAINERS may be used as a temporary:

i.) pop-up commercial establishment to launch a new product, gauge interest in a business idea or market, or assess a business location before investing in a permanent space;

ii.) TEMPORARY SALES CENTRE;

iii.) community centre, community workshop / studio, MAKERSPACE (CLASS A), or BUSINESS INCUBATOR,

provided further that:

A. The METAL CONTAINERS shall form one (1) BUILDING or STRUCTURE.

B. The commercial use is permitted in the zoning applied to the LOT.

C. Temporary shall mean located on the LOT for a short period of time not exceeding:

a. for a use permitted in section 3.M.2.5.(f.)(i.) a maximum sixty (60) days;
b. for a use permitted in section 3.M.2.5.(f.)(ii.) a maximum thirty (30) days after the completion of the related building permit;
c. for a use permitted in section 3.M.2.5.(f.)(iii.) a maximum seven hundred and thirty (730) days.

D. Prior to the establishment and use of any METAL CONTAINER, the owner shall obtain a Zoning Certificate pursuant to Section 34(6) of the PLANNING ACT from the CITY authorizing such use in accordance with applicable law including the zoning regulations herein.

E. A minimum three (3) PARKING SPACES shall be provided for the METAL CONTAINERS.

F. The METAL CONTAINERS shall be located on the LOT in accordance with a site plan approved by the DIRECTOR.

3.M.2B MEZZANINE

3.M.2B.1 For non-residential USES, the floor area of a MEZZANINE shall be deemed to be BUILDING FLOOR AREA.

3.M.2B.2 If the floor area of a MEZZANINE exceeds forty percent (40%) of the open floor area of the room in which it is located, the MEZZANINE shall be considered a STOREY.

3.M.2B.3 The MEZZANINE shall be open and unobstructed to the room in which such MEZZANINE is located except for safety guards required by the BUILDING CODE and any enclosed space permitted by section 3.M.2B.4.

3.M.2B.4 The floor area of the MEZZANINE is permitted to contain enclosed spaces that collectively shall not exceed ten percent (10%) of the floor area of the room in which the MEZZANINE is located, provided the enclosed spaces do not obstruct the visual connection between the open floor area of the MEZZANINE and the room below.

3.M.2B.5 A MEZZANINE in contravention of section 3.M.2B.4 shall be considered an additional STOREY.

3.M.2B.6 A MEZZANINE shall not be located adjacent to the STREET LINE BUILDING FAÇADE.

3.M.3 MICROBREWERIES

3.M.3.1 Notwithstanding anything to the contrary, MICROBREWERY includes the retailing of beverages produced on the premises for consumption off-site.

3.M.3.2 The maximum BUILDING FLOOR AREA of a MICROBREWERY shall be 2,325 square metres.

3.M.3.3 All emissions and vapours created by the MICROBREWERY shall be wholly contained within the unit or discharged to the municipal sewer.

3.M.4 MODEL HOMES

3.M.4.1 The following regulations shall apply to MODEL HOMES:

a.) MODEL HOMES shall be permitted in a zone which permits a DWELLING UNIT or on a LOT used solely for residential purposes.

b.) MODEL HOMES shall only be permitted in a:
- DETACHED BUILDING
- FREEHOLD TOWNHOUSE BUILDING
- TOWNHOUSE BUILDING

within a:
- approved draft plan of subdivision
- approved draft plan of vacant land condominium

- registered plan of subdivision
- registered plan of vacant land condominium

c.) The MODEL HOME shall be permitted as an interim use of land, and comply with the zoning regulations applicable to the permanent residential BUILDING created when occupancy is granted through a change of use PERMIT under the BUILDING CODE.

d.) A MODEL HOME shall not be used for human habitation or occupied as a residence.

e.) MODEL HOMES shall be connected to municipal sanitary and water services.

f.) MODEL HOMES shall be connected to hydroelectric services.

g.) MODEL HOMES shall have direct access to a:
- STREET or COMMON ELEMENT ROAD constructed with a base course of asphalt;
- proposed municipal street on an approved draft plan of subdivision constructed with a base course of asphalt;
- proposed common element road on an approved draft plan of vacant land condominium constructed with a base course of asphalt.

h.) The maximum number of MODEL HOMES permitted shall be in accordance with Table 3D:

Table 3D: Maximum Number of MODEL HOMES

Hectares of land within the approved: • draft plan of subdivision / condominium, or • registered plan of subdivision / condominium	Maximum Number of MODEL HOMES
0 - <9 hectares	1
9 - <17 hectares	2
17 - <25 hectares	3
25 - <33 hectares	4
33 or more hectares	5

3.M.5 MODEL SUITES

3.M.5.1 The following regulations shall apply to MODEL SUITES:

a.) MODEL SUITES shall be permitted in a zone which permits a DWELLING UNIT or on a LOT used solely for residential purposes.

b.) MODEL SUITES shall only be permitted in a:
- APARTMENT BUILDING
- ASSISTED LIVING FACILITY
- LONG TERM CARE FACILITY
- MAISONETTE BUILDING
- MIXED USE BUILDING

- MULTI-UNIT RESIDENTIAL BUILDING
- STACKED TOWNHOUSE BUILDING

c.) MODEL SUITES shall be deemed a DWELLING UNIT for the purposes of determining compliance with this BY-LAW.

d.) A MODEL SUITE shall not be used for human habitation or occupied as a residence.

e.) MODEL SUITES shall be connected to municipal sanitary and water services.

f.) MODEL SUITES shall be connected to hydroelectric services.

g.) The maximum number of MODEL SUITES permitted in any BUILDING shall be three (3).

N

3.N.1 NANOBREWERIES

3.N.1.1 Beer, wine, cider, and or spirits produced in a NANOBREWERY shall be primarily consumed within the associated RESTAURANT.

3.N.1.2 Notwithstanding anything to the contrary, NANOBREWERY includes the retailing of beverages produced on the premises for consumption off-site.

3.N.1.3 The maximum BUILDING FLOOR AREA of a NANOBREWERY shall be 235 square metres.

3.N.1.4 All emissions and vapours created by the NANOBREWERY shall be wholly contained within the unit or discharged to the municipal sewer.

3.N.2 NON-CONFORMING PROPERTIES / USES

Non-Conforming Use of Land

3.N.2.1 Nothing in this BY-LAW shall prevent the use of any land for any purpose prohibited by this BY-LAW provided that such land was actually and lawfully used for such purpose on the date of the passing of this BY-LAW and continues to be used for such purpose without interruption. For the purposes of this regulation, vacancy of the land shall not be deemed to be an interruption.

Non-Conforming Buildings and Structures

3.N.2.2 Nothing in this BY-LAW shall prevent the use of any BUILDING or STRUCTURE for any purpose prohibited by this BY-LAW provided that such BUILDING or STRUCTURE was actually and lawfully used for such purpose and lawfully constructed on the date of the passing of this BY-LAW and continues to be used for such purpose without interruption.

Transition Regulation: Non-Conforming Buildings and Structures

3.N.2.3 Nothing in this BY-LAW shall apply to prevent the erection or use of any BUILDING or STRUCTURE for which a PERMIT has been issued under subsection 8.(1) of the BUILDING CODE prior to the date of the passing of this BY-LAW, so long as the BUILDING or STRUCTURE when erected is used and continues to be used for the purpose for which it was erected pursuant to the PERMIT and provided the PERMIT has not been revoked under subsection 8.(10) of the BUILDING CODE.

Municipal Land Taking

3.N.2.4 Where, as a result of taking of land by the CITY or REGION, any land, EXISTING BUILDING or EXISTING STRUCTURE becomes non-conforming to this BY-LAW, such land, EXISTING BUILDING or EXISTING STRUCTURE shall be deemed to conform to this BY-LAW.

Repair, Strengthening, Alteration, Restoration: Non-Conforming Buildings and Structures

3.N.2.5 Nothing in this BY-LAW shall apply to prevent the repair, strengthening, altering, or restoration to a safe condition of a BUILDING or STRUCTURE or any part thereof that is legal non-conforming with respect to this BY-LAW, so long as such repair, strengthening, alteration, or restoration does not increase the height, size, or volume of the BUILDING or STRUCTURE.

3.N.2.5.1 Notwithstanding anything to the contrary, nothing in this BY-LAW shall apply to prevent the alteration of a roof on a BUILDING or STRUCTURE or any part thereof that is legal non-conforming with respect to this BY-LAW, including the construction of dormers, so long as such alteration does not extend beyond the EXISTING footprint of the roof.

Non-Conforming Location of Buildings and Structures/Driveways

3.N.2.6 Where:

- the use of an EXISTING BUILDING or STRUCTURE or the intended use of an EXISTING BUILDING or STRUCTURE conforms to this BY-LAW;
- the size of the LOT for such use or intended use conforms to this BY-LAW; and,
- the PARKING SPACE requirements of this BY-LAW for such use or intended use are satisfied or capable of being satisfied,

and the location of the EXISTING BUILDING or STRUCTURE on the LOT is such that it does not conform to the provisions of the zoning applied to the LOT:

a.) the location of the EXISTING BUILDING or STRUCTURE on the LOT shall be deemed to conform to the BY-LAW; and

b.) the EXISTING width of the DRIVEWAY, if less than the minimum provisions of this BY-LAW, shall be deemed to conform to the BY-LAW.

Non-Conforming Lot Frontage – Low Rise Residential Areas

3.N.2.7 In a LOW RISE RESIDENTIAL AREA, a LOT existing on the date of passing of this BY-LAW which is lawfully non-conforming with respect to LOT FRONTAGE shall be deemed to conform to this BY-LAW.

Parking – Intensification of Legal Non-Conforming Buildings / Structures or Changes in Use

3.N.2.8 Notwithstanding anything to the contrary, when the intensity of use of a legal non-conforming BUILDING or STRUCTURE is increased through the addition of DWELLING UNITS, BUILDING FLOOR AREA, seating capacity or when the existing use of a legal non-conforming BUILDING or STRUCTURE is changed to a new use, off-street parking for such intensified or new use shall be provided for the whole BUILDING or STRUCTURE in accordance with the parking requirements of this BY-LAW.

Fire or Natural Disaster

3.N.2.9 If a BUILDING or STRUCTURE which is lawfully non-conforming is involuntarily destroyed or damaged, in whole or in part, by fire or natural disaster, it may be restored or replaced provided:

c.) the restoration or reconstruction does not increase the height, size, or volume of the BUILDING or STRUCTURE;

d.) the location of the BUILDING or STRUCTURE either:

(i.) remains the same; or

(ii.) complies with the setbacks of the zoning applied to the LOT.

Non-Conforming APARTMENT BUILDINGS and MULTI-UNIT RESIDENTIAL BUILDINGS

3.N.2.10 If an EXISTING APARTMENT BUILDING or MULTIPLE RESIDENTIAL BUILDING has less than five (5) DWELLING UNITS, the EXISTING BUILDING shall be deemed to conform to the BY-LAW.

O

3.O.1 OCCASIONAL USES

3.O.1.1 OCCASIONAL USES shall only be permitted in a facility or on lands owned by the CITY or leased to the CITY.

3.O.2 OLD GOLD SHOPS

3.O.2.1 On-site smelting or refining of gold, silver, or precious metals shall be prohibited within an OLD GOLD SHOP.

3.O.3 OUTDOOR STORAGE

3.O.3.1 OUTDOOR STORAGE shall only be permitted in:
a.) Commercial Zones specified in Section 8 of the BY-LAW
b.) Employment Zones specified in Section 9 of this BY-LAW, excluding the University / College (UC) zone.

3.O.3.2 OUTDOOR STORAGE shall be prohibited in a FRONT YARD and FLANKAGE YARD excluding OUTDOOR DISPLAY AREAS associated with a permitted use.

3.O.3.3 OUTDOOR STORAGE shall be prohibited in a SIDE YARD and REAR YARD unless it is fenced and visibly screened from:
a.) public views, including from STREETS; and
b.) SENSITIVE USES.

P

3.P.1 PATIOS – RESTAURANTS, CAFÉS, BAKE SHOPS AND RETAIL AREAS

3.P.1.1 Notwithstanding anything to the contrary, an OUTDOOR RESTAURANT PATIO shall be permitted where a RESTAURANT is permitted in this BY-LAW.

3.P.1.2 Notwithstanding anything to the contrary, an OUTDOOR CAFE PATIO shall be permitted where a CAFE is permitted in this BY-LAW.

3.P.1.3 Notwithstanding anything to the contrary, an OUTDOOR BAKE SHOP PATIO shall be permitted where a BAKE SHOP is permitted in this BY-LAW.

3.P.1.4 Notwithstanding anything to the contrary, an OUTDOOR DISPLAY AREA shall be permitted where a RETAIL STORE is permitted in this BY-LAW, provided that the OUTDOOR DISPLAY AREA is located within:

- the FRONT YARD
- the FLANKAGE YARD
- the STREET or LANE immediately adjacent to the LOT containing the RETAIL STORE

3.P.2 PATIOS – GENERAL REGULATIONS

3.P.2.1 Notwithstanding anything to the contrary, OUTDOOR RESTAURANT PATIOS, OUTDOOR CAFE PATIOS, OUTDOOR BAKE SHOP PATIOS, OUTDOOR ROOFTOP PATIOS and OUTDOOR DISPLAY AREAS shall not extend beyond the LOT onto the abutting STREET or LANE without the prior written consent of the municipality having jurisdiction over the STREET or LANE.

3.P.2.2 Notwithstanding anything to the contrary, OUTDOOR RESTAURANT PATIOS, OUTDOOR CAFE PATIOS, and OUTDOOR BAKE SHOP PATIOS are prohibited in any YARD abutting a LOW RISE RESIDENTIAL AREA.

3.P.2.3 Notwithstanding anything to the contrary, OUTDOOR RESTAURANT PATIOS, OUTDOOR CAFE PATIOS, OUTDOOR BAKE SHOP PATIOS, and OUTDOOR DISPLAY AREAS shall not obstruct or eliminate a PARKING SPACE or LOADING SPACE required by this BYLAW.

3.P.2.4 Notwithstanding anything to the contrary, the following regulations shall apply to OUTDOOR ROOFTOP PATIOS:

a.) OUTDOOR ROOFTOP PATIOS shall be prohibited except in a zone which permits a RESTAURANT, CAFÉ, or BAKE SHOP.

b.) OUTDOOR ROOFTOP PATIOS, shall be prohibited within forty metres (40m) of a LOW RISE RESIDENTIAL LOT LINE, measured horizontally from the LOW RISE RESIDENTIAL LOT LINE.

c.) OUTDOOR ROOFTOP PATIOS shall not extend beyond the roof of the BUILDING.

d.) Where an ABUTTING LOT is zoned for residential purposes or contains a BUILDING(S) with one or more DWELLING UNITS, a minimum one-point-eight metre (1.8m) tall Acoustical Wall shall be erected along the portion of the perimeter of the OUTDOOR

ROOFTOP PATIO that is generally parallel to the REAR LOT LINE and SIDE LOT LINE. For the purposes of this provision, an "Acoustical Wall" means a wall designed to effectively eliminate noise from the OUTDOOR ROOFTOP PATIO from reaching the ABUTTING LOT zoned for residential purposes or containing a BUILDING with one or more DWELLING UNITS.

e.) Notwithstanding anything to the contrary, the maximum floor area of all OUTDOOR ROOFTOP PATIOS combined shall be 50 square metres per BUILDING.

f.) Any roofed area comprising part of an OUTDOOR ROOFTOP PATIO shall remain unenclosed and open to the air on at least two sides, and shall not exceed twenty percent (20%) of the total floor area of the OUTDOOR ROOFTOP PATIO.

g.) The primary ingress and egress to an OUTDOOR ROOFTOP PATIO shall be from the interior of the BUILDING, and exterior stairs shall only be used for emergency and fire safety purposes as required by applicable law.

h.) OUTDOOR ROOFTOP PATIOS shall not contain electronic music/sound equipment, and shall not be used as a dance floor or for live music or other forms of live entertainment.

3.P.2.5 Notwithstanding anything to the contrary:

a.) a raised platform PATIO in subsection b.) of the PATIO definition herein shall be prohibited in the FRONT YARD.

b.) a raised platform PATIO in subsection b.) of the PATIO definition herein shall be prohibited I the FLANKAGE YARD.

c.) a raised platform PATIO in subsection b.) of the PATIO definition herein that is located in the SIDE YARD shall comply with the SIDE YARD setback for the zoning category applied to the LOT.

a raised platform PATIO in subsection b.) of the PATIO definition herein shall not be permitted within 0.60 metres of a REAR LOT LINE.

3.P.3 PERSONAL BREWING ESTABLISHMENT

3.P.3.1 The incidental retailing of ingredients, equipment and supplies for the making of beer and or wine shall be permitted within a PERSONAL BREWING ESTABLISHMENT.

3.P.3.2 Beer and or wine produced within a PERSONAL BREWING ESTABLISHMENT shall not be offered, displayed, kept for sale, or sold to any PERSON other than the individual who made the beer or wine.

3.P.3.3 The maximum BUILDING FLOOR AREA of a PERSONAL BREWING ESTABLISHMENT shall be 235 square metres.

3.P.4 PERSONAL SERVICE SHOP

3.P.4.1 PERSONAL SERVICE SHOP uses shall not be permitted outdoors unless expressly stated otherwise in this BY-LAW.

3.P.5 PRIVATE CLUB

3.P.5.1 A PRIVATE CLUB shall not be open to the general public, but may occasionally be rented to non-members for temporary events and receptions.

3.P.6 PROHIBITED LAND USES

3.P.6.1 Notwithstanding anything to the contrary, the following USES, BUILDINGS and STRUCTURES are prohibited in all zones of this BY-LAW:

- animal feed manufacturing and processing, including pet food manufacturing and processing
- animal processing, including but not restricted to:
  - abattoir
  - slaughter of animals, fish or fowl
  - tanning or storage of hides or skins
- armaments
- blast furnace
- BODY-RUB PARLOUR
- car pounds
- chemical plant
- concrete ready-mix plant
- foundry
- GARDEN SUITES
- gravel crushing
- household, business and or agricultural waste recycling depots (non-municipal)
- incineration or reduction of dead animals, garbage or offal
- incineration, disposal, or warehousing of biomedical wastes, organic or inorganic chemical wastes, and radioactive wastes, except for temporary mobile processing units used to decontaminate lands, BUILDINGS or STRUCTURES containing such wastes provided the said mobile processing unit is approved by the Federal or Provincial government
- making or establishment of pits or quarries
- manufacturing related to:
  - abrasive product manufacturing
  - ammonia manufacturing
  - asbestos manufacturing
  - asphalt manufacturing or refining
  - asphalt roofing or shingles manufacturing
  - brass ingot production
  - bleaching powder manufacturing
  - bottle or glass manufacturing
  - cement, gypsum, lime or plaster of paris manufacturing
  - cereal products manufacturing
  - chlorine manufacturing
  - citric acid manufacturing
  - coated paper manufacturing
  - creosote manufacturing or treatment
  - explosive or fireworks manufacturing, storage or transportation

  - fertilizer manufacturing
  - fiberglass manufacturing
  - fish products manufacturing
  - food casing, cellulose, and PVC film manufacturing
  - gelatine and glue manufacturing
  - insulation manufacturing
  - linoleum or oil cloth manufacturing
  - munitions manufacturing
  - non-ferrous metal manufacturing, smelting or refining oil, shellac or turpentine manufacturing
  - organic chemical manufacturing
  - paint and varnish manufacturing
  - pallet manufacturing
  - pesticide manufacturing
  - phthatic anhydride manufacturing
  - resin manufacturing
  - soap or detergent manufacturing
  - toxic acid manufacturing
  - vinegar manufacturing
  - wire strapping manufacturing
- paper and allied product industries
- processing:
  - agricultural chemical processing
  - boiling of blood, bones, tripe or tallow melting
  - corn drying
  - distillation of bones or coal
  - extraction of oil from fish fats refining or rendering
  - grease blending or formulating
  - metal ore reduction or smelting oil recovery plant
  - petroleum or coal oil refining
  - raw materials processing industries
  - solvent recovery plant
  - tar distillation
  - tobacco processing
- QUONSET HUTS
- sawmill
- sandblasting (outdoors)
- tents, recreational trailers, transport trailers, METAL CONTAINERS, motor vehicles, and streetcars used as DWELLING UNITS or living accommodations
- textile dying
- waste treatment facilities (non-municipal)

- yards:
  - coal yard
  - railway yard (excluding a Light Rapid Transit Rail Yard)
  - salvage, scrap, junk, and wrecking yard
  - stock yards

3.P.7 PROPANE STORAGE

3.P.7.1 Propane storage handling, transportation, retailing, and or dispensing facilities shall be prohibited except:

- as an ancillary use to an AUTOMOBILE GAS STATION
- as an ancillary use to an AUTOMOBILE SERVICE CENTRE
- as an ancillary use to a WAREHOUSE MEMBERSHIP CLUB
- as an ancillary use to a Hardware Store
- on lands zoned Commercial Five (C5)
- on the lands municipally known as 120 Northfield Drive East,

where authorized by the Technical Standards and Safety Authority (TSSA).

3.P.8 PUBLIC MARKETS

3.P.8.1 A PUBLIC MARKET shall be permitted in all zones except:

- all Residential Zones specified in Section 7 of this BY-LAW
- the Conservation (OS3) Zone

3.P.8.2 A maximum twenty-five percent (25%) of a PUBLIC MARKET may be used for:

- education on community heritage and culture
- entertainment (such as music) to patrons
- product demonstrations, excluding personal services as specified in the use "PERSONAL SERVICE SHOP"

3.P.8.3 A PUBLIC MARKET shall be permitted in any YARD.

3.P.8.4 A PUBLIC MARKET shall be setback a minimum of zero-point-six metres (0.6m) from a LOT LINE.

3.P.8.5 Notwithstanding anything to the contrary, a PUBLIC MARKET is prohibited within a DAYLIGHT TRIANGLE.

3.P.8.6 Notwithstanding anything to the contrary, a PUBLIC MARKET is prohibited on LANDSCAPED OPEN SPACE with the exception of turf and outdoor hardscapes such as a patio.

3.P.8.7 Notwithstanding anything to the contrary, a temporary PUBLIC MARKET may occupy some of the required PARKING SPACES on a LOT provided a minimum of one (1) PARKING SPACE for every vendor is provided on the LOT. For the purposes of this regulation, temporary means less than 72 hours in duration.

3.P.8.8 A PUBLIC MARKET shall not be permitted on CITY lands without written permission from the CITY.

3.P.8.9 A PUBLIC MARKET shall not be permitted on REGIONAL lands without written permission from the REGION.

3.P.9 PUBLIC SERVICES

3.P.9.1 The regulations of this BY-LAW shall not apply to the use of any land or to the erection or use of any BUILDING or STRUCTURE for the purpose of providing a public service by:

- the CITY
- the REGION
- any department or ministry of the Federal or Provincial government,

provided the lands, BUILDING or STRUCTURE is in substantial compliance with the regulations prescribed in the zone applied to the LOT and applicable provisions of this BY-LAW.

Notwithstanding anything to the contrary, where the zone applied to the LOT is "Future Determination (FD)", the following regulations in Table 3E shall apply to every LOT, BUILDING and STRUCTURE:

Table 3E:

LOT AREA (minimum)	(none)
LOT FRONTAGE (minimum)	(none)
STREET LINE setback (minimum)	6 metres
SIDE YARD setback (minimum)	3 metres
REAR YARD setback (minimum)	7.5 metres
BUILDING HEIGHT (maximum)	In metres, equal to the numerical suffix as shown on the Zoning Map attached as Schedule 'A' to this BY-LAW. Where no suffix is shown on the Zoning Map, the maximum BUILDING HEIGHT shall be 10 metres, excluding municipal water towers.
PARKING SPACES (minimum)	1 PARKING SPACE
Number of BUILDINGS (maximum)	More than one (1) permitted

3.P.9.2 The regulations of this BY-LAW shall not apply to the use of any land or to the erection or use of any BUILDING or STRUCTURE for the purpose of providing essential infrastructure, utilities, generation facilities, distribution and transmission facilities, and telecommunication facilities by:

- railway provider
- electricity provider
- natural gas provider
- telecommunication provider
- fibre optic provider

provided any related BUILDING is in substantial compliance with the regulations prescribed in the zoning applied to the LOT and applicable provisions of this BY-LAW.

3.P.9.3 Section 3.P.9.2 of this BY-LAW shall not apply to administrative offices, sales outlets, studios, maintenance facilities, depots, and storage yards of any railway provider, electricity provider, natural gas provider, telecommunication provider, or fibre optic provider.

3.P.9.4 Notwithstanding sections 3.P.9.1 and 3.P.9.2, no goods, materials, or equipment shall be stored in the open, except as permitted in section 3.0.3 of this BY-LAW.

Q

R

3.R.1 RAILWAYS

3.R.1.1 Notwithstanding anything to the contrary, no PERSON shall erect, enlarge, or reconstruct any BUILDING in whole or in part within fifteen metres (15m) of a railway right-of-way.

3.R.1.2 For lands within seventy-five metres (75m) of a railway right-of-way, a holding prefix "(H)" is hereby applied, meaning the LOT is zoned as a holding provision for which the following applies:

a.) No PERSON shall erect, enlarge, or reconstruct any BUILDING containing a SENSITIVE USE in whole or in part within seventy-five metres (75m) of a railway right-of-way.

b.) The holding provision as it applies to the LOT shall not be removed or modified until it is demonstrated by a qualified professional engineer that there will be:

i. sufficient buffer from railway operations to dissipate rail-oriented emissions, vibrations, and noise;

ii. no adverse impacts to the SENSITIVE USES; and,

iii. a sufficient safety barrier from railway operations and potential derailments,

to the satisfaction of the CITY and any other authority having jurisdiction.

3.R.1.3 Sections 3.R.1.1 and 3.R.1.2 shall not apply to any railway right-of-way or section thereof solely used for REGIONAL Light Rapid Transit (LRT).

3.R.1.4 Sections 3.R.1.1 and 3.R.1.2 shall not apply to the addition or enlargement of any existing BUILDING which does not result in the creation of an additional DWELLING UNIT.

3.R.1.5 Sections 3.R.1.1 and 3.R.1.2 shall not apply to any:

ACCESSORY BUILDING that does not contain a SENSITIVE USE;
ACCESSORY STRUCTURE that does not contain a SENSITIVE USE;
DECK;
PATIO;
PORCH;
Fence;
SWIMMING POOL (including an associated raised platform and POOL ENCLOSURE),

subject to compliance with all applicable provisions in this By-law.

3.R.2 RECREATIONAL TRAILERS AND MOBILE HOMES

3.R.2.1. Recreational trailers and mobile homes are deemed to be BUILDINGS for the purposes of this BY-LAW in accordance with Subsection 34(4) of the PLANNING ACT.

3.R.3 REFUSE WASTE STORAGE STRUCTURES

3.R.3.1 Permanent refuse waste storage facilities, excluding garbage receptacles (furniture), are prohibited in a FRONT YARD and FLANKAGE YARD. Refuse waste includes garbage, recyclables, and decomposable waste.

3.R.3.2 Notwithstanding section 3.R.3.1, where permanent refuse waste storage facilities cannot be located in the SIDE YARD on a THROUGH LOT, permanent refuse waste storage facilities shall be permitted in one (1) FRONT YARD of the THROUGH LOT provided that the permanent refuse waste storage facilities are screened from view from the abutting STREET(S).

3.R.4 REGULATED AREAS – EROSION HAZARDS / SLOPES

3.R.4.1 Where the Regulated Area symbol prefix "(R)" on Schedule 'A3' is applied to a LOT or part thereof as a result of hazard lands, wetlands, watercourses, and or steep slopes and allowances / associated areas abutting these features, no PERSON shall:

a.) Erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, without a PERMIT or written consent from the Grand River Conservation Authority.

b.) Alter, grade, place, fill, excavate, or remove material without a PERMIT or written consent from the Grand River Conservation Authority.

c.) Interfere with any wetland, watercourse, or floodplain without a PERMIT or written consent from the Grand River Conservation Authority.

3.R.4.2 Where the Regulated Area symbol prefix "(R)" on Schedule 'A3' is applied to a LOT or part thereof, OUTDOOR STORAGE shall not be permitted, except in accordance with a PERMIT or written consent from the Grand River Conservation Authority.

NOTE: Regulated Areas described herein do not encompass all areas regulated by the Grand River Conservation Authority. Wetlands are not typically zoned with a prefix "(R)" in this By-law, but rather zoned Conservation (OS3). Watercourses are not typically zoned with a prefix "(R)" in this By-law, but rather zoned with a prefix "(F)" on Schedule 'A3'.

3.R.5 RESERVES

3.R.5.1 Where a RESERVE separates a LOT from a STREET:
a.) the LOT shall be deemed to abut the STREET for the purposes of this BY-LAW;
b.) the RESERVE shall not be considered part of the LOT for the purposes of determining compliance with the provisions of this BY-LAW;
c.) the RESERVE LOT LINE shall be deemed to be a STREET LINE..

3.R.5.2 Notwithstanding section 3.R.5.1.c.), where:
a.) the LOT would be deemed to be a THROUGH LOT if the RESERVE is lifted; and
b.) a DRIVEWAY does not traverse the RESERVE LOT LINE, the RESERVE LOT LINE shall be deemed to be a REAR LOT LINE for the purposes of determining compliance with the provisions of the BY-LAW.

3.R.5.3 Notwithstanding anything to the contrary, access to the STREET from the LOT, or vice versa, shall be prohibited where a RESERVE is located.

3.R.6 ROUNDING

3.R.6.1 In determining compliance with a provision in this BY-LAW, any fraction resulting from a calculation or numeric value shall be rounded to the fourth decimal place in accordance with the rounding principles in section 3.R.6.2, except:
a.) calculations to determine required parking which result in a fraction shall be rounded to the next highest whole number;
b.) calculations to determine maximum density which result in a fraction shall be rounded to the next lowest whole number.

3.R.6.2 Measurements in this BY-LAW are subject to the following rounding principles:
a.) measurements where the fifth number of the decimal is four (4) or less, the fourth decimal number shall remain the same (e.g. 7.01243 = 7.0124);
b.) measurements where the fifth number of the decimal is five (5) or more, the fourth decimal number shall be increased by one, that is rounded up (e.g. 7.01248 = 7.0125).

S

3.S.1 MOVED TO 3.A.1B AS PER BY-LAW 2023-070

3.S.2 SERVICES

3.S.2.1 Sanitary Services

3.S.2.1.1 No PERSON shall erect, alter, enlarge, or use any BUILDING or STRUCTURE in whole or in part unless:

a.) a municipal sanitary service is available to service the BUILDING or STRUCTURE;

b.) municipal sanitary servicing capacity is available to service the BUILDING or STRUCTURE.

3.S.2.1.2 Every BUILDING and STRUCTURE containing or intended to contain a water service shall be connected to a municipal sanitary service with sufficient capacity and design to accommodate the BUILDING or STRUCTURE.

3.S.2.1.3 Where no municipal sanitary service exists within the STREET abutting the LOT:

a.) Sections 3.S.2.1.1 and 3.S.2.1.2 shall not apply to the alteration, enlargement, or use of an EXISTING BUILDING or EXISTING STRUCTURE that is serviced by an EXISTING sanitary septic system.

b.) The EXISTING sanitary septic system in section 3.S.2.1.3.a.) may be maintained and replaced to service the BUILDING or STRUCTURE.

c.) Section 3.S.2.1.1 shall not apply to the erection, alteration, enlargement, or use of an ACCESSORY BUILDING or ACCESSORY STRUCTURE provided the ACCESSORY BUILDING or ACCESSORY STRUCTURE is not used for human habitation.

3.S.2.1.4 Where a BUILDING or STRUCTURE that is serviced by an EXISTING sanitary septic system connects to a municipal sanitary service, the EXISTING sanitary septic system shall be decommissioned in accordance with applicable law.

3.S.2.2 Water Services

3.S.2.2.1 No person shall erect, alter, enlarge, or use any BUILDING or STRUCTURE in whole or in part unless:

a.) a municipal water service is available to service the BUILDING or STRUCTURE;

b.) the supply and pressure of the municipal water is sufficient to service the BUILDING or STRUCTURE.

3.S.2.2.2 Every BUILDING and STRUCTURE containing or intended to contain a water service shall be connected to a municipal water service with sufficient supply and pressure to accommodate the BUILDING or STRUCTURE.

3.S.2.2.3 Where no municipal water distribution system exists within the STREET abutting the LOT:

a.) Sections 3.S.2.2.1 and 3.S.2.2.2 shall not apply to the alteration, enlargement, or use of an EXISTING BUILDING or EXISTING STRUCTURE that is serviced by an EXISTING private water well.

b.) The EXISTING private water well in section 3.S.2.2.3.a.) may be maintained and replaced to service the BUILDING or STRUCTURE.

c.) Section 3.S.2.2.1 shall not apply to the erection, alteration, enlargement, or use of an ACCESSORY BUILDING or ACCESSORY STRUCTURE provided the ACCESSORY BUILDING or ACCESSORY STRUCTURE is not used for human habitation.

3.S.2.2.4 Where a BUILDING or STRUCTURE that is serviced by an EXISTING private water well connects to a municipal water service, the EXISTING private water well shall be decommissioned in accordance with Regulation 903 of the Ontario Water Resources Act R.S.O. 1990 c.0.40 and all other applicable law.

3.S.2.2.5 Notwithstanding anything to the contrary, on a residential LOT, a private water well used for any purpose other than human consumption, such as irrigation, shall be prohibited.

3.S.2.2.6 Notwithstanding anything to the contrary, on an EXISTING golf course, an EXISTING private water well used for irrigation shall be permitted and may be replaced.

3.S.3 SOLAR PANELS

3.S.3.1 Solar panels detached from a BUILDING shall be considered an ACCESSORY STRUCTURE in this BY-LAW.

3.S.3.2 Notwithstanding anything to the contrary, solar panels exempt from municipal zoning regulations pursuant to the Green Energy Act are hereby exempt from this BY-LAW.

3.S.4 SPIRITUAL USES

3.S.4.1 Notwithstanding anything to the contrary in this BY-LAW, the following regulations shall apply to SPIRITUAL USES on lands zoned R1, R2, R3, R4, R5, R6, R7, R8, R9, RMU, RN-6, RN-8, RN-12, RN-25, RC1:

FRONT YARD setback (minimum)	7.5 metres
FLANKAGE YARD setback (minimum)	7.5 metres
SIDE YARD setback (minimum)	10% of the total width of the LOT on both sides

REAR YARD setback (minimum)	7.5 metres
BUILDING HEIGHT (maximum)	14 metres
LOT COVERAGE (maximum)	35%
LOW RISE RESIDENTIAL LOT LINE setback (minimum)	7.5 metres
PARKING SPACES (minimum)	(see section 6.1.3)
Number of BUILDINGS (maximum)	One (1) main BUILDING shall be permitted on a LOT

3.S.4.2 Notwithstanding anything to the contrary in this BY-LAW, within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.

3.S.4.3 The minimum width of the LANDSCAPED BUFFER shall be an average three metres (3m), with no point less than one-point-five metres (1.5m).

3.S.4.4 The LANDSCAPED BUFFER shall contain plant material that forms a visual buffer, with a minimum height of one-point-five metres (1.5m).

3.S.4.5 Notwithstanding anything to the contrary, a SPIRITUAL USE shall be permitted in an AUDITORIUM.

3.S.4.6 Notwithstanding anything to the contrary in this BY-LAW, 3.S.4.1 shall not apply to a SPIRITUAL USE within a MIXED-USE BUILDING.

3.S.5 SPLIT ZONING

3.S.5.1 Notwithstanding anything to the contrary in this BY-LAW, where two (2) or more zones are applied to the same LOT but do not overlap:

a.) Where the USE is permitted in one (1) zone but not the other:

i. The USE shall be restricted to the portion of the LOT zoned to permit said USE.

ii. The ZONE BOUNDARY shall be deemed to be a LOT LINE for determining compliance with the regulations of this BY-LAW, save and except:

A. Where the abutting zone is the Parks & Recreation (OS1) zone applied to a utility corridor, the land area of the utility corridor shall be included in the LOT AREA for the purpose of calculating density.

b.) Where the USE is permitted in one (1) zone and in the abutting zone (collectively the "PARCEL"):

i. A BUILDING may be constructed across the ZONE BOUNDARY.

ii. The ZONE BOUNDARY shall not be deemed a LOT LINE.

iii. The regulations of each zone shall be satisfied within the area of the LOT so zoned, except:

A. Density, which may be transferred between zones.
B. Parking, which shall be satisfied within the PARCEL.
C. Loading, which shall be satisfied within the PARCEL.
D. AMENITY AREA, which shall be satisfied within the PARCEL.
E. LANDSCAPED OPEN SPACE, which shall be satisfied within the PARCEL.

iv. Where a Complementary Use is permitted in one (1) zone but not the other, the Complementary Use shall be permitted provided it is entirely contained on the LOT zoned to permit the Complementary Use.

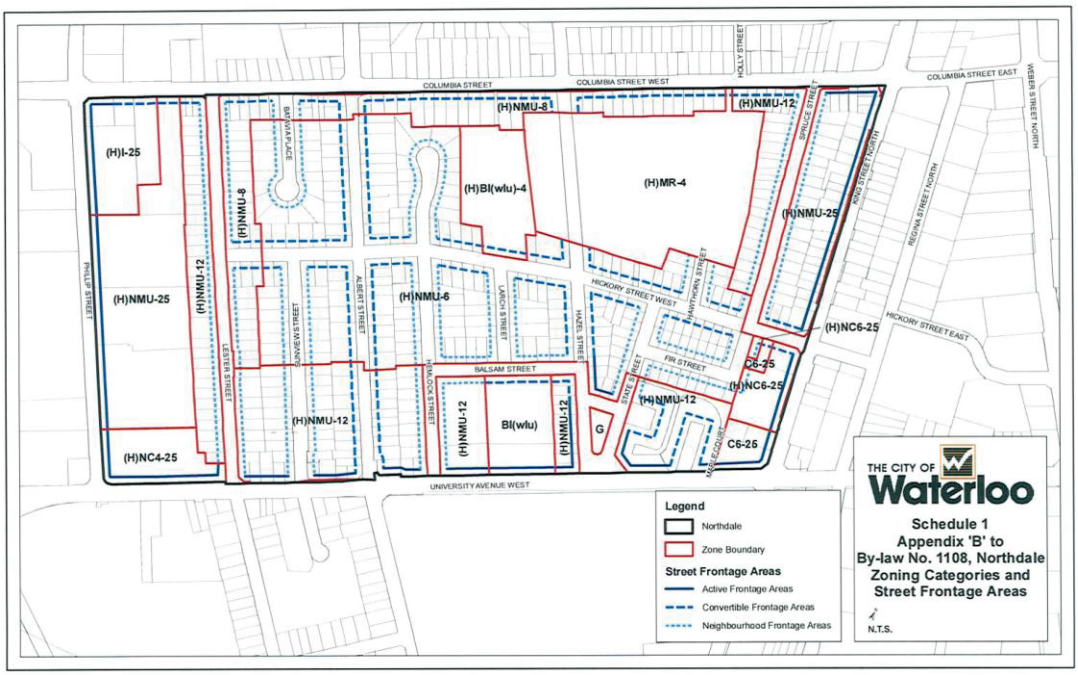
v. Where an Ancillary Use is permitted in one (1) zone but not the other, the Ancillary Use shall be permitted provided it is entirely contained on the LOT zoned to permit the Ancillary Use.

3.S.6 STORMWATER MANAGEMENT FACILITIES

3.S.6.1 A stormwater management facility shall be permitted in all zones except:
- the Environmentally Sensitive Landscape Two (ESL2) Zone

3.S.7 STREET FRONTAGES – NORTHDALE

3.S.7.1 The Street Frontages identified on the inset map shall apply to the RN-6, RN-8, RN-12 and RN-25 zones:



3.S.8 STREET LINE SETBACK MAXIMUMS

3.S.8.1 Notwithstanding anything to the contrary, in the case of multiple BUILDINGS on a LOT, a "STREET LINE setback (maximum)" requirement in this BY-LAW shall only apply to:

a.) the first BUILDING constructed after the effective date of this BY-LAW;

b.) subsequent BUILDINGS located within 30 metres of the STREET LINE.

3.S.8.2 Notwithstanding anything to the contrary, a "STREET LINE setback (maximum)" requirement in this BY-LAW shall not apply to an EXISTING BUILDING.

3.S.9 SWIMMING POOLS

Enclosed Swimming Pools

3.S.9.1 A detached enclosed SWIMMING POOL shall be considered an ACCESSORY STRUCTURE.

Unenclosed Swimming Pools

3.S.9.2 An UNENCLOSED SWIMMING POOL shall not be considered an ACCESSORY STRUCTURE.

3.S.9.3 UNENCLOSED SWIMMING POOLS shall comply with the following regulations:

a.) A minimum zero-point-nine-one-four-four metre (0.9144m) setback shall be provided from the UNENCLOSED SWIMMING POOL to a REAR LOT LINE, FLANKAGE LOT LINE, and SIDE LOT LINE.

b.) A minimum two-point-five metres (2.5m) setback shall be provided from the UNENCLOSED SWIMMING POOL to any part of a principal BUILDING on an abutting LOT.

c.) UNENCLOSED SWIMMING POOLS are prohibited in the FRONT YARD.

d.) UNENCLOSED SWIMMING POOLS shall be excluded from LOT COVERAGE calculations.

e.) UNENCLOSED SWIMMING POOLS shall be included in IMPERVIOUS AREA calculations.

f.) A roof or sunshade structure above an UNENCLOSED SWIMMING POOLS shall be considered an ACCESSORY STRUCTURE.

Unenclosed Above-Ground Swimming Pools – Raised Platforms

3.S.9.4 A raised platform may be attached to an above-ground UNENCLOSED SWIMMING POOL, provided that:

a.) The raised platform shall:

i.) Be located between the SWIMMING POOL and the principal BUILDING on the LOT.

ii.) Not exceed one-point-eight metres (1.8m) in width, excluding stairs, measured perpendicular to the nearest façade of the principal BUILDING.

iii.) Not exceed four-point-five metres (4.5m) in length, excluding stairs, measured parallel to the nearest façade of the principal BUILDING.

iv.) Be unenclosed (excluding hand railings), open to the air, and unroofed.

b.) The top of the raised platform shall be a maximum one-point-five metres (1.5m) above GRADE, measured at any point abutting the raised platform.

c.) The raised platform shall not be considered a DECK for the purposes of this BY-LAW.

T

3.T.1 TEMPORARY CONTRACTOR OFFICE

3.T.1.1 The following regulations shall apply to a TEMPORARY CONTRACTOR OFFICE:

a.) A TEMPORARY CONTRACTOR OFFICE shall be permitted on any construction site.

b.) A TEMPORARY CONTRACTOR OFFICE shall be permitted on the LOT during demolition, remediation, development, servicing, and BUILDING construction.

c.) A TEMPORARY CONTRACTOR OFFICE shall not be used for human habitation.

d.) A TEMPORARY CONTRACTOR OFFICE shall not be placed on LANDSCAPED OPEN SPACE, LANDSCAPED BUFFER, or a DAYLIGHT TRIANGLE.

e.) TEMPORARY CONTRACTOR OFFICES shall be removed from the LOT within thirty (30) days of the completion of the related demolition, remediation, development, servicing, or BUILDING construction.

3.T.2 TEMPORARY FARMERS MARKETS

3.T.2.1 A TEMPORARY FARMERS MARKET shall be permitted in all zones except:

- all Residential Zones specified in Section 7 of this BY-LAW except on LOTS containing a SPIRITUAL USE
- the Conservation (OS3) Zone
- the Environmentally Sensitive Landscape One (ESL1) Zone
- the Environmentally Sensitive Landscape Two (ESL2) Zone

3.T.2.2 A maximum twenty-five percent (25%) of a TEMPORARY FARMERS MARKET may be used for:

- education on community heritage and culture
- live entertainment (such as music) to patrons

3.T.2.3 TEMPORARY FARMERS MARKETS shall operate for a maximum three (3) days per week.

3.T.2.4 A TEMPORARY FARMERS MARKET shall be permitted in any YARD.

3.T.2.5 A TEMPORARY FARMERS MARKET shall be setback a minimum of zero-point-six metres (0.6m) from a LOT LINE.

3.T.2.6 Notwithstanding anything to the contrary, a TEMPORARY FARMERS MARKET is prohibited within a DAYLIGHT TRIANGLE.

3.T.2.7 Notwithstanding anything to the contrary, a TEMPORARY FARMERS MARKET is prohibited on LANDSCAPED OPEN SPACE with the exception of turf and outdoor hardscapes such as a patio.

3.T.2.8 Notwithstanding anything to the contrary, a TEMPORARY FARMERS MARKET may occupy some of the required PARKING SPACES on a LOT provided a minimum of one (1) PARKING SPACE for every vendor is provided on the LOT.

3.T.2.9 A TEMPORARY FARMERS MARKET shall not be permitted on CITY lands without written permission from the CITY.

3.T.2.10 A TEMPORARY FARMERS MARKET shall not be permitted on REGIONAL lands without written permission from the REGION.

3.T.3 TEMPORARY SALES CENTRES

3.T.3.1 The following regulations shall apply to a TEMPORARY SALES CENTRE:

a.) A TEMPORARY SALES CENTRE shall be permitted in:
- all Residential Zones specified in Section 7 of this BY-LAW
- all Commercial Zones specified in Section 8 of this BY-LAW
- all Employment Zones specified in Section 9 of this BY-LAW
- all Institutional Zones specified in Section 10 of this BY-LAW

b.) The setbacks applicable to a principal BUILDING on the LOT shall apply to the TEMPORARY SALES CENTRE.

c.) A TEMPORARY SALES CENTRE shall not be used for human habitation.

d.) The maximum height of a TEMPORARY SALES CENTRE shall be eight-point-five metres (8.5 m).

e.) The maximum number of TEMPORARY SALES CENTRES permitted on a LOT shall be one (1).

f.) A TEMPORARY SALES CENTRE shall not be placed on LANDSCAPED OPEN SPACE, LANDSCAPED BUFFER, or a DAYLIGHT TRIANGLE.

g.) A TEMPORARY SALES CENTRE shall be removed from the LOT within thirty (30) days of the completion of the building permit for the related BUILDING or BUILDINGS.

h.) A TEMPORARY SALES CENTRE shall be provided with and connected to hydroelectric services.

i.) A minimum three (3) PARKING SPACES shall be provided for a TEMPORARY SALES CENTRE.

j.) A TEMPORARY SALES CENTRE shall be located on the LOT in accordance with a site plan approved by the DIRECTOR.

k.) Prior to the establishment and use of any TEMPORARY SALES CENTRE, the owner shall obtain a Zoning Certificate pursuant to Section 34(6) of the PLANNING ACT from the CITY authorizing such use in accordance with applicable law including the zoning regulations herein.

3.T.4 THROUGH LOTS

3.T.4.1 Notwithstanding anything to the contrary in this BY-LAW, for a THROUGH LOT containing a:

- SINGLE DETACHED BUILDING
- SEMI-DETACHED BUILDING
- DUPLEX BUILDING
- TRIPLEX BUILDING
- FREEHOLD TOWNHOUSE BUILDING,

the STREET LINE abutting the backyard shall be deemed to be a REAR LOT LINE.

3.T.5 TOWERS – GENERAL PROVISIONS

3.T.5.1 Notwithstanding anything to the contrary, there shall be a minimum three metre (3m) TOWER STEPBACK above the PODIUM, including balconies, on an OS1 BUILDING FAÇADE.

3.T.5.2 Notwithstanding anything to the contrary, for an INTERIOR LOT, one (1) TOWER Separation setback to a SIDE LOT LINE may be reduced to a minimum 6 metres provided that the TOWER Separation setbacks to both SIDE LOT LINES combined equals a minimum 22 metres.

3.T.5.3 Notwithstanding anything to the contrary, balconies shall be excluded from the measurement of a horizontal TOWER Dimension.

3.T.5.4 For the purpose of measuring TOWER separation, a balcony shall be considered part of the exterior face of the building.

U

V

3.V.1 VETERINARY CLINIC

3.V.1.1 A VETERINARY CLINIC may include ACCESSORY short-term overnight accommodations or twenty four (24) hour supervision of animal patients.

3.V.1.2 A VETERINARY CLINIC may include incidental retailing of animal food and other goods or services used principally by, with or for animals provided said incidental retailing does not exceed twenty-five percent (25%) of the BUILDING FLOOR AREA of the VETERINARY CLINIC.

3.V.1.3 Notwithstanding anything to the contrary, buying and selling of animals is prohibited within a VETERINARY CLINIC.

3.V.2 VETERINARY HOSPITAL

3.V.2.1 A VETERINARY HOSPITAL may include incidental retailing of animal food and other goods or services used principally by, with or for animals provided said incidental retailing does not exceed twenty-five percent (25%) of the BUILDING FLOOR AREA of the VETERINARY HOSPITAL.

3.V.2.2 Notwithstanding anything to the contrary, buying and selling of animals is prohibited within a VETERINARY HOSPITAL.

W

3.W.1 Wells

3.W.1.1 Notwithstanding anything to the contrary, GEOTHERMAL WELLS shall not be permitted on lands west of Weber Street in WATERLOO.

3.W.1.2 Notwithstanding anything to the contrary, private water wells shall not be permitted within WATERLOO, except for:

a.) a private water well in compliance with section 3.S.2 of this BY-LAW;

b.) a well that is installed for the purposes of contaminated site investigations and remediation;

c.) a well that is installed for the purposes of groundwater monitoring during geotechnical and environmental studies;

d.) site dewatering authorized by the CITY, the REGION, the Province of Ontario, or the Federal Government of Canada.

3.W.1.3 Notwithstanding anything to the contrary, any water well that is not being used or maintained shall be decommissioned in accordance with Ontario Regulation 903 of the Ontario Water Resources Act R.S.O. 1990 c.0.40 and all other applicable law, and any future amendments thereto.

3.W.2 WIND TURBINES

3.W.2.1 Wind turbines detached from a BUILDING shall be considered an ACCESSORY STRUCTURE in this BY-LAW.

3.W.2.2 Notwithstanding anything to the contrary, wind turbines exempt from municipal zoning regulations pursuant to the Green Energy Act are hereby exempt from this BY-LAW.

X

Y

Z