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

CONSOLIDATED TO August. 2017

-includes UPDATE Amendment
By-law 3358-91 (June 2017)
The Corporation of the Town of Perth
Comprehensive Zoning By-law

Originally Passed on the 24th of October, 2000

Zoning By-Law Consolidated to August 2017

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

Consolidation Lists and Tables are provided for general information purposes after the Table of Contents

Explanatory Note

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

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

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

How to Use this By-law

Step 1 – Locate Your Property and Determine the Zone

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

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

A Zoning by-law is not a static document; it is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of a Zoning By-law Amendment, particularly a change that created a site specific zone. This can be checked by referring to the consolidation list, which identifies most sites affected by property address.
While the Town strives to keep the By-law up-to-date, more recent amendments may not be included in the version of the By-law you are using. You can check the maps on the town web site or Town Planning staff will be able to assist you to confirm if the property you are interested in has been the subject of a more recent amendment.

Step 3 – Determine What Uses are Permitted in the Zone
Use the Permitted Uses section of the Zone to determine what use(s) is/are permitted in the Zone. Scan the permitted uses list, which is arranged alphabetically, to find the use you are interested in. If the use is listed, it is permitted in the Zone. Otherwise, it is not permitted in that Zone or it may be permitted under the definition of a permitted use. If there is any uncertainty about a use being permitted please contact Town Planning Staff.

Step 4 – Determine What Zone Regulations Apply
Once the use is determined to be permitted, move down to the Zone Requirements section. In this section the requirements will indicate what the minimum development standards will be, i.e. minimum lot area, lot frontage, building setbacks, maximum lot coverage, etc. These standards will help you determine where you can locate a building or structure on your lot and how large or tall it can be.

Step 5 – Determine if any General Provisions Apply
Development of most properties is also affected by requirements in Section 4 (General Provisions). General Provisions can apply to any zone anywhere in the municipality. This section contains provisions that apply to such matters as Accessory Uses, Height Exceptions, Home Based Businesses, Parking, etc. Use this section to determine how a particular land use might be affected.

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

Step 6 – Influence Areas and Minimum Distance Separation
In addition to the permitted uses and zoning regulations of each zone, there are areas within the Town where development may be restricted because of an Influence Area or a Minimum separation requirement; e.g. areas which are subject to flooding are illustrated on Schedule ‘A’ and Development within 500 m of the Town’s Landfill Site is governed by a Waste Disposal Influence area (for Minimum Distance Separation requirements see Section 4.27).

Step 7 – Clarify the Meaning of a Use
Throughout the By-law some words are shown in black italicized script. These words are defined in Section 3 (Definitions). If you are unsure as to what a particular word means or what the scope of a permitted use includes, then refer to the alphabetical list of definitions to assist you. This section also contains illustrations which are intended to help with understanding the definition.
TOWN OF PERTH
ZONING BY-LAW

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# TOWN OF PERTH
## ZONING BY-LAW

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**TOWN OF PERTH**

**ZONING BY-LAW**

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Town of Perth Zoning By-law 3358- Insertion Page
Consolidation Summary Table From 2000 to December 2016

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

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<td>3388</td>
<td>1 Harris Street New subsection 13 (a) added to section 13; Amends Schedule A to apply C4 Zone</td>
<td>May 22, 2001</td>
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<td>3413</td>
<td>24 North Street Modify Schedule ‘A’; - change from Institutional to R1</td>
<td>October 23, 2001</td>
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<td>3429</td>
<td>1 Victoria Street Add article 6. to subsection 8.4; Amends Schedule ‘A’; to apply the RR3-6</td>
<td>March 26, 2002</td>
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<td>3432</td>
<td>29 Rogers Road – Amends Schedule ‘A’; to apply R1 Zone</td>
<td>June 25, 2002</td>
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<td>3435</td>
<td>Temporary By-law for ; 1 Sherbrooke Street – effective until May 2005</td>
<td>May 28, 2002</td>
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<td>3441</td>
<td>Temporary By-law for ; 1 Sherbrooke Street – effective until July 2005</td>
<td>July 9, 2002</td>
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<tr>
<td>3467</td>
<td><strong>Major update (also see sub-index Table 1 below)</strong> Textual Amendments- Add new Definitions; modifies Sect 4; Paragraph added to subsection 5.3; Delete references to term ‘Garden Suite’ in subsections 5.1, 6.1 &amp; 7.1; Add article h) to subsection 8.3; Modify subsections 12.1 and 12.2; Add articles 3 &amp; 4 to subsection 15.4; Modify text of Section 20; Modify Schedule ‘A’</td>
<td>November 12, 2002</td>
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<tr>
<td>3471</td>
<td>105-115 Dufferin Street  Add article 8 to subsection 12.4; Amends Sched. A to apply C2-8 Zone updated to C5-3 by comprehensive</td>
<td>December 3, 2002</td>
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<tr>
<td>3477</td>
<td>105 North Street &amp; 10 Alma Street Amend Section 20 Table; add article 3 subsection 19.4; - Amends Sched. A to apply R4-7 and EP-3 Zones</td>
<td>February 18, 2003</td>
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<tr>
<td>3482</td>
<td>61 Drummond St West Amends row 3200 in Section 20 Table; Amends Schedule ‘A’ to apply –h holding (removed);</td>
<td>April 1, 2003</td>
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<tr>
<td>3488</td>
<td>3 Drummond St West – Adds article 6 a) &amp; b) to Subsection 8.4; Amend Schedule ‘A’ to apply the R3-6 Zone.</td>
<td>May 13, 2003</td>
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<td>3496</td>
<td>120 Beckwith St E –Corner of South and Beckwith Adds article 8 to subsection 9.4; Amend Schedule ‘A’ to apply R4-8;</td>
<td>June 3, 2003</td>
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<td>3501</td>
<td>125 Wilson St West – Adds article 3 to subsection 13.4; Amend Schedule ‘A’ to apply the C3-3 Zone</td>
<td>June 24, 2003</td>
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<td>3502</td>
<td>53 Wilson Street West</td>
<td>Modify Schedule ‘A’– to apply R3-6 Zone</td>
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<td>3514</td>
<td>1 Sherbrooke Street</td>
<td>Amend Table of Contents: Amend subsection 5.1; Add New Business Park Section 13b 4; Amend Schedule ‘A’;</td>
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<td>3534</td>
<td>2 Lustre Lane</td>
<td>Add article 9 to subsection 9.4; Amend Schedule ‘A’ to apply R4-9 Zone;</td>
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<td>3547</td>
<td>Temporary By-law for 11 Dufferin St.</td>
<td>Insert new article into subsection 9.4; Amend Schedule ‘A’- add T304 – effective till April 2007;</td>
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<td>3555</td>
<td>115 Drummond Street West</td>
<td>Adds article 9 into subsection 12.4; Amends Schedule ‘A’ to apply the C2-9 Zone;</td>
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<td>3570</td>
<td>33 Lewis Street</td>
<td>Adds article 3 to subsection 17.4; Amends Schedule ‘A’ to apply the I-3 zone</td>
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<td>3574</td>
<td>96 South St.</td>
<td>Adds new article into subsection 13 b) 4” Amends Schedule ‘A’ to apply the C5-2 Zone</td>
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<td>3587</td>
<td>61-63 Brock Street &amp; 155 Gore Street East</td>
<td>Add article 9 to section 9.4; Amend Schedule ‘A’ to apply the R3-9 Zone;</td>
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<td>3615</td>
<td>115 Drummond Street West</td>
<td>Amends Schedule ‘A’– expands C2-9-h Zone</td>
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<td>3623</td>
<td>Perthmore subdivision special provisions</td>
<td>Insert new subsection 4.24 a) in Section 4; Add new articles into 6.3, 7.3 and 8.3; Add article 3 to subsection 7.4; Add article 11 to subsection 9.4; Amends Schedule ‘A’ to apply the R2-3 and R4-11 Zones</td>
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<td>3624</td>
<td>2021 Rogers Road</td>
<td>Add article 3 to subsection 15.4; Amends Schedule ‘A’ to apply the M2-3 Zone</td>
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<td>3625</td>
<td>57 &amp; 59 Wilson Street West</td>
<td>Revise text of Table in Section 20 for R3-4 zone;</td>
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<td>3628</td>
<td>45 Dufferin Street</td>
<td>Amend article 5 of subsection 12.4; Change Table in Section 20; Amend Schedule ‘A’ re the C2-5 Zone;</td>
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<td>3632</td>
<td>25 Halton Street</td>
<td>Adds article 4 into subsection 7.4; Amends Schedule ‘A’ to apply the R2-4 Zone;</td>
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<td>3654</td>
<td>15 McLean Blvd.</td>
<td>Adds article 7 to subsection 8.4; Amends Schedule ‘A’ to apply the R3-7 Zone</td>
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<td>3657</td>
<td>36 Mill Street</td>
<td>Adds article 2 into subsection 6.4; Amends Schedule ‘A’ to apply the R1-2 Zone</td>
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<td>3358-31</td>
<td>77-79 North Street</td>
<td>Amends Schedule ‘A’ to apply the R4 Zone Contact CGIS re correction to zone layer – re zone symbols</td>
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<td>3358-32</td>
<td>Corner of Smith Drive and Rogers Road</td>
<td>Modify Schedule ‘A’ remove hold;</td>
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<td>3358-33</td>
<td>40 Sunset Blvd.</td>
<td>Amends Schedule ‘A’ to apply the C5 and C5-h Zone</td>
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<td>4 Halton Street</td>
<td>Add article 11 to the end of subsection 9.4; Amends Schedule ‘A’ to apply the R4-11 Zone;</td>
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<td>3358-TU106</td>
<td>14 Conlon Drive</td>
<td>temporarily adds article to subsection 15.4; Modifies Schedule ‘A’ until June 2008 (see By-law 3358-TU2 - 2008);</td>
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<tr>
<td>3358-35</td>
<td>43 Wilson St. W. – Add article 4 a) &amp; b) i-viii to subsection 11.4; Amends Schedule ‘A’ to apply C1P-4 Zone – replaces R3-5 BL 3340</td>
<td>June 20, 2006</td>
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<tr>
<td>3358-36</td>
<td><strong>Major update (also see sub-index Table 2 below)</strong> – adds Definitions into Section 3; Revise text Section 4; Add text in table 9.2; Modify 10.2, 11.2, 14.2, 14.3, 15.2, 15.3; Insert figure “Angle to the Street”; Modify Schedule ‘A’</td>
<td>June 20, 2006</td>
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<td>3358-37</td>
<td>60 Halton Street – PerthWorks – Ads article 12 into subsection 9.4; Amends Schedule ‘A’ to apply R4-12 Zone</td>
<td>June 20, 2006</td>
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<td>3358-38</td>
<td>125 – 127 Wilson St. W. Adds article 10 to subsection 12.4; Amends Schedule ‘A’ to apply C2-10 h Zone</td>
<td>August 22, 2006</td>
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<td>3358-39</td>
<td>48 Beckwith St E. – Adds article 14 to subsection 9.4; Amend Schedule ‘A’ to apply R4-14-h Zone</td>
<td>August 22, 2006</td>
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<td>3358-40</td>
<td>3 Beckwith St E. Adds article 4 to subsection 17.4; Amends Schedule ‘A’ to apply I-4 Zone</td>
<td>August 22, 2006</td>
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<td>3358-41</td>
<td>Smith Dr – Roger Road – Amends Schedule ‘A’ – remove holding provision</td>
<td>August 22, 2006</td>
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<td>18 Cockburn at Beckwith – Adds article 5 at the end of subsection 7.4; Adds article 8 to the end of subsection 8.4; Amends Schedule “A” – to Apply R2-5 Zone and R3-8 Zone</td>
<td>November 21, 2006</td>
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<td>3358-43</td>
<td>68 North St. to Peter – Adds article 5 to the end of subsection 11.4; Amends Schedule “A”- applies the C1P-5-h Zone</td>
<td>January 23, 2007</td>
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<td>3358-44</td>
<td>8 Craig Street – Adds article 5 to subsection 17.4 Amends Schedule ‘A’ applies the I-5-h Zone</td>
<td>February 20, 2007</td>
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<td>3358-45</td>
<td>65 Dufferin Street -Loblaw Realty Adds Article 11 to subsection 12.4-adds/Table C2-11 Amends Schedule ‘A’ – applies the C2-11 Zone</td>
<td>September 21, 2010</td>
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<td>3358-46</td>
<td>General Amendment – Adds third paragraph to subsection 5.3 re holding Amends Schedule ‘A’ – applies –h to vacant R4, commercial, industrial</td>
<td>October 16, 2007</td>
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<td>3358-47</td>
<td>106 Peter St. – Add article 9 (R3-9) at the end of subsection 8.4 Amends Schedule ‘A’ to apply the R3-9-h Zone</td>
<td>November 20, 2007</td>
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<td>3358-48</td>
<td>2043 South St. Methodist Church site – Adds article 6. I-6 to subsection 17.4 Amends Schedule ‘A’ to apply the I-6-h Zone</td>
<td>March 18, 2008</td>
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<td>3358-49</td>
<td>Ashgrove sub – Mac Campbell Dr. Adds article 6 to sub 7.4 &amp; 16 to sub 9.4 Amends Schedule ‘A’ to apply the R4-16 Zone and R2-6 Zone</td>
<td>January 22, 2008</td>
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<td>3358-TU-2</td>
<td>Temporarily insert article 15.4.5T (TU-2 Zone) at the end of subsection 15.4 Modifies Schedule ‘A’ until March 2010 (see By-law 3358-TU3-2009)</td>
<td>March 18, 2008</td>
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<td>3358-50</td>
<td>Perthmore St – south easterly side – Adds article 17 to the end of subsection 9.4; Amends Schedule ‘A’ to apply the R4-17 Zone</td>
<td>April 15, 2008</td>
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<td>3358-51</td>
<td>Perthmore St. – south easterly side Amends Schedule ‘A’ to extend R4-17 Zone</td>
<td>August 19, 2008</td>
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<td>3358-52</td>
<td>11 Halton Street - Adds article 10 to the end of subsection 8.4; Amend Schedule ‘A’ to apply the <strong>R3-10 Zone</strong></td>
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<td>Tayview Subdivision amendment – application deferred</td>
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<td>105 North Street at Alma Street - Amend table in Section 20; Modify subsection 19.4 subsection 3 article a); Modify Schedule ‘A’ change R4-7-h and EP-3 boundaries</td>
<td>October 21, 2008</td>
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<td>Assigned – application withdrawn – available for future use</td>
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<td>General amendment – adds Townhouse provisions subsection 9.3</td>
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<td>120-122 Gore Street E, - Adds article 6 to subsection 11.4; Amends Schedule ‘A’ to apply the <strong>C1P-6 Zone</strong></td>
<td>June 16, 2009</td>
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<td>3358-58</td>
<td>61 Drummond St. W- Modifies Section 20 row 3200 to permit large sign</td>
<td>June 16, 2009</td>
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<td>3358-59</td>
<td>114 Drummond St. E. – Adds article 11 to subsection 8.4; Amends Schedule ‘A’ to apply the <strong>R3-11 Zone</strong></td>
<td>October 20, 2009</td>
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<tr>
<td>3358-TU-3</td>
<td>14 Conlon Drive - Temporarily insert article 15.4.5T (TU-2 Zone) at the end of subsection 15.4 Modifies Schedule ‘A’ until March 2013 <em>(Note this is the third extension and PAC recommended it be the last)</em></td>
<td>December 15, 2009</td>
</tr>
<tr>
<td>Bylaw 3358-46</td>
<td>(1) Add paragraph to subsection 5.3; (2) Modify Schedule ‘A’;</td>
<td>2007</td>
</tr>
<tr>
<td>Bylaw 3358-60</td>
<td>1830 Rogers Rd-Modify Schedule A remove holding provision</td>
<td>2010</td>
</tr>
<tr>
<td>Bylaw 3358-61</td>
<td>22 North St- Expand subsection 11.2 add new article CIP-7</td>
<td>2010</td>
</tr>
<tr>
<td>Bylaw 3358-47h</td>
<td>106 Peter St- modify Schedule A to remove holding provision</td>
<td>2010</td>
</tr>
<tr>
<td>Bylaw 3358-62</td>
<td>52 South St-Expand subsection 11.2 add new article CIP-8</td>
<td>2010</td>
</tr>
<tr>
<td>Bylaw 3358-63</td>
<td>Drummond StW Modify schedule A from Open Space (OS) and Highway Commercial (C2-h) Zone with a holding provision to the Residential First Density (R1-h) Zone and the Residential Fourth Density (R4-h) Zone each with a holding provision for the lands</td>
<td>2010</td>
</tr>
<tr>
<td>Bylaw 3358-64</td>
<td>Add a new article to subsection 8.4 immediately following article 11</td>
<td>2011</td>
</tr>
<tr>
<td>Bylaw 3358-65</td>
<td>Modify Schedule “A” by changing the zone category on land described as Lot 37 N Plan 8828 municipally known as 15 North St in the Town of Perth, to the Residential Third Density Exception Six (R3-6)</td>
<td>2011</td>
</tr>
<tr>
<td>Bylaw 3358-66</td>
<td>Bylaw 3358 amended insofar as to modify the text of subsection 8.4 part 10, article a) to delete the following text: “the maximum foot print of the accessory dwelling unit is 29 m2 (314 ft2),” Modify Schedule “A” by changing the zone category on land described as PK Lot 2, PT Lots 1, 2 and 6 Plan 8828; Part 2 ref plan 27R-2338, in the Town of Perth, to the Residential Third Density Exception Six (R3-6) Zone</td>
<td>2011</td>
</tr>
<tr>
<td>Bylaw 3358-67h</td>
<td>Modify Schedule ‘A’ to lift holding provision on 31 Dufferin</td>
<td>2011</td>
</tr>
<tr>
<td>Bylaw 3358- TU4</td>
<td>Temporarily insert a new article at the end of subsection 15.4 Further amended insofar as to temporarily modify Schedule “A” to apply the TU-4 zone category on land described as Pt Lt F, Pt Lt G, North of South St. Plan 8828, Part 1 Plan 27R-2672 being land municipally known as 1847 Rogers Road.</td>
<td>2011</td>
</tr>
<tr>
<td>Bylaw 3358-68</td>
<td>Modify Schedule “A” by changing the Zone Category on land described as Lot 4 S Robinson Plan 8828 municipally known as 114 Drummond Street and 32 A Robinson Street in the Town of Perth, to the Residential Third Density (R3) Zone</td>
<td>2011</td>
</tr>
<tr>
<td>Bylaw 3358TU-5</td>
<td>Amended insofar as to temporarily insert a new article at the end of subsection 6.4 Further amended insofar as to temporarily modify Schedule “A” to apply the TU-5-h zone category on a portion of the property described as Pt Lt 26 Concession 10, Parts 1, 2 and 3 Plan 27R-8380 being land municipally known as 240 Gore St. E.</td>
<td>2011</td>
</tr>
<tr>
<td>Bylaw 3358-69</td>
<td>Revise the text of subsection 9.4.12 article a) to delete all of the text after the words “considered as one lot”. Further amended insofar as to revise the text of subsection 9.4.12 article b) by inserting the following text at the beginning of the sentence: “Within an individual, conveyable lot, block or parcel within the R4-12 Zone the maximum <strong>lot coverage</strong> shall be 55 % with an additional 5% permitted for accessory structures that have no walls or roof provided that” Be further amended insofar as to modify subsection 9.4.12 article e) to: a) replace the number “35” in paragraph i) with the number “33”; b) replace the number “14” in paragraph ii) with the number “12” c) replace the number “6” in paragraph iii) with the number “9” Further amended insofar as to delete all of the text of subsection 9.4.12 article h) after the words “detached residential use” and replace it with the following: “with frontage on Cockburn Street shall be 2.” Further amended insofar as to add the following text to subsection 9.4.12 article n) at the end of the sentence: “and the minimum interior side yard for a detached or semi-detached dwelling abutting such an easement or land in common open space use shall be 1.2 m (3.9 ft.) for the first two storeys of a building or part of a building to a maximum height of 7.5 m” Further amended insofar as to modify the text of subsection 9.4.12 article o) to delete the word “Maximum” and replace it with the word “Minimum” and replace the number “12.2” with the number “14” and to insert the following text at the end of the sentence: “and the event a semi-detached dwelling is subdivided one dwelling unit may have a minimum lot frontage of 6 m.” Further amended insofar as to modify Schedule “A” by removing the holding provision from the lands subject to reference plans 27R-9570, 27R-9629, 27R-9990 and adjoining lands as shown on Schedule “A” attached hereto and forming a part of this By-law</td>
<td>2012</td>
</tr>
<tr>
<td>Bylaw</td>
<td>Description</td>
<td>Date</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>3358-70</td>
<td>Add a new Part 7 to the end of subsection 7.4 Be further amended insofar as to modify Schedule “A” by changing the Zone Category on land described as Part of Lot 3 S Halton, registered Plan 8828 being Plan 27R-6869 municipally known as 207 Gore St E. in the Town of Perth, to the Residential Second Density Exception Seven (R2-7) Zone</td>
<td>2012</td>
</tr>
<tr>
<td>3358-71</td>
<td>Add a new Part 4 to the end of subsection 14.4 Further amended insofar as to modify Schedule “A” by changing the Zone Category on land described as Pt. Lot 27 Con 10 Geographic Township of North Elmsley, Part 2 RP 27R-3524 and municipally known as 2044 Rogers Road in the Town of Perth, to Restricted Industrial Exception Four (M1-4) Zone</td>
<td>2012</td>
</tr>
<tr>
<td>3358-TU6</td>
<td>Temporarily insert a new article at the end of subsection 7.4 Be further amended insofar as to temporarily modify Schedule “A” to apply the TU-6 zone category on a portion of the property generally described as Parts 1, 2, 3, 4, 5, 6 and 7 Plan 27R-3386 and Part of Lot 3 Pk Lot 1, registered Plan 8828 and are municipally known as 22, 24, 26 and 28 Leslie Street and lands adjacent thereto as shown on Schedule ‘A’ hereto</td>
<td>2012</td>
</tr>
<tr>
<td>3358-72</td>
<td>Modify subsection 13.4, article 3 Be further amended insofar as to modify Schedule “A” by changing the Zone Category on land described as Lots 51, 65, 66, 67 &amp; 68, Park Lot 7, Plan 8828, Part of Gore Street Closed by By-Law Number RS62391, Parts 2, 4, 5 RP 27R-817, and municipally known as 12 Elliot Street in the Town of Perth, to the Neighbourhood Commercial Exception Three (C3 3-h)</td>
<td>2013</td>
</tr>
<tr>
<td>3358-73h</td>
<td>Modify Section 4.15, to add a new subsection</td>
<td>2013</td>
</tr>
<tr>
<td>3358-74</td>
<td>Modify subsection 13b.4, article 1) Modify Schedule “A” by changing the Zone Category on land described as PT Lot 9, PT Lot 10 Compiled Plan 8828; being Part 1 RP 27R 3606 and municipally known as 1 Sherbrooke Street to add h1 and h2 holding provisions to the C5-1 Zone.</td>
<td>2013</td>
</tr>
<tr>
<td>3358-75</td>
<td>Modify Schedule “A” by changing the Zone Category on land described Part 14, RP 27R-1985 municipally known as 16 Conlon Dr. in the Town of Perth, to the Business Park (C5) Zone</td>
<td>2013</td>
</tr>
<tr>
<td>By-law</td>
<td>Description</td>
<td>Date</td>
</tr>
<tr>
<td>----------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>3358-76</td>
<td>Add a new article 21 to subsection 9.4 Modify Schedule ‘A’ by changing land municipally known as 101 Wilson St W., to the Residential Fourth Density Exception Twenty-one (R4-21-h) Zone with a holding provision</td>
<td>Jan 2014</td>
</tr>
<tr>
<td>3358-77</td>
<td>Change Schedule ‘A’ to apply the General Commercial Professional – C1P Zone Category on land at 32 Foster</td>
<td>May 2014</td>
</tr>
<tr>
<td>3358-78</td>
<td>Add new article 4 to subsection 13.4 to permit dwellings and temporary take-out restaurant – Amend Sched. A to apply the C3-4 Zone to 205 Gore St. E.</td>
<td>Aug. 2014</td>
</tr>
<tr>
<td>3358-79</td>
<td>Amend Sched. A to apply the R3 Zone to 106 Drummond St. E</td>
<td>Nov. 2014</td>
</tr>
<tr>
<td>3358-80</td>
<td>Amend Sched. A to apply R4-23-h Zone to land fronting on Harris St. N lying easterly of CPP rail corridor</td>
<td>Dec 2015</td>
</tr>
<tr>
<td>3358-81</td>
<td>Amend Sched. A to apply the R3-13 Zone to 39 Grant St.</td>
<td>Mar 2015</td>
</tr>
<tr>
<td>3358-82</td>
<td>Amend Sched. A to apply the C1-3 Zone to 84-90 Gore St. E</td>
<td>Mar 2015</td>
</tr>
<tr>
<td>3358-83</td>
<td>Amend Sched. A to apply the R4-22-h Zone to 6 Isabella St.</td>
<td>Apr. 2015</td>
</tr>
<tr>
<td>3358-84</td>
<td>Amend By-law 3358-78 to permit a computer retail and service use on 205 Gore St. E</td>
<td>Aug. 2015</td>
</tr>
<tr>
<td>3358-85</td>
<td>Amend Sched. A to apply the C5 Zone to 1865 Rogers Rd.</td>
<td>Dec 2015</td>
</tr>
<tr>
<td>3358-50-01</td>
<td>Amend By-law 3358-50 to modify R4-17 Zone provisions that applies to 21-25 Perthmore St.</td>
<td>Dec 2015</td>
</tr>
<tr>
<td>3358-86</td>
<td>Amend Sched. A to apply the C3-5 Zone to 186 Gore St. E.</td>
<td>Mar. 2016</td>
</tr>
<tr>
<td>3358-87</td>
<td>Amend Sched. A to apply the R3 Zone to 125 Beckwith</td>
<td>Apr 2016</td>
</tr>
<tr>
<td>3358-88</td>
<td>Source Protection Overlay and new provisions Pending OPA approval</td>
<td>Jan. 2017</td>
</tr>
<tr>
<td>3358-89</td>
<td>Remove holding from 80 Dufferin St.</td>
<td>Dec 2016</td>
</tr>
<tr>
<td>3358-90</td>
<td>Amend Sched. A to apply C1-4 Zone to 58 &amp; 54 Wilson St. W.</td>
<td>March 2017</td>
</tr>
<tr>
<td>3358-91</td>
<td>Comprehensive Update - +/- 400 revisions – see next table</td>
<td>27 June 2017</td>
</tr>
<tr>
<td>3358-92</td>
<td>R4-24 Zone – 34 George – adds article 9.4 24 Amends Schedule A</td>
<td>April 2017</td>
</tr>
<tr>
<td>3358-93</td>
<td>R#9 Zone – 20 Thom Amends article 8.4.9 [R3-9 Zone] and Schedule A</td>
<td>May 2017</td>
</tr>
</tbody>
</table>
**By-law 2002-3467**

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**MAJOR UPDATE – SUB-INDEX TABLE 1**

1. Format Modifications;
2. Textual Modifications to subsection 1.4, article 1.6 a), section 1.11, clause b) of article 4.11, clause c) of article 4.11, article a) of subsection 4.15, clause x) of article 4.16 a), clause v) of article 4.16 d), clause ii) of article 4.29 a), clause ii) of article 4.29 f);
3. Modify definitions with the following textual changes:
5. Replace new text in article c) of section 4.29
6. Add article to subsection 4.40;
7. Modify subsection 5.3;
8. Delete references to term ‘Garden Suite’ in subsections 5.1, 6.1, and 7.1;
9. Modify subsection 8.1, add article h) to subsection 8.3;
10. Modify subsection 12.1;
11. Modify subsection 12.2;
12. Add two new articles to subsection 15.4;
13. Modify Section 20;
14. Modify Schedule ‘A’;

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2002
<table>
<thead>
<tr>
<th>Bylaw 3358-36</th>
<th>MAJOR UPDATE – SUBINDEX TABLE 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Add definitions to Section 3: Angle to Street; Assumed; Motor Vehicle; Motor Vehicle (commercial); Noise Barrier Wall; Queue, Minimum Vehicle Service; Queue, Vehicle Service; Restaurant; Restaurant, Drive-In; Restaurant, with Drive through service; Restaurant, Drive-through/ Take Out; Restaurant, Take Out; Shopping Centre;</td>
<td></td>
</tr>
<tr>
<td>(2) Modify the definition of ‘Industrial Use’;</td>
<td></td>
</tr>
<tr>
<td>(3) Insert new paragraph into Section 4.8; Modify article a of subsection 4.11; Insert a new article i) into subsection 4.22; Modify text of Subsection 4.25, article b); Add article o) in Subsection 4.29; Amend Subsection 4.30; Add new text to chart</td>
<td></td>
</tr>
<tr>
<td>(4) Modify text to the table in Subsection 9.2</td>
<td></td>
</tr>
<tr>
<td>(5) Modify text of Subsections 10.2, 11.2, 13.2, 13b.2, 14.2, 15.2 to replace the words Building Coverage in each instance with the words “Lot Coverage”;</td>
<td></td>
</tr>
<tr>
<td>(6) Add text to subsection 10.1, 11.2, 12.2, 13.2, 13b.2, 14.2 and 15.2 to insert text at the end of the clause labelled ‘Minimum Yards’;</td>
<td></td>
</tr>
<tr>
<td>(7) Add text to Subsection 10.1 after the word “Restaurant”;</td>
<td></td>
</tr>
<tr>
<td>(8) Add text to Subsection 11.1 after the word “Restaurant”;</td>
<td></td>
</tr>
<tr>
<td>(9) Modify and add text to subsection 14.2;</td>
<td></td>
</tr>
<tr>
<td>(10) Add text to subsection 14.3;</td>
<td></td>
</tr>
<tr>
<td>(11) Modify and add text to subsection 15.2;</td>
<td></td>
</tr>
<tr>
<td>(12) Add text to subsection 15.3;</td>
<td></td>
</tr>
<tr>
<td>(13) Insert Figure after the page including the definition of the term, “Angle to the Street”;</td>
<td></td>
</tr>
<tr>
<td>(14) Revise zone category titles and symbols on Schedule ‘A’</td>
<td></td>
</tr>
<tr>
<td>(15) Modify Schedule ‘A’</td>
<td></td>
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</tbody>
</table>

2006
<table>
<thead>
<tr>
<th>Bylaw 3358-91</th>
<th>MAJOR UPDATE – SUBINDEX TABLE 2</th>
<th>June 2017</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Approximately 400 changes and revisions for details see appendix A to By-law 3358-91 attached</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) Add new definitions to Section 3</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) Modify the definitions of ‘</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(3) Insert new general provisions ;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(4) Modify text to general provisions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(5) Modify text of Subsections (6) Add text to subsection</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(14) Revise zone category titles and symbols on Schedule ‘A’</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(15) Modify Schedule ‘A’ – see appendix- to 3398-91 attached</td>
<td></td>
</tr>
</tbody>
</table>
The Corporation of the Town of Perth

By-law No. 3358

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

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

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

(Text of Zoning By-law)

Read a first and second time this _____ day of ____________________ , 2017.

Read a third time and adopted this _____ day of ____________________ , 2017.

___________________________________  _______________________________________
Mayor                                Clerk

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

______________________________
Clerk
Section 1 ADMINISTRATION

Explanatory Note

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

1.1 Title

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

1.2 Applications and Plans

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

Explanatory Note for Site Plan Drawings
A site plan drawn to scale should be prepared which illustrates

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

1.3 Defined Area

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

This By-law shall be administered by the Chief Building Official and the Director of Development and Protective Services or a By-law Enforcement Officer working under the supervision of said Director or such other person as may from time to time be designated by Council, and no permit for the use of land or for the erection or use of any building or structure or approval of an application for any municipal license within the jurisdiction of the Council shall be issued or given where the proposed building, structure or use would be a violation of any provision of this By-law.

1.5 Inspection of Land, Buildings and Structures

(a) Subject to Section 49 of the Planning Act, 1990, the Chief Building Official or other such person as may from time-to-time be designated by Council or any person acting under his or her instructions, and upon producing proper identification, may, at all reasonable times, enter and inspect any property on or in respect of which he or she believes a contravention is occurring.

(b) Notwithstanding any provisions of Section 1.5 (a) to the contrary, no officer or any person acting under an officer’s instruction, shall enter any room or place actually being used as a dwelling unit without obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused, except under the authority of a search warrant issued under Section 158 of the Provincial Offenses Act.

1.6 Penalty

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

(a) In the case where any building or structure is erected or altered, or any part thereof is used, or any lot is used, in contravention of any of the requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the Municipal Act or the Planning Act in that behalf.

(b) No person shall obstruct or attempt to obstruct an officer or person acting under the officer’s instructions in the exercise of a power under Section 49 of the Planning Act.

1.7 Repeal and Relationship to Former By-laws

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

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

1.8 Validity

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

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

1.10 Conflict

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

1.11 Metric and Imperial Terms

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

1.12 Level of Accuracy

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

1.13 Resolution of Requirements

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

1.14 Diagrams and Figures

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

1.15 Reference to Legislation

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

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

(a) Correction of grammar, spelling or typographical errors or revisions to format in a manner that does not change the intent of the By-law.

(b) Adding or revising technical information on the zoning maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updated and correcting infrastructure information, keys, legends or title blocks.

(c) Changes to appendices, headings indices, marginal notes, table of contents, illustrations, historical or reference information, page numbering, footers or headers, which do not form part of this By-law and are editorially inserted for convenience or reference only.

(d) Correction of metric to imperial measurement conversion where the imperial is not an accurate representation of the metric requirement.

1.17 Interpretation

(a) The Legislation Act

The Legislation Act, S.O. 1990 c. 21, Sched. F and any amendments to or superseding legislation applies to this By-law, particularly but not exclusively, for the purposes of interpretation and application of time lines, reference Sections 87, 88 and 89.

(b) Definitions

Definitions are given in this By-law to aid in the understanding and implementation of the true spirit, intent and meaning of the By-law. They are not to be used to avoid an obligation imposed by the By-law or any requirement enacted in a substantive provision of the By-law.

(c) Citation

This By-law may be cited by its long title (“A By-law to Regulate the Use of Land, Buildings and Structures within the Town of Perth”), its short title (“Town of Perth Zoning By-law”) or its by-law number, and any such citation is to be taken as meaning the By-law as amended.

(d) Gender Neutrality

This By-law is gender neutral and, accordingly, any reference to one gender includes the other.

1.18 Defined Terms

Defined terms will be shown in bold italicized script throughout this By-law most permitted uses are defined terms and generally will not be bolded in the permitted use section of a zone category.
Section 2 CONFORMITY REQUIREMENTS

Explanatory Note

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

2.1 Compliance

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

2.2 Compliance of Severances – subdivision of land

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

2.3 Application to Building

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

2.4 Minor Variances

(a) All minor variances applied for prior to the enactment of this By-law and finally approved pursuant to Section 45 of the Planning Act, R.S.O., 1990, c. P.13, as amended, shall continue to apply and remain in force as if they are variance to this By-law.

(b) In addition to the criteria set out in Section 45 (1) of the Planning Act, the following additional criteria shall be considered in the review of applications for a minor variance will qualify if:

1. The proposal results in a built form where the maximum building height respects, i.e. is not substantively greater than, the height of adjacent buildings. Generally, if compensating increased building setbacks cannot be achieved, a variance for increased height should not exceed one-storey;

2. the result is a lot coverage that is not substantively greater than the coverage on adjacent lots within the same block or does not require augmented or unusual measures to manage the resulting storm water and on-site drainage volumes;

3. the result is to respect or conserve the cultural heritage values, interests and built form within a Heritage Conservation District and is consistent with any design guidelines established for the District;
4. an increase in the density of occupancy is in concert with a compensating increase in vegetated landscaped area;

5. the applicant demonstrates that there is a condition on site whereby a design that would comply with the zoning standards would be an unreasonable hardship, architecturally inconsistent with existing on-site development, or would have an undesirable impact on an existing landscape feature or abutting use;

6. The proposal does not reduce the landscaped area of a residential front yard below 45% or increase impervious surfaces to cover over 60% of a residential lot.
Section 3  DEFINITIONS

Explanatory Note

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

Access:

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

Accessory:

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

Examples of accessory buildings or structures are a detached garage, a storage shed, a swimming pool, a swimming pool pump or condenser, a heat pump or a satellite dish. Examples of accessory uses are a home based business, an outdoor display area for a store, or a retail outlet within a manufacturing plant.

Accessory Building:

Shall mean a subordinate, detached, single storey building or structure, which is clearly secondary in scale to the principal use building; is occupied, used, or intended for an accessory use; and, except as otherwise expressly permitted by the provisions of a specific zone or definition herein, shall not be used for human occupation; and shall include a carport and any swimming pool covering an area greater than 5 m² (53.8 sq. ft.) or designed to hold water to a depth exceeding 1 metre.

Accessory Detached Dwelling:

Shall mean a fully-detached dwelling which is accessory to a permitted non-residential use.
Accessory Apartment

Shall mean a separate and self-contained *dwelling unit* (e.g. includes cooking, sanitation and sleeping facilities) within or added to a *single detached dwelling unit*, *semi-detached dwelling* or a *dwelling unit in a townhouse* and which has a separate exterior entrance or independent access to an exterior entrance. This includes a second dwelling unit, where specifically permitted in an accessory building, on a lot where a second unit is not present in the principal residential building.

Accessory Dwelling Unit

Shall mean a self-contained *dwelling unit* which is part of and *accessory* to a permitted non-residential building other than an automotive service station or a commercial garage.

Accessory Suite (commonly called an in-law suite)

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

Accommodation Room

(See Guest Room)

Addition

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

Adult Care Centre

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

Adult Entertainment Use (also see municipal Act Section 154)

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

Aisle

(See Guest Room)

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

(a) When used in reference to a building, structure or part thereof, shall mean:

i) to change any one or more of the internal or external dimensions of such building or structure; or

ii) to change the type of construction of the exterior walls or roof of such building or structures; or

iii) to change the use of such building or structure or the number or types of uses or dwelling units contained therein.

(b) When used in reference to a lot shall mean:

iv) to change the boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of the lot, or otherwise; or

v) to change any dimension or area, relating to such lot (e.g. width, depth or area of a lot or required yard, landscaped open space or parking area); or

vi) to change the use of such lot or the number of uses located thereon.

(c) When used in reference to a shoreline shall mean:

vii) to change, straighten, divert or interfere in any way with the channel of any water body.

Altered and alteration shall have corresponding meanings.

Alternative Energy System

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

Ambulance Facility

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

Amusement Machine

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

(By-law 3358-36)

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

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**Animal Day Care Establishment**

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

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

Animal Shelter

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

Apartment Building - see Dwelling - Apartment

Arcade or Video Arcade

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

Archaeological Resources

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

Areas of Natural and Scientific Interest

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

Assembly Hall - see Place of Assembly

Assumed (By-law 3358-36)

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

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

Shall mean any main wall, on a building used for commercial, multi-residential or mixed-use purposes, which faces a street and includes the following features:
- a change in **setback** from the street of at least 1 m (3.3 ft.) for each 15.25 m (50 ft.) or less of wall length; and
- for any wall exceeding 36.5m (120 ft.) in length, a change in either wall cladding materials or the colour of the cladding shall be required for a minimum of one third of the wall surface.

**At Grade or at Ground Level**

(By-law 3467)

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

**Attached**

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

**Attic**

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

**Auction Hall or Site**

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

**Audio/Visual Studio**

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

**Auditorium**  - see **Place of Assembly**

**Auto Body Shop**

(By-law 3467)

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

**Auto Repair Garage**

Means a **premises** for the repair and servicing of **motor** or **recreational vehicles**, and
the temporary storage of vehicles pending repair, having at least one (1) service bay where repairs essential to the actual operation of a motor vehicle are performed but does not include an **Auto Body Shop** or a **Wrecking or Salvage Yard**.

**Automotive Sales Establishment**

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

**Auto Service Station**

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

**Automobile Washing Establishment**

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

**Automobile Wrecking Yard** - see **Wrecking or Salvage Yard**

**Bachelor Apartment or Suite**

(By-law 3467)

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

**Bakery**

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

**Bake Shop**

Shall mean a shop where baked food products and associated goods are sold or offered for sale by retail, including incidental baking of products for sale, and may include accessory space for consumption of the goods retailed but does not include any form of restaurant as defined herein.
Balcony

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

Bank

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

Barrier Free

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

Basement

Shall mean a level or portion of a building located below the first storey with a floor to ceiling height of at least 1.8 m which is more than one half above the established above grade. (also see definition of cellar and crawl space and Figure 1)

Bed and Breakfast Establishment (By-law 3467)

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

Bicycle Parking Area

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

Bicycle Parking Space Rack or Racking system

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

Bingo Hall

Shall mean premises used for bingo events and associated activities and is duly registered under the Gaming Control Act and may include a licensed restaurant or snack bar as an accessory use.
**Figure 1**

**BASEMENT AND CELLAR DEFINITIONS**

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**Block**

When used in reference to, or in the context of, a street shall mean the land extending from one intersection to the next intersection on the same side of the street or to the terminus of a street; and when used in reference to, or in the context of, a parcel of land shall mean a block described in a registered plan of subdivision or a comparable plan.
Town of Perth Zoning By-law No. 3358

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

Shall mean a dwelling within which a resident supplies rooms without food preparation facilities for a fee, generally charged on a weekly or monthly basis, for the temporary lodging of up to six (6) persons and may provide meals or a common dining facility but this use does not include a bed and breakfast establishment, a hotel, a hostel, or other uses otherwise classified or defined in this by-law.

Breeze way

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

Brewery, Distillery or Winery

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

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

Shall mean a landscaped or planted area reserved for the purpose of screening or obstructing the view of buildings, land or structures, parking areas and outdoor storage areas and/or shielding or blocking noise, lights or other nuisances by the planting of trees and shrubs or the installation of berms, walls, or fences or a combination thereof. Where a visual buffer or screen is required it should provide a minimum of 80% view obstruction starting not more than 10 cm above grade and extending not less than 1.6 m [5.5 ft.] above grade or as otherwise specified herein (See Figure 2).
Figure 2
Building

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

Building, Accessory - see Accessory Building

Building By-law

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

Building Envelope

Means the buildable area on a lot, defined by all of the required yards and setbacks and the maximum height provisions, within which a building can be erected. (see Figure 14)

Building Height - see Height

Building Inspector or Building Official - see Chief Building Official

Building, Main or Principal

Shall mean a building in which is conducted the principal uses of the lot on which the building is situated. (See Figure 3) [note: that on commercial, industrial and some multi-residential properties there may be more than one main building]

Building Line

Shall mean a line within a lot drawn parallel or concentric to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

Building Line, Front (By-law 3467)

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

Building, or Development, Mixed-Use

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

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

Building Setback – see Setback

Building Supply Store or Depot

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

Built Heritage Resources

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

Bulk Fuel Depot

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

Bulk Fuel Storage

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

Bulk Storage Yard

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

Business, Professional and/or Administrative Office

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

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

Café or Snack Bar

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

Canopy

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

Car Rental Agency

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

Car Wash - see Automobile Washing Establishment

Card Lock Facility

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

Casino

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

Catering Establishment

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

Cellar

Shall mean any level or portion of a building below the first storey, with a floor to ceiling height of at least 1.8 m, and which is more than 50% below finished grade (measured from finished floor to finished ceiling). [see also Basement, Crawl Space and illustration figure 1]
Cemetery

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

Cemetery, Pet

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

Chief Building Official

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

Church - see Place of Worship

Clinic

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

Club, Private

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

Commercial Greenhouse, Nursery or Garden Centre

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

Commercial Parking Lot

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

Commercial Vehicle – see Motor Vehicle, Commercial

Common Hallway

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

Communications Facility

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

Community Centre - see Place of Assembly

Community Garden

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

Condominium

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

Conservation Use

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

Construction Yard or Contractor's Yard

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

Continuum-of-Care Facility

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

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

Converted Dwelling - see Dwelling, Converted

Convention Facility see Place of Assembly

Corporation

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

Correction Home - see Group Home

Cottage Industry - see Home Based Business

Council

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

County

Shall mean the Corporation of the County of Lanark.

Coverage - see Lot Coverage

Crawl Space

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

Crisis Care Facility

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

Cultural Heritage Landscape

Means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Such areas may be identified by the Corporation as a Heritage Conservation District and/or by an overlay schedule to this By-law.
Custom Workshop

Means a premises used by a trades or crafts person or artisans for the individual custom production of goods and articles. The sale of such products will be permitted as an accessory use. Except in zones where specifically permitted, this use does not include any automotive or motor vehicle repair, maintenance, painting, or customizing service.

Dairy

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

Day Lighting Triangle - see Sight Triangle

Day Care, Private Home

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

Day Nursery

Shall mean premises wherein the temporary care of children is provided in accordance with the provisions of the Child Care and Early Years Act.

Deck

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

Demolished

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

Demolition

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

Density

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

Detached

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

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

Dish Antenna - see Satellite Dish

Domestic Pet

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

Drive-in Restaurant - see Restaurant

Drive-Through Service

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

Driveway

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

Driving Range

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

Dry Cleaning Establishment

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

Dry Cleaning Distribution Station

Shall mean a building used for the purpose of receiving goods of fabric primarily for distribution to a Dry Cleaning Establishment.

Duplex Building - see Dwelling, Duplex

Dwelling
Shall mean a **building** or part of a **building** occupied or capable of being occupied as the home or residence, or sleeping place, by one or more persons, where food preparation and sanitary facilities are provided, but shall not include a **hotel** or **motel** or any tent, **recreational vehicle** or park model trailer. (See Figures 4 and 5)

**Dwelling, Accessory** - see **Accessory Dwelling**

**Dwelling, Accessory Dwelling Unit** - see **Accessory Dwelling Unit**

**Dwelling, Accessory Apartment** - see **Accessory Apartment**

**Dwelling - Apartment**

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

**Dwelling - Converted**

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

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

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

**Dwelling, - Duplex**

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

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

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

**Dwelling, - Linked**

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

**Dwelling, Mobile Home** - See **Mobile Home**

**Dwelling, - Modular**

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

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

Dwelling, - Row house or Townhouse

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

i) Row house, Interior:

Shall mean a row or townhouse with two common walls.

ii) Row house, End:

Shall mean a row house with one common wall.

Dwelling, - Multiple

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

Dwelling, - Semi-detached

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

Dwelling, - Single-detached or detached

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

Dwelling, - Stacked Townhouse

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

Dwelling, - Triplex

Shall mean a building or structure on a single foundation divided horizontally into three (3) separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.
Figure 4

ILLUSTRATIONS OF DWELLING TYPES

UNIT

DETACHED UNIT

UNIT A

UNIT B

SEMI-DETACHED

UNIT A

UNIT B

DUPLEX

UNIT A

UNIT B

UNIT C

TRIPLEX

UNIT A

UNIT B

UNIT C

OR
ILLUSTRATION OF TYPES OF DWELLINGS

FOURPLEX DWELLINGS

TOWNHOUSE DWELLINGS

MAISONETTE DWELLINGS

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

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

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

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

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

Erect or Construct
Shall mean to build, construct, reconstruct, *alter* or relocate, enlarge and without limiting the generality of the foregoing shall be taken to include any associated physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing *building or structure* by an addition, deletion, enlargement or extension or other structural change.

Entertainment Establishment
(By-law 3467)
Shall mean a *building* or *premises* used for a motion picture or cinema or other theatre, auditorium, public hall, billiard or pool room, bowling alley, arcade, ice or roller skating rink, dance or music hall but does not include any facilities otherwise defined in this by-law, such as a *Bingo Hall, Casino, Arcade, Amusement Machine*, or *Recreational Commercial Establishment*.

Established Building Line
Shall mean the average *setback* from the street-line to existing buildings (exclusive of *accessory buildings* and *structures* such as a *porch, veranda* or enclosed stairs) on one side of one *block* where more than one-half of the frontage of the same side of a *block* has been built upon. (See Figure 6)
Figure 6
Established Grade

Shall mean:

(a) when used with reference to a building, the average elevation of the finished level of the ground adjoining a wall of the building, measured along the length of the wall, exclusive of any artificial embankments or berms or steps.

(b) when used with reference to a structure, the average elevation of the finished surface of the ground immediately surrounding such structure;

(c) when used with reference to a street, road or highway, the elevation of the street, road or highway established by the municipality or other designated authority.

Existing

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

Exterior Lighting

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

Exterior Side Lot Line - see Lot Line, Exterior Side

Exterior Side Yard - see Yard, Exterior Side

Factory Outlet

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

Fairgrounds

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

Farm Produce Stand

Means a temporary, mobile display structure or trailer, occupied as an accessory use to a farm property, or commercial property or as an element in a Farmers Market, for the seasonal sale of locally grown produce, plants, and food products processed or packaged on a local farm.
Farmer's Market
Means land, buildings and structures used for the sale of farm products, arts, crafts and other merchandise of a local farming, artisan or home-based-business community, usually operated on a seasonal or occasional basis and comprised of a collection of stalls or sites for individual retailers.

Fence
Shall mean any barrier or structure constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials, and includes a continuous hedgerow of shrubs, trees or other perennial plants capable of attaining a height exceeding 1 m, which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating property lines.

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

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

Flea Market
Shall Mean
(a) a premises where second hand goods, articles and antiques are offered or kept for sale at retail to the general public but shall not include any other retail establishment otherwise defined herein;
(b) an occasional or periodic market or sales event held in an open area, which may include a street, or within a building or structure where independent sellers offer goods, new and used, for sale to the public, but not including private garage sales;
(c) a building or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either home grown, home made, handcrafted, old, obsolete, or antique and may include the selling of goods, food preserves or fresh produce or prepared foods at retail by businesses or individuals but does not include any form of restaurant.

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

Flood Plain

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

Flood Proofing

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

Flooding Hazards

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

Floor Area

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

Floor Area, Gross

Shall mean the total area of all the floor areas of all the storeys or mezzanine levels of a building including the finished floor area of any basement, but not of any cellar, and which floor areas are measured between the exterior faces of the building at each floor level but excluding motor vehicle parking areas within the building, any private garage, porch, veranda, sunroom.

Floor Area, Gross Leasable

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

(a) Any part of such building used as a dwelling unit by the owner, building manager, or custodian;
(b) Any part of such building used for the parking or storage of motor vehicles.
but inclusive of indoor motor vehicle retail display areas;

(c) Any part of such building used for service/mechanical rooms, garbage or recycling facilities, public washroom, elevators, equipment to heat or cool such building or a portion thereof; and

(d) Any part of such building used as a mall, if such mall serves as a common use area between the exclusively leased premises.

**Floor Area, Ground**

Shall mean the floor area of the lowest storey of a building approximately at or above the established grade level, excluding any basement or cellar, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but

(a) excludes car parking areas within the building; and

(b) for the purposes of this paragraph the walls of an inner court are and shall be deemed to be exterior walls.

**Floor Area, Net**

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

(a) any private garage, unenclosed balcony, porch, veranda, unfinished basement, cellar or attic;

(b) any part of a building or structure below grade which is used for building services, storage or laundry facilities; or

(c) any part of the building or structure used for the storage or parking of motor vehicles but will include an indoor motor vehicle display area; or

(d) any part of a commercial shopping centre used as a hall way, corridor passageway, utility room, public washroom, elevator shafts, service/mechanical rooms, garbage/recycling rooms, staff locker and lunch rooms, balcony or mezzanine level not otherwise used as a display or sale area for merchandise.

**Food and Dairy Products Industry** (By-law 3467)

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

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

**Front Yard** - see Yard, Front
Frontage - see Lot Frontage

Funeral Home

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

Garage – Commercial – see Auto Repair Garage

Garage - Private

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

Garden Centre - see Commercial Greenhouse, Garden Centre or Nursery

Garden Suite

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

Gas Bar or Refueling Station

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

Gazebo

Shall mean a freestanding, roofed accessory structure which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential dwelling but shall not include any other use or activity otherwise defined or classified in this by-law.

Geothermal Power Installation

Means a heating installation, such as a heat pump, that accesses or uses naturally occurring heat from within the underlying portion of the earth’s crust as its primary energy source.
Golf Course
Shall mean a public or private area operated for the purpose of playing golf as the principal use and may also include a driving range, practice green, club house and gold shop facilities, and a restaurant, and such accessory buildings and structures and services as are common or necessary for the operation and maintenance of the golf course. Other accessory uses may include: banquet and conference rooms and the facilities included in a recreational commercial establishment.

Granny Flat -see Garden Suite

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

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

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

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

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

Guest Room or Accommodation Room
Shall mean a room or suite of rooms, which contains no facilities for cooking and which is used or maintained to provide temporary lodging for gain or hire in an Inn,
hotel, motel, Bed and Breakfast or comparable establishment.

**Habitable Room**

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

**Height**

Shall mean the vertical distance between the established grade and:

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

(b) the deck line of a mansard roof; or

(c) in the case of all other types of roofs, the mean height level between the base of the roof and highest point of the roof. (see Figure 7)

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

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

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

**High Water Mark**

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

In the case of a waterbody having its water elevation regulated or controlled by a system of dams and other management features operated by any government authority, it shall be the highest elevation permitted or regulated for under normal (i.e. non-flood) operating conditions.
Figure 7

ILLUSTRATION OF BUILDING HEIGHT

GAMBREL ROOF

FLAT ROOF

MANSARD ROOF

GABLE ROOF

HIP ROOF

F = FRONT

S = SIDE

H = HEIGHT OF BUILDING

1/2

1/2

FINISHED GRADE

EAVE

MEAN HEIGHT

1/2

1/2

ROOF DECK LINE

MEAN HEIGHT

ROOF SURFACE

RIDGE

RIDGE
Highway

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

Holding Zone

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

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

[- see Continuum-of-Care Facility]

Home Based Business

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

Home Occupation - see Home Based Business

Hospital


Hostel

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

Hotel

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

Independent Entrance

(By-law 3467)
When used with regard to a **dwelling unit**, a residential use, or a premises, shall mean a private entryway, for the exclusive use of the occupants of a **dwelling unit** or **premises**, which provides access to the dwelling unit or premises either directly from the exterior of a **building** or from a common hallway or vestibule.

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

**Industrial Mall**

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

**Industrial Use**

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

**Class I Industry - Light Industrial**

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

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

**Class II Industry - Medium Industrial**

Shall mean a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, and **contractor’s yard**.
**Class III Industry – Heavy Industrial**  
(By-law 3358-36)

Shall mean a large scale industrial use, generally occupying a site with an area of 4,000 m² or more, which features one or more of the following: multiple or various industrial processes or operations; operations with employees regularly working in shifts; large production volumes; large areas of outdoor storage of raw materials and/or finished product which commonly are as large as or larger than the production facility; frequent receipt of production materials or shipping of finished product at any and all hours of the day; regular to frequent commercial or heavy truck traffic and may feature “just-in-time” delivery processes; regular emissions of noise, vibrations, odours, particulates or gaseous discharges singularly or in combination, that are commonly detectable beyond the property line, and occasionally at distances up to or greater than 300 m. Examples include motor vehicle assembly plants, refineries, pulp and paper mills, salvage yards, smelters and large scale warehouse distribution centres.

**Inn**  
(By-law 3467)

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

**Institutional Use**

Shall mean any premises used to provide non-profit or non-commercial services for governmental, educational, charitable, fraternal or other public or community benefit (Examples include a place of assembly, administrative office, private club; government or utilities warehousing, maintenance and storage use, post office, library, emergency service facility, museum or police station.)

**Junk Yard - see Wrecking Yard**

**Kennel, Commercial or Boarding**

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

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

**Landfill Site** - see Waste Management Facility

**Landscaping Strip** - see Buffer Strip

**Landscaped Open Space** (See Figure 8)

Shall mean:

(a) a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, concrete or brickwork; screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use and shall have a minimum of 75% **vegetated landscaped area** and no more than 25% **hard surfaced landscaped area** or impermeable surfaces and comply with subsection 4.26;

(b) does not include parking areas, traffic **aisles** or **driveways** or ramps for **motor vehicles**.

[see also **Open Space**]

**Landscaped Area, Hard Surfaced** (from C2-11 Zone By-law 3358-45)

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

**Landscaped Area, Vegetated** (from C2-11 Zone By-law 3358-45)

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

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

Laneway, public

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

Laundromat

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

Light Manufacturing - see Class I Industry - Light Industrial

Loading / Delivery Space

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

Lot

Shall mean a parcel of land which is capable of being legally conveyed in accordance with the Planning Act. (see Figure 9)

Lot Area

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

Lot, Corner

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

Where such street-lines are curved, the angle of intersection of the street-lines shall be deemed to be the angle formed by the intersection of the tangents to the street-lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street-line nearest to the point of intersection of the said tangents, and any portion of a corner lot distant not more than 30 m (98.4 ft.) from the corner measured along the street-line shall be deemed to be an interior lot. (See Figure 10)
Figure 8

PLANTING STRIP AND FENCING REQUIREMENTS

(a) RESIDENTIAL ZONE

(b) ANY ZONE EXCEPT R1, R2, R3 ZONES WHERE THE MINIMUM WIDTH OF THE LANDSCAPED OPEN SPACE IS INCREASED TO 6 M

1.5 M HIGH PLANTING STRIP (FENCE)

PROPERTY LINE

4.5 m

COMMERCIAL OR INDUSTRIAL USE

APARTMENT DWELLING OVER 3 STOREYS IN HEIGHT

4.6 m
DEFINITIONS OF TYPES OF LOTS

Figure 9
Lot Coverage

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

Lot Coverage, Maximum

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

Lot Depth

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

Lot Frontage

(By-law 3467)

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

Lot Interior

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

Lot Line

Shall mean a boundary line of a lot.

Lot Line - Exterior Side

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

(By-law 3467)

Shall mean:

(a) In the case of an interior lot, the line dividing the lot from the street-line but excluding a lot line abutting a traffic circle.

(b) In the case of a corner lot, created by the intersection of two streets, the shorter lot line abutting a street shall be deemed to be the front lot line and the longer lot line shall be deemed to be the exterior side lot line of the lot.

(c) In the case of a corner lot with two street-lines of equal lengths, the lot line that abuts the wider street, or abuts a Provincial highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction and of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.

(d) In the case of a corner lot created by a curved street line, the front lot line shall commence at the point of intersection of the street line with the longest interior side lot line and will terminate where the curved section intersects a straight street line segment opposite to the interior side lot line (which street line shall be the exterior side lot line); or, in the instance where there is no straight street line segment, the front lot line will encompass the entire curved street line as it extends between the two interior side lot lines.

In the case of a through lot, the front lot line shall be determined as a lot line abutting the street:

i) where the principal street access/entrance for the lot is permitted, or has been established on the lot; or

ii) if the clause “i)” is not determinative, where the street-line is closest to the main wall of a principal building on the lot; or

iii) if clauses “i) and ii)” are not determinative, the lot line abutting the street where the majority of principal access/entrance sites have been established on other lots in the same block by prior construction; or

iv) if clauses “i) through iii)” are not determinative, the shorter lot line abutting a street except that where the longer lot line results in a frontage calculation that meets the minimum lot frontage requirement of the applicable zone and the shorter lot line will not, then the longer lot line shall be the front lot line.

v) With respect to through lots in a commercial or industrial zone, the front lot line shall be the lot line abutting, or order of priority, a provincial highway, an arterial road or a collector road and items i) through iv) above lot line shall be the front lot line.

Lot Line, Rear

Means: the lot line furthest from, and opposite to, the front lot line. In the case of a lot with no rear lot line, the point where the two side lot lines intersect shall be the rear lot line but excluding a lot line abutting a traffic circle.
Lot Line, Side (Interior)
Shall mean a lot line other than a front, rear or exterior side lot line. On a lot with more than four sides, any lot line not otherwise defined as a front, rear or side lot line shall be considered as an interior side lot line.

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

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

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

(a) where the front lot line are is curved, in which case, the lot width shall be calculated on the basis that the front lot lines are deemed to be the tangents produced to their points of intersection, from the points of intersection of the side lot lines and the curved front lot line; or

(b) where a corner lot indicates that a sight triangle has been removed or has a rounded corner, in which case, the lot width shall be calculated on the basis that the street lines shall be deemed to comprise the street-lines as if extended or continued to their point of intersection.

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

Main Building - see Building, Main

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

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

Medical Clinic - see Clinic

Medical Marijuana Facility

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

Mezzanine Floor or Level

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

Microbrewery

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

Miniature Golf Course

Shall mean an area of land, building or structure or premises or part thereof operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range.

Mini Warehouse, Public Storage, or Personal Storage Facility

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

Mobile Home

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

Model Home

Means a dwelling unit that is used on a temporary basis to sell and/or display dwelling units that are on sale, and may include a temporary sales office but is otherwise not sufficiently complete, or used, for human habitation.
Motel
Shall mean a building or buildings designed or used primarily for the accommodation of the traveling or vacationing public, containing therein three (3) or more guest rooms, including all such establishments as defined from time to time by the Hotel Registration of Guests Act, R.S.O. 1990, c.H.17, as amended. A motel may include accessory uses such as a restaurant, meeting rooms, swimming pool, facilities for the temporary exhibition and sale of goods on an intermittent basis, and premises licensed under the Liquor License Act.

Motor Home - see Recreational Vehicle

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

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

Motor Vehicle Body Shop - see Auto Body Shop

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

Multiple Dwelling - see Dwelling, Multiple

Municipality
Shall mean the Corporation of the Town of Perth.

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

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

Negative Impacts

Shall mean:

a) in regard to fish habitat, the alteration, disruption or destruction of fish habitat, except where such activity has been authorized by an appropriate agency in accordance with the Fisheries Act.

b) in regard to other natural heritage features and areas, any activity that threatens the vitality, health or integrity of the natural features or ecological functions for which an area is identified and includes any single or successive development or site alteration activity having such an effect.

Net Hectare

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

Noise Barrier or Sound Wall (By-law 3358-36)

Shall mean a barrier, constructed in accordance with Ontario Building Code design standards, designed and used to mitigate acoustical sound from adjacent land uses. This barrier, shall be designed to block sound produced by an acoustical generator from a receptor, and may consist of an earth berm, masonry fence, wood fence or any combination thereof, having a minimum surface density of 20 kg/m², or a building wall and, notwithstanding any other definition herein, shall not be considered a fence.

Non-Complying

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

Non-Conforming

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

Non-Residential Use

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

Nursing or Convalescent Home - see Home for the Aged, Continuum-of-Care Facility
Obnoxious Uses

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

Occupancy Certificate

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

Official Plan

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

Office - see Business, Professional and/or Administrative Office

Open Space

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

Order Station or Order Board

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

Outdoor or Outside Storage

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

(moved from C2-11 Zone)

Outdoor or Outside Display Area

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

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

Owner

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

Park

Shall mean an area of land, whether enclosed or not, which is devoted to recreational or leisure uses (e.g. playground, play field, athletic field, field house, community centre, bleachers, swimming pool, wading pool, greenhouse, botanical gardens, zoological gardens, bandstand, skating rink, tennis courts, bowling green, boat livery, bathing station, curling rink, refreshment concession, camping area, fair ground, arena, golf course etc.) [see also Fairgrounds, Golf Course]

Park - Private (see Recreational Commercial Establishment)

Park Model Trailer

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

Parking Area

Shall mean a lot or portion thereof required in accordance with the provisions of this By-law for the temporary storage or parking of more than four motor vehicles, accessory or incidental to permitted uses in all zones, a and includes any associated, parking aisles, pedestrian aisles, or lanes between aisles but does not include a driveway, street or public laneway.

Parking Lot, Commercial - see Commercial Parking Lot

Parking Space

Shall mean an area which has direct access to a street, aisle, lane or public laneway used for the temporary parking of one motor vehicle.
Parking Space, Barrier Free or Accessible
Meaning: a parking space designed and reserved for the temporary parking of a motor vehicle being used to transport a handicapped or disabled person and which is displaying appropriate, identifying, signage.

Parking Space, Tandem
Meaning: a parking space which has indirect access to a street, lane, or public laneway by virtue of being separated from the street, lane or public laneway by another parking space.

Parking Structure or Garage
Meaning: a building or structure, or a portion thereof, located above or below established grade, which is designed to shield motor vehicles from weather, and contains a parking area, and is the principal use or may be accessory to a building on the same lot.

Patio
Meaning: an open space of land adjacent to a residential use which is surfaced with concrete, pavers, stone, wood or comparable material and is at grade, and is an uncovered, outdoor area used as an extension to the interior of the home for private entertainment or leisure activities.

Patio
Meaning: an open space of land adjacent to a residential use which is surfaced with concrete, pavers, stone, wood or comparable material and is at grade, and is an uncovered, outdoor area used as an extension to the interior of the home for private entertainment or leisure activities.

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

Pawn Shop
Meaning: a premises operated by a pawnbroker and used for the loan and/or exchange of money on articles or personal property at a given rate of interest.

Pedestrian Way
Meaning: a public thoroughfare intended exclusively for pedestrians.

Permitted Use
Meaning: a use which is permitted in the zone where such use is located.

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

Personal Service Establishment or Use
Meaning: an establishment wherein a personal service is performed. (Examples include a barber shop, beauty salon, shoe repair, photographic store, Laundromat or a dry cleaning distribution station, pet grooming service or similar uses.)
Pet Grooming Establishment or Service

Means a premises wherein cleaning, clipping and grooming services are provided for domestic pets, but shall not include an animal shelter or kennel.

Pinball Machine - see Arcade

Place of Assembly

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

Place of Worship

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

Playground

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

Porch

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

Premises

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

Print or Copy Shop

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

Private Club - see Club
Private Road

Shall mean a private right-of-way over private property which affords access to two or more abutting lots and which is not maintained by a Public Authority.

Product Distribution Centres - see Factory Outlet

Provincial Highway - see Highway

Public Authority

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

Public Street

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

Public Use or Public Service Facility

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

Public Use Floor Space

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

Queue, Minimum Vehicle Service  (By-law 3358-36)

Shall mean shortest length of a Vehicle Service Queue from its access point to its exit point expressed as the number of motor vehicles or queuing spaces capable of occupying the queue.

Queue Space

Shall mean the minimum area required for a motor vehicle in a Vehicle Service queue and shall have dimensions of 2.7 m by 6 m [8.85 ft. x 19.6 ft.]
Queue, Vehicle Service  
(By-law 3358-36)

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

Reconstruction or Renovation

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

Recreational Commercial Establishment  
(By-law 3467)

Shall mean premises where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, golf courses, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasium, band shell or open theatre, and other similar uses except as otherwise specifically defined in this by-law such as Adult Video Rental Outlet, Arcade or Video Arcade, Bingo Hall, Casino, or Entertainment Establishment.

Recreational Equipment

Means: a portable structure, vessel, or vehicle that is designed and built to be carried by a motor vehicle, or a unit designed and built to be transported or operated under its own power or propelled power, for the purposes of providing recreation enjoyment or travel, typically for two to four people, and may include boats, personal water craft, snowmobiles, all-terrain vehicles (ATVs) or other equipment used for recreational purposes and includes trailers for transporting such equipment.

Recreational Vehicle

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

Recreational Vehicle Sales, Storage and Repair

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

Redevelopment - see Development

Registered Plan

Shall mean a plan legally registered as per the Registry Act or the Land Titles Act.
Replacement
Shall mean: with respect to a building or structure, a re-building of the entirety of a building or structure with new materials; or extensive re-building of a building or structure after, or in a manner that results in, demolition.

Restaurant (By-law 3358-36)
Shall mean: a business premises where food and beverages, primarily prepared within the premises, are offered for sale to the public and where the food and beverages are served for consumption by patrons seated within the premises and which may include a take out service or seasonal patio seating as accessory uses.

Restaurant, Drive-in (By-law 3358-36)
Shall mean: a business premises where food and beverages are prepared and offered for sale to the public primarily for consumption outside the business or off-site, which may provide in-door seating for 8 patrons or less and may provide outdoor seating for patrons, and at which parking facilities are provided for patrons to consume the food in their vehicles and includes any mobile food vendor operating from a commercial property.

Restaurant, with Drive-through Service (By-law 3358-36)
Shall mean: a restaurant, a portion of which is designed to permit food and beverages to be offered for sale to the public, by means of a service window for product delivery and service to clients using a motor vehicle service queue with the food and beverages sold at the service window normally consumed off-site.

Restaurant, Drive-through / Takeout (By-law 3358-36)
Shall mean: a business premises with no indoor seating where food, prepared on or off the premises, is offered for sale to the public with consumption of all food occurring outside the business and primarily off site and which includes one or two windows for product delivery and service to clients using a motor vehicle service queue, with a maximum of four parking spaces provided on site.

Restaurant, Take-out (By-law 3358-36)
Shall mean: a business premises, where food and beverages, largely prepared on the premises, are offered for sale to the public, which is designed and intended to predominantly serve pedestrian clients such that consumption of the food occurs primarily outside the business and off-site, which has a maximum indoor seating for six patrons and has no drive-through service (see also café or snack bar).

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

Retail Store, Large Format:
Shall mean a Retail Store with a Gross Floor Area exceeding 2,000 m² [21,525 ft.²]
Right-of-way - see Easement

Road (See Public Street)

Roof Line Elevation (from C2-11 Zone By-law 3358-45)

Means the highest elevation of a sloped roof or, in the case of a flat roof, the elevation of the roof or building wall or parapet wall whichever is highest, exclusive of any accessory mechanical equipment or equipment rooms, such elevation being measured from the established grade along the bottom of the wall and in the case of an articulated roof is measured at each change in elevation along any section of wall. (see fig C-11-1) [Figure 1.2]

Rooming House

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

Row House - see Dwelling, Row or Townhouse

Salvage Yard - see Wrecking Yard

Satellite Dish/Receiver

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

School

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

Seasonal Trailer - see Recreational Vehicle

Seating Capacity

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

Seasonal Garden Centre (text moved from the C2-11 Zone)

Means an outdoor space associated with a building supply store, agricultural supply business, Commercial garden centre or grocery store, which is enclosed with a temporary fence a minimum 1.8 m in height, that is used for the temporary storage, display and sale of plant material; plant growth media such as top soil, mulch, compost etc.; fertilizer; and gardening tools, equipment and accessories and may operate between May 1st and October 31st in any year.
Self-Storage Facility

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

Semi-Detached Dwelling - see Dwelling, Semi-detached

Seniors’ Home or Residence

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

Seniors’ Non-residential Care Facility

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

Sensitive Land Uses

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

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

Service Commercial Establishment or Use (By-law 3467)

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

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

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

Setback (By-law 3467)

Shall mean:

(a) Except in reference to a water body, shall mean the least horizontal distance between a lot line and the wall of a building and/or a building line.

(b) With reference to a water body, the least horizontal distance between the high water mark of the water body and the nearest building line.

Sewage and Water Systems

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

Shopping Centre (By-law 3358-36)

Shall mean: a group of four or more commercial premises with a collective gross leasable floor area greater than 465 m² (5,000 ft.²), in which retail commercial, service commercial and personal service uses predominate; which is designed, developed and managed as a unit or commercial collective; is owned as a single holding, a condominium corporation or a commercial cooperative; and features shared off-street parking, commonly with shared street access/entrances, driveways and lanes; and which may include common interior access spaces, shared loading areas, shared pedestrian access features and shared signage.

Shoreline

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

Showroom

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

Sight Distance (By-law 3467)

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

Sight Triangle

Shall mean a triangular space, free of buildings, structures and obstructions, formed by the street-lines abutting a corner lot and a third line drawn from a point
on a street-line to another point on a street-line, each such point being the required sight distance from the point of intersection of the street-lines as specified in this by-law. It may also include a space at the end of a driveway and in such locations the edge of the driveway shall correspond to a street-line for the purpose of this definition. (see Figure 11)

**Sign**

Shall mean any writing, letter work or numeral, any pictorial representation, illustration, drawing, image or decoration, any emblem, logo, symbol or trademark or any device with similar characteristics which:

(a) is a structure, or part of a structure, or which is attached thereto or mounted thereon; and

(b) which is used to advertise, inform, announce, claim, give publicity or attract attention.

**Single Detached Dwelling** -see Dwelling, Single Detached

**Snow Dump**

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

**Snow Dump – permanent,**

Means: a snow dump comprised of one consolidated area, or a collection of areas on a lot, with a footprint of 7,500 m² or more that is designed, used, or intended to be used, regularly for snow storage whether for one winter season or multiple seasons.

**Snow Dump – emergency;**

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

**Solar Collector**

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

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

Solarium

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

Storage Container

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

Storage Trailer

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

Store – see Convenience Store, Retail Store, and Shopping Centre

Storey

Shall mean that portion of a building other than a cellar, basement, crawl space, or mezzanine level included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it but shall exclude an unfinished attic. [see also Basement, Cellar] (see Figure 12) and any such space exceeding a height of 5 m shall be deemed an additional storey.

Storey, First

Shall mean the lowest storey of a building with its floor closest to and fully above the established grade.

Street - see Public Street

Street or Road Allowance

Shall have a corresponding meaning to that of Public Street or Private Road.

Street-Line

Shall mean the limit of the road allowance and is the dividing line between a lot and a Public Street or Private Road as shown on a survey, registered plan of subdivision, condominium plan, compiled plan or the original plan of the Town of Perth.
Structure

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

Studio

Shall mean a building or part thereof used,

(a) as the workplace of a photographer, artist, artisan, cabinet maker, jewellery crafter, or comparable artist or craftsperson, where unique or custom made articles or goods are fabricated or created and may be offered for sale but does not include any industrial use.

(b) for the instruction of art, music, languages or similar disciplines.

Swimming Pool

Shall mean an artificial, constructed, container or tank, which is at least 50 cm (19.6 inches) in depth, primarily intended for swimming, wading or bathing and may include a hot tub or whirlpool but excludes a waterbody established by natural processes or a dug or dammed pond or water retention structure used for aesthetic, storm-water management or agricultural purposes.

Taxi Stand or Dispatch Office

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

Temporary Vehicle Shelter

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

Tavern or Roadhouse

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

Tourist Establishment

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

Townhouse - see Dwelling - Row or Townhouse
Figure 11

ILLUSTRATION OF SIGHT TRIANGLES

---

STREET LINE

6 m

---

STREET LINE

6 m

---

STREET LINE

6 m

---

SIGHT TRIANGLE
ILLUSTRATION DEFINITION OF "STOREY"

WHERE DISTANCE BETWEEN FLOORS EXCEEDS 4 METRES
Traffic Circle /Roundabout

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

Means a road intersection, designed and used as an alternative to a signalized intersection or four-way stop, which is intended to accommodate a more continuous traffic movement around a landscaped island in the center of the intersection, and the boundaries of which shall be determined by and setbacks measured from the point(s) at which the intersecting road allowances deflect or widen to accommodate construction of the traffic circle (see figure C-11-2) [Figure 1.2].

Transportation Depot or Truck Terminal

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

Transfer Station or Recycling Depot

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

Trailer

(By-law 3467)

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

Trailer, Commercial

(By-law 3467)

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

Trailer, Domestic

(By-law 3467)

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

Trailer, Semi-

(By-law 3467)

Shall mean a ‘semi-trailer’ as defined under Highway Traffic Act Regulation 618, R.R.O., 1990 Reg 618 or any amendment thereto or replacement thereof.
Use or Used
Shall mean the purpose for which a lot or a building, or premises, or a structure or any portion or combination thereof, is designed, arranged, occupied or maintained.

Utility Sheds
Shall mean a one storey accessory structure not exceeding 22.3 m² [240 ft.²] and used for storage or domestic workshop purposes.

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

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

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

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

Waste Disposal Site –see Waste Management Facility

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

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

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

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

Wildlife Habitat

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

Wind Farm

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

Wind Turbine

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

Wind Turbine, Commercial

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

Woodland

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

Working Drawings

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

Workshop - see Custom Workshop
Wrecking Yard

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

Yard

Shall mean an area of open land between a *main wall* of a *building* and a *lot line* that, except for landscaping or *accessory buildings* and projections specifically permitted elsewhere in this by-law, is unobstructed above grade. (See Figure 13)

Yard, Front

Shall mean a yard extending across the full width of the lot between the *front lot line* and a line drawn parallel or concentric thereto and through the point of the *main wall* of a *main building* closest to the *front lot line*. (See Figure 13)

Yard, Rear

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

Yard, Side or Interior Side

Shall mean a yard extending from the *front yard* to the *rear yard* between the *side lot line* and a line drawn parallel or concentric thereto and through the point of the *main wall* of a *building* closest to the *side lot line*. (See Figures 13 and 14)

Yard, Side Exterior

Shall mean a *side yard* adjacent to a *public street*. (See Figure 15)

Yard, Side - Interior

Shall mean a side yard other than an *exterior side yard*. (See Figure 15)

Zone

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

Zone Regulation

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

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

Figure 13
Figure 14

BUILDING ENVELOPE

REAR LOT LINE

REQUIRED REAR & SIDE YARD

REQUIRED REAR YARD

REQUIRED REAR & SIDE YARD

SIDE LOT LINE

REQUIRED SIDE YARD

REQUIRED FRONT & SIDE YARD

REQUIRED FRONT YARD

REQUIRED FRONT & SIDE YARD

FRONT LOT LINE
EXAMPLE OF YARD DEFINITIONS

- LOT DEPTH
- LOT FRONTAGE
- REAR LOT LINE
- REAR YARD
- FRONT YARD
- FRONT LOT LINE
- ROAD
- ALLOWANCE
Section 4  GENERAL PROVISIONS

Explanatory Note

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

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

4.1 Accessory Buildings, Swimming Pools, Structures and Uses

4.1.1 Provisions for all accessory uses, buildings and structures

Where a lot is devoted to a principal use, Accessory uses, buildings and structures shall be permitted in all zones as set out in the list of permitted accessory uses for each specific zone and in compliance with Table 4.1. and the following:

a) All accessory uses, buildings and structures to a permitted principal use shall be located on the same lot and in the same zone as the principal use or main building. Where a lot has been severed by a public roadway or a natural feature such as watercourse or ravine, such a lot may be used for an accessory use provided that the lot is under the same registered ownership as the lot upon which the principal use is located.

b) The use of any accessory building for human habitation is not permitted except where specifically listed as a permitted use (e.g. Accessory Dwelling).

c) No accessory building in a residential zone shall be located within a front yard or an exterior side yard except that a private garage or carport in a Residential Zone may be located in a front yard or exterior side yard where such garage or carport has a minimum setback from the street-line of 6 m.

d) Accessory uses, buildings and structures shall comply with the zoning regulations for the zone in which they are permitted per table 4.1. If there is no minimum setback or other zone regulation specified for a permitted accessory building, or structure then the minimum yard requirement or other zone regulation of the applicable zone for the principal use shall apply. Notwithstanding the preceding, the minimum setback for a garage entrance shall be 6 m and for a loading dock shall be 15 m.

e) Bike racks are permitted in the front yard of all Commercial, Institutional and Residential Fourth Density Zones provided that the bike rack and the associated bicycle storage space is setback a minimum of 1 m from the lot line.
f) **Accessory dwellings** shall conform to the **setback** requirements of the main **permitted use**(s).

g) Except where permitted in a specific zone, an **accessory building** or **structure** shall not exceed one **storey** and shall not exceed the maximum **height** specified in Table 4.1.

h) Notwithstanding any minimum yard requirement **detached** garages or carports with two or more vehicle parking bays may be located with the dividing wall or supports separating the parking bays mutually centered on a common **side lot line**.

i) The area covered by **accessory buildings**, **structures** and **uses**, excluding unenclosed in-ground swimming pools, shall be included in the calculation of **maximum lot coverage**. The total **lot coverage** of all **accessory buildings** and **structures**, except as otherwise provided for within a specific zone or zone category, shall not exceed 10% of the lot or 25% of the **floor area** of the **principal building**(s) on a **lot**, whichever is less (also see definition of **Maximum Lot Coverage**).

j) An **accessory building** or **structure** may be used to house or shelter domestic pets.

k) An **attached deck** shall be treated as part of the **principal building** when applying zoning regulations and is only an **accessory structure** if it is **detached**.

l) Except where specifically permitted, animal husbandry or breeding domestic animals, livestock, or other animals, is not permitted in any residential zone.

m) Despite paragraph 4.1.1 (c) above, a shoreline structure such as a **marine facility** dock or wharf, pumping station or pump house may be located in any yard, where a lot abuts a navigable waterway, provided that the approval of any governmental authority having jurisdiction has been obtained and provided that the **marine facility**, dock or wharf is located not closer than 1 m [3.28 ft.] to the nearest adjacent **lot line** and does not encroach on adjacent frontage when the lot boundaries are extended into the water. (See Figure 16)

n) A **private garage** or car port shall not exceed a **floor area** or footprint of 67 m² (721 ft²) or a maximum **lot coverage** of 10%, whichever is less, except that, in any case a **floor area** or footprint of 20 m² shall be permitted.

o) No **accessory building** or **structure** shall be located closer than 1.2 m (3.93 ft.) to an **interior side lot line** or to a **rear lot line** and a minimum **setback** of 30 centimetres (1 ft.) shall apply to all eaves, soffit, fascia or roof extensions. Any **accessory structure** exceeding a **height** of 4.5m (14.75 ft.) shall have a minimum **setback** from an **interior side lot line** or **rear lot line** equal to half the **height** of the **building** or the minimum **setback** required for a **principal building** on the **lot**, whichever is less. Except where specifically permitted, no **accessory building** shall be located within 4 metres (13 ft.) of the intersection of a **driveway** with a **street-line**.
p) **Accessory Buildings Prior to Erection of Main Building**

No *accessory building* shall be *erected* prior to the erection of the *main building* on a *lot*, except where it is necessary for the storage of the tools, and materials for use in connection with the construction of the *main building or structure*, and no such *accessory building* shall, prior to the erection of the *main building*, be used for any purpose other than storage and shall not exceed a *floor area* or footprint of 20 m² on a *lot* zoned for residential use or 30 m² on a *lot* zoned for commercial or industrial use.

q) A *green roof* is a permitted *accessory use* in any zone

r) Outdoor advertising *signs* or devices shall be permitted as an *accessory use* in all commercial, industrial or institutional zones in accordance with the provisions of any Sign By-Law passed by the *Municipality* under the provisions of the *Municipal Act*.

s) **Swimming Pools**

Covered *swimming pools* shall conform to the *accessory building* requirements *contained in Table 4.1*. All *Swimming pools* shall have a minimum *setback* of 1.2 m and shall conform to the requirements of *By-Law No. 2397*, or any replacement thereof, in addition to any zoning requirements in this By-Law.

t) **Legal non-conforming uses** shall be permitted to have *accessory uses* in compliance with the provisions in this section of this By-law and the *zone regulations* of the applicable *zone*.

u) **Yard Sale**

A yard sale is a permitted, occasional *accessory use* in a residential zone and is for the sale of excess goods and materials no longer of use to the household. A yard sale is not permitted as a home-based business and shall not be operated in the same manner as a home-based business. Yard sales may be held up to four days in a calendar month and up to a maximum of twelve (12) days per year.
### Table 4.1 - Zone Regulations for Accessory Uses

<table>
<thead>
<tr>
<th>Item</th>
<th>All Residential Zones</th>
<th>Non-Residential Zones</th>
<th>Exceptions/Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Front Yard</strong></td>
<td>Same as principal use or main building</td>
<td>Same as principal use or main building</td>
<td>M1 Zone: 12 m [39.3 ft.] abutting a residential zone</td>
</tr>
<tr>
<td><strong>Minimum Exterior Side Yard</strong></td>
<td>4.5 m [14.7 ft.]</td>
<td>C1, C1P Zones: 0.0 m [0.0 ft.]</td>
<td>C1, C1P Zones: 9 m [29.5 ft.] abutting a residential zone</td>
</tr>
<tr>
<td></td>
<td></td>
<td>C2 zone: 9 m [29.5 ft.]</td>
<td>C3, C4, M1 Zones: 3 m [9.84 ft.]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M1 Zone: 6 m [19.6 ft.]</td>
<td>C5 Zone: 6 m [19.6 ft.] + 1 m for each storey over 2 and 10 m [32.8 ft.] from an existing dwelling</td>
</tr>
<tr>
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<td></td>
<td>M2 Zone: 7.5 m [24.6 ft.]</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>I Zone: 7.5 m [24.6 ft.]</td>
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<tr>
<td></td>
<td></td>
<td>WMF: 30 m [98.4 ft.]</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Interior Side Yard</strong></td>
<td>1.2 m [3.93 ft.]</td>
<td>C1, C1P Zones: 0.0 m [0.0 ft.]</td>
<td>C1, C1P Zones: 9 m [29.5 ft.] abutting a residential zone</td>
</tr>
<tr>
<td></td>
<td></td>
<td>C2, C3, C4, C5, M1 Zones: 3 m [9.84 ft.]</td>
<td>C2, C3, C4, M1 Zones: 6 m [19.6 ft.] abutting a residential zone</td>
</tr>
<tr>
<td></td>
<td></td>
<td>M2 Zone: 4.5 m [14.7 ft.] one side and 6 m [19.6 ft.] other side</td>
<td>C5 Zone: 6 m [19.6 ft.] + 1 m for each storey over 2 and 10 m [32.8 ft.] from an existing dwelling</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>M2 Zone: add 0.5 m [1.6 ft.] for every 2 m [6.5 ft.] over height of 11 m [36.0 ft.]</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Lesser of setback of main building or ½ the height of accessory structure over 4.5 m [14.7 ft.]</td>
</tr>
<tr>
<td><strong>Minimum Rear Yard</strong></td>
<td>1.2 m [3.93 ft.]</td>
<td>1.2 m [3.93 ft.]</td>
<td>Minimum setback of 30 cm [11.8 inches] shall apply to eaves, soffit, fascia and roof extension</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Lesser of setback of main building or ½ the height of accessory structure when height is over 4.5 m [14.7 ft.]</td>
</tr>
<tr>
<td><strong>Maximum Height</strong></td>
<td>4.5 m [14.75 ft.]</td>
<td>Same as principal use or main building</td>
<td>C3 Zone 4.5m [14.8 ft.]</td>
</tr>
<tr>
<td>Item</td>
<td>All Residential Zones</td>
<td>Non-Residential Zones</td>
<td>Exceptions/Additional Requirements</td>
</tr>
<tr>
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</tr>
<tr>
<td><strong>Maximum Lot Coverage</strong></td>
<td>Lesser of 10% of lot area or 25% of <em>ground floor area</em></td>
<td>Lesser of 10% of lot area or 25% of <em>ground floor area</em></td>
<td>• <em>Lot coverage</em> included as part of total <em>lot coverage</em></td>
</tr>
<tr>
<td><strong>Bike Rack</strong></td>
<td>Minimum Front Yard R4: 1m</td>
<td>Minimum Front Yard all commercial and institutional zones: 1m</td>
<td></td>
</tr>
<tr>
<td><strong>Carport or Private Garage</strong></td>
<td>• Minimum Front or <em>exterior side yard</em>, all residential zones: 6 m [19.6 ft.] for a <em>carport</em> or <em>private garage</em></td>
<td>• Maximum 10% <em>Lot coverage</em> or <em>ground floor area</em> of 67 m² [721.2 ft²] whichever is less</td>
<td></td>
</tr>
<tr>
<td><strong>Garden Suite</strong></td>
<td>• Minimum Rear or Interior Side Yard: 3 m [9.84 ft.]</td>
<td></td>
<td>• <em>Maximum gross floor area</em>: 60 m² [645.8 ft²].</td>
</tr>
</tbody>
</table>
Figure 16
4.1.2 **Accessory Dwellings and Secondary Dwellings**

a) A second dwelling unit or an accessory apartment is only permitted where expressly listed within any zone category.

b) Despite preceding paragraph a), an accessory apartment is permitted on any lot in a registered plan of subdivision created after 1976.

c) An accessory apartment may only be created when:
   
i) there is sufficient parking on the lot to provide the minimum parking standards specified in Table 4.33.
   
ii) the lot has sufficient frontage and front yard area to qualify for the width of driveway and landscaping required per articles 4.32.2, 4.32.4, 4.32.5, and 4.32.8;
   
ii) the public water supply and sanitary sewer service to the lot are adequate or are upgraded to support the additional dwelling unit;
   
iii) the lot is not within a regulatory flood plain per Subsection 4.11
   
iv) the building is not within a minimum separation distance from an incompatible industrial use or railway per articles 4.27.2 or 4.27.4
   
v) the building is not within 20 m of a fuel pump island in a gas bar or motor vehicle fuel retailing site.

4.2 **Auto Service Station, Gas Bar, Automobile Washing Establishment**

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

a) Minimum *lot frontage* on any street 36.5 m [119.7 ft.]

b) Minimum *front yard* 9 m [29.5 ft.]

c) Minimum *exterior side yard* 9 m [29.5 ft.]

d) Minimum *interior side yard* non-residential from a residential use 3 m [9.84 ft.]

   6 m [19.6 ft.]

e) Minimum *rear yard* 5 m [16.4 ft.]

f) Minimum *setback* from an overhead *canopy* to any *lot line* notwithstanding paragraphs a) through g) 2 m [6.56 ft.]

g) Minimum *setback* of any pump island from any *lot line* notwithstanding paragraphs a) through g) 6 m [19.6 ft.]

But in any case no *canopy* shall project over a street entrance or *driveway* or within 4.5 m of a lot with a residential use.
h) Minimum width of a single entrance or exit: 3.5 m [11.5 ft.]
i) Minimum width of a combined entrance and exit: 7 m [22.9 ft.]
j) Maximum width of a single entrance or exit: 5 m [16.4 ft.]
k) Maximum width of a combined entrance and exit: 9 m [29.5 ft.]
l) Minimum distance between any two entrances and/or exits: 6 m [19.6 ft.].
m) Minimum distance between an entrance or exit or a combined entrance and exit and the intersecting street lines on a corner lot: 6 m [19.6 ft.].

n) Minimum number of entrances: 2

o) Minimum setback of any above-ground bulk fuel storage tank from any lot line subject to paragraph r): 10 m [33 ft.]

p) Minimum setback between a car wash and any residential lot line: 20 m [65.6 ft.]

q) All fuel storage tanks above or below ground for any fossil fuels or propane shall comply with the Technical Standards and Safety Act, 2000, the Ontario Propane Code and the Gasoline, Liquid Fuels Handling Code and no building permit shall be issued without the prior approval of any equipment or fuel storage facilities by the Technical Standards & Safety Authority.

r) A baffle, curb or other traffic barrier at least 0.30 m [0.98 ft.] high shall be installed between the vehicle parking area, service and access lanes and the street lines so as to prevent vehicles from entering or leaving the property other than by way of the entrances and exits provided in this section.

4.2.2 Separation of Car Wash from Residential Zone

Where an Automobile Washing Establishment abuts a Residential Zone, the following requirements will apply:

i) Despite any other requirements of this By-Law for a lot abutting lands zoned for residential use, a drive-through mechanical Automobile Washing Establishment shall not be permitted on any lot having a lot area of less than 3,000 m² [0.74 ac.] and shall not be located closer than 20 m [65.6 ft.] to any lot line abutting such Residential Zone;

ii) No washing or drying operations will be permitted except within the building designed for the purpose of the Automobile Washing Establishment;

iii) For a drive-through mechanical Automobile Washing Establishment, the building shall be so designed that drying machinery and equipment within the building is furthest removed from the lot line(s) abutting a residential zone, and that cars exiting the building do so also from the side of the building which is furthest removed from the lot line(s) abutting a residential zone.
iv) A landscaped area of not less than 3 m [9.84 ft.] in depth from the lot line(s) which abut lands which are zoned for residential use shall be used for no other purpose than landscaping, including the planting of trees and shrubs and the erection and maintenance of screening, walls and fences.

4.2.3 Required Vehicle Queue Space

On lots where a mechanical, drive-through Automobile Washing Establishment is to be erected, off-street vehicle service queue spaces shall be provided in accordance with the following provisions:

Required number and location of queue spaces:

<table>
<thead>
<tr>
<th>Type of car wash</th>
<th>Before each wash Bay</th>
<th>After each wash bay</th>
</tr>
</thead>
<tbody>
<tr>
<td>conveyor type</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>automatic type</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Manual type</td>
<td>4</td>
<td>1</td>
</tr>
</tbody>
</table>

4.2.4 Landscaping

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

4.3. Bed and Breakfast Establishments

A Bed and Breakfast Establishment is permitted as an accessory use within a single detached dwelling in a Residential Zone, the Neighbourhood Commercial (C3) Zone, or the General Commercial (C1) Zone subject to the following requirements:

a) The operator shall be residing on the premises.

b) The guest rooms occupy up to 35% of the total floor area.

c) Parking on the property shall meet the minimum required for the residential use and additional spaces shall be provided per the provisions of subsection 4.32, particularly articles 4.32.4 through 4.32.9, when applicable, and subsection 4.33 and the required parking spaces shall be in place prior to occupancy of the bed and breakfast establishment. No more than two parking spaces in the front yard.

d) Bed and breakfast establishments shall be subject to the home based business
regulations of Subsection 4.17 of this By-law except the provisions of this section shall prevail in the event of a conflict.

e) The building shall comply with the minimum yard requirements, except for the front yard, of the R1 Zone and the lot shall meet or exceed the minimum lot area and the minimum lot frontage requirements of the R1 zone and the minimum lot area required shall increase by 50 sq. m for each guest room over 2.

f) No new bed and breakfast establishment shall be permitted on an abutting lot or the same side of the street within 60 m [196.8 ft.] of an existing bed and breakfast establishment measured from property line to property line.

g) A lot in a residential zone shall have frontage or an exterior side yard on: Drummond Street, Wilson Street West, Gore Street, North Street or Craig Street.

h) Any landscaping and screening measures required under this By-law have been established or installed.

i) The lot and buildings shall comply with any applicable requirements of the Town of Perth Property Maintenance and Occupancy Standards By-law 2228 or any successor thereto.

j) A bed and breakfast establishment shall obtain and comply with any licensing by-law established by the municipality

4.4 Buildings to be Moved

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

4.5 Canals or Water Diversion

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

4.6 Change of Use

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

a) Despite anything contained in this By-Law, where any land, building or structure is used for more than one purpose, all provisions of this By-Law relating to each use shall be complied with.

b) When a building, structure or lot accommodates more than one use, the delivery space requirements, loading space requirements and parking space requirements for such a building, structure or lot shall be the sum of the requirements for the separate uses thereof, unless exempted elsewhere in this By-Law.

Example of cumulative standards: where a lot is to be developed for a commercial use and an accessory dwelling, the number of parking spaces required would include the combined total of those for the commercial use plus those for the dwelling.

4.8 Dwelling Units Below Grade

No dwelling unit shall in its entirety be located in a cellar. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling shall be limited to use as a furnace room, laundry room, storage room, recreation room, or utility room or a similar use but shall not be used for sleeping accommodation.

4.9 Established Building Line

Despite the yard and setback provisions of this By-Law, where a permitted building or structure is to be erected on a lot in a built-up area, other than a lot in an Industrial, Institutional or Highway Commercial Zone, where there is an established building line, such permitted building or structure may be erected closer to the street-line than required by this By-Law provided such building or structure is not erected closer to the street-line than the established building line on the date of passing of this By-Law but in no case shall the setback be less than:

a) 3 m [9.84 ft.] from the front lot line, except in the C1 Zone
b) 4 m [13.1 ft.] from the intersection of a driveway with a street-line,
c) 6 m [19.6 ft.] for a garage or car port with an entrance facing the street or with an entrance having an angle to the street of less than 80 degrees  
   (By-law 3358-36)  
   [see Figure 4.2]
4.10 Fences

4.10.1 Fences in a Residential Zone

Any fence erected hereafter within the municipality shall conform to the provisions of any Fence By-Law as may be enacted under the Municipal Act by the municipality from time to time and the provisions for fences (also see Figure 17) as follows:

a) The height of a fence shall be measured as the distance from the established grade to the top of fence exclusive of a support post which may project up to 10 cm above the permitted maximum height. When a boundary fence is placed on top of a retaining wall the height of the wall shall be included in measurement of the fence height except that the fence may project up to 1 m above the retaining wall to a maximum total height of 2.5 m [8.2 ft.] or to such height as may be required for a safety guard when stipulated by the Building Code.

b) The maximum fence height in any interior side or rear yard shall be 2 m [6.56 ft.]

c) The maximum fence height in any required minimum or established front yard, whichever is shorter, or in any portion of an exterior side yard within 6 m [19.7 ft.] of the front lot line shall be 1 m [3.2 ft.].
d) Notwithstanding paragraph b) where a side yard or rear yard in a residential zone abuts a non-residential zone the applicable maximum fence height shall be that permitted in the non-residential zone to the extent that it is higher.

e) No fence shall be erected so as to obstruct a sight triangle - see paragraph f).

f) The use of barbed-wire, spire tips, sharp objects or any devise for projecting an electric current in any fence construction is prohibited in a residential zone.

g) Despite any other provision above, other than a rail fence, a chain link fence or a wire fence, no fence within 4 m [13.1 ft.] of the intersection of a driveway with a street line shall exceed a height of 1 m [3.28 ft.] (see also subsections 4.34 and 4.38) and, in any case, no fence within the said 4 m [13.1 ft.] shall include more than one rail or structural cross member in the space 0.75 m [2.4 ft.] to 1.25 m [4.1 ft.] above grade and any such rail or structural cross member shall not exceed a width of 10.25 cm. [4.0 inches].

4.10.2 Fences in a Non-Residential Zone

Any fence erected hereafter within the municipality in any non-residential zone shall conform to the provisions of any Fence By-Law as may be enacted under the Municipal Act by the municipality from time to time and the provisions for fences as follows:

a) The maximum height of a fence in any yard of a non-residential zone shall be limited to 2.5 m [8.20 ft.] measured from the established grade where the fence is a chain-link or other similar transparent construction materials or 2 m [6.56 ft.] for any other materials. However, Council may authorize a screening fence a maximum of 8.5 m high through the site plan approval process.

b) No fence shall be erected so as to obstruct a sight triangle.

c) Subsection 4.10.1 shall not apply to fences required for a public authority or communication facilities.

d) Despite any other provision above, other than a rail fence, a chain link fence or a wire fence, no fence within 4 m [13.1 ft.] of the intersection of a driveway with a street line shall exceed a height of 1 m [3.28 ft.] (see also subsections 4.34 and 4.38) and, in any case, no fence within the said 4 m [13.1 ft.] shall include more than one rail or structural cross member in the space 0.75 m [2.4 ft.] to 1.25 m [4.1 ft.] above grade and any such rail or structural cross member shall not exceed a width of 10.25 cm. [4.0 inches].

e) Notwithstanding paragraph a), in a compound requiring security features, a fence located in a rear yard, interior side yard, or at the minimum building setback in an exterior side yard may feature barbed wire or other comparable security measures extending up to 30 cm (1 ft.) above the maximum fence height otherwise permitted.
f) The maximum fence height shall not apply to the supporting posts and any connecting cross members extending over an entrance to an outdoor storage area or vehicle compound provided such gate is located at the minimum yard setback required for the principal building and provided the portion of the gate corresponding to the fence shall be limited to the maximum permitted fence height.

Figure 17

4.11 Flood Plain

Modification of the flood plain through filling, excavation or by other means is prohibited unless otherwise permitted by the Rideau Valley Conservation Authority or other public authority having jurisdiction.
4.11.1 Permitted Uses Within the Flood Plain

a) Regardless of the uses permitted in any zone, and subject to the approval of the Rideau Valley Conservation Authority or other public Authority having jurisdiction, new buildings or uses within the flood plain shall comply with the following:

i. Permitted Uses

- Buildings or Structures Intended for Flood or Erosion Control or Slope Stabilization
- All Buildings and Structures in Existence on the Day of the Passing of this By-Law
- Conservation Uses excluding new buildings or partially enclosed structures
- Parks inclusive of low-impact buildings or structures
- Hydro-electric generating facilities or a utility corridor
- A Marine Facility
- Low impact buildings or structures such as a gazebo, garden or storage shed that do not connect to municipal water and sanitary systems or a utility corridor [see also 4.1.1 (i)]
- Infrastructure incidental to a water supply or waste water treatment facility such as a water intake or sewer outfall but not including the main building of a water filtration plant or waste water treatment facility

ii. Prohibited or Restricted Uses

- any building or structure which involves the storage, manufacture, treatment or disposal of hazardous or toxic materials, including but not limited to: ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities
- any institutional use, or the expansion or enlargement of an existing use including: hospitals, a day nursery, pre-schools, school nurseries, a continuum-of-care facility, long-term care homes and a school.
- any essential emergency service such as those provided by fire, police and ambulance stations and electrical substations

b) Extensions or enlargements to existing habitable or other buildings located in the flood plain (other than an institutional use) may be permitted where the building or structure is adequately flood proofed, subject to the approval of the Rideau Valley Conservation Authority and/or Parks Canada.

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

4.12 Frontage on and Access to a Public Street and Exemptions

4.12.1 Public Street

No building or structure shall be constructed or placed in any zone unless the lot upon
which such building or structure is to be erected has sufficient frontage on a public street (developed in accordance with municipal standards) as per the requirements of the respective zone within which the lot is situated or is a legal non-complying existing lot per article 4.29.6.

(By-law 3358-36)

4.12.2 Exemptions

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

a) For a public utility.

b) For a private utility or communications facility with right-of-way access

c) for any passive outdoor recreational use or activity (e.g. recreational trails or similar activities).

d) for a permitted use in a registered condominium where the design includes access to an improved public street and the condominium agreement provides for the ongoing year-round maintenance of any internal, private road, lane, driveway, or right-of-way that connects parking spaces or areas to an improved public street;

e) for a commercial property where access to an improved public street is ensured by way of a permanent right-of-way or easement to a mutual entrance or over a private lane or driveway.

4.12.3 Lands Subject to a Subdivision or Access Agreement

a) Despite subsection 4.12.1, where a maintenance or subdivision agreement exists between the municipality and a land owner(s) and is registered on title, frontage on an unopened, un-assumed, or un-maintained public street shall be deemed to conform to the provisions of this section, provided that such frontage is in conformity with the zone regulations set out in the corresponding zone or any exception thereto.

b) Despite subsection 4.12.1, where an agreement has been entered into with the Municipality for access via an unopened road allowance or a closed road allowance is registered on title and provides an easement or access rights to an existing lot which is developed or intended to be used for a permitted use, such uses shall be deemed to comply with the access provisions of this By-law.

4.12.4 Frontage on a Provincial Highway

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

4.13 Garden Suite

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

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

4.14 Group Homes

a) Group Homes shall be permitted in all zones that allow residential uses, provided they are licensed by the Province and/or approved under Provincial Statutes and the lot is located on an improved public street.

b) All group homes shall be registered under the provisions of the Municipal Act and this registration shall be completed prior to the establishment of any such facility. At the time the group home is proposed to be established the sponsoring agency, group or persons shall furnish the following information:

- the type and location of the group home proposed;
- the number of residents;
- the name of the licensing or approval agency within the province and proof of licensing or approval or financing;
- plans for parking including visitor parking; and
- architectural information pertaining to the facility.

4.15 Height Exceptions

a) The height regulations set out in this By-Law shall not apply to any of the following:

i) Air conditioning system
ii) Chimney
iii) Church spire or belfry
iv) Communications facility
v) Drying tower
vi) Elevator or stairway enclosure
vii) Enclosed mechanical and electrical equipment
viii) Farm buildings and structures such as a barn, silo or wind turbine
ix) Flag pole
x) Hydro electric transmission tower
xi) Lighting standards
xii) Lightning rods
xiii) Mechanical equipment penthouse occupying less than twenty-five percent (25%) of the area of the roof of the building on which it is located
xiv) Ornamental dome, cupola, turret or tower
xv) Receiving and transmitting antenna
xvi) Receiving stations and communications or cellular towers
xvii) **Satellite dish/receiver**
xviii) School gymnasium
xix) Solar panels or **solar collector**
xx) Theater or cinema auditorium
xxi) Ventilating fan or skylight
xxii) Water storage tower or tank
xxiii) **Wind Turbine/commercial wind turbine**

b) The minimum **setbacks** in all directions for a **communications facility** shall be the equivalent of the height of the tower except where such facility is authorized and/or approved by Industry Canada.

4.16 Holding Zones

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

b) Where a holding zone applies, no lands shall be used and no **buildings** or **structures** shall be **erected** or **used** for any purpose other than **existing uses**. Any change from the holding status shall require an amendment to this By-Law and the Municipality may require that the applicant enter into an agreement for the development of the land prior to the amendment being approved.

c) On land described as the easterly half of Pt. Lot 27 Conc. 10, geographic Township North Elmsley now, in the Town of Perth and municipally known as 2000 Rogers Road a holding provision shall not apply to prevent the development of a fenced, outdoor security enclosure for the temporary storage of **vehicles, trailers**, or construction equipment intended for use by a contractor for the purpose of serving off site clients, and accessory bins for temporary waste storage provided the enclosure is located within 107
(351 ft.) of the \textit{front lot line} abutting South Street and extends no further than 35 m (115 ft.) from the existing \textit{building}. Except when used for maintenance and repair of the existing \textit{building}, equipment located within said enclosure is not to be operated on-site.”

4.17 Home Based Businesses

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

4.17.1 Scope of Permitted Home-Based Businesses

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

a) professional and consulting services (examples: architect, financial advisor, accountant, consultant, legal services, physician, teleworking, surveyor);

b) instructional services (examples: music lessons, dance, art and academic tutoring) with a limit of 5 pupils;

c) home craft businesses (examples: quilting, pottery, jewelry, visual arts, woodworking, small scale assembly);

d) \textit{A Day nursery} or \textit{private home day care};

e) distribution sales offices or mail order sales; or on-line sales and services of articles suitable for small parcel delivery, including but not limited to: cosmetics, clothing, crafts, small household appliances, and provided the product or service delivery is primarily from an off-site non-residential location.

f) offices for contractors and trades (examples: plumbing, heating, electrician);

g) repair services including but not limited to: small appliances, computers, and musical instruments, and not uses identified in subsection 4.17.2;

h) high technology uses including but not limited to: internet services, office support or call center services, desk top publishing, and computer hardware and software development;

i) a taxi service where limited to no more than two licensed taxis;

j) personal care services (examples: hairdressing/cutting, massage therapist, esthetician).

k) \textit{Pet grooming establishment}, but not including overnight keeping of animals.

l) \textit{A Catering establishment} but not including on-site food consumption.

m) \textit{A Studio}. 
4.17.2 Prohibited Uses

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

4.17.3 Regulations for Home Based Businesses

a) The home based business shall be clearly accessory to the main permitted residential use and shall be operated by the owner or occupant residing in the dwelling

b) The home-based business shall not create nor become a public nuisance with regard to noise, traffic, parking, or health and safety.

c) Except where expressly permitted, no home-based business shall be established in an accessory building or garage.

d) There shall not be more than two (2) home-based business conducted within any one dwelling unit

e) The parking required per subsection 4.17.4 shall be provided on-site before the business commences

f) The home-based business(es) shall cumulatively not occupy a floor area equivalent to more than 25% of the net floor area of the dwelling unit or a maximum of 47 m² [505.9 ft.²] whichever is less.

g) Any machinery or equipment used shall be comparable to the tools customarily used in a domestic household, used by an artist or artisan or used in the office of a dentist or physician; shall not cause noise, odour, or dust impacts on adjacent residential uses; shall not require the installation of dedicated ventilation equipment, shall exclude welding equipment, and shall not interfere with television or radio signal reception on adjacent properties.

h) No outdoor storage shall be permitted.

i) The home-based business(es) shall be legal with regard to any necessary permits or licenses, and regulations from the Corporation and any other applicable government body having jurisdiction. Proof of required permits and licenses shall be filed with the municipality annually and will be deemed to expire on the 31st of December of each calendar year and shall be renewed or resubmitted no later than the last business day in the month of January.

4.17.4 Employees, Hours and Parking for Home Based Businesses

a) The home-based business shall not employ more than two (2) employees to work on-site who do not reside therein.

b) Not more than 15% of the lot area shall be used for parking, and off-street parking shall
not be accommodated on a front lawn or yard [see also 4.17.3 b) and e)]. The maximum number of home-based business related parking spaces permitted on a lot shall be four (4) including one per employee and spaces required for the business use shall be per Subsections 4.32 and 4.33. Such parking spaces shall be in addition to the parking spaces required for the residential use.

c) The business shall not generate excessive traffic by regularly attracting parking demand in excess of the on-site parking and any permitted parking on the street immediately in front of the host property and shall not create a traffic hazard.

d) All deliveries to the business shall take place on the same lot as the home-based business, and in no case shall any on-street delivery be permitted.

e) There shall not be more than two (2) commercially licensed vehicles parked at any one time on the property of the home-based business and any commercial vehicles or trailers used for the home-based business shall be parked behind the front building line.

f) The home-based business shall maintain reasonable hours of business, and shall be subject to full compliance with the Municipality’s Noise By-Law.

g) The home-based business shall not receive clients or deliveries between the hours of 21:00 h and 07:00 h.

4.17.5 Signage for Home Based Businesses

a) One non-illuminated sign having a total display area not exceeding 0.37 m² [3.9 ft.²] may be used to advertise the home-based business.

b) The permitted sign may be: mounted, affixed, painted or imprinted onto the building where the home-based business is being conducted or may be a free standing ground sign in a front or exterior side yard.

c) A permitted ground- sign shall not exceed a maximum height of 2.4 m [7.87 ft.]. A permitted ground sign shall be set back from a street-line 1m [3.28 ft.] or a distance equal to the height of the sign, whichever is greater, but shall not be placed in any required sight triangle.

d) In addition to the above provisions, any sign shall conform to the provisions of any Signs By-Law as may be enacted by the municipality from time to time under the Municipal Act.

4.18 Illumination

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

a) Illumination shall not cause direct or indirect glare on a street that may interfere with traffic or pedestrian safety.

b) Illumination shall not consist of a colour or be so designed or located that it may be
confused with traffic signals.

c) Illumination shall not cause direct or indirect glare on land or buildings in a residential zone.

4.19 Keeping of Animals

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

4.20 Kennels and Animal Shelters

a) A commercial or boarding kennel shall only be permitted in an Industrial or Highway Commercial Zone.

b) Private Kennels shall be permitted only by site specific zoning amendment.

c) The minimum separation distance between a kennel and any existing residential dwelling or any lot in a residential zone shall be 200 m [656 ft.].

4.21 Land Suitability for Use

Despite any other provision of this By-Law, no habitable building or structure shall be erected, altered or used on land which, by reason of its rocky, low lying, marshy, unstable character or which is located or may be located on organic soil, unless:

a) The proponent or applicant for development can demonstrate through professionally acceptable engineering techniques that the physical constraint can be mitigated or overcome, and

b) That the proposed development complies to the provisions of Subsections 4.11 and 4.12 of this By-law, and

c) That the requirements of the Ontario Building Code with respect to construction can be met.

4.22 Landscaped Open Space, Planting Strips and Visual Buffer Strip

Subject to the provisions of subsections 4.10, 4.11, 4.34 and 4.38, and exclusive of lands within the Open Space or Environmental Protections Zones, the area on any lot not legally used or required for buildings or structures, parking or vehicle access, or outdoor storage and outdoor display areas or another permitted use, shall be maintained as landscaped open space and the following specific provisions shall apply:

a) Planting Strip or Visual Buffer Required.

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

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

A continuous strip of landscaped open space a minimum of 4.6 m (15 ft.) in width shall be provided along the side and/or rear lot lines of any lot which is occupied by an apartment dwelling over three (3) storeys in height except that where such lot abuts any R1, R2 or R3 Zone Category the width of the landscaped open space strip shall have a minimum width of 6 m (19.7 ft.). In any case, the width may be reduced to 1.8 m (6 ft.) where a planting strip or visual buffer strip is included.

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

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

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

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

d) **Merchandise in Landscaped Areas**

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

e) **Residential Front Yards**

In any residential Zone at least 50% of the front yard shall be devoted to landscaped open space. (also see 4.26). Where parking is permitted in a front yard, if there is a conflict between the minimum parking requirement per Subsections 4.32 and 4.33 and this provision, the minimum parking requirement shall prevail. However, if there is a conflict between this provision and the maximum design provisions, e.g. maximum driveway width, the landscaping requirement shall prevail.
f) **Landscaped Open Space and Lot Area Calculations**

Any land used for *landscaped open space* shall be included in any calculations of *lot area*, yard requirements, housing density etc. as set out in this By-Law.

g) **Existing Vegetation and Planting Conditions**

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

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

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

h) **Site Plan Control**

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

i) **Landscaping Requirements Prevail**

In any zone, where there is a conflict between a minimum yard or *setback* requirement and the minimum width of a *landscaped open space* area, planting strip or visual buffer strip required under the provisions of this subsection, then the landscaping provisions of this subsection shall prevail. 

(By-law 3358-36)

### 4.23 Licenses, Permits and Other By-Laws

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

### 4.24 Loading/Delivery Space Requirements

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

a) Minimum **loading/delivery space height** clearance 4.25 m [13.9 ft.]

b) Minimum **loading/delivery space width** 3.75 m [12.3 ft.]

c) Minimum **loading/delivery space length** 90° to building 12 m [39.4 ft.]

d) Minimum **loading/delivery space length** parallel to building 14 m [45.9 ft.]

e) Minimum **aisle, lane, or driveway** width leading to a **loading/delivery space**: 6 m [19.6 ft.]

f) Minimum **setback** between any required **loading/delivery space** and any **lot line** 3 m [9.8 ft.]

g) Minimum **setback** between the side of an **aisle, lane, or driveway** leading to any required **loading/delivery space** any **lot line** 3 m [9.84 ft.]

h) Minimum number of **loading/delivery** spaces:
   - for **net floor area** less than 350 m² [3,767.4 ft.²] 0
   - for **net floor area** over 350 m² to 2,500 [3,767.4 ft.² – 26,910.6 ft.²] 1
   - for **net floor area** over 2,500 m² to 7,500 m² [26,910.6 ft.² – 80,731.9 ft.²] 2
   - for **net floor area** over 7,500 m² [80,731.9 ft.²] 3

i) Despite preceding paragraph h), a use that creates or needs a **loading space** to operate shall comply with the **zoning regulations** in paragraphs a) through g) of this subsection.

j) A **loading/delivery space** shall not project into a required minimum **front yard** or **exterior side yard**.

k) The **loading/delivery space** regulations shall not apply to **existing buildings** or **structures, or loading/delivery spaces** but shall apply to any increase in the **net floor area** of an **existing building** or **structure** or creation of a new **loading/delivery space** after April 30, 2017

l) In the case of a **shopping centre**, individual premises shall be considered as single buildings for the purposes of calculating the requirement for **loading spaces** excluding any premises less than 185 m² [1,991 ft.²] from the initial determination, then the total **net floor area** of the **shopping centre** less the total **floor area** of all premises requiring or including a **loading space** shall be used as the basis to calculate the total number of required **loading spaces** in the **shopping centre**.

4.25 Lot Coverage Exemption

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

4.26 Lot Coverage – Impervious Surfaces

a) Residential Uses

Regardless of any other provision herein, the maximum area of a lot that may be covered by impervious surfaces in a residential zone shall be 60%.

b) Non-residential Uses

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

4.27 Minimum Distance Separation (Special Setbacks)

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

4.27.1 Waste Management Facility

a) No development shall be permitted within 30 m [98.4 ft.] of the licensed fill area of an active waste management facility.

b) No development of a sensitive land use shall be permitted within 500 m [1,640 ft.] of a waste management facility, measured from the boundary of the licensed fill area to the property line of the sensitive land use. Relief from this setback may be granted by an application under the Planning Act where an environmental study has been undertaken and any adverse effects of the waste management facility are mitigated to the satisfaction of Council and/or the Ministry of the Environment and Climate Change.

c) No waste management facility shall be located within 30 m [98.4 ft.] of any waterbody the high water mark of any waterbody or wetland.

d) No waste management facility shall be permitted on land covered by water or in any area subject to flooding [also see article 4.11.1].

4.27.2 Industrial Uses:

a) Class I Industry (Light Industrial): the minimum separation distance from a sensitive land use shall be 20 m [65.6 ft.] measured as the shortest horizontal distance between the lot line of the sensitive land use to the lot line of the Class I
Industrial Use. In the absence of said separation between the lots, the distance shall be 32 m [105 ft.] measured as the shortest horizontal distance from the property line of the lot zoned for or occupied by, a sensitive land use to the industrial building or use.

b) **Class II Industry (Medium Industrial):** the minimum separation distance from a sensitive land use shall be 70 m [230 ft.] measured as the shortest horizontal distance between the lot line of the sensitive land use to the lot line of the Class II Industrial Use. In the absence of said separation between the lots, the distance shall be 82 m [270 ft.] measured as the shortest horizontal distance from the property line of the lot zoned for, or occupied by, a sensitive land use to the Class II industrial building or use.

c) **Class III Industry (Heavy Industrial):** the minimum separation distance from a sensitive land use shall be 300 m [984 ft.] measured as the shortest horizontal distance between the lot line of the sensitive land use to the lot line of the Class III Industrial Use. In the absence of said separation between the lots, the distance shall be 335 m [1,100 ft.] measured as the shortest horizontal distance from the property line of the lot, zoned for or occupied by, a sensitive land use to the industrial building or use.

d) Where development is proposed on an existing vacant lot the minimum separation distance, per preceding clauses a), b) and c) shall be measured from the nearest main wall of the building or structure occupied (or to be occupied) by the sensitive land use and the nearest main wall of the building, structure, processing area, assembly or manufacturing area occupied (or to be occupied) by the industrial use.

4.27.3 Noise and Vibration

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

4.27.4 Wetland

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

4.28 Requirements for Natural Heritage Features

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

**Feature or Area**

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

### 4.29 Non-Conforming Uses and Non-Complying Buildings and Structures

#### 4.29.1 Continuance of Non-Conforming Uses

Nothing in this By-Law shall prevent the use of any land, building or structure for any purpose prohibited by this By-Law if such land, building or structure was lawfully used for such non-conforming purpose on the day of the passing of this By-Law, so long as it continues to be used for that purpose. The non-conforming use of any land, building or structure, including non-conforming accessory buildings or structures, shall not be changed except to a use which is in conformity with the provisions of the zone in which the land, building or structure is located, or without permission from the Committee of Adjustment pursuant to the Planning Act, R.S.O., 1990. Where a non-conforming use is replaced with another use or ceases for a period exceeding 48 months, it will be deemed to have been discontinued and shall not be reintroduced.

#### 4.29.2 Reconstruction of Legal Non-complying Building or Structure

a) Nothing in this By-law shall prevent the reconstruction, restoration, repair, or structural modification of a legal, non-complying building or structure, or re-establishment of a legal non-conforming use which has been damaged or destroyed by, fire, natural catastrophe, or other cause, beyond the control of the owner, subsequent to the passing of this By-law provided that:

i. the non complying features of the building or structure are not expanded in any dimension or become less compliant with the applicable By-law requirements.

ii. the reconstruction, repair or structural modification is confined to a building or structure located on the foundation and/or footprint of the original non-comforming building or structure.

iii. reconstruction of the building or structure is commenced within two (2) years.

iv. A legal non-conforming use is re-established, but not enlarged, within three (3) years

b) Nothing in this By-law shall prevent the reconstruction, repair or structural modification of a legal, non-complying building for the purpose of strengthening the
building to a safe condition provided the original dimensions or footprint of the non-complying aspects or components of the building or structure are not altered and the work is not so extensive as to constitute a replacement of the building or structure and/or to result in the non-complying building or structure being demolished.

c) Notwithstanding the preceding clause, a legal non-complying building or structure may be altered, reconstructed or replaced, where the effect of such alteration, reconstruction or replacement would be to bring the building or structure into compliance with a minimum front yard requirement and/or a Minimum Distance Separation requirement per Subsection 4.27, and does not increase or result in non-compliance with any other provision or requirement of this By-law.

4.29.3 Enlargement of a Non-Complying Building or Structure

Nothing in this By-Law shall prevent the renovation, extension or addition to a non-complying building or structure which is used for a purpose specifically permitted within the zone in which such building or structure is located, provided:

a) such renovation, extension or addition does not extend or increase the non-complying condition of the building or structure in any dimension; and

b) such renovation, extension or addition does not contravene any other zone regulation or requirements of this By-Law; and

c) such renovation, extension or addition does not enable or facilitate a change of use or an accessory use that would be contrary to a required setback from a street for a garage entry or loading space.

d) In addition to the preceding, where the building or the portion of a building to be expanded is entirely within the required minimum front yard or rear yard, the building shall only be expanded toward the interior of the lot and the existing side yard or the minimum side yard requirement, whichever is greater, shall be maintained.

4.29.4 Prior Building Permits

Nothing in this By-Law shall prevent the erection or use of any building or structure for which a building permit has been issued under the Building Code Act prior to 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 and provided the permit has not been revoked under the Building Code Act.

4.29.5 Non-Compliance as a Result of Expropriation

a) Lots with existing buildings and uses

Nothing in this By-law shall prevent the use of any land, building or structure for a use permitted in the applicable zone, or the expansion of such use, building or structure, on a lot which does not conform to the minimum lot frontage and/or lot area and/or front yard setback, and/or an exterior side yard setback, due to the expropriation or acquisition of part of the lot by a public authority for a road widening or other public use provided all other requirements of this By-Law are complied with.
b) Vacant lots

Nothing in this By-Law shall prevent the use of any land, building or structure or the erection of any building or structure on a lot which does not comply with the minimum lot frontage and/or lot area, as a result of an expropriation or acquisition of part of the lot by the Municipality, the County, or other public authority provided all other requirements of this By-Law are complied with.

4.29.6 Non-Complying Existing Lots

a) A non-complying vacant lot that existed on the date of the passing of this By-law, and which does not comply with the minimum lot frontage and/or minimum lot area regulations of this By-law, or which is enlarged by a lot addition and still does not comply with said regulations, may be used and buildings erected thereon for a permitted use in the applicable zone provided all other applicable requirements of this By-law are met.

b) A non-complying lot that existed on the date of the passing of this By-law, and which does not comply with the minimum lot frontage and/or minimum lot area zone regulations of this By-law may be enlarged by a lot addition and the resultant lot and any existing buildings, structures or uses on that lot shall be deemed to retain any legal non-complying status to the extent the addition may alter but does not bring the non-complying aspect into full compliance with the applicable zoning regulations.

4.30 Human Occupancy Restriction

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

a) No truck, bus, coach or streetcar body, or motor vehicle of any kind (whether or not the same is mounted on wheels), excluding temporary occupancy of recreational vehicles where specifically permitted.

b) Any private garage, residential accessory building or structure except where permitted by this by-law), or an unfinished building or structure for which an occupancy permit (per the Building Code Act) has not been issued,

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

4.31 Outdoor Storage and Outdoor Display

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

a) Outdoor storage shall not be permitted within any required minimum front yard or
minimum **exterior side yard** and no closer than 3 m [9.8 ft.] to any **interior side lot line** or **rear lot line**.

b) Where an **outdoor storage area** abuts a **residential zone** or a **lot** with a residential use, the required **setback** of the **outdoor storage** area shall be 4.5 m [14.7 ft.]. A landscaped **buffer strip** or screen shall be provided between the storage area and any **residential use** and no materials shall be stacked or stored to extend higher than the buffer or screen.

c) An **outdoor display area** is permitted as an **accessory use** in a highway Commercial (C2) Zone, to a **permitted** industrial use or public service use provided that the **outdoor display area** does not reduce any required **parking area** or **loading space** area required by this By-law. All **outdoor display areas** shall be setback a minimum of 1 m [3.28 ft.] from any **front lot line** or **interior side lot line**, shall not locate in a **sight triangle** and except for a motor vehicle or **recreational vehicle** sales lot, shall not exceed a **lot coverage** of 10%.

d) Temporary **outdoor displays** and sales areas (i.e. truck load sale, **farm produce stand** or **farmer’s market** sidewalk sales or Christmas tree sales), are not permitted on required **parking areas** except on temporary basis being a maximum of three weeks in December and one week at any other time and shall be subject to any restrictions otherwise imposed by license or permit by the **Municipality**. Temporary **outdoor sales and displays** in any case shall not occupy more than 5 % of required parking and shall not obstruct a vehicle entrance, **aisle, lane or driveway**, and shall not be located in a **sight triangle**.

e) Encroachment of a public right-of-way or street (sidewalk, boulevard, or road) by an outdoor sale or display is not permitted without the expressed written permission either by By-Law; or by resolution of Council for temporary encroachments.

f) A **yard sale** is a permitted outdoor display and sales use in a residential zone and may occupy the required **driveway** and **parking spaces** for no more than 48 hours.

g) Signage for an **outdoor display and sales** use shall comply with any Sign By-law that may be established by the **Municipality** from time to time.

### 4.32 Parking and Storage of Motor Vehicles, Bicycles, - Drive Through Services

#### 4.32.1 General Parking Requirements

a) Except as provided herein, no **motor vehicles** shall be parked or stored in any **zone** (see Section 5 for list of zones) unless the **motor vehicle** is located within a **garage**, **carport, driveway parking area**, or on a **street** where **permitted** by Municipal By-Law; and without limiting the preceding, no vehicle shall be parked or stored in any landscaped portion of a **front yard** except as may be necessary on a temporary basis for a delivery or for property maintenance, repair or construction purposes.

b) The **driveways, lanes, aisles, loading spaces** and **parking space** shall be constructed of crushed stone, asphalt paving, concrete or concrete honeycomb block, paver stones, or similar materials and have a surface that is hard or hard packed, stable and constructed...
to prevent erosion of materials or dust moving off-site.

c) Except as otherwise permitted in this By-law, all motor vehicle parking spaces, queuing spaces, and loading spaces must have an unobstructed access to a public street by:
   - Driveway;
   - An aisle or lane connecting to a driveway;
   - A public lane; or
   - An existing right-of-way.

d) Despite any provision of this by-law to the contrary, if an existing parking space is eliminated to provide barrier free access to a building or to create a barrier free parking space, the remaining parking, to the extent that it has legal non-complying status or is compliant with the requirements of this By-law, shall be considered to meet the requirements of this By-law provided:
   - A single detached dwelling, semi-detached dwelling, duplex or townhouse dwelling maintains one standard parking space per dwelling unit;
   - the effect of eliminating the existing parking space would reduce a non-complying parking area by more than one parking space;
   - the effect of eliminating the existing parking space would reduce a compliant parking area by more than three parking spaces or 10% of all required parking spaces, whichever amount is greater.

4.32.2 Parking for Residential Uses

   a) No parking space or driveway for a residential use shall be used for the parking or storage of a motor vehicle unless such vehicle is used in operations incidental to the residential use of the lot (i.e. home based business), and bears a motor vehicle license plate and sticker which is currently valid. (By-law 3467)

   b) A maximum of one tandem parking space per lane shall be permitted in a driveway between a garage or car port and the street and a maximum of two tandem parking spaces per lane shall be permitted on a driveway in the absence of a garage or car port.

   c) In any R1, R2, R3 Zone, parking in the front yard shall be located on the driveway, except where otherwise specifically permitted in this By-law.

   d) In the R4 Zone parking in a front yard will be permitted but shall be limited to visitor and barrier free parking, shall comply with subsections 4.22 and 4.26, and, if not located on a driveway, shall be separated from the front lot line by a vegetated landscaped open space with a minimum width of 1.5 m.

4.32.3 Parking of Commercial and Recreational Vehicles in Residential Zones

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

   a) The owner or occupant of a dwelling, may use a garage or parking space located on
the lot for parking or temporary storage of one (1) commercial motor vehicle operated by the owner or occupant provided the commercial motor vehicle does not exceed 2,727 kg Gross Vehicle Weight (GVW) or is a Class 1 truck [6,000 lbs.] and further provided such commercial motor vehicle is not used in connection with any business or other use that is prohibited in this By-law.

b) A commercial motor vehicle shall include buses, tractors, front end loaders, backhoes, a high-hoe and one commercial trailer, other than a commercial trailer or semi-trailer with a length exceeding 6 m [19.6 ft.], exclusive of hitch or tongue, or with a trailer body exceeding a height of 3 m [9.84 ft.] as measured from the principal trailer deck or floor.

c) Commercial trailers shall be subject to provisions of clauses 4.32.3 f) i. and ii. in the same manner as they apply to recreational vehicles and recreational equipment.

d) No commercial vehicle or trailer shall be parked or stored on a lot which is being used for parking or storing a recreational vehicle.

e) A vehicle in use by a public utility agency shall not be considered a recreational vehicle or recreational equipment.

f) In a residential zone, recreational equipment and a recreational vehicle may be stored on a lot in accordance with the following zone regulations:

i. No recreational equipment or a recreational vehicle shall be stored or parked on a lot unless a main building has been constructed.

ii. A recreational vehicle shall not exceed 6.98 m (22.9 ft.) in length, exclusive of a hitch or tongue and

iii. only one recreational vehicle shall be permitted for each dwelling unit.

iv. A private garage may be used for the housing or storage of any recreational equipment or recreational vehicle.

v. Space for the storage or parking of recreational vehicles, snowmobiles, personal all-terrain vehicles and domestic trailers shall be in addition to the minimum parking spaces required on site and shall not obstruct access to the required parking spaces.

vi. On a lot used for more than four residential units, the parking of recreational vehicles and recreational equipment shall be limited to a fully enclosed building or an enclosure or enclosed area, located in a rear yard, and fully screened from view from adjacent residential lots, streets or public open space areas. Parking and storage of recreational and/or commercial vehicles and domestic trailers shall be limited to one per residential unit and shall not include commercial trailers.

vii. A maximum of 10 % of the lot area may be occupied for the outdoor parking or storage of recreational vehicles, and recreational equipment subject to the following.

- The lot has a minimum lot frontage of 15 m [49.2 ft.];
Parking and storage shall be limited to an **interior side yard** or **rear yard** of the lot.

Parking and storage shall be 1.2 m [3.93 ft.] from a **side lot line** or a **rear lot line**, and 4.5 m [14.7 ft.] from an **exterior side lot line** or with the same setback as the **exterior side yard** whichever is less;

### 4.32.4 Driveways

Except as otherwise stipulated in a specific zone or an entrance control By-law of the Town of Perth, **driveways** shall comply with Table 4.32.A and the following requirements:

a) Driveway Width shall mean the width of the **driveway** as measured from one edge of the paved surface, gravelled surface or area improved or used for **motor vehicle** access to the opposite edge along the line commencing where the **driveway** intersects the **street-line** and shall apply along the entire length or extent of the **driveway** within the lesser of the existing **front yard** or the required minimum **front yard** from the **street** to its termination,

b) A maximum of one driveway per lot shall be permitted in an R1 or R2 zone or on a lot occupied by a single detached dwelling, except where the **lot** is a **through lot** or is a **corner lot** in which case one **driveway** per road frontage shall be permitted.

c) Each driveway in a residential zone shall have no more than one point of access to a street or road; i.e. where lots qualify for two driveways they shall not connect.

d) The minimum separation distance between a driveway with two lanes and a driveway on an abutting lot or a permitted second driveway on the same lot shall be 2.4 m. [7.9 ft.]

e) Except in a C1 Zone category, there shall be a **sight triangle** with a site distance of 4 m where a **driveway** intersects a street-line.

f) **Driveways** for non-residential uses shall not pass through a Residential Zone.

g) Except as provided in paragraph 4.32 2 d., **parking spaces** required for an **apartment building** shall not be provided in any required **front yard**, or any required **exterior side yard**

h) In addition to the above, all **driveways** shall be subject to the Municipality’s requirements for entrances and/or the requirements for site plan control or other applicable standards.

i) The **driveway** for a commercial or industrial use shall have a width between 6 m and 7.6 m not including any rounded / curved element to facilitate commercial vehicle turning movements at the entrance to the street. A commercial or industrial driveway may have a greater maximum width of 8.2 m where it accesses a Provincial highway, County road or a street designated as an Arterial Road per the Official Plan for the Town of Perth. Council may authorize a **driveway** of up to
10 m in width where the road authority is requiring or will permit the entrance to consist of three *lanes*.
Table 4.32.A  Driveways - also see 4.32.5 and 4.32.7

<table>
<thead>
<tr>
<th>Use</th>
<th>One-Lane Minimum</th>
<th>One-Lane Maximum</th>
<th>Two-lane Minimum</th>
<th>Two-Lane Maximum</th>
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<tr>
<td>Residential: <em>lot frontage</em> &lt; 10 m [32.8 ft.] **</td>
<td>2.6 m [8.5 ft.]</td>
<td>3 m [9.8 ft.]</td>
<td>n/a</td>
<td>n/a</td>
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<tr>
<td>Residential: <em>lot frontage</em> 10 m-19.9 m [32.8 ft.-65.2 ft.] **</td>
<td>2.6 m [8.5 ft.]</td>
<td>4 m [13.1 ft.]</td>
<td>5.5 m [18 ft.]</td>
<td>6.1 m [20 ft.]</td>
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<tr>
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<td>2.6 m [8.5 ft.]</td>
<td>4 m [13.1 ft.]</td>
<td>5.5 m [18 ft.]</td>
<td>6.7 m [22 ft.]</td>
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<tr>
<td>Residential - apartment: 4 units or more</td>
<td>3.35 m [11 ft.]</td>
<td>4.6 m [15 ft.]</td>
<td>6.1 m [20 ft.]</td>
<td>7.3 m [24 ft.]</td>
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<tr>
<td>Non-Residential</td>
<td>4.5 m [14.7 ft.]</td>
<td>6.1 m [20 ft.]</td>
<td>7 m [22.9 ft.]</td>
<td>9.1 m [30 ft.]</td>
</tr>
</tbody>
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** Location of Driveway Entrance on a Corner Lot

<table>
<thead>
<tr>
<th>Minimum Distance between Driveway and Intersection Street Lines</th>
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<tbody>
<tr>
<td></td>
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<tr>
<td>Residential R1, R2 Zone</td>
</tr>
<tr>
<td>Residential R3, R4 Zone</td>
</tr>
<tr>
<td>Non-Residential Use</td>
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</table>

<table>
<thead>
<tr>
<th>Minimum Angle Between Driveway and Intersecting Street Line</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Zones</td>
</tr>
</tbody>
</table>

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

(see parking diagrams in Figure 4.32)

4.32.5 Parking Construction and Coverage in Residential Zones

  g) The *driveways, lanes, aisles, loading spaces* and *parking space* shall be constructed of crushed stone, asphalt paving, concrete or concrete honeycomb block, paver stones, or similar materials.

  h) No more than fifty percent (50%) of the area of any required minimum *front yard*, or for a townhouse the front yard abutting each unit, shall be used or constructed as a *driveway* or *parking space* in any residential zone.

  i) No more than thirty percent (30%) of the *lot frontage*, or the maximum width of driveway per Table 4.32.A, whichever is less, shall be used or constructed as a *driveway* in any R1 or R2 zone or on a lot occupied by a single detached dwelling, except in accordance with paragraph d) below.

  j) Despite paragraph b) and c) above, where the lot or front yard is less than 10 m wide or the existing *buildings* prevent the minimum parking requirement from being met elsewhere on the lot, up to 60% of the *front yard* may be constructed for a *driveway* or *parking spaces* subject to the requirements of Table 4.32.A; but in any case this provision shall only apply to permit one additional *parking space*. 
Figure 4.32- parking diagrams.
(in the event of a discrepancy between a diagram and the text, the text shall prevail)
Double Driveway

Minimum Driveway Separation

Minimum Double Driveway Separation 2.4 m

1-3 residential units
Two Lane Driveway Width:
Minimum 5.1 m Maximum 6.1 m
up to 19.9 m lot frontage or 6.7 m
>20 m lot frontage

Two car garage or carport

Minimum landscaped front yard area 50%
Street

Corner Lot

Exterior side yard

Rear Yard

Front

1-3 residential units: One

Lane Driveway Width:
Minimum 2.6 m
Maximum 4.1 m

Two Lane Driveway Width:
Minimum 5.2 m
Maximum 6.1 m driveway width up to 19.9 m lot frontage or 6.6 m >20 m lot frontage

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4.32.6 Tandem Parking Spaces

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

4.32.7 Parking Area For More Than Four Vehicles

In any zone, where a *parking area* is designed to accommodate more than four vehicles, the following provisions shall apply:

a) The *parking area* shall be constructed of crushed stone, asphalt paving, concrete, paver stones, or similar materials.

b) *Parking areas* shall be designed and constructed with at least one (1) entrance lane and one (1) exit lane for *motor vehicles*, with each *parking space* having access to *driveways, lanes* and/or *aisles* without the necessity of moving any other *motor vehicle*.

c) Ingress and egress directly to and from every *parking space* shall be by means of a maneuvering *aisle* having a width of at least 6 m [19.7 ft.] for two-way traffic, 4.5 m for one-way traffic and parallel parking and 4 m [13.1 ft.] for one-way traffic where parking is angled.

d) A *driveway* or *lane* which does not provide ingress and egress directly to a *parking space*, shall have a minimum width of 3.35 m [11 ft.] where designed for one-way vehicular circulation and a minimum width of 6.1 m [20 ft.] where designed for two-way vehicular circulation.

e) Scale drawings shall be submitted with the application for the building permit, to show all entrances and exits, and such parking facilities, and all proposed and existing *parking space, driveways* and maneuvering *aisles* will comply with the applicable zoning regulations.

4.32.8 Dimensions of parking spaces

*Parking spaces* required by this By-law shall meet the minimum dimension requirements in *Table 4.32.B*
Table 4.32. Required Size of Parking Spaces

<table>
<thead>
<tr>
<th>Type</th>
<th>Width</th>
<th>Length</th>
<th>Vertical Clearance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard (90 degrees)</td>
<td>2.6 m [8.5 ft.]</td>
<td>Min. 5.5 m [18 ft.]</td>
<td>2.4 m [7.8 ft.]</td>
</tr>
<tr>
<td>Angle (less than 90 degrees)</td>
<td>2.6 m [8.5 ft.]</td>
<td>Min. 5.5 m [18 ft.]</td>
<td>2.4 m [7.8 ft.]</td>
</tr>
<tr>
<td>Parallel</td>
<td>2.4 m [7.8 ft.]</td>
<td>Min. 6.7 m [22 ft.]</td>
<td>2.4 m [7.8 ft.]</td>
</tr>
<tr>
<td>Small Car (where permitted)</td>
<td>2.4 m [7.8 ft.]</td>
<td>Min. 4.8 m [15.7 ft.]</td>
<td>2.4 m [7.8 ft.]</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Max 5.2 m [17 ft.]</td>
<td></td>
</tr>
<tr>
<td>Barrier-Free – Off-Street Passenger Vehicle (see diagram and article 4.32.10.)</td>
<td>Type A - 3.4 m [11.1 ft.]</td>
<td>6 m [19.6 ft.]</td>
<td>2.75 m [9 ft.]</td>
</tr>
<tr>
<td></td>
<td>Type B - 2.4 m [7.8 ft.]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barrier-Free – Off-Street Van</td>
<td>4.6 m [15 ft.]</td>
<td>6 m [19.6 ft.]</td>
<td>3.8 m [12.4 ft.]</td>
</tr>
<tr>
<td>Barrier-Free – Parallel</td>
<td>4.1 m [13.4 ft.]</td>
<td>7 m [22.9 ft.]</td>
<td>2.75 m [9 ft.]</td>
</tr>
<tr>
<td>Coach or Bus</td>
<td>12 m [39.3 ft.]</td>
<td>3.5 m [11.4 ft.]</td>
<td>3.8 m [12.4 ft.]</td>
</tr>
<tr>
<td>Heavy Vehicle</td>
<td>3.5 m [11.4 ft.]</td>
<td>16 m [52.4 ft.]</td>
<td>1.7 m [15.4 ft.]</td>
</tr>
</tbody>
</table>

4.32.9 Calculation of Required Parking

a) The total number of parking spaces shall be calculated as the cumulative sum of all types of parking spaces required (e.g. standard, barrier-free, other).

b) Where the calculation of the required parking spaces results in a fraction, the required number of parking spaces shall be rounded to the next highest whole number.

c) Unless otherwise specified elsewhere in this By-Law, where two or more uses are permitted in any one building or on any one lot, the off-street parking requirements for each use shall be calculated as if each use is a separate use, and the total number of off-street parking spaces so calculated shall be the required number of parking spaces.

4.32.10 Barrier-Free Parking

a) Barrier free parking spaces shall be required for any use requiring 10 standard parking spaces or more and the minimum number of barrier free parking spaces shall be calculated in accordance with the standards set out in Table 4.32.C below:

<table>
<thead>
<tr>
<th>Table 4.32.C Barrier-Free Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required Parking Spaces</td>
</tr>
<tr>
<td>For parking from 10 to 15 spaces</td>
</tr>
<tr>
<td>For 16 to 100 required spaces</td>
</tr>
<tr>
<td>For 101 to 300 required spaces</td>
</tr>
<tr>
<td>For 301 to 700 required spaces</td>
</tr>
</tbody>
</table>
b) **Barrier free parking spaces** shall be designed consistent with O. Reg. 191/11 and O. Reg. 413/12, and any amendment thereto or subsequent provincial standard and at a minimum shall meet the following:

i. Where a single **barrier free parking space** is required it shall be a Type A space with an abutting access **aisle** 1.5 m wide per Table 4.32 C.

ii. Where two or more **barrier free parking spaces** are required half of the spaces shall be of a Type A design and the other half may be a Type B space [per Table 4.32 C] with an abutting access aisle 1.5 m wide between each two spaces. If there are an uneven number of spaces required, the additional space may be of Type B design.

iii. Each **barrier free parking space** shall have an abutting 1.5 m wide access **aisle** but where two **barrier free parking spaces** abut, the required access **aisle** may be located between the spaces.
4.32.11 Parking Requirements for Existing Buildings

The parking space requirements shall not apply to any existing building so long as the gross floor area is not increased and no change in use occurs. If an addition is made to the building or structure which increases the gross floor area, or a change in use occurs, then any increase in the required number of parking spaces for the additional floor area or the change in use in excess of two parking spaces shall be provided or cash-in-lieu of parking shall be required.
4.32.12 Parking Requirements in Town of Perth’s Down Town (Town Core)

Despite the provisions of, Table 4.33, the following parking space requirements shall apply within the General Commercial (Cl) Zone:

a) **Change of use within Existing Buildings**

Where the use of an existing building is changed, no additional parking spaces or cash-in-lieu of parking shall be required where there is no change in the floor area dedicated to client use or where such change only increases the number of parking space by one space.

b) **Enlargement of Existing Buildings or Infill Buildings**

Where an existing building is enlarged, either in conformity with the applicable zoning provisions, through an amendment to this By-Law or through a minor variance, the parking requirements or cash-in-lieu of parking as set out in article 4.32.14 shall apply for the enlargement or addition, only if such enlargement or addition has the effect of increasing the parking space requirement by more than two spaces. The additional off-street parking shall be determined, in accordance with the parking required in Table 4.33. The additional parking needed for a change in use, expansion, or enlargement shall not be calculated to require any existing deficiencies in the minimum number of parking spaces to be provided; e.g. existing use has 2 spaces but should have 6, new use requires 9 spaces, [9-6-2] so one new space is needed.

4.32.13 Alternative Location of Parking Space(s)

The required parking for any permitted use shall be provided on the same lot as the use the parking is required to serve with the following exceptions:

a) Where Council has authorized the leasing of municipally owned parking spaces for the exclusive use of a specific business, agency or land owner;

b) Where Council approves the leasing of the required parking on lands within 60 m of the subject property under the terms of a site plan agreement or development agreement executed with the Municipality;

c) Where the owner/operator provides evidence of a permanent easement for the required parking spaces within 60 metres of the property for which the parking is required;

d) Where the owner has completed an agreement with the Municipality to provide Cash-in-lieu of parking.

4.32.14 Cash-in-lieu of Parking

Where site configuration or other constraints prevent or render undesirable the provision of some or all parking spaces required to permit a change of use or building expansion, then the owner or developer may opt to make up the parking space deficiency by providing Cash-in-lieu of Parking. The parking fund so established shall be devoted to assist in the provision of additional parking facilities in the Downtown. The fee for cash-in-lieu of parking shall be determined from time to
time by resolution of Council.

4.32.15 Bicycle Parking and Storage

a) A Bicycle parking space shall have a minimum width of 0.6m and a length of 1.8m and shall be located adjacent to a structural element or in a rack securely anchored to the ground, to which the bicycle can be secured.

b) Bicycle parking may be located within any yard, but not within a sight triangle.

c) Required bicycle parking spaces may be located in parking areas, indoors or in a landscaped open space area but no bicycle parking space shall impede access to a building or occupy a required parking space.

d) Bicycle parking and bicycle parking areas shall be separated from vehicular parking by a physical barrier or a minimum 1.5 m of open space.

e) Existing Buildings, buildings with less than 200 m² GFA, seniors' homes and residential buildings with less than five (5) dwelling units are exempt from bicycle parking.

f) Any building, with a GFA exceeding 200 m² [2,152 ft.²] used for a commercial use, institutional use, or an industrial use shall install bicycle parking spaces equal to 5% of the required motor vehicle parking spaces with a minimum requirement of two (2) spaces and a maximum requirement of twenty (20) spaces, which shall be located within 15 m [49.2 ft.] of the main entrance of the building.

g) Any apartment dwelling, except an existing building or a seniors apartment building, with five (5) or more dwelling units shall provide five (5) bicycle parking spaces within 15 m [49.2 ft.] of the main entrance of the building.

h) Any apartment dwelling, except an existing building or a seniors’ apartment building, shall provide a secure storage area within the building designed to accommodate a minimum of 1 bicycle per dwelling unit.

4.32.16 Provisions for Drive-through Services
(By-law 3358-36)

Despite any other zone regulation in this By-law, where a use of land, building or structure incorporates a drive-through facility, the following zone regulations shall apply:

a) No portion of a motor vehicle service queue for a drive-through restaurant or a drive-through/ takeout restaurant and no parking area for a drive-in restaurant shall be located within 30 m of a residential zone or a property where a residential use is the principal use except:

i. where there is a noise barrier wall having a minimum height of 2.4 metres and/or a building located between a vehicle service queue or the parking area for a drive-
in restaurant and any portion of a property line shared with an abutting residential property, the minimum separation shall be 15 metres [49.2 ft.];

ii. this provision shall not apply to a restaurant with a drive-through service which existed on or before November 1, 2005, or its modification or replacement on the same lot.

b) No portion of a minimum vehicle service queue shall extend into a parking lot.

c) Except as stipulated for specific restaurant uses in Table 4.31.D, the minimum vehicle service queue shall be designed to include a minimum of eight (8) queue spaces.

d) The minimum vehicle service queue requirement shall apply for each service window from which food or a service is delivered to patrons, or in the case of a Drive-through/ Takeout restaurant, every two food service windows.

e) Except where otherwise specified in this By-law, a Queuing lane for any drive-through service shall be designed to accommodate a minimum of eight (8) motor vehicles or queue spaces.

f) A drive-through service shall be a permitted accessory use in the C2, C5, M1, M3 and MP zones except as otherwise restricted in this By-law.

g) A drive-through service shall comply with the zone regulations applicable to the principal use in the zone in which the drive-through facility is located.

h) Any restaurant with a drive-through service or a drive-in restaurant shall have an entrance onto a provincial highway, an arterial road or a collector road, as assigned in the Official Plan for the Town of Perth or shall have access to a local road from a corner lot location immediately abutting a provincial highway, an arterial road or a collector road. In any other location where access is only onto a local road, this type of restaurant use shall only be permitted where all abutting properties are zoned for commercial use.

i) A drive-through restaurant, a Drive-through/ Takeout restaurant or a drive-in restaurant, other than any existing restaurants, shall not locate, on a property with frontage on Foster Street, Market Square or on Gore Street between Brock Street and Foster Street.”

j) An entrance for a Drive-through/ Takeout restaurant, a restaurant with a drive-through service or a drive-in restaurant, shall not locate within 100 m of an elementary school property or within 150 m of an elementary school building, whichever distance is greater, except:

a) where the school property and the restaurant types specified are: not in the same block and do not face the same street; or do not face the same section of the street and do not have frontage or access onto the same side of the street; the setback may be reduced to 75 m from an elementary school property or within 100 m of an elementary school building, whichever distance is greater;

b) the setback shall not apply to a restaurant with a drive-through service which existed on or before November 1, 2005, or its modification or replacement on the
same lot.

4.33 Parking Requirements Table
In any zone, the owner or occupant of any building or structure erected, enlarged or changed in use after the date of passing of this By-law shall provide off-street parking spaces in accordance with the minimum number of parking spaces set out in Table 4.31 D as follows:

**[Parking Space caution: the parking standards herein are minimums. Property owners are encouraged to provide parking based on their anticipated needs, particularly in areas where no on-street parking is available and for residential uses as there is no over-night on-street parking in winter months]**

### TABLE 4.33. Parking Requirements

<table>
<thead>
<tr>
<th>USE</th>
<th>NUMBER OF REQUIRED PARKING SPACES</th>
</tr>
</thead>
</table>
| Residential:  
  - single detached  
  - semi-detached  
  - Duplex  
  - Linked | Two (2) spaces per dwelling unit. Parking spaces shall include any combination of a garage, carport, driveway or tandem parking spaces. |
| Residential:  
  - apartment dwellings  
  - triplex, fourplex  
  - row or town house  
  (Any building containing more than two (2) dwelling units) | 1.25 spaces per dwelling unit, not less than 15% of all parking over 8 spaces shall be dedicated as visitor parking but in no case shall tenant parking be less than one space per dwelling unit |
| Residential: one bedroom dwelling unit (non-senior), Converted dwelling, Accessory apartment, bachelor apartment, any un-specified residential unit | Regardless of any other standard  
1 space per dwelling unit |
| Residential:  
  - senior citizen apartment dwelling, retirement living facility | 0.25 spaces per dwelling unit plus one per staff person; plus one visitor parking space for every 10 units and in any case at least one visitor space |
<p>| Bed and Breakfast Establishment | 1 parking space per guest room in addition to parking spaces required for the dwelling unit. |
| Group Home | 1 parking space per 3 supervised residents plus the required parking for the dwelling - 3 parking spaces minimum |
| Home Based Business | - as per type of business and floor space with a minimum of one space per business and a maximum of four business – parking spaces in |</p>
<table>
<thead>
<tr>
<th>USE</th>
<th>NUMBER OF REQUIRED PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Based physician, dentist, physiotherapist or other medical</td>
<td>Three (3) parking spaces in addition to parking spaces required for the dwelling unit.</td>
</tr>
<tr>
<td>medical health professional, who has established an office for</td>
<td></td>
</tr>
<tr>
<td>consultation or treatment</td>
<td></td>
</tr>
<tr>
<td><strong>Boarding House</strong></td>
<td>0.5 <em>parking spaces</em> per rented room in addition to the minimum required residential parking</td>
</tr>
<tr>
<td><strong>Rooming House</strong></td>
<td>1 <em>parking space</em> for every-three (3) persons to be accommodated based on the maximum permitted</td>
</tr>
<tr>
<td></td>
<td>capacity with a minimum of two spaces.</td>
</tr>
<tr>
<td><strong>NON-RESIDENTIAL USES</strong></td>
<td></td>
</tr>
<tr>
<td>Animal Shelter, Commercial Kennel</td>
<td>1 <em>parking space</em> per 30 m² [322.9 ft.²] of <em>gross floor area</em>.</td>
</tr>
<tr>
<td><strong>Automotive Uses:</strong> Auto body shop, auto repair shop, auto</td>
<td>3 <em>parking spaces</em> per service bay plus 1 parking space for every 30 m² [322.9 ft.²] of <em>net floor</em></td>
</tr>
<tr>
<td>service station, gas bar, card-lock facility, commercial garage,</td>
<td><em>area</em>: minimum 6 <em>parking spaces</em></td>
</tr>
<tr>
<td>bulk fuel depot, card-lock facility, gas bar, <em>recreational vehicle</em></td>
<td></td>
</tr>
<tr>
<td>repair and garage, car rental agency</td>
<td></td>
</tr>
<tr>
<td><strong>Brewery, Micro-brewery, Distillery or Winery</strong></td>
<td>1 <em>parking space</em> per 40 m² [430.5 ft.²] of <em>gross floor area</em>; and in any case not less than 3</td>
</tr>
<tr>
<td></td>
<td><em>spaces</em></td>
</tr>
<tr>
<td>Building supply store, <em>contractor’s yard</em>, commercial</td>
<td>1 <em>space</em> for each 22 m² [236.8 ft.²] of retail <em>gross floor area</em>, plus 1 <em>parking space</em> for each</td>
</tr>
<tr>
<td>equipment or motor vehicle storage yard, <em>garden centre</em>, lumber</td>
<td>500 m² [5,382.1 ft.²] of warehousing; and in any case not less than 5 spaces – also see outdoor</td>
</tr>
<tr>
<td>yard, nursery, <em>commercial greenhouse</em></td>
<td>storage req.</td>
</tr>
<tr>
<td>**Business Office, Professional and/or Administrative Office,</td>
<td>One (1) space for each 30 m² [322.9 ft.²] of <em>gross floor area</em>.</td>
</tr>
<tr>
<td>Banks or Financial Institution</td>
<td></td>
</tr>
<tr>
<td><strong>Clinic</strong></td>
<td>3 spaces per doctor or professional practitioner plus one space for each administrative employee</td>
</tr>
<tr>
<td><strong>Continuum-of-Care Facility</strong> (e.g. chronic care facility, nursing</td>
<td>1 <em>parking space</em> for every 10 patient beds.</td>
</tr>
<tr>
<td>home, retirement home)</td>
<td>Plus 1 <em>parking space</em> per 30 m² [322.9 ft.²] of <em>gross floor area</em> or one space per number of staff</td>
</tr>
<tr>
<td></td>
<td>(based on maximum shift), whichever is less.</td>
</tr>
<tr>
<td><strong>Crisis Care Facility</strong></td>
<td>2 <em>parking spaces</em> minimum. Plus the required parking for a dwelling, or if not located in a</td>
</tr>
<tr>
<td></td>
<td>dwelling, 1 space per 38 m² [409 ft.²] of <em>gross floor area</em>.</td>
</tr>
<tr>
<td><strong>Day nursery</strong> (child or adult), <em>private day care</em></td>
<td>Greater of 1 <em>parking space</em> per classroom or 1 parking space per 40 m² [430.5 ft.²] of <em>gross floor</em></td>
</tr>
<tr>
<td></td>
<td><em>area</em> and in any case not less than 3 spaces</td>
</tr>
<tr>
<td>Equipment rental, sales or service establishment automotive sales</td>
<td></td>
</tr>
<tr>
<td>establishment, automotive leasing establishment, <em>recreational vehicle</em></td>
<td></td>
</tr>
<tr>
<td>sales establishment.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- business office - per business office standard</td>
</tr>
<tr>
<td></td>
<td>- service bays - per Automotive uses standard</td>
</tr>
<tr>
<td>USE</td>
<td>NUMBER OF REQUIRED PARKING SPACES</td>
</tr>
<tr>
<td>--------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>recreational vehicle leasing establishment:</td>
<td>- showroom 2 per 100 m² <em>gross floor area</em></td>
</tr>
<tr>
<td></td>
<td>- any other area 1 per 100 m² <em>gross floor area</em></td>
</tr>
<tr>
<td></td>
<td>- in the absence of a show room or service bays not less than 3 spaces dedicated to customer parking.</td>
</tr>
<tr>
<td>Factory Outlet, Retail Outlet accessory to an industry or wholesale business</td>
<td>1 parking space per 28 m² [301.3 ft.²] of <em>gross floor area</em> in addition to the parking for the principal use.</td>
</tr>
<tr>
<td>General business: animal day care establishment, bake shop, catering establishment, commercial and personal service establishment, dry cleaning or laundry outlet, laundromat, pet grooming establishment, rental store, service outlet or shop, video rental outlet, and any commercial uses not specified elsewhere in this table</td>
<td>One (1) space per 23.2 m² [252 ft.²] of <em>gross floor area</em> with a minimum of 1 space  (over 929 m² [10,000 ft.²]) <em>gross floor area</em> see shopping center standards</td>
</tr>
<tr>
<td>Farmer's market, <em>flea market</em> (external exhibiting space only)</td>
<td>1.5 spaces per individual vendor table or booth with a minimum of 10 parking spaces</td>
</tr>
<tr>
<td>Hostel</td>
<td>1 parking space per every 6 guests accommodated for the first 40 guests accommodated, and 1 per 12 guests accommodated thereafter.</td>
</tr>
<tr>
<td>Hotel, motel, Inn, tourist establishment</td>
<td>1 space per guest unit room, plus 1 space for every 9.3 m² [100.1 ft.²] of <em>public use floor area</em> plus one space per employee based on maximum daytime requirement [restaurant or place of assembly floor areas shall be calculated per the standards for those uses].</td>
</tr>
<tr>
<td>Hospital</td>
<td>One (1) space for every three (3) beds or each 37.2</td>
</tr>
</tbody>
</table>

*Industrial Mall, Light Industry, Bakery: Food and Dairy Products Industry* indoor agricultural production, medical marihuana production facility

<table>
<thead>
<tr>
<th>USE</th>
<th>NUMBER OF REQUIRED PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 space per 70 m² [753.4 ft.²] of <em>gross floor area</em> per premises up to 1,858 m² [20,000 ft.²], plus 1 space for each additional 100 m² [1,076.4 ft.²] of <em>net floor area</em> up to 5,000 m² [53,821.3 ft.²] per premises; plus 1 additional space for every 232 m² [2,497.3 ft.²] <em>net floor area</em> thereafter. Warehouse space calculated separately.</td>
<td></td>
</tr>
</tbody>
</table>

*Industry, Medium or Heavy;*

<table>
<thead>
<tr>
<th>USE</th>
<th>NUMBER OF REQUIRED PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 space per 70 m² [753.4 ft.²] of <em>gross floor area</em> up to 1,858 m² [20,000 ft.²], plus 1 space for each additional 125 m² [1,345.5 ft.²] of <em>net floor area</em> up to 5,000 m² [53,821.3 ft.²]; plus 1 additional space for every 250 m² [2,691 ft.²] of <em>net floor area</em> thereafter. Warehouse space calculated separately.</td>
<td></td>
</tr>
</tbody>
</table>

*Industrial Storage Use or Commercial Storage Use* including a *warehouse, cold storage facility, wholesale facility*

<table>
<thead>
<tr>
<th>USE</th>
<th>NUMBER OF REQUIRED PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 parking space per 200 m² [2,152 ft.²] of <em>gross floor area</em> or portion thereof up to 1,858 m² [20,000 ft.²] plus 1 additional space for every 250 m² [2,691 ft.²] <em>net floor area</em> thereafter.</td>
<td></td>
</tr>
</tbody>
</table>

Hospital

<table>
<thead>
<tr>
<th>USE</th>
<th>NUMBER OF REQUIRED PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>One (1) space for every three (3) beds or each 37.2</td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>USE</th>
<th>NUMBER OF REQUIRED PARKING SPACES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor storage area, exclusive of seasonal uses</td>
<td>1 parking space per 1,000 m² [10,764.2 ft.²] of lot area in outdoor storage use - minimum of 2 parking spaces for an accessory use - minimum of 5 parking spaces if it is the principal use.</td>
</tr>
<tr>
<td>Outdoor patio, accessory to commercial use, exclusive of temporary patio (one-time use – 5 months or less)</td>
<td>For outdoor patio space that exceeds 50% of the indoor client seating capacity or 40% of the gross leasable floor area of a restaurant, restaurant with drive-through service or a tavern, parking shall be provided at rate of 1 space for 4 seats or 1 space per 15 m² [161.4 ft.²], whichever is greater.</td>
</tr>
<tr>
<td>Place of Assembly: private clubs, auditorium, banquet and meeting halls, bingo hall, casino, community centre, museum, entertainment establishment, funeral home place of worship, recreational establishment, arena, community centre, cinema, theatre and similar places of public assembly,</td>
<td>1 space for every 5 seats, fixed or otherwise; or, where there are no seats, 1 space for every 20 m² [215.2 ft.²] of net floor area or 1 space for every 5 persons of rated capacity, whichever is greater. In a Shopping Centre where the parking for other uses meets or exceeds that of the Place of Assembly the assembly parking requirement is reduced by 20%.</td>
</tr>
<tr>
<td>Recreational Commercial establishment, Miniature Golf Course, Driving Range, tourist outfitters establishment</td>
<td>2 parking spaces per tee area plus 1 parking space per 10 m² [107.6 ft.²] of net floor area in clubhouse, office, and staff areas, plus parking per requirements in this table for restaurant, banquet hall, or other facilities as may be provided.</td>
</tr>
<tr>
<td>Restaurant, (By-law 3358-36)</td>
<td>1 parking space for every four (4) patrons accommodated as per the maximum rated occupancy/capacity under the Ontario Building Code or 1 space for each 10 m² of gross floor area whichever is greater.</td>
</tr>
<tr>
<td>Restaurant, Drive In (By-law 3358-36)</td>
<td>2 parking spaces for each 10 m² of gross floor area and one space for every six units of outdoor seating with a minimum of 8 spaces.</td>
</tr>
<tr>
<td>Restaurant, with Drive-through Service (By-law 3358-36)</td>
<td>1.4 parking spaces for each 10 m² of gross floor area designed to accommodate 12 queue spaces before the service window with not less than 6 queue spaces before the food order board, and not less than 2 queue spaces from the food service window to the queue exit;</td>
</tr>
<tr>
<td>Restaurant, Drive Through / Take Out (By-law 3358-36)</td>
<td>Minimum of 5 parking spaces with a minimum vehicle service queue of 12 queue spaces and the queue designed to accommodate not less than 6 queue spaces before the order station, and not less than 2 queue spaces from the food service window</td>
</tr>
<tr>
<td>USE</td>
<td>NUMBER OF REQUIRED PARKING SPACES</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>to the queue exit.</td>
<td></td>
</tr>
<tr>
<td><strong>Restaurant, Take Out</strong> (By-law 3358-36)</td>
<td>2 parking spaces for each 10 sq. m of patron service area or one space for each 2 units of patron seating, whichever is greater, with a minimum of 2 spaces.</td>
</tr>
<tr>
<td>Retail Store or business: grocery store, bake shop, printing and processing service shop, <em>service commercial establishment</em> less than 929 m(^2) [10,000 ft(^2)]</td>
<td>One (1) space per 23.2 m(^2) [252 ft(^2)] of <em>Gross Leasable Floor Area</em> with a minimum of 1 space (over 929 m(^2) [10,000 ft(^2)]) <em>gross leasable floor area</em> see small shopping center standard)</td>
</tr>
<tr>
<td>Retail Store or business, small <em>Shopping Centre</em> exceeding a gross leasable floor area 929 m(^2) [10,000 ft(^2)] less than 2,000 m(^2) [21,525 ft(^2)]</td>
<td>40 parking spaces plus 1 space for each 28 m(^2) (300 ft(^2)) of <em>gross leasable floor area</em> from 929 m(^2) [10,000 ft(^2)] to 2,000 m(^2) [21,525 ft(^2)] Maximum of 1 space per 18.6 m(^2) (200 ft(^2)) of <em>gross leasable floor area</em></td>
</tr>
<tr>
<td><em>Shopping Centre</em> or Large Format Retail Store 2,000 m(^2) [21,525 ft(^2)] gross leasable floor area or more **</td>
<td>75 parking spaces plus 1 space for each 30 m(^2) (300 ft(^2)) of <em>gross floor area</em> over 2,000 m(^2) [21,525 ft(^2)] Maximum of 1 space per 19.5 m(^2) (210 ft(^2)) <em>gross leasable floor area</em> which shall increase to 1 space per 18.6 m(^2) (200 ft(^2)) of <em>gross leasable floor area</em> if the minimum landscaped open space is established and maintained at 20%</td>
</tr>
<tr>
<td><strong>calculation of <em>gross floor area</em> to determine the applicable <em>shopping centre</em> parking standard will include floor space used or allocated for cinemas, theatres, restaurants and building supply establishments but the parking required for those uses shall be separately calculated based on the applicable standards in this table.</strong></td>
<td></td>
</tr>
<tr>
<td>Self-Storage Facility</td>
<td>1 parking space per 100 storage units; none required for 20 or less</td>
</tr>
<tr>
<td>School – elementary</td>
<td>1.5 spaces per teaching classroom</td>
</tr>
<tr>
<td>School - secondary or commercial</td>
<td>Four (4) three (3) spaces per teaching classroom</td>
</tr>
<tr>
<td>Tavern, Public House, Road House, Nightclub</td>
<td>3 parking spaces per 100 m(^2) [1,076.4 ft(^2)] of <em>net floor area</em> or portion thereof</td>
</tr>
<tr>
<td>Truck terminal</td>
<td>1 parking space per 1,000 m(^2) [10,764.2 ft(^2)] of <em>lot area</em></td>
</tr>
<tr>
<td>Uses not otherwise specified</td>
<td>1 space per 28 m(^2) [301.3 ft(^2)] of <em>gross floor area</em></td>
</tr>
</tbody>
</table>
4.34 Permitted Projections

Every part of any minimum required yard shall be open and unobstructed from the ground to the sky by any building or structure except those structures listed in Table 4.34A shall be permitted to project into the minimum required yards for the distances specified where the minimum yard or setback requirements are currently met.

<table>
<thead>
<tr>
<th>Structure</th>
<th>Maximum Projection into a minimum required Yard or an existing yard where specified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belt courses, chimney breasts, cornices, gutters, pilasters, sills, or other ornamental structures, exterior staircases, stoops, landings - all yards</td>
<td>0.5 m [1.64 ft.] into any yard or half the depth of the existing yard, whichever is less.</td>
</tr>
<tr>
<td>Eaves - all yards</td>
<td><em>Front yard, Exterior side yard, and rear yard</em> - 1.2 m [3.93 ft.]; <em>Interior side yard</em> - 0.6 m [1.97 ft.] or half the depth of the existing yard, whichever is less.</td>
</tr>
<tr>
<td>Window bays - <em>front yard</em> and <em>rear yard</em> only</td>
<td>1 m [3.28 ft.] including eaves and cornices; to a Maximum width - 3 m [9.84 ft.]</td>
</tr>
<tr>
<td>Balconies, canopies, roofed porches, decks, verandas at ground level or <em>first storey</em> extending into a <em>front or rear yard</em>. (Projection into a <em>side yard</em> or onto a driveway or pedestrian way shall not be permitted.)</td>
<td><em>Front yard</em> - 1.5 m [4.92 ft.]; <em>Rear yard</em> - 3 m [9.84 ft.]; But in any event not more than half the depth of the yard or within 3 m [9.84 ft.] of a road or in a sight triangle</td>
</tr>
<tr>
<td>Balconies and canopies located above the <em>first storey</em> extending into a front or rear yard. (Projection into a side yard not permitted.)</td>
<td><em>Front yard</em> 1.2 m [3.93 ft.]; <em>Rear yard</em> - 2.4 m [7.87 ft.]</td>
</tr>
<tr>
<td>Open porches, decks, verandas at ground level (excluding stairs) - <em>front yard</em> and <em>rear yard</em> only</td>
<td><em>Front yard</em> - 2.4 m [7.87 ft.]; <em>Rear yard</em> - half the depth of the yard</td>
</tr>
<tr>
<td><em>Fences</em>, garden trellises and similar landscaping features, all plant materials, clothes poles, flag poles, uncovered paved patios, retaining walls, landscaping features, similar accessories,</td>
<td>No maximum into any yard subject to compliance with any applicable sight triangle requirements, subsections 4.10 and 4.38 and limits to impervious surfaces.</td>
</tr>
<tr>
<td>Barrier free architectural structures i.e. ramps</td>
<td>As set out in the <em>Ontario Building Code</em></td>
</tr>
<tr>
<td>Fire Escapes, antennae towers, satellite dishes</td>
<td>1.5 m [4.92 ft.] into a <em>side yard</em> or <em>rear yard</em></td>
</tr>
<tr>
<td>Air conditioner or Heat pump or similar device</td>
<td>1.2 m [3.93 ft.] into a <em>front yard</em>, or <em>exterior side yard</em>; no limit into a rear yard; not permitted in a minimum <em>side yard</em> and in any case, not within 3m of a <em>dwelling</em> on a separate <em>lot</em>. In the C1 Zone, no air conditioner shall only be permitted in the <em>rear yard</em> at the ground level or the <em>first storey</em>.</td>
</tr>
</tbody>
</table>
Table 4.34A - Provisions for Permitted Projections

| Solar collector, wind turbine non-commercial | No maximum into any rear yard only provided they are no closer than 3 m [9.84 ft.] to an interior side yard or rear yard lot line or within a minimum exterior side yard |
| Commercial Solar Collector, commercial wind turbine | No maximum into any yard provided they are no closer than 3 m [9.8 ft.] to an interior side yard or rear yard lot line or 10 m [32.8 ft.] or a distance equal to the height of the installation, whichever is greater, from any street line |

4.35 Prohibited Uses

Except as specifically permitted in this By-Law, the following uses are prohibited:

a) Adult Entertainment Parlour and Body Rub Parlour; and
b) The use or storage of bulk storage tanks on any lot; and
c) The storage of inoperative rail cars, streetcars, buses, truck bodies or trailers without wheels; and
d) The parking or storage of commercial motor vehicles and inoperative farm vehicles on a vacant lot; and
e) The outdoor storage of partially dismantled and/or unlicensed motor vehicles or recreational vehicles, or trailers or motor vehicle or trailer parts; and
f) Obnoxious uses; and
g) Smelters, ethanol plants, the manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, coal oil, creosote, explosives, fireworks, glue, petroleum, tar or other gases; and
h) The bulk storage of industrial chemicals, and hazardous waste, or liquid industrial waste as defined under the Environmental Protection Act, R.S.O., c. E.19, as amended, and
i) In any commercial zone, the operation of an arcade or video arcade shall not be permitted within 400 m [1,312.3 ft.] of a school.

4.36 Railway Setbacks

Notwithstanding any other provision of this By-law, no residential building or structure, institutional use, use including overnight accommodation, clinic, or open space use, shall be erected closer than 30.0 metres from any principal main-line railway right-of-way or corridor or secondary main-line railway right-of-way or corridor.

a) A chain link security fence with a minimum height of 1.83 metres shall be designed and maintained by the property owner at the mutual property line with any right-of-way of a principal main-line, secondary main-line or principal branch line railway.
4.37 Source Water Protection Overlay Area

a) The following provisions take precedence over the provisions of the underlying zone. They apply to land uses within an area affected by the Source Water Protection Overlay in order to restrict development in intake protection zones, and areas where groundwater protection due to vulnerability of aquifers or significant groundwater recharge areas as shown on Schedule “A” to this By-law to:

i) Provide for the protection of municipal water supplies from contamination.

ii) Prohibit the establishment or expansion of specific land uses that pose a risk of contaminating the groundwater or surface water that supply municipal drinking water systems.

iii) Apply a holding provision within areas that are associated with a Significant Groundwater Recharge Area to remain until the development impact is demonstrated to be consistent with the Official Plan source protection policies;

iv) The Risk Management Official (RMO) is that person or agency appointed by the Town to uphold and implement specific provisions of the Mississippi-Rideau Source Protection Plan in accordance with the Clean Water Act;

b) Specific Provisions

i) All applications for development within the Source Water Protection Overlay with IPZ scores of 8, 9 or 10 shall be accompanied by a completed Source Protection Activity Checklist unless exempted by the Municipality.

ii) No holding provision prohibiting Building Permit or Site Plan Control approval shall be removed within the Source Water Protection Overlay area without the potential impact upon Source Water being reviewed and accepted by the Municipality in consultation with the Source Protection Authority.

iii) Properties having parts lying within more than one sensitivity rating, as shown on Overlay Schedule ‘A1’, or only having a part of the property within the Overlay Schedule, shall be subject to the restrictions applicable to the more sensitive rating. Notwithstanding the preceding, Council, or a staff person delegated by Council, will have the authority, in consultation with the Source Protection Authority, to apply the lesser restriction where a land use or activity will clearly be limited to the area with the lower sensitivity rating.

iv) The Intake Protection Zone area with a sensitivity score of 10 is hereby subject to or effectively a holding provision and no building shall be erected without this holding provision being removed or modified. The hold will be lifted for residential purposes that are on full municipal water and sanitary sewer services.
v) Any proposed use that has the potential to use, store or undertake the following types of activity, or which may use any of the items listed in this Section, shall be prohibited in the IPZ score areas as specified:

1) Sewage Treatment Plant Effluent Discharges in areas having IPZ scores of 8, 9, or 10
2) Industrial Effluent Discharge within areas having IPZ scores of 8, 9, or 10
3) Combined Sewer Discharge outlet within areas having IPZ scores of 8, 9, or 10
4) Sewage Treatment Plant By-pass discharge within areas having IPZ scores of 8, 9, or 10
5) Waste disposal sites, as defined or described by the Mississippi-Rideau Source Protection Plan, within areas having IPZ scores of 8, 9, or 10
6) Large Storage of Sewage (e.g. treatment plant storage tanks) within areas having IPZ scores of 9 or 10;
7) Stormwater Management Facility within areas having an IPZ score of 10:
8) fuel storage at a bulk plant, gas station or refinery within an area with an IPZ score of 10,
9) road salt storage of more than 5,000 tonnes within an area with IPZ score of 9 and more than 500 tonnes within an area with an IPZ score of 10;
10) Permanent snow dump sites shall be less than 1 ha in an area with an IPZ score of 9 and shall not be located in area with an IPZ score of 10. Notwithstanding the preceding an emergency snow dump is permitted in an IPZ with a score of 9.
11) Commercial or bulk storage of fertilizer in amounts exceeding 2,500 kg within an area with an IPZ score of 10
12) Commercial or bulk storage of pesticides within areas having IPZ scores of 9, or 10;
13) development not connected to municipal sanitary sewer services within an area having an IPZ score of 10.

vi) The areas identified within IPZ Zones on Schedule A1 shall be deemed to be subject to a holding provision with respect to the development of following uses and activities and the holding provision will not be removed until in consultation with the RMO the source protection requirements have been met.

1) Fuel storage supply for on-site heating within an area with an IPZ score of 10
2) Agricultural manure storage or manure application within areas having IPZ scores of 8, 9, or 10;
3) Large scale drainage management projects within areas having IPZ scores of 8, 9, or 10;
4) Major construction projects (such as high density residential uses, industrial building, shopping centre, business park, residential subdivision, or solar farm) within areas having IPZ scores of 8, 9, or 10.

4.38 Rooming House, Boarding House and Hostels.

a) A rooming house may only be permitted in a residential zone which permits multi-unit dwellings and in the Local Commercial C3 Zone and a hostel may only be permitted by way of amendment to this By-Law.

b) No rooming house or hostel shall be located closer than 300 m [984 ft.] in a straight line distance to any other rooming house, boarding house or hostel.

c) Dwellings being converted to rooming houses shall be permanent single detached dwellings or two unit dwellings only. Rooming house units in mobile homes are prohibited.

4.39 Sight Triangle

a) Prohibited Uses

Within any area defined as a sight triangle, the following uses are prohibited:

i) a building, structure, or use which would obstruct the vision of drivers of motor vehicles;

ii) a fence, tree, hedge, bush or other vegetation greater than 0.8 m [2.62 ft.] except a chain link or wire fence per subsection 4.10;

iii) any portion of a delivery space, loading space, driveway or parking space;

iv) a berm or other ground surface which exceeds the elevation of the street by more than 0.8m [2.62 ft.]

b) Sight Distances

For the purposes of this By-Law, the following sight distances shall apply:

(see the definitions of sight distances and sight triangle for measurement of distances)

i) no distance requirement in lands zoned General Commercial Cl) Zone -(Downtown Sector);

ii) Six (6) m [19.6 ft.] from a street intersection in all other zones.

iii) 3.65 m (12 ft.) from a driveway intersection with a street in all other zones
c) Despite the above, in any zone where any street crosses a railway at the same grade the railway shall be deemed to be a street and a sight distance of 45 m [147.6 ft.] shall be required measured from the point of intersection of the centre line of the railway right-of-way and the street line abutting the lot [see Figure 4.3].

4.40 Signs

Advertising and directional signs or devices shall be permitted in all zones, other than Residential Zones, in accordance with the provisions of any Sign By-Law passed by the Municipality under the provisions of the Municipal Act. In residential zones signage shall be in accordance with the requirements for home-based businesses, and such other temporary signage as may be permitted in accordance with the provisions of any Sign By-Law passed by the Municipality.

4.41 Storage Containers and Storage Trailers

a) Storage containers and storage trailers shall be permitted in specified zones in accordance with the zone regulations as set out in Table 4.41 A of this by-law and subject to any licensing requirement of the Municipality as may be established from time to time by By-law under the Municipal Act.

<table>
<thead>
<tr>
<th>Item</th>
<th>Residential Zones</th>
<th>Commercial Zones</th>
<th>Industrial Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Storage Containers and Storage Trailers (Units) permitted per</td>
<td>-not permitted in R1, R2, R3 zones</td>
<td>-maximum of 3 units whether storage containers or storage trailers or a combination thereof in a C2 zone only</td>
<td>- maximum of 3 units whether storage containers or storage trailers or a combination thereof in M1, M2 and MP zones</td>
</tr>
<tr>
<td></td>
<td>-1 storage container per 10 dwelling units in R4 provided the lot complies with the</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Figure 4.3
Table 4.41 A – Requirements for Storage Containers and Storage Trailers

<table>
<thead>
<tr>
<th>Item</th>
<th>Residential Zones</th>
<th>Commercial Zones</th>
<th>Industrial Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>lot</strong></td>
<td>minimum <em>lot area</em> requirement and with a maximum of two</td>
<td>- no limit where the C2 <em>permitted use</em> is for the commercial display and sale of <em>storage containers</em> or where the <em>permitted use</em> is a commercial <em>self-storage facility</em></td>
<td>-not <em>permitted</em> in any source protection, environmental and open space zones</td>
</tr>
<tr>
<td></td>
<td><em>Storage trailers</em> are prohibited in any <em>residential zone</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Container Dimensions</strong></td>
<td>-R4 Zone: 3m (width) by 4.8 m (length) by 2.9 m (height) and a maximum <em>gross floor area</em> of 14.4 m² per unit up to the permitted <em>lot coverage</em></td>
<td>-3 m (width) by 12.1 m (length) by 2.9 m (height) and a maximum <em>gross floor area</em> of 36.3 m² per unit</td>
<td>-3 m (width) by 12.1 m (length) by 2.9 m (height) and a maximum <em>gross floor area</em> of 36.3 m² per unit</td>
</tr>
<tr>
<td><strong>Location</strong></td>
<td>-<strong>rear yard</strong> only except on a temporary basis</td>
<td>-<strong>rear yard or interior side yard</strong> only except on a temporary basis</td>
<td>-No restriction provided unit(s) set back a minimum of 30 m from <em>street line</em></td>
</tr>
<tr>
<td></td>
<td>-all other applicable <em>setbacks</em> shall continue to apply</td>
<td>-all other applicable <em>setbacks</em> continue to apply</td>
<td>-all other applicable <em>setbacks</em> shall continue to apply</td>
</tr>
<tr>
<td></td>
<td>-minimum 1.5 m <em>building separation</em> from any <em>main building</em>, the window or door of a <em>habitable room</em></td>
<td>-minimum 1.5 m <em>building separation</em> from any <em>main building</em>, window or door of a <em>habitable room</em></td>
<td>-minimum 1.5 m distance separation from any <em>main building</em>, window or door of a <em>habitable room</em></td>
</tr>
<tr>
<td><strong>Maximum Lot Coverage</strong></td>
<td>Shall apply as per the <em>accessory use</em> provisions for the applicable zone</td>
<td>Except where <em>permitted</em> as a <em>principal use</em> Shall apply as per <em>accessory use</em> provisions for the applicable zone</td>
<td>Except where <em>permitted</em> as a <em>principal use</em> Shall apply as per <em>accessory use</em> provisions for the applicable zone</td>
</tr>
</tbody>
</table>
**Table 4.41 A – Requirements for Storage Containers and Storage Trailers**

<table>
<thead>
<tr>
<th>Item</th>
<th>Residential Zones</th>
<th>Commercial Zones</th>
<th>Industrial Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location Restriction</td>
<td>Not permitted</td>
<td>Not permitted</td>
<td>Not permitted</td>
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<td></td>
<td>on any</td>
<td>on any</td>
<td>on any</td>
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<td>required</td>
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<td>parking space,</td>
<td>parking space,</td>
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<td>parking</td>
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<td>aisle, driveway,</td>
<td>aisle, driveway,</td>
<td>aisle, driveway,</td>
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<td></td>
<td>stacking lane</td>
<td>stacking lane</td>
<td>stacking lane</td>
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<td>or on a</td>
<td>or on a</td>
<td>or on a</td>
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<td></td>
<td>landscape</td>
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<tr>
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<td>buffer strip</td>
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<tr>
<td>Use Restriction</td>
<td>Human habitation</td>
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<td></td>
<td>is prohibited</td>
<td>is prohibited</td>
<td>is prohibited</td>
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<td></td>
<td>See 4.30</td>
<td>See 4.30</td>
<td>See 4.30</td>
</tr>
<tr>
<td>Maximum Height Restriction</td>
<td>No stacking of</td>
<td>No stacking of</td>
<td>No stacking of</td>
</tr>
<tr>
<td></td>
<td>storage</td>
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<td></td>
<td>containers</td>
<td>containers</td>
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<td></td>
<td>shall be</td>
<td>shall be</td>
<td>shall be</td>
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<td>permitted</td>
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<td>Ventilation</td>
<td>Ventilation</td>
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<td>shall be</td>
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<td>shall be</td>
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<tr>
<td>Fencing</td>
<td>Use for the</td>
<td>Use for the</td>
<td>Use for the</td>
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<td>purpose of</td>
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<td></td>
<td>screening or</td>
<td>screening or</td>
<td>screening or</td>
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<td></td>
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<td>fencing</td>
<td>fencing</td>
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<tr>
<td></td>
<td>prohibited</td>
<td>prohibited</td>
<td>prohibited</td>
</tr>
<tr>
<td>Advertising on a Storage Container</td>
<td>Prohibited</td>
<td>Prohibited</td>
<td>Prohibited</td>
</tr>
<tr>
<td>or Storage Trailer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Snow Load, Rain Load, Fire,</td>
<td>Shall comply with</td>
<td>Shall comply with</td>
<td>Shall comply with</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Trailer wheels to be removed</td>
<td>Trailer wheels to be removed</td>
</tr>
</tbody>
</table>

1.

b) **Additional Provisions for Storage Containers and Storage Trailers:**
i. A storage container and a storage trailer shall be considered as an accessory use except where specifically permitted as principal use or occupied by a principal use for non-storage purposes.

ii. Despite the number of storage containers and storage trailers permitted in Table 4.41A, this section shall not be deemed to prevent the use of a storage container or storage trailer as a temporary use in any zone where required for the storage of building materials or equipment or use as a field office associated with construction on the same lot provided a valid building permit is in place. Despite the location limitations, such temporary storage unit may be located in any yard except in a sight triangle (see also Subsection 4.38).

iii. Despite the number of storage containers and storage trailers permitted in Table 4.41A, this section shall not be deemed to prevent the use of a storage container or storage trailer for non-storage purposes as part of the operation of a Contractor’s Yard as defined in this by-law or as part of a processing or other operation of an industrial use.

iv. Despite the requirements on the Ontario Building Code, a foundation shall not be required for any storage container with a gross floor area of less than 55 m².

v. The space occupied by Storage containers and/or storage trailers shall be screened from a public street, a residential zone or a residential use by a landscaped buffer strip or opaque fence a minimum of 2 m in height except on a lot in an Industrial Zone that permits outdoor storage that has industrial lots on all other sides – exterior side yards shall be screened.

a. A storage container or a storage trailer shall be maintained in a sound and functional condition suitable for the intended use, with fully operational doors, completely weather resistant walls and roof and fully compliant with the property standards or property maintenance by-laws as may be established by the Municipality under the Municipal Act from time to time, particularly with respect to maintaining a painted exterior.

4.42 Streets Parks, Playgrounds and Community Gardens

In any zone established by this By-Law, public streets, walkways, bike paths and parks, playgrounds and community gardens are permitted.

4.43 Temporary Buildings or Structures during Construction

a) Nothing in this By-Law shall prevent the use of land or the use or erection of a temporary building or structure or a scaffold or other equipment essential to the construction in progress for which a building permit has been granted, but only until such time as the work has been finished or abandoned or such equipment is no longer required.

b) In addition, temporary accommodation for a business or other use which is intended to
occupy a building or structure which is under construction with the work in progress on such building or structure, may be temporarily permitted on the same lot in the form of a mobile, re-locatable, portable or transportable building or structure provided:

i. Approval is obtained from the Corporation through a motion of Council or under a legally binding agreement.

ii. such temporary accommodation is removed from the lot immediately upon completion of construction, abandonment of construction.

iii. Nothing in this By-law shall prevent the use of land or the use or erection of a temporary real estate sales or rental office for which a building permit has been issued and/or approval is obtained from the Corporation.

4.44 Temporary Commercial – Industrial Storage in Trailers

A commercial trailer may be used for temporary accessory storage (one to six months) to a principal building in a commercial or an industrial zone provided the trailer is in a roadworthy condition, has a valid licence for use on public roadways, is parked in a side or rear yard, has a setback equal to the exterior side yard of the principal building or 4.5 m (15 ft.) from any exterior side lot line and, such accessory use does not exceed 10% of the lot area or one trailer for every 465 m² (5,000 sq. ft.) of gross floor area used for the principal business use, whichever permits fewer trailers. In any case, the number of temporary commercial trailers plus any Storage containers and storage trailers shall not exceed a maximum of six. This limit shall not apply on a site for loading or unloading or storage of commercial trailers where the principal use is a trucking or transportation depot.

4.45 Through Lots

Where a lot is a through lot, the requirements for front yards contained in this By-Law shall apply to each yard abutting a street.

4.46 Use by Public Authority or Public Utility

The provisions of this By-Law shall not apply to limit the use of any land or to the erection or use of any building or structure for a utility installation or municipal infrastructure for the purpose of public service by the Municipality, any public authority, any department of the Government of Ontario or Canada or any public utility including any Hydro One facilities or federally or provincially regulated utility or communication service pursuant to the Planning Act, provided that where such land, building or structure is located in a Residential Zone or on a lot adjacent to a Residential Zone:

a) no goods, materials or equipment shall be stored in the open except in accordance with the relevant zone provisions;

b) the lot coverage, setback and yard requirements of the zone in which such land, building or above ground structure is located shall be complied with, except for gas, telephone,
c) any building or structure erected in a Residential Zone under the authority of this section shall meet the regulations of the zone and be designed and maintained in general harmony with the residential buildings of the type permitted in the zone,

d) Any building erected under the authority of this section shall not be used for the purpose of an office except for a government building.

e) the parking space and loading regulations as set out in this By-law shall be complied with.

f) Communications facilities shall comply with Industry Canada Standards for construction and safety. A communications facility shall only be permitted in an Industrial Zone.

g) Secondary uses, such as active and passive recreation, agriculture, community gardens, other utilities, and uses such as parking lots and outdoor storage areas that are accessory to adjacent lands uses, are encouraged on hydro corridor lands, where compatible with surrounding land uses. However, a proponent should be aware of the primacy of electricity transmission and distribution facilities and that secondary uses require technical approval from Hydro One Networks.

4.47 Water and Sewage Disposal Services

No building permit shall be issued for any building or structure which requires municipal water and sewer services unless such services are available and have the capacity to service such development or are to be installed subject to a valid subdivision or development agreement providing for such services i.e. all development shall be connected to municipal water and sewer services unless otherwise exempted by the Building Code.
Section 5  INTERPRETATION

5.1  Zone Classification

For the purposes of zoning, the Planning Area is divided into Zones which are applicable to the Town of Perth. These zones are named and described in the following sections, the boundaries of which are shown on the attached Schedule ‘A’, also herein referred to as a zoning map’, which forms part of this By-law. These zones may be referred to by the name or the symbol set opposite the name of the zone below:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Zone Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Zones</strong></td>
<td></td>
</tr>
<tr>
<td>Residential First Density</td>
<td>R1</td>
</tr>
<tr>
<td>Residential Second Density</td>
<td>R2</td>
</tr>
<tr>
<td>Residential Third Density</td>
<td>R3</td>
</tr>
<tr>
<td>Residential Fourth Density</td>
<td>R4</td>
</tr>
<tr>
<td><strong>Commercial Zones</strong></td>
<td></td>
</tr>
<tr>
<td>General Commercial</td>
<td>C1</td>
</tr>
<tr>
<td>General Commercial Professional</td>
<td>C1P</td>
</tr>
<tr>
<td>Highway Commercial</td>
<td>C2</td>
</tr>
<tr>
<td>Neighbourhood Commercial</td>
<td>C3</td>
</tr>
<tr>
<td>Service Commercial</td>
<td>C4</td>
</tr>
<tr>
<td>Business Park Commercial</td>
<td>C5</td>
</tr>
<tr>
<td><strong>Industrial Zones</strong></td>
<td></td>
</tr>
<tr>
<td>Restricted Industrial</td>
<td>M1</td>
</tr>
<tr>
<td>General Industrial</td>
<td>M2</td>
</tr>
<tr>
<td>Waste Management Facility</td>
<td>WMF</td>
</tr>
<tr>
<td><strong>Institutional Zone</strong></td>
<td></td>
</tr>
<tr>
<td>Institutional</td>
<td>I</td>
</tr>
<tr>
<td><strong>Environmental Zones</strong></td>
<td></td>
</tr>
<tr>
<td>Open Space</td>
<td>OS</td>
</tr>
<tr>
<td>Environmental Protection</td>
<td>EP</td>
</tr>
</tbody>
</table>
5.2 Use of Zone Symbols

The symbols listed in subsection 5.1 may be used to refer to any of the uses of land, buildings and structures permitted by this By-law in the said zones and whenever in this By-law the word “zone” is used, preceded by any of the said symbols, such zone shall mean any area delineated on the zoning map and designated thereon by the said symbol.

5.3 Holding Designation

Any zone classification detailed in subsection 5.1 above may be placed in a “Holding” classification by adding to the zone designation the word “Holding” or the letter “-h” as the case may be. (For example, a Residential First Density “R1” Zone would become a Residential First Density- Holding “R1-h” Zone).

Except as otherwise provided for within a specific zone, where the holding zone symbol is applied, the use of lands so zoned shall be limited to existing uses and conservation uses and no building expansion or new buildings and structures shall be permitted. An existing building, which is in use or in a condition suitable for safe occupancy at the time the holding provision is applied, may be repaired or replaced on the original foundation or footprint provided there is no change in the dimensions or volume of the building.

(By-law 3467)

Except as otherwise provided within a specific zone, the intent of applying the holding provision is to prevent development on vacant lands or the intensification of existing development until such time as appropriate subdivision, condominium or site plans have been approved, suitable arrangements for connection to municipal servicing have been made and the availability of adequate water supply and sanitary treatment capacity are confirmed.

(By-law 3358-46) (See original By-law for holding provisions.)

5.4 Interpretation of Zone Boundaries

Where any zone boundary is uncertain on the Zoning Map, the following rules shall apply:

1. unless otherwise shown, the boundaries of the zones as shown on the Zoning Map are the centre lines of a highway, public street or lane or unopened road allowance and the projection thereof, including a public street, road or lane which has been closed whereupon the adjoining zone or zones shall extend to the centre line of the closed public street, road or laneway. Where a shoreline road allowance has been closed, the adjoining zone on the landward side shall extend and include all of the closed road allowance on the affected lot;

2. a boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such watercourse, creek, stream or right-of-way;
3. a boundary indicated as following the shoreline shall follow such shoreline, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline;

4. where zoning boundaries are indicated as approximately following *lot lines* shown on a registered plan of subdivision, reference plan, mining claim, municipal or geographic township or Town boundary, such *lot lines* shall be deemed to be the said boundary;

5. a boundary indicated as following the limits of the Town of Perth or the Planning Area shall follow such limits;

6. where zoning boundaries are indicated as approximately parallel to the line of any street and the distance from such street is not indicated, such zoning boundaries shall be construed as being parallel to such street-lines and the distance therefrom shall be determined by the use of the scale shown on the zoning map;

7. where any zone boundary or a dimension is left uncertain after application of the above provisions then the boundary or dimension shall be determined from the zoning map using the scale bar thereon demeanor.

### 5.5 Multiple Zones Applying to One Property

Where a *lot* is divided into more than one *zone*, each such portion of the lot shall be used in accordance with the provisions of this By-Law for the zone where such portion of the lot is located. Each such portion of the lot shall be considered as a separate lot for the purposes of determining zone provisions, except the EP zone shall be included in the lot area calculation.

### 5.6 Correction of Minor Administrative Errors

where the intent of the By-law is maintained, minor modifications or revisions of an administrative or technical nature to correct: section numbering, spelling, grammar or formatting, or that do not change the regulatory intent or effect of the By-law will not require an amendment to this By-law.
Section 6 RESIDENTIAL FIRST DENSITY (R1) ZONE

No person shall use any land or erect, alter or use any building or structure in the Residential First Density (R1) Zone except in accordance with the following provisions.

6.1 Permitted Uses

<table>
<thead>
<tr>
<th>Principal Use</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Single Detached Dwelling</td>
<td>• Home Based Business (see 4.17)</td>
</tr>
<tr>
<td>• Linked Dwelling</td>
<td>• Accessory use, building or structure (see 4.1)</td>
</tr>
<tr>
<td>• Group Home (see 4.14)</td>
<td>• Accessory use, building or structure except a Home Based Business</td>
</tr>
<tr>
<td>• Public Use or Public Service Facility (see 6.3)</td>
<td>• Accessory use, building or structure (see 4.1)</td>
</tr>
</tbody>
</table>

6.2 Zone Requirements

<table>
<thead>
<tr>
<th></th>
<th>Single Detached Dwelling</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Area per Dwelling Unit</strong></td>
<td>450 m² [4,843,9 ft.²]</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Minimum Lot Frontage</strong></td>
<td>15 m [49.2 ft.]</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Minimum Front Yard</strong></td>
<td>6 m [19.7 ft.]</td>
<td>6 m [19.7 ft.]</td>
</tr>
<tr>
<td><strong>Minimum Rear Yard</strong></td>
<td>6 m [19.7 ft.]</td>
<td>Per Table 4.1</td>
</tr>
<tr>
<td><strong>Minimum Interior Side Yard</strong></td>
<td>-1 storey 1.2 m [3.93 ft.] + 0.6 m [1.97 ft.] for each additional storey or part thereof</td>
<td>Per Table 4.1 0.0 m for unenclosed deck at grade</td>
</tr>
<tr>
<td><strong>Minimum Exterior Side Yard</strong></td>
<td>4.5 m [14.7 ft.]</td>
<td>Per Table 4.1</td>
</tr>
</tbody>
</table>
### 6.3 Additional Requirements

1. The zone requirements for a *single detached dwelling* shall apply to a permitted Public Use or Public Service Facility.

2. A garden suite is a *permitted use* only where a Temporary Use By-law has been enacted.

3. All room sizes shall conform to the *Building Code*.

4. Subject to the requirements in **Section 4 - General Provisions** (e.g. *see for example Section 4.17 - Home Based Businesses*) no person shall *erect*, display, maintain any sign on a lot or building used for residential purposes, except a sign containing the name, address and profession of a resident or occupant, not more than 0.4 m\(^2\) [4.3 ft.\(^2\)] and shall not include any commercial advertising.

5. See also the *lot coverage* exemption under subsection 4.25.

### 6.4 Exception Zones (see also Section 20)

1. **R1-1 Residential First Density Exception One** *(By-law 3200 and 3482; and 3358 -58)*  

   **Permitted uses**

   -single detached dwelling
   -Bed & Breakfast establishment

   **Regulations**

   -R1 standards apply except:
   -min. yards for *parking area*: front - 22.8 m [74.8 ft.]; *side yard* - 4.5 m [14.7 ft.] and *rear yard* - 13.6 m [44.6 ft.]
   -required parking: 2 spaces for *dwelling unit* plus 1 space per guest bedroom
   -one two-faced sign maximum
   -max. sign area 1.8 m\(^2\) [19.3 ft.\(^2\)]
   -min. *setback* of sign from *front lot line*: 1.5 m [4.9 ft.]
   -max. sign height 2.7 m [8.8 ft.]
-min. lot area: 1.2 ha [2.9 ac.]

Notwithstanding any provision or definition of this By-law to the contrary, a Bed and Breakfast Establishment in the R1-1 Zone may consist of up to six (6) accommodation rooms provided no more than 50% of the floor area of the existing dwelling is used for all elements of the operation of the said establishment.

Notwithstanding any provision of article 4.32.7 to the contrary, the principal access lane from Drummond Street may have a width of less than 6 m provided the existing parking area is not increased in size by more than 20%.

Outdoor parking areas on the property shall not exceed 142 sq. m (5000 sq. ft.) with a maximum of 8 vehicles associated with the Bed and Breakfast Establishment. New outdoor parking spaces or areas in excess of the above noted 20% shall be located in the front yard or exterior side yard.

Any expansion of the existing parking area shall be screened from the abutting properties in direct line of sight of the parking spaces by either the construction of an opaque wooden fence or the planting of evergreen trees or shrubs or any combination thereof. If placed adjacent to the property line, a fence shall have a minimum height of 1.5 m and if placed immediately adjacent to the parking area the fence shall have a minimum height of 1.2 m. Screening vegetation shall be a minimum of 1 m in height at planting and have a height at maturity of not less than 1.5 m and individual specimens shall be planted with a maximum separation of 1 m on centre or a minimum separation of 15 cm between specimens, whichever is greater.”

Notwithstanding any provision of the By-law to the contrary, one sign with a surface area between 1 m² and 3 m² is permitted and the minimum setback from any lot line for such a sign shall be 3m. The existing non-complying sign shall be deemed to comply with the by-law provided it is not relocated or replaced with a setback from the front lot line of less than 3 m.

All other provisions of the relief granted pursuant to variance file S-12/07 shall continue to apply.

(See original By-law number 3482 for holding provisions.)

2. R1-2 Residential First Density Exception Two (By-law 3657)

Notwithstanding any permitted uses under subsection 6.1 to the contrary or any zoning requirements under subsections 4.26 or 6.2, to the contrary, on land within the R1-2 Zone the following zone requirements shall apply:

- an exterior opening in any habitable structure or any habitable space shall not extend below an elevation of 134.32 m Geodetic.
- **minimum front yard** 4 m (13 ft.), except that a 1-storey veranda a maximum of 4 m in height and not wider than the width of the main building, may have a reduced yard of 2.2 m (7.2 ft.) and a one-storey garage with a maximum height of 4.3 m (14 ft.) may have a front yard of 3 m where the angle between the garage door and the street-line is 90° or more.

- **minimum rear yard/**water setback** 3.3 m for a dwelling to a maximum building width of 11.6 m with a minimum of 7.5 m for all accessory structures.

- **minimum westerly side yard** 20 m for all structures

- **maximum lot coverage** 22% for all structures with a maximum coverage of 50m² (538 ft.²) for a garage and a maximum coverage for a detached accessory building of 11 m².

- **max. number of garages** 1

- **max. number of driveways** 1

- **minimum vegetated buffer strip** – 3 m wide buffer extending inland from the top of bank for the Tay River and extending along the top of the bank from a point corresponding to the imaginary plain of the easterly wall of the detached dwelling extended to the river and proceeding easterly to the eastern side lot line. Said **buffer strip** shall be comprised of shrubs, trees, native grasses, and wildflowers, and with exception of such plantings needed to establish or maintain the **buffer strip** shall not be disturbed by horticultural practices or mowing save as may be required from time to time to address noxious weeds as specifically identified under Provincial Statute or regulation from time to time.

- **a breezeway** shall only be enclosed on a maximum of 3 sides and except as necessary for load bearing elements, any wall that does not form part of a dwelling or garage shall not extend below the minimum elevation for building openings as specified above.

- Notwithstanding any provisions of this by-law pertaining to **non-complying buildings and structures**, the existing detached accessory building on the westerly end of the property may only be repaired and shall not be replaced or reconstructed.

### 3. **R1-3-h Residential First Density Exception Three** -holding (By-law 3358-91)

Despite Section 6.1, lands within this zone are within the New Residential Growth Area designation of the Official Plan and are intended for a mix of residential development that includes medium and high density uses. The holding provision is intended to remain in place until a mixed use subdivision is approved together with the required servicing extensions.
6.5 T.U.2012. Temporary Use Five (TU-5) Zone – ends April 2017

a) Notwithstanding any provision of subsection 15.1 to the contrary, within the TU-5 Zone, in addition to any other use permitted in the R-1 Zone a mobile food vending use is permitted subject to the following requirements:

i. for the purpose of the TU-5 Zone a mobile food vending use shall be limited to a vehicle that qualifies for a licence as a “located refreshment vehicle” pursuant to Town of Perth By-law 3113, or any amendments thereto, and to temporary, movable accessory buildings or structures associated with such refreshment vehicle and no wood burning food preparation facilities or a permanent building, structure, or foundation that would require demolition to be removed from the site shall be permitted;

ii. the mobile food vending use shall not operate during the contiguous period from November 15th in one year to April 1st the following year.

ii. other than signage, all buildings or structures shall be located a with a minimum setback of 25 m (82 ft) from the easterly property boundary being the street-line for Gore Street (Rideau Ferry Road);

iii. other than signage, all buildings or structures shall be located a with a minimum setback of 38 m (125 ft.) from the northern property boundary being the street-line for South Street;

iv. the maximum lot coverage for all buildings and structures within the TU-5 Zone shall be 4% or 149 m² (1,600 ft.²) whichever is greater.

[per OMB decision PL120360 – re By-law 3358-TU-5 (2012) this zoning shall cease to have effect in April of 2017]
### Section 7  RESIDENTIAL SECOND DENSITY (R2) ZONE

#### 7.0 RESIDENTIAL SECOND DENSITY (R2) ZONE

No person shall use any land or *erect, alter* or use any *building or structure* in the Residential Second Density (R2) Zone except in accordance with the following provisions.

#### 7.1 Permitted Uses

<table>
<thead>
<tr>
<th>Principal Use</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Single Detached Dwelling</td>
<td>• Home Based Business (see 4.17)</td>
</tr>
<tr>
<td>• Linked Dwelling</td>
<td>• Accessory uses, buildings or structures (see 4.1)</td>
</tr>
<tr>
<td>• Group Home (see 4.14)</td>
<td>• Accessory uses, buildings or structures except a Home Based Business</td>
</tr>
<tr>
<td>• Public Use or Public Service Facility (see 6.3)</td>
<td>• Accessory uses, buildings or structures except an accessory dwelling unit or Home Based Business (see 4.1)</td>
</tr>
</tbody>
</table>

#### 7.2 Zone Requirements

<table>
<thead>
<tr>
<th>7.2 R2 Zone Requirements</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Single Detached Dwelling</td>
<td>n/a</td>
</tr>
<tr>
<td>- Linked Dwelling</td>
<td>n/a</td>
</tr>
<tr>
<td>- Group Home</td>
<td>n/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Lot Area per Dwelling Unit</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>- 366 m² [3,940 ft.²] except Corner lot - 420 m² [4,520.9 ft.²]</td>
<td>n/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Lot Frontage</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>- 12.2 m [40 ft.] except Corner lot - 14 m [45.9 ft.]</td>
<td>n/a</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Front Yard</th>
<th>6 m [19.7 ft.]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard</td>
<td>6 m [19.7 ft.]</td>
</tr>
</tbody>
</table>
7.2 R2 Zone Requirements

| Minimum Interior Side Yard | -1 storey 1.2m [3.93 ft.] | Per Table 4.1 -0.0m [0.0 ft.] for unenclosed deck at grade. |
| Minimum Exterior Side Yard | 4.5m [14.7 ft.] | Per Table 4.1 |
| Maximum Height | 10.6m [34.7 ft.] | Per Table 4.1 |
| Maximum Lot Coverage refer to Section 4.1.1 para. i. and Section 4.26 | 40% for all buildings and structures. | Per Table 4.1 -plus -additional 5% for unenclosed structures/pools |
| Maximum No. Dwelling Units per lot | 1 | n/a |

7.3 Additional Requirements

a) The zone requirements for a single detached dwelling shall apply to a permitted Public Use or Public Service Facility.

b) A garden suite is a permitted use only where a Temporary Use By-law has been enacted.

c) All room sizes shall conform to the Building Code.

d) Subject to the requirements in Section 4 - General Provisions (e.g. see for example, Section 4.17 - Home Based Businesses) no person shall erect, display, maintain any sign on a lot or building used for residential purposes, except a sign containing the name, address and profession of a resident or occupant, not more than 0.4 m² [4.3 ft.²] and shall not include any commercial advertising.

e) See also the lot coverage exemption under subsection 4.25.

7.4 Exception Zones (see also Section 22)

1. R2-1 - Residential Second Density Special Zone (By-law 2600) [text Moved from Section 22]

   Permitted Uses
   
   -single detached dwelling
-accessory uses thereto
-home based business

Regulations
-R2 standards apply except:
-min. lot area: 165 m² [1776 ft.²]
-min. lot frontage: 12.2 m [40 ft.]
-min. yards: front - 4.6 m [15 ft.]; rear - n/a; side - 0.9 m [2.9 ft.]
-max. building height: 10.6 m [34.7 ft.]
-max. lot coverage: 60%
-commercial uses limited to 1st floor
-signage, ingress and egress, loading spaces for commercial uses limited to rear and side yards

-front or exterior side yards for residential use only
-required parking: 1 space/dwelling unit
-commercial parking in rear or side yard only and screened
-min. width landscaped open space along street-line except parking area or driveway 4.6 m [15 ft.]

2. R2-2 Residential Second Density Exception Two (By-law 2991) [text Moved from Section 22]
   -single detached dwelling
   -converted single detached dwelling to max. of 2 units
   -accessory uses
   -R2 standards apply except:
   -no further reduction of undersized yards permitted

3. R2-3 Residential Second Density Exception Three (By-law 3623)
   Notwithstanding the maximum lot coverage requirements established under subsection 7.2, on land within the R2-3 Zone, the maximum lot coverage for all enclosed or partially enclosed buildings and structures shall be 40% and an additional 5% lot coverage is permitted for unenclosed accessory structures, including attached porches or decks with a surface elevation up to 1 metre above the finished grade.

4. R2-4 Residential Second Density Exception Four (By-law 3632)
   Notwithstanding any zoning requirements established under subsection 7.2, to the contrary, on land within the R2-4 Zone the following zone requirements shall apply:
   - minimum lot area 232 m² (2,500 ft.²)
   - minimum front yard 2.5 m (8.2 ft.)
   - minimum rear yard 4.5 m (14.76 ft.)
   - maximum lot coverage 40%

   (See original By-law for holding provisions.)

5. R2-5 Residential Second Density Exception Five Zone (By-law 3358-42)
a) Notwithstanding any provision of Sections 3 and 4 or subsection 7.2 to the contrary, the minimum *lot frontage* in the R2-5 Zone shall be 18.2 m (60 ft).

b) Notwithstanding any provision of Section 4 or subsection 7.2 to the contrary, the minimum *front yard* for a *single detached dwelling* or any projecting *deck, porch or veranda* with a roof shall be 3 m but shall remain 6 m for a garage as per the second paragraph of subsection 4.8.

c) Notwithstanding any provision of Section 4 or subsection 7.2 to the contrary the minimum *rear yard* for a *single detached dwelling* shall be 4.88 m (16 ft).

d) Notwithstanding any provision of Section 4 or subsection 7.2 to the contrary, the minimum *rear yard* for an *attached* garage one *storey* in *height* shall be 2.7 m (9 ft.).

e) Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, the maximum *lot coverage* shall be 40% for all *buildings and structures*.

f) Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, the *minimum lot area* shall be 371.6 m² (4,000 ft²).

6. **R2-6 Residential Second Density Exception Six Zone** *(By-law 3358-49)*

a) Notwithstanding any provision of subsections 4.1, or 7.2 to the contrary, in the R2-6 Zone the following requirements shall apply:

   i) The maximum total *lot coverage* for all enclosed or partially enclosed *buildings and structures* shall be 40% and up to 45% *lot coverage* is permitted for unenclosed *accessory structures*, including *attached porches or decks* with a deck surface elevation up to 60 cm above the finished grade, but subsection 4.1.1 paragraph i) shall continue to apply.

   ii) Where the distance between the *front lot line* and the *rear lot line* is 26 m (85.3 ft.) or less, up to 5 m (16.4 ft) of the *main wall* for the *principal building* may be constructed with a minimum *rear yard* of 4 m (13 ft.) provided that the portion of the *principal building* with the reduced *rear yard* shall be limited to one *storey* and a maximum *height* of 6 m; and any portion of the *principal building* 21.5 m (70 ft) or more from the *front lot line* shall have a minimum *rear yard* of 6 m; and further provided that the following minimum *rear yard* separation distances between *buildings and structures* on separate *lots* are maintained:

   1) between buildings or fully or partially enclosed structures with a *floor area* or *lot coverage* of 28 m² (300 ft²) or more; 10 m

   2) between buildings or fully or partially enclosed structures with a *floor area* or *lot coverage* exceeding 28 m² (300 ft²) and a free standing fully or partially enclosed *accessory structure* with a *floor area* or *lot coverage* less than 28 m² (300 ft²) 7.5 m

   3) between buildings or fully or partially enclosed
structures with a floor area or lot coverage exceeding 28 m² (300 ft²) and an unenclosed accessory structure, deck or platform with a surface elevation of 60 cm or less above the finished grade 6 m

4) between free standing fully or partially enclosed accessory structures with a floor area or lot coverage less than 37 m² (300 ft²) and/or a deck or platform with a surface elevation more than 60 cm above the finished grade and a similar structure on an abutting lot 3 m

For the purpose of the R2-6 Zone a “minimum rear yard separation distance” shall mean the shortest distance between two structures on separate lots measured across a rear lot line.

7. **R2-7 Residential Second Density Exception Seven Zone** (By-Law 3358-70)
   a) Notwithstanding any provision of subsections 4.1, 4.17 or 7.2 to the contrary, in the R2-7 Zone a **Home Based Business** is permitted in an existing accessory building subject to the following requirements:

   i) A Home Based Business operating in the accessory building shall be limited to: a home craft business including furniture manufacture and assembly, a contractor’s office and assembly shop, a repair service, a distribution sales office or mail order office, and a professional or consulting service but excluding a medical or dental service.

   ii) The Home Based Business shall not include or provide any instructional service.

   iii) The accessory building occupied for the Home Based Business shall not exceed a lot coverage of 69 m² (742 ft²);

   iv) A Home Based Business shall not operate within both the residence and an accessory building, except that a business office space of up to 9.3 m² (100 ft²) will be permitted within the residence for a non-office use in the accessory building.

   v) The accessory building occupied for the Home Based Business shall have a minimum side yard abutting a residential zone of 3 m (9.8ft.) and a minimum rear yard of 27.5 m(90 ft.);

   vi) There shall be a maximum of one employee other than the resident business owner/operator.

   vii) The minimum parking required for a permitted Home Based Business shall be three spaces. However, a fourth parking space located beside or behind the accessory building shall be created if there is an employee.
viii) Except for the *floor area* exemption per clause iii) above, articles 4.17.3 and 4.17.5 that is the *Regulations* and the Signage requirements for a *Home Based Business* shall apply.”
Section 8  RESIDENTIAL THIRD DENSITY (R3) ZONE

No person shall use any land or erect, alter or use any building or structure in the Residential Third Density (R3) Zone except in accordance with the following provisions.

8.1 Permitted Uses

<table>
<thead>
<tr>
<th>Principal Use</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Single Detached Dwelling</td>
<td>• Garden Suite (see 4.12)</td>
</tr>
<tr>
<td>• Linked Dwelling (By-law 3467)</td>
<td>• Home Based Business (see 4.17)</td>
</tr>
<tr>
<td>• Group Home (see 4.14)</td>
<td>• Accessory uses, buildings or structures (see 4.1)</td>
</tr>
<tr>
<td>• Semi-Detached Dwelling</td>
<td>• Accessory uses, buildings or structures (see 4.1)</td>
</tr>
<tr>
<td>• Duplex Dwelling</td>
<td>• Home Based Businesses (see 4.17)</td>
</tr>
<tr>
<td>• Accessory Apartment</td>
<td>• See 4.1.2</td>
</tr>
<tr>
<td>• Boarding House</td>
<td>• Accessory uses, buildings or structures (see 4.1)</td>
</tr>
<tr>
<td>• Public Use or Public Service</td>
<td>• Accessory uses, buildings or structures (see 4.1)</td>
</tr>
<tr>
<td>Facility (see 8.3)</td>
<td></td>
</tr>
</tbody>
</table>

8.2 Zone Requirements

<table>
<thead>
<tr>
<th>8.2 R3 Zone Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
</tr>
<tr>
<td>- Single Detached Dwelling</td>
</tr>
<tr>
<td>- Linked Dwelling</td>
</tr>
<tr>
<td>- Semi-detached Dwelling</td>
</tr>
<tr>
<td>- Duplex Dwelling</td>
</tr>
<tr>
<td>Boarding House</td>
</tr>
<tr>
<td>Accessory Use</td>
</tr>
<tr>
<td>Minimum Lot Area</td>
</tr>
<tr>
<td>- 325 m² [3,500 ft.²] except</td>
</tr>
<tr>
<td>Corner lot - 420 m² [4,520.9 ft.²]</td>
</tr>
<tr>
<td>464.52 m² (5,000 ft²) or</td>
</tr>
<tr>
<td>232.26 m² (2,500 ft²) per dwelling unit</td>
</tr>
<tr>
<td>540 m² [5,812.7 ft.²] for 1st 4 units plus</td>
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<tr>
<td>92.9 m² [1000 ft²] for each additional unit thereafter</td>
</tr>
<tr>
<td>n/a</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
</tr>
<tr>
<td>- 10 m [33 ft.] except Corner lot</td>
</tr>
<tr>
<td>- 12.2 m [40 ft.]</td>
</tr>
<tr>
<td>15.25 m [50 ft.]</td>
</tr>
<tr>
<td>7.62 m (25 ft.) per unit</td>
</tr>
<tr>
<td>n/a</td>
</tr>
<tr>
<td>n/a</td>
</tr>
</tbody>
</table>
### 8.2 R3 Zone Requirements

<table>
<thead>
<tr>
<th></th>
<th>- Single Detached Dwelling - Linked Dwelling</th>
<th>- Semi-detached Dwelling - Duplex Dwelling</th>
<th>Boarding House</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Front Yard</td>
<td>6 m [19.7 ft.]</td>
<td>6 m [19.7 ft.]</td>
<td>6 m [19.7 ft.]</td>
<td>6 m [19.7 ft.]</td>
</tr>
<tr>
<td>Minimum Interior Side Yard</td>
<td>-1 storey 1.2 m [3.93 ft.] + 0.3 m [0.98 ft.] for each additional storey or part thereof</td>
<td>- 1.2 m [3.93 ft.] + 0.6 m [1.9 ft.] per storey or partial storey above the first</td>
<td>greater of 4.57 m [15 ft.] or ½ the building height</td>
<td>Per Table 4.1 -0.0 m [0.0 ft.] for unenclosed deck at grade</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>6 m [19.7 ft.]</td>
<td>6 m [19.7 ft.]</td>
<td>6 m [19.7 ft.]</td>
<td>Per Table 4.1</td>
</tr>
<tr>
<td>Minimum Exterior Side Yard</td>
<td>4.5 m [14.7 ft.]</td>
<td>4.5 m [14.7 ft.]</td>
<td>6 m [19.7 ft.]</td>
<td>Per Table 4.1</td>
</tr>
<tr>
<td>Maximum Height</td>
<td>10.6 m [34.7 ft.]</td>
<td>10.6 m [34.7 ft.]</td>
<td>10.6 m [34.7 ft.]</td>
<td>4.57 m [15 ft.] Per Table 4.1</td>
</tr>
<tr>
<td>Maximum Lot Coverage refer to Section 4.1 para. i. and Section 4.26</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>- Per Table 4.1 - plus additional 5% for unenclosed structures/pools</td>
</tr>
</tbody>
</table>

### 8.3 Additional Requirements

a) The zone requirements for a *single detached dwelling* shall apply to a permitted Public Use or Public Service Facility.

b) A garden suite is a *permitted use* only where a Temporary Use By-law has been enacted and shall only be permitted as an *accessory use* to a *single detached dwelling*.

c) All room sizes shall conform to the *Building Code*.

d) The minimum *interior side yard* shall not apply to the party wall of a *semi-detached dwelling*.
e) **Group Housing**

Group housing shall be permitted subject to meeting the zone requirements set out in Section 8.2 for each dwelling in the group.

f) **Converted Buildings**

Where a building is altered to a dwelling in an R3 Zone and an existing yard is less than the yard requirement, then the dwelling may be altered provided that such alteration does not further reduce the non-complying yard.

g) **Signs**

Subject to the requirements in Section 4 - General Provisions (e.g. see for example, Section 4.17 - Home Based Businesses) no person shall erect, display, maintain any sign on a lot or building used for residential purposes, except a sign containing the name, address and profession of a resident or occupant, not more than 0.4 m² [4.3 ft.²] and shall not include any commercial advertising.

h) Notwithstanding the minimum interior side yard requirement specified above, the following reduced requirements shall apply to side yards between linked dwelling units provided the units are constructed in conformity with the requirements of the Ontario Building Code in force and effect at the time of construction:

i) Minimum side yard shall be 60 centimetres (2 ft.) where there are no exterior openings in the facing main wall

ii) Where there is no lot line between the side walls of linked dwellings the minimum separation between units shall be 1.2 metres (4 ft.) provided there are no exterior openings in the facing main wall. See also the lot coverage exemption under subsection 4.25.

(By-law 3467)

8.4 Exception Zones (see also Section 22 for past by-laws)

1. **R3-1 Residential Third Density Exception One** (By-Law 2647, 2649) [text Moved from Section 22 ]

R3 Zone uses permitted
R3 Standards apply except no reduction to existing non-complying yards

2. **R3-2 Residential Third Density Exception Two** (By-law 2773) [text Moved from Section 22 ]

Permitted uses

R1 or R2 uses or an apartment dwelling with a maximum of three (3) units.

Any non-complying portion of the existing building may be converted for residential use.
3. **R3-3 Residential Third Density - Exception Three**  
   (By-law 2918)  
   [text Moved from Section 22 ]  

Permitted Uses  

Any R3 use  
- *retirement home*  
- *row housing*  
- *building converted to apt.*  
- *inn*  

Regulations  

-R3 zone standards apply except:  
- *min. lot area* for row house: 220 m² [2,368.1 ft.²]  
- *max. density*: 37 units/net ha for buildings on lots 9, 10 and 17  
- *max. lot area* for *institutional use*: 3,055 m² [32,884.8 ft.²] on lots 7, 8, 9 and 10 only  
- *min. lot area* for Inn: 2,325 m² [25,026.9 ft.²]  
- *min. lot frontage* for Inn: 42.5 m [139.4 ft.]  
- *min. interior side yard* for Inn: 6 m [19.7 ft.]  
- *max. building height* for Inn: lesser of existing height or 10.6 m [34.7 ft.]  
- *max. lot coverage* for Inn: 436 m² [4693.2 ft.²]  
- *min. landscaped open space* for Inn: 35%  
- *max. seating capacity for restaurant*: 50 seats  
- *min. parking for inn*: 1 space per guest suite plus 9.3 m² [100 ft.²] for public uses except restaurant plus 1 space for every 4 seats in restaurant except that two seats shall be subtracted for each *accommodation room* or suite  

4. **R3-4 Residential Third Density Exception Four**  
   (By-Law 3298)  
   [text Moved from Section 22]  

Uses Permitted- on the main floor of 57 Wilson St. W:  

one *dwelling unit* or; a *clinic* excluding laboratories, pharmacies or dispensaries; editorial, management and financial consultants; *offices* for surveyors and drafting services; *offices* for non-profit or public service uses, as well as legal, planning, accounting, architect, interior design, and engineering services; and a *Bed and Breakfast establishment*.  

- the second floor of 57 Wilson Street is limited to one *dwelling unit*.  
the property at 59 Wilson St. W. may be used for: a *single detached dwelling* or duplex; a *home based business*; and shared parking facility to be used by residents and employees/clients of 57 Wilson St. W.  

Uses Prohibited  

- a *clinic* use at 59 Wilson St. W  
- any use at 57 or 59 Wilson St. W. that would result in the total parking requirement for the combined uses on both lots exceeding 10 vehicles;  
- a commercial use of *home based business* on a second floor  
- a commercial use, *home based business* or *Bed and Breakfast Establishment* at 57 Wilson Street W. if there is no access to parking at 59 Wilson St W. - A *home based business* in any *building* used for more than one *dwelling unit*.  

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Provisions
-R3 standards apply except:
-min. yard setbacks shall be the existing setbacks.
-a maximum of 8 parking spaces at 59 Wilson St. W. plus one turnaround space and max. of 2 parking spaces at 57 Wilson St. W.
-min. width landscaped buffer at 59 Wilson St. W: 4.5 m [14.7 ft.] along front and rear lot lines except the driveway and 2.13 m [7 ft.] along northerly lot line. Landscaped buffer to be maintained.
-maximum of 3 employees working in a business at 57 Wilson Street West other than a clinic except that there may be 4 employees where an employee is a resident at either 57 or 59 Wilson Street.
-maximum no. of employees working in a clinic at 57 Wilson St West. shall be 3 of which one may be a licenced physician or health care provider, with a maximum of 4 and two licenced health care providers where one of the providers is a resident of either 57 or 59 Wilson St. W.
-site plan approval required prior to construction of a parking area

5. **R3-5 Residential Third Density Exemption Five Zone**

   (By-Law 3429)
   (1 Victoria Street)

   In addition to the uses permitted pursuant to subsection 8.1, a **Bed and Breakfast establishment** with a maximum of two guest rooms shall be permitted on land zoned “R3-5”

6. **R3-6 Residential Third Density Exemption Six Zone**

   (By-Law 3488)
   (3 Drummond Street)

   a) In addition to the uses permitted pursuant to subsection 8.1, a **Bed and Breakfast establishment** with a maximum of three **accommodation rooms**

   b) Notwithstanding any provision of subsection 4.32 articles 4.32.4 and 4.32.7 to the contrary, up to five parking spaces are permitted in the R3-6 Zone without separate entrance and exit lanes or independent access to each parking space and a driveway width of up to 8.53 m (28 ft.) is permitted as long as the current parking configuration is maintained.

7. **R3-7 Residential Third Density Exception Seven Zone**

   (By-law 3654)
   (9-17 McLean Blvd)

   Notwithstanding any zoning requirements established under article 4.32.4 or subsection 8.2, to the contrary, on land within the R3-7 Zone the following zone requirements shall apply:

   - minimum **lot area** 464 m² (5,000 ft.²)
   - minimum **lot frontage** 15 m (49.2 ft.)
- maximum *lot coverage* 40%
- maximum *driveway* width:
  - with two separate driveways 2.74 m (9 ft.) per driveway
  - with two abutting driveways 5.5 m (18 ft.)

8. **R3-8 Residential Third Density Exception Eight Zone** (By-law 3358-42)

   a) Notwithstanding any provision of Sections 3 and 4 or subsection 8.1 to the contrary, in the R3-8 Zone, the second *dwelling unit* shall be limited to a one-bedroom apartment with a *floor area* not greater than half the first *floor area*.

   b) Notwithstanding any provision of Sections 3 and 4 or subsection 8.2 to the contrary the following requirements shall apply:

   i. the minimum *rear yard* in the R3-8 Zone shall be 1.2 m (4 ft.);

   ii. the minimum *side yard* shall be 4.88 m (16 ft.) except that for the existing one *storey* addition to the original building the minimum *side yard* shall be 3.35 m (11 ft.);

   iii. the minimum *lot area* shall be 371.6 m² (4,000 ft²);

   iv. the minimum number of *parking spaces* required shall be three;

   v. an unenclosed *porch* with a maximum floor or *deck* area of 4 m² may be constructed with no minimum *exterior side yard*;

   vi. the maximum *lot coverage* for a main residential *building* shall be 40% and additional 5% *lot coverage* is permitted for *attached accessory structures* exclusive of a garage.

   c) Notwithstanding any provision of the By-law to the contrary, the existing enclosed *porch* in the *exterior side yard* shall have legal *non-conforming* status provided it is structurally compliant with the *Ontario Building Code*.

9. **R3-9 Residential Third Density Exception Nine Zone** (By-law 3358-47, 3358-93)

   a) Notwithstanding any provision of Sections 3 and 4 or subsection 8.1 to the contrary, in the R3-9 Zone, a boarding house is not permitted.

10. **R3-10 Residential Third Density Exception Ten Zone** (By-law 3358-52)

    a) Notwithstanding any provision of Sections 3 and 4 or subsection 8.1 to the contrary, in the R3-10 Zone, one additional dwelling unit is permitted in the form of an ancillary *bachelor suite* or an *accessory apartment unit* provided the maximum *floor area* of the *bachelor suite or accessory apartment unit* is 58 m² (625 ft²) and the minimum number of *parking spaces* is three.

11. **R3-11 Residential Third Density Exception Eleven Zone** (By-law 3358-59)

    a) Notwithstanding any provision of Sections 3 and 4 or subsection 8.1 to the contrary, in the R3-11 Zone, one additional *dwelling unit* is permitted in the form of an
ancillary bachelor apartment or an accessory apartment unit provided the maximum floor area of the bachelor apartment unit or accessory apartment unit is 44.5 m² (480ft²) and the minimum number of parking spaces is three.

12. R3-12 Residential Third Density Exception Twelve Zone  (By-law 3358-64)

Notwithstanding any provision of subsections 4.1 or 8.2 to the contrary, in the R3-12 Zone the maximum lot coverage for all enclosed or partially enclosed structures shall be 38% and up to 43% for unenclosed porches or decks with a deck surface elevation up to 60 cm above the finished grade but subsection 4.1.1 paragraph i) shall continue to apply.

13. R3-13 Residential Third Density Exception Thirteen Zone  (By-law 3358-81)

a) Notwithstanding article 4.32.4 and Table 4.32.A, the maximum driveway width shall be 5.25 m (17.22 ft.).

b) Notwithstanding the requirement in subsection 8.2, the minimum lot frontage shall be 15.24 m (50 ft.)

c) The maximum density requirement in subsection 8.2 does not apply.
Section 9  RESIDENTIAL FOURTH DENSITY (R4) ZONE

No person shall use any land or *erect, alter* or use any *building or structure* in the Residential Fourth Density (R4) Zone except in accordance with the following provisions.

9.1 Permitted Uses

<table>
<thead>
<tr>
<th>Principal Use</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>• <em>Multiple Dwelling Unit</em></td>
<td>• Accessory uses, buildings or structures</td>
</tr>
<tr>
<td>• <em>Row or Townhouse Dwelling</em></td>
<td>except a <em>Garden Suite</em> (see 4.1)</td>
</tr>
<tr>
<td>• <em>Stacked Townhouse Dwelling</em></td>
<td>• <em>Home Based Business</em> (see 4.17)</td>
</tr>
<tr>
<td>• <em>Apartment Dwelling</em></td>
<td>• <em>Accessory Apartment</em> (see 4.1.2)</td>
</tr>
<tr>
<td>• * Converted Dwelling* (see 9.3)</td>
<td></td>
</tr>
<tr>
<td>• <em>Rooming House</em></td>
<td></td>
</tr>
<tr>
<td>• <em>Public Use or Public Service</em> (see 9.3)</td>
<td>• Accessory uses, buildings or structures</td>
</tr>
<tr>
<td></td>
<td>(see 4.1)</td>
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</table>

9.2 Zone Requirements

9.2 R4 Zone Requirements

<table>
<thead>
<tr>
<th></th>
<th>Row or Townhouse Dwelling</th>
<th>Apartment Dwelling Stacked Townhouses</th>
<th>Accessory Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Minimum Lot Area</strong></td>
<td>250 m² [2,691 ft²] per end dwelling and 165 m² [1,776 ft²] per interior dwelling unit</td>
<td>464.52 m² (5,000 ft²) for 1st 4 units plus 46 m² [495.1 ft²] for each additional unit thereafter</td>
<td>n/a</td>
</tr>
<tr>
<td><strong>Minimum Lot Frontage</strong></td>
<td>6 m [19.7 ft.] per dwelling unit</td>
<td>7.5 m [24.6 ft.]</td>
<td></td>
</tr>
<tr>
<td><strong>Minimum Front Yard</strong></td>
<td>6 m [19.6 ft.]</td>
<td>6 m [19.7 ft.]</td>
<td>6 m [19.7 ft.]</td>
</tr>
</tbody>
</table>

*continues*
### 9.2 R4 Zone Requirements (continued)

| Minimum Interior Side Yard | 2 m (6.7 ft.) for less than 3 storeys  
3 m [9.48 ft.] for three storeys or more | 2 m (6.7 ft.) for less than 3 storeys  
3 m [9.84 ft.] for 3 storeys;  
4.5 m [14.7 ft.] for more than three storeys (also see 9.3) | Per Table 4.1 |
| Minimum Rear Yard | 6 m [19.7 ft.] | 6 m [19.7 ft.] (also see 9.3) | Per Table 4.1 |
| Minimum Exterior Side Yard | 4.5 m [14.7 ft.] | 4.5 m [14.7 ft.] | Per Table 4.1 |
| Maximum Height | 10.6 m [34.7 ft.] | 12 m [39.3 ft.] | Per Table 4.1 |
| Minimum Separation Distance Between Buildings | 3.6 m (12 ft.) | See 9.3 | n/a |
| Maximum Lot Coverage  
refer to Section 4.1.1 paragraph i. and Section 4.26 | 35% per end dwelling unit, 45% pre interior dwelling unit, and 40% for one contiguous townhouse building | 35% | Per Table 4.1  
-additional 5% for unenclosed structures/pools |
| Minimum Landscaped Open Space | 35% | 35% | n/a |

### 9.3 Additional Requirements

1. The minimum **interior side yard** shall not apply to the party wall of a **semi-detached dwelling** or a row or **townhouse dwelling**.

2. A garden suite is a **permitted use** only where a Temporary Use By-law has been enacted all room sizes shall conform to the **Building Code**.

3. A group home is **permitted per Subsection 4.14**

4. For any row or townhouse dwelling, a screened outdoor privacy area shall be provided abutting each dwelling unit having a minimum depth of 3 m (9.8 ft.).

5. **Apartment Building Yards**

   Despite any minimum provision in subsection 9.2, where the R4 Zone abuts any other residential Zone the minimum **interior side yard** and/or the minimum **rear yard** for a building exceeding three stories shall be the minimum specified in subsection 9.2 or a distance equal to one third the **height** of the building, whichever is greater.
6. **Converted Dwelling**

   No *converted dwelling* shall be permitted unless:

   i) the *building* is 20 years or more in age at the date of the passing of this By-Law or is an *existing converted dwelling*.

   ii) the dwelling unit area in the original dwelling before conversion is 130 m$^2$ [1,399.3 ft.$^2$] or more and is located on more than one (1) *storey*.

   iii) the dwelling contains no more than four (4) dwelling units after conversion with a *lot width* of 12 m [39.3 ft.] or more nor more than two (2) units if the *lot width* is less than 12 m [39.3 ft.]

   iv) the zone standards comply with the standards set out in the R2 Zone *(Section 7)* except that where any *existing* yard is less than the required yard in the R2 Zone, such dwelling may be *altered* to a converted dwelling provided such alteration does not reduce the *existing* undersized yard or yards.

7. **Distance Separation Between Apartment Dwellings**

   Where more than one (1) *apartment dwelling* is erected on the same lot (see *Group Housing*), the distance between *buildings* shall not be less than half the average *height* of the *apartment buildings* except where the *buildings* are at right angles or not less than 70?, then the distance between the closest points of the *main wall* of the *buildings* may be reduced to 6 m [19.7 ft.] or one-third (1/3) the *height* of the *buildings*, whichever is less but in any case shall not be less than the minimum necessary for a fire route or fire lane, when required.

8. **Group Housing**

   Group housing shall be permitted subject to meeting the zone requirements set out in **Subsection 9.2** for each dwelling in the group.

9. **Subdivided Row house or Townhouse** *(By-law 3358-56)*

   Where a lot developed with a Row house or Townhouse is subdivided into separate parcels based on the common /partition walls between the dwelling units such that each dwelling unit is located on a free-hold lot, then, notwithstanding any requirement of subsection 9.2 to the contrary, the lot encompassing an interior Row house or Townhouse dwelling shall have a minimum *lot area* of 185.8 m$^2$ (2,000 ft$^2$) and a maximum *lot coverage* of 55% for enclosed *structures* with an additional 5% for unenclosed *accessory structures* provided that no *structure* exceeding 45% *lot coverage* has more than two stories or a maximum *height* of 7.5 m (24.6 ft), whichever is less and further provided the *building* on the original *lot* complies with all requirements of the applicable R4 Zone category.

10. **Signs**

    Subject to the requirements in **Section 4 - General Provisions** (e.g. *see for example, Section 4.17 - Home Based Businesses*) no person shall *erect*, display, maintain any sign on a *lot* or *building* used for residential purposes, except one (1) ground sign identifying a multiple unit *building* with a sign height not to exceed 2 m [6.56 ft.] nor a sign area to exceed 2.4 m$^2$ [25.8 ft.$^2$]. In addition to the above, one(1) wall sign located at the *ground floor* level of a *permitted use* may also be permitted provided such sign does not exceed a sign area of 2.4 m$^2$ [25.8 ft.$^2$] and shall not include any commercial advertising.
9.4 Exception Zones (see also Section 22)

1. R4-1 Residential Fourth Density Exception One (By-law 2606)  
   Permitted Uses  
   - converted dwelling  
   - accessory uses  
   Regulations  
   - R4 standards apply except:  
   - existing lot area to be maintained

2. R4-2 Residential Fourth Density Exception Two (By-law 2737)  
   Permitted uses  
   residential dwelling(s) may be renovated, erected or constructed  
   Regulations  
   - R4 standards apply except:  
   - no openings, vehicular or pedestrian access to be below 133.36 m [437.5 ft.] elevation but parking and pedestrian encroachments permitted  
   - min. elevation finished 1st floor 133.81 m [439 ft.] or 134.17 [440.1 ft.] if a dwelling  
   - parking in front yard permitted

3. R4-3 Residential Fourth Density Exception Three (By-law 2790)  
   Permitted uses  
   - lesser of 60 dwelling units or 21.25 units/ha  
   - group housing  
   - recreation centre as an accessory use  
   Regulations  
   - R4 standards apply except:  
   - min. elevation finished 1st floor 135 m [442.9 ft.]  
   - min. building separation 5 m [16.4 ft.]  
   - max. permitted projections 1.5 m [4.9 ft.] into side yard not exceeding one storey (sun deck, stairs and landings

4. R4-4 Residential Fourth Density Exception Four (By-law 2949)  
   Permitted uses - max. of 18 dwelling units  
   Regulations  
   R4 standards apply except: - min. building separation: 3 m [9.8 ft.]  
   - no openings below 134.98 m [442.8 ft.] flood elevation
5. **R4-5 Residential Fourth Density - Exception Five**
   
   Regulations
   
   - R4 standards apply except:
   - max. number of residential units: 26
   - min. setback: 30 m [98.4 ft.] from high water mark
   - no openings below 134.98 m [442.8 ft.] flood elevation

6. **R4-6 Residential Fourth Density Exception Six**
   
   Permitted uses
   
   single detached dwelling
   - converted detached dwelling to 3 units max.
   - **accessory uses**
   
   Regulations
   
   R4 standards apply except:
   - min. **front yard** 1.69 m [5.5 ft.] where **side yard** abuts adjacent lot 31, Plan 8828
   - min. **side yard setback**: 0.88 m [2.88 ft.]
   - 2 **parking spaces** required

7. **R4-7 Residential Fourth Density Exception Seven**
   
   Permitted Uses
   
   - **apartment dwelling** for seniors
   - **accessory office** space
   - space for in-house personal services
   
   Regulations
   
   - R4 standards apply except:
   - max. **building height**: four stories to a maximum of 13 m [42.6 ft]
   - max. density: 159 dwelling units in **apartment buildings**
   - required parking: .25 spaces per unit plus one space per employee with a minimum of 55 **parking spaces** of which 12 spaces maybe compact car spaces with a minimum width of 2.43 m (8 ft.) and a length of 4.8 m (15.75 ft)
   - notwithstanding that the lands may be separately conveyable, in the R4-7 Zone, the maximum density and minimum parking requirements shall be based on all development on contiguous parcels within the zone boundary.
   - notwithstanding subsection 4.22 paragraph e), parking shall be permitted in the **front yard** provided a landscaped area or planting strip not less than 1.5m wide is provided between a **parking area** and a road allowance.
   - notwithstanding any provision of this By-law to the contrary, on a lot subject to the R4-7 Zone and the EP-3 Zone, calculation of **lot coverage** will be based on the entire area of the lot regardless of the location of zone boundaries and the minimum yard or **setback**
requirements shall be measured from the property lot lines not the zone boundaries.

- The minimum side yard abutting land in an R2 zone shall be 6 m [19.7 ft.].

- Notwithstanding any landscaping provision of the By-law to the contrary, where a solid wood privacy fence 1.8 m high is installed the minimum landscaped open space required may be reduced to 1 m: within the first 12 m of the front yard abutting the road starting at a point 3 m from the limit of the road and within 3 m of a parking lot in the rear yard; and may be reduced to 2 m abutting the southerly side of a driveway in the rear yard and nil on the northerly side of a driveway in the rear yard. - Notwithstanding any parking provision of the By-law to the contrary, a maximum of eight parking spaces may directly access or abut a cul-de-sac at the terminus of Alma Street provided they are visitor parking spaces that are not occupied overnight.

- The lot line abutting Alma Street is the front lot line and the shore lot line abutting the Tay River is the rear lot line.

(See original By-law number 3477 for holding provisions.)

8. **R4-8 Residential Fourth Density Exception Eight**

    (By-law 3496)

    a) Notwithstanding any provision of subsection 9.1 to the contrary, land zoned R4-8 shall only be used for Townhouse development.

    b) Notwithstanding any provision of subsections 4.1 or 9.2 to the contrary, the minimum street setback for any portion of a garage shall be 6 m.

    c) Notwithstanding the definition of “front lot line”, and the provisions of subsections 4.8 (established building line) and 4.3 1 (permitted projections), on land zoned R4-8 the lot line abutting Beckwith Street shall be the front lot line and all buildings and structures, save for the permitted projections in the first three rows of the table in subsection 4.3 1, shall be subject to the minimum front yard requirement.

    d) Notwithstanding any provision of subsections 4.32 or 9.2 to the contrary or clause “c)” above, where vehicle access is provided over a shared entrance and a lane to the rear of individual units, then the minimum building setback from the front lot line for a main wall shall be 4 m (13 ft) and the minimum setback between a street-line and porches, verandas, access decks, stoops and stairs, or any part thereof, shall be 2 m (6 ft.).

9. **R4-9 Residential Fourth Density Exception Nine**

    (By-law 3534)

    (2 Lustre Lane)

    a) Notwithstanding any provision of subsection 9.1 to the contrary, land zoned R4-9 shall only be used for an apartment, or buildings with three or more dwelling units.

    b) Notwithstanding any provision of subsections 4.1 or 9.2 to the contrary, the minimum street setback for any portion of a garage with an entrance facing the street or with an angle to the street of less than 80 degrees shall be 6 m.

    c) Notwithstanding the definition of “front lot line”, and subsection 4.34 (permitted projections), on land zoned R4-9 the lot line abutting Lustre Lane shall be the front lot line and all buildings and structures, save for the
permitted projections in the first three rows of the table in subsection 4.3.1 and unenclosed porches or steps on the first floor, shall be subject to the minimum front yard requirement.

d) Notwithstanding any provision of subsections 4.32 or 9.2 to the contrary to clause "c)" above, where vehicle access and parking is provided over a shared entrance and a lane to the rear of individual units or in a common parking area in a side or rear yard, then the following requirements shall apply:

i) minimum building setback from the front lot line for a main wall - 4 m (13 ft.)

ii) the maximum for the permitted projections in the first four rows of Table 4.34A, and awnings shall be 2 m (6.6 ft.) in the front yard with no other front yard projections except as provided for in the seventh and eighth rows of Table 4.34A

iii) the minimum exterior side yard or setback from an exterior side lot line for all buildings and structures shall be 3 m with a maximum projection of 1 m for eaves only with no other exterior side yard projections from the minimum setback except as provided for in the seventh and eighth rows of Table 4.34A

iv) the maximum height for construction at the minimum yards and setbacks provided for in clauses i) and iii) above shall be 10 m and for every additional metre of building height, or any part thereof, there shall be a corresponding increase in the yards and setbacks provided for under said clauses.

e) No building or structure shall be permitted below an elevation of 134.9 1 m

f) Minimum interior side yard or setback from an interior side lot line for all buildings and structures, inclusive of accessory structures and first floor projections except as provided for in the seventh row of the table in subsection 4.3.1, shall be 6.5 m

g) Minimum rear yard or setback from the rear lot line for all buildings and structures, inclusive of accessory structures and first floor projections except as provided for in the seventh row of the table in subsection 4.3.1, shall be 5 m

h) Notwithstanding any provision of By-law 3358, to the contrary, for the purposes of determining yards and setbacks from the rear lot line, in the R4-9 Zone, the Zone boundary opposite the front lot line shall be considered the rear lot line. (See original By-law for holding provisions.)

10. **R4-10 Residential Fourth Density Exception Ten23s** (By-law 3587) (By-law 3358-36)

   a) Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, the lot line abutting Gore Street shall be the front lot line and the minimum front yard setback shall be 3 m.

   b) Notwithstanding any other provision of this By-law to the contrary, any vehicle entrance to a garage or car port that has angle to the street access of less than 60 degrees shall have a minimum setback from the street of 6 m.
c) Notwithstanding any provision of subsection 9.2 to the contrary, the minimum interior side yard for an apartment dwelling shall be 2.34 m (8 ft.) for any building having 2 stories or less.

All other provisions of the R4 zone shall apply.
(Includes a holding provision limiting apartment use.)

11. R4-11 Residential Fourth Density Exception Eleven  
   (By-law 3623)  
   (Perthmore Phase V)

Notwithstanding the maximum lot coverage requirements established under subsection 7.2, on land within the R4-11 Zone, the maximum lot coverage for all enclosed or partially enclosed buildings and structures shall be 40% and an additional 5% lot coverage is permitted for unenclosed structures, including attached porches or decks with a surface elevation up to 1 metre above the finished grade.  
(See original By-law for holding provisions.)

12. R4-12 Residential Fourth Density Exception Twelve Zone  
   (By-law 3358-37)

a) Notwithstanding any provision of this By-law to the contrary and notwithstanding that the lands subject to the R4-12 Zone may be subdivided into multiple lots, condominiums, or ownerships, for the purposes of determining maximum lot coverage and the minimum landscaped open space all lands within the R4-12 Zone shall be considered as one lot.

b) Within an individual, conveyable lot, block or parcel within the R4-12 Zone the maximum lot coverage shall be 55% with an additional 5% permitted for accessory structures that have no walls or roof provided that the maximum lot coverage for all buildings and structures within the lands encompassed by the R4-12 Zone shall be 45% with an additional 5% for open decks.

c) Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, the maximum lot coverage for all apartment dwellings with respect to all lands within the R4-12 Zone shall be 20%.

d) Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, for all lands encompassed by the R4-12 Zone the minimum landscaped open space, exclusive of all driveways, parking areas, walkways, patios or any other impervious surface shall be 35% and on an individual lot, block or parcel shall be 20%.

e) Notwithstanding any provision of subsection 9.1 to the contrary, land zoned R4-12 shall be used for a mix of residential dwelling forms in accordance with the following:

i) minimum number of dwelling units 30
ii) minimum number of dwelling units in an apartment building 12
iii) maximum number of single detached dwellings 9
iv) maximum number of dwelling units in an apartment building 20
iv) maximum number of dwelling units 50
f) Notwithstanding any provision of Section 4 or subsection 9.1 to the contrary, within the R4-12 zone, within lands subject to a condominium, one bedroom dwelling units within an apartment dwelling may be converted to rentable home business suites, for use of members of the condominium in lieu of home-based business space within the dwelling unit of the condominium member. Similarly, one bedroom apartment suites may be converted into rentable overnight accommodation suites for guests of dwelling unit owners that are members of the condominium. The maximum number of apartment units that may be converted for either business space or overnight accommodation suites shall be equal to eight percent of the number of dwelling units within the condominium membership up to a maximum of four converted units. Each converted unit shall have an independent exterior entrance and a maximum floor area of 46 m² (495 ft²).

g) Notwithstanding any provision of Section 4 or subsection 9.1 to the contrary, within the R4-12 zone, within lands subject to a condominium, a place of assembly, in the form of a room with an independent exterior entrance or a standalone building, with a floor area of up to 100 m² (1,076 ft²), exclusive of washroom space, may be provided for the use of, or for lease to, members of the condominium.

h) Notwithstanding any provision of this By-law to the contrary, within the R4-12 Zone, the maximum number of lots, blocks or parcels for single detached dwellings shall be 10

i) Notwithstanding any provision of subsections 4.1 or 9.2 or the R4-12 Zone to the contrary, the minimum street setback for a garage with a vehicle entrance facing the street or having an angle to the street of less than 80 degrees shall be 6 m.

j) Notwithstanding any provision of subsections 4.32 or 9.2 to the contrary, where vehicle access and parking is provided over a shared entrance and a lane to the rear of individual units or in a common parking area, then the following requirements shall apply:

i) minimum building setback from the front lot line for a main wall shall be:
   - 4 m (13 ft.) for any part of a building which has one storey and/or a building height not greater than 4.5 m;
   - 5 m (16 ft) for any part of a building which consists of 1.5 to 2 storeys and/or a building with a height between 4.5 m and 7.5 m;
   - 5.5 m (18 ft) for any part of building which has more than two storeys and/or a building height exceeding 7.5 m

ii) the maximum for the permitted projections in, for awnings shall be 1.5 m (5 ft.) in the front yard.

iii) notwithstanding any provision of subsections 4.22 or 4.34 or this clause to the contrary, no structure or vegetation shall exceed a height of 1 m within 4 meters of any street entrance to a driveway or lane.

iv) notwithstanding any provision of subsection 9.2 to the contrary the minimum exterior side yard or setback from an exterior side lot line shall be 3 m.
k) Notwithstanding any provision of Section 4, subsection 9.2 or article 9.4.12 to the contrary, the minimum **setback** from the easterly boundary of the R4-12 Zone for any **building** shall be: 7.5 m

l) The minimum **setback** between a street-line and an **apartment dwelling** shall be: 25 m

n) Notwithstanding any provision of subsection 9.2 to the contrary, the minimum **rear yard** or **setback** from the **rear lot line** for all **main buildings** shall be 4.5 m where the **rear lot line** abuts land subject to an easement for vehicle access or used for common open space and landscaping and the minimum **interior side yard** for a **detached or semi-detached dwelling** abutting such an easement or land in common open space use shall be a 1.2m (3.9ft) for the first two **storeys** of a **building** or part of a **building** to a maximum **height** of 7.5m.

o) Notwithstanding any provision of subsection 9.2 to the contrary, in the R4-12 Zone, the minimum **lot frontage** required for a **single detached dwelling** shall be 10.2m and the minimum **lot frontage** required for a **semi-detached dwelling** shall be 14m. In the event a **semi-detached dwelling** is subdivided one **dwelling unit** may have a minimum **lot frontage** of 6m.

p) Notwithstanding any provision of subsection 9.2 to the contrary, a **dwelling unit** on a lot with access to a common green space and common parking areas through an ownership established under a condominium the minimum **lot area** requirement shall be reduced to the following:

i) single detached dwelling 250 m²

ii) duplex, triplex, fourplex dwelling 154 m² per dwelling

iii) semi-detached dwelling 198 m² per dwelling

iv) townhouse (exterior unit) 175 m²

v) townhouse (interior unit) 142 m²

vi) apartment dwelling 1,394 m²

q) Notwithstanding any provision of subsections 4.32 or 4.33 to the contrary, the parking requirement for development within the R4-12 Zone shall be determined on the basis of the type of dwelling or use but where access to a common **parking area** within the R4-12 Zone is ensured through an ownership established under a condominium, the parking for a specific **dwelling unit** or use owned by a member of the condominium will not be determined based on the use of individual lots, blocks or parcels but shall be determined based on the total number of each dwelling unit type in the condominium within the R4-12 Zone. The parking on individual lots, **blocks** or parcels shall be provided as per paragraph s) below.

r) Notwithstanding any provision of subsections 4.29 or 4.30 to the contrary, where access to visitor parking in a common **parking area** within the R4-12 Zone is ensured through an ownership established under a condominium then the minimum parking requirement for a one bedroom unit shall be reduced to 1.1 spaces per unit and the parking required for a two bedroom **duplex or semi-detached dwelling** shall be 1.25 spaces per unit.
s) Notwithstanding any provision of subsections 4.29 or 4.30 to the contrary, where access to a common parking area within the R4-12 Zone is ensured through an ownership established under a condominium then:

i) a single detached dwelling, duplex, semi-detached, or triplex shall only be required to provide one parking space per dwelling unit on the lot, block or parcel encompassing the dwelling unit and the balance of the required parking for the dwelling shall be located in the common parking area; and

ii) for a townhouse or fourplex dwelling no parking spaces shall be required on the lot, block or parcel encompassing the dwelling unit provided the required parking spaces are located within 60 m of the individual dwelling units in the townhouse or fourplex in the common parking area.

iii) the parking area for an apartment dwelling shall abut the building or be located within 30 m of the building.

13. R4-13 Residential Fourth Density Exception Thirteen (By-law 3358-34) (4 Harris St) (By-law 3358-36)

   a) Notwithstanding any provision in subsection 9.2 to the contrary, for any building exceeding two stories or a maximum height of 7 m, a minimum setback of 6 m shall apply from any lot line shared with an abutting residential lot.

   b) Notwithstanding any provision of subsection 9.2, to the contrary a minimum setback of 6 m shall apply to any dwelling unit where an entrance to the dwelling unit or a window with an area exceeding 1.5 square metres orients to a rear lot line of an abutting residential lot.

   c) Notwithstanding any provision of subsection 9.2, to the contrary, the rear yard setback may be reduced to 3 m where the side of a dwelling unit orients to the rear lot line, no dwelling unit entrance faces the rear lot line, and no window with an area exceeding 1.5 square meters orients to the rear lot line.

   d) Notwithstanding any provision of subsection 4.22 or subsection 9.2 to the contrary, an opaque privacy fence a minimum of 1.8 m in height supplemented by vegetation that will provide a visual screen to a minimum height of 3 m at maturity shall be required along any property boundary that form the rear lot line of an abutting residential lot for any development that exceeds two stories or a maximum height of 7.5m.

   e) Notwithstanding any provision of By-law 3358 to the contrary, where a parking space, other than a garage, is placed within 3 m of an abutting residential lot, an opaque privacy fence, a minimum of 1.8 m in height, shall be constructed within 1 m of the common lot line between the parking space and the lot line and said fence shall have a width extending not less than one metre to either side of the parking space or parking area. (See original By-law for holding provisions.)

14. R4-14 Residential Fourth Density Exception Fourteen (By-law 3358-39)

   a) Notwithstanding any provision of Sections 3 and 4 or subsection 9.2 to the contrary, the minimum lot frontage for a multiple-residential building of three or more units shall be 18.2 m (60 ft.) and shall be measured as the total of the
frontage for each *dwelling unit* with a shared or common wall in a given *building* regardless of whether a *dwelling unit* is on a separately conveyable *lot*.

b) Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, the minimum *lot frontage* for a *single detached dwelling* shall be 12.2 m and for a *building* with 2 *dwelling units* shall be 6.1 m per unit.

c) Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, parking for a multiple residential *building* with more than two *dwelling units* or for any *townhouse* unit shall be located in a *rear yard*.

d) Notwithstanding any provision of subsections 4.32 or 9.2 to the contrary, where vehicle access and parking is provided over a shared entrance and a *lane* to the *rear yard* of individual units or to a common *rear yard parking area*, then the following requirements shall apply:

   i) minimum building *setback* from the *front lot line* for a *main wall* shall be:

      - 4 m (13 ft.) for any part of a *building* which has one *storey* and/or a *building height* not greater than 4.5 m;
      - 5 m (16 ft.) for any part of *building* which consists of 1.5 to 2 *storeys* and/or a *building* with a *height* between 4.5 m and 7.5 m;
      - 5.5 m (18 ft.) for any part of *building* which has more than two *storeys* and/or a *building height* exceeding 7.5 m.

e) Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, the minimum *exterior side yard* shall be 3 m.

f) Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, the maximum number of *dwelling units* on all parcels in the R4-14 Zone shall be eight and the maximum density shall be one *dwelling unit* per 220 m² (2,368 ft.²) of *lot area*.

g) Notwithstanding any provision of Section 4 or subsection 9.2 to the contrary, for a townhouse dwelling or a multiple-residential building with three or more *dwelling units*, the minimum *interior side yard* from the southerly *side lot line* shall be 1.5 m. *(See original By-law for holding provisions.)*

15. **R4-15** Residential Fourth Density Exception Fifteen Zone - Reserved – file closed

16. **R4-16** Residential Fourth Density Exception Sixteen Zone *(By-law 3358-49)*

   a) Notwithstanding any provision of subsections 4.1, or 9.2 to the contrary, in the R4-16 Zone the following requirements shall apply:

      i) The maximum total *lot coverage* for all enclosed or partially enclosed *buildings and structures* shall be 40% and up to 45% *lot coverage* is permitted for unenclosed *accessory structures*, including *attached porches or decks* with a deck surface elevation up to 60 cm above the finished grade, but subsection 4.1 paragraph i) shall continue to apply and the minimum *setback* between an *accessory building* and a *rear lot line* shall be 1.2 m (4 ft.).

17. **R4-17** Residential Fourth Density Exception Seventeen Zone *(By-law 3358-50 and 50-01)*

   a) Notwithstanding any provision of subsection 9.1 to the contrary, an *apartment dwelling* is not permitted in the R4-17 Zone.
b) Notwithstanding any provision of subsections 4.1, or 9.2 to the contrary, in the R4-17 Zone the following requirements shall apply:

i) Regardless that the ownership of the land or that each unit in a townhouse dwelling may be divided into separate parcels, lot coverage shall be calculated on the basis of all lands associated in ownership with all the units in a townhouse building and the maximum total lot coverage shall be 50% with up to a maximum of 55% for unenclosed accessory structures, such as attached porches or decks with a deck surface elevation up to 60 cm above the finished grade, but subsection 4.1.1 paragraph i) shall continue to apply.

ii) A side yard of 1.2 m is permitted for buildings up to 5.5 m in height where there are no eaves or building drainage structures other than a fully enclosed drain pipe in the side yard.

iii) The minimum setback from the rear lot line for all accessory buildings and structures other than a fence shall be 2.6 m.

iv) Notwithstanding paragraph a) above or subsection 4.30, the two (2) Townhouse units described as Parts 1 and 2; and Parts 4 and 5, Reference Plan 27R-10106 and municipally known as 21 and 25 Perthmore Street, may be modified to include a second dwelling unit provided there is a minimum of three parking spaces.

v) Notwithstanding subsection Table 4.32.A on the two parcels referenced in preceding clause iv) a maximum driveway width of 5.2 m is permitted.

18. R4-18 Available – application file closed

19. R4-19 Available for use - missed

20. R4-20 Residential Fourth Density Exception Twenty Zone (by-law 3358-60)

   20 Robinson

a) Notwithstanding any provision of subsection 9.1 to the contrary an apartment dwelling shall not be permitted in the R4-20 Zone.

b) Notwithstanding any provision of subsection 4.22 or subsection 9.2 to the contrary, the parking area within the R4-20 zone may have a landscaped open space buffer with a reduced minimum width of 1.2 m (4 ft.) provided that a solid board privacy fence a minimum of 1.82m (6 ft.) in height and extending the entire length of the parking area and projecting a minimum of one metre beyond the limit of the parking area is located within the landscaped strip and the fence is constructed in a manner that provides not less than 90% visual screening for its entire length.

c) Notwithstanding any provision of subsections 4.32, 4.33 or 9.2 to the contrary, the minimum parking requirement in the R4-20 Zone shall be one space per dwelling unit plus three guest/overflow parking spaces.

d) Notwithstanding any provision of Section 4 to the contrary, a sight triangle with a minimum site line distance of 4 m shall be maintained at the intersection of a driveway with a public street where the driveway provides access to a parking area with parking spaces for more than 4 vehicles.
21. **R4-21 Residential Fourth Density Exception Twenty-one Zone**  
(By-law 3358-76)  
101 Wilson St. W.  

a) Notwithstanding any provision of subsections 4.22, 9.2 or 9.3 to the contrary, in the R4-21 Zone the minimum **landscaped open space buffer** abutting a **parking area** may be reduced to 1m from a parking area provided the buffer includes a solid board screening **fence** or continuous hedge not less than 1.2 m (4 ft.) in height.

b) Notwithstanding any other provision of this By-law to the contrary, any habitable building shall be located a minimum of 30 m from the property boundary of land owned or occupied by a railway operator and used as a rail corridor.

22. **R4-22 Residential Fourth Density Exception Twenty-Two Zone**  
(By-law 3358-82)  
6 Isabella St.

a) Notwithstanding subsection 4.29 paragraph c), the existing second entrance to Isabella Street located to the east of the main entrance and providing access to a **parking area** in the **side yard**, is hereby deemed to be a legal **non-complying** use accessory to a residential occupancy and no other entrance is permitted.

b) Notwithstanding subsection **Table 4.32.A**, the width of the existing main **driveway**, being directly in front, and more or less equal to the width, of the existing **building**, is hereby deemed to be a legal **non-complying** use accessory to a residential occupancy.

c) Notwithstanding any requirement in subsection 9.2 to the contrary, the minimum **setback** for a habitable **building** from the boundary of a **lot** or parcel of land occupied by a rail way shall be 30 m (99.8 ft.).”

23. **R4-23 Residential Fourth Density Exception Twenty-Three Zone**  
(By-law 3358-83)  
26 Harris St.

a) **Lot frontage** on a private road within a registered condominium will be deemed to be equivalent to and measured in the same manner as frontage on a **public street**.

b) Notwithstanding subsection 9.1 only **semi-detached dwellings**, townhouse dwellings, or an **apartment dwelling** with a maximum of 6 units, are permitted in the R4-23 Zone

c) Notwithstanding any requirement in subsection 9.2 to the contrary, there shall be minimum **building setback** of 6 m from the **rear lot line** of an abutting lot in an R1, R2 or R3 zone category for a **building** of two **storeys** or less and the minimum **setback** shall increase to 7.5 m for a **building** with more than two **storeys** or a **height** of 8 m or more.

d) Within all lots subject to the R4-23 Zone the maximum total number of **dwelling units** is 16.”

24. **R4-24 Residential Fourth Density Exception Twenty-Four Zone**  
(By-law 3358-92)  
34 George St.

For a building with four dwelling units or less the standard R4 Zoning requirements and all General provisions shall apply except the westerly side yard shall be 4 m.

Despite any provision of Section 4 or subsections 9.2 or 9.3 to the contrary, for a building with more than four dwelling units the following zone requirements shall apply within the R4-24 Zone:
a) The minimum number of required parking spaces shall be six.
b) One of the required parking spaces may be a small car space.
c) One parking space in the rear yard may have a reduced length of 5.5 m (18 ft.)
d) The entry and exit lanes may be located separately on either side of the building with two points of access to the street and the westerly lane shall be the entry lane and each lane shall have a width of 3 m.
e) No entrance shall be permitted on Sunset Blvd.
f) One standard parking space designed to barrier free standards will also be permitted in the front yard abutting the easterly exit lane.
g) A parking area in the R4-24 zone shall be buffered by landscaped space not less than 45 cm wide and a screening fence providing a minimum of 90% visual buffering from 10 cm above grade to 2 m above grade along each side lot line extending from the point of intersection with the rear lot line to 6 m along each side yard. Visual access to the parking area from Sunset Blvd will be obstructed by a hedge, shrubs or a screening fence.
h) A minimum of 42% of the front yard shall be landscaped space.
i) The minimum front yard for the north-westerly corner of the building shall be 4.9 and the interior limit of the front yard shall extend in a straight line such that at the point where the minimum side yard setback from the easterly side yard intersects the front building line the front yard will have a minimum setback of 6 m from the front lot line.
j) The minimum side yard shall be 4 m (13.1 ft.).
k) The minimum rear yard shall be 9 m (30 ft.)
l) The maximum lot coverage shall be 25%.
m) The minimum landscaped open space shall be 22%
n) No detached accessory buildings are permitted.”
Section 10    GENERAL COMMERCIAL (C1) ZONE

No person shall use any land or *erect, alter* or use any *building or structure* in the General Commercial (C1) Zone except in accordance with the following provisions.

10.1 **Permitted Uses**

- *Accessory Use, Building or Structure* (see 4.1)
- *Accessory Dwelling Unit* except where prohibited (see 10.3)
- Audio/visual studio
- Bake Shop
- Bank
- Bed & Breakfast Establishment
- Business, Professional and/or Administrative Office
- Car rental agency
- Clinic
- Commercial Parking Lot
- Convenience Store or Confectionary Store
- Dry cleaning Establishment
- Dry Cleaning Distribution Station
- Entertainment Establishment excluding an arcade or video arcade
- Factory Outlet
- Farmer’s Market
- Funeral Home
- Hotel
- Industrial Use (*Existing* use only)
- Institutional Use
- Laundromat
- Park
- Parking Area, parking garage
- Personal Service Establishment
- Place of Assembly
- Printing and Publishing Establishment
- Private Club
- Public Use or Public Service Facility
- Recreational Commercial Establishment
- Restaurant – all defined types except a *Drive-through or Takeout restaurant*
  [also refer to subsection 4.29 p) and 4.30]
- Retail store
- Shopping centre
- Tavern or Road House
- Taxi Stand
- Terminals including public transit terminals
- Video rental outlet
- Wellness Center
10.2 Zone Requirements

Minimum Lot Area ........................................................................................................... n/a

Minimum Lot Frontage .................................................................................................... n/a

Minimum Yards:

- Front Yard .................................................................................................................. n/a
- Rear Yard ..................................................................................................................... 6 m [19.7 ft.]
- Interior or Exterior Side Yard ....................................................................................... n/a except where a C1 zone abuts a Residential Zone ........................................... 9 m [29.5 ft.]
- also refer to general provision 4.22 i)

Maximum Building Height .............................................................................................. 12 m [39.3 ft.]

Maximum Lot Coverage ................................................................................................... 80%

inclusively of Section 4.26

10.3 Additional Requirements

1. Where any lot used for a commercial use abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the commercial use lot which abuts the residential use lot unless the outside display is completely hidden by an opaque screen or buffer.

2. No parking space shall be located within 3 m [9.8 ft.] of any window of a residential use.

3. No accessory dwelling unit may be located in a building or structure used for an automotive use, hotel, motel, public use or public service. An accessory dwelling unit shall be located on the second storey of a building provided the unit complies with the Building Code and has a separate access to the street level.

4. An apartment dwelling shall be permitted as part of a mixed-use building. In a mixed-use building the ground floor and a second storey may be used for a permitted commercial use. An apartment dwelling shall comply with the R4 Zone requirements for parking.

5. Accessory buildings and structures are subject to the provisions of Table 4.1

6. Motels and Hotels
Where the exterior wall of a guest room contains a habitable room window, such wall shall be located not closer than 7.5 m [24.6 ft.] from any interior side or rear lot line.

7. Landscaped Open Space
The provisions of Subsection 4.22 shall apply to any Commercial use in a C2 Zone that abuts a Residential Zone.
7. **Commercial Parking Lot**

   Lands shown as “CP” on Schedule “A” shall only be used for a Commercial Parking Lot

8. Notwithstanding any provision of By-law 3358, to the contrary, land zoned T304 may be used for the temporary construction or placement of one portable showcase unit for the purpose of displaying and marketing products, goods, wares, services or merchandise. Said unit shall have a maximum **lot coverage** of 71 sq. m., a maximum **building height** of 4.7 m and a minimum **front yard** of 15 m or the minimum building **setback** standard required to obtain a building permit from the Ministry of Transportation, whichever is greater; all other provisions of the C2 Zone shall apply.

### 10.4 Exception Zones (see also Section 22)

1. **C1-1 General Commercial Exception One Zone**  
   RESERVED

2. **C1-2 General Commercial Exception Two Zone**  
   (By-law 3295)

   Notwithstanding any provision of Subsection 10.1 to the contrary, in the C1-2 Zone a Car rental, Clinic, Convenience Store, Dry Cleaning Establishment, Entertainment Establishment, Farmer’s Market, Funeral Home, Hotel, Restaurant, Tavern or Road House, Taxi Stand, and Terminals are not permitted.

   Notwithstanding any provision of Section 10 to the contrary, in the C1-2 Zone a dwelling unit is permitted on any floor within the building- except when a use involving motor vehicles is present.

   C1 standards apply except the existing building shall be subject to:

   - **min. side yard:** existing side yard setbacks:
     - westerly **side yard** 0.41 m [1.34 ft.];
     - easterly **side yard** 3.15 m [10.3 m]

3. **C1-3 General Commercial Exception Three Zone**  
   (By-Law 3358-82)

   a) Notwithstanding any provision of section 10 to the contrary, in the C1-3 Zone a ground floor residential unit with a maximum **floor area** of 38 m2 (409 ft.2) within the footprint of the existing building is permitted with a minimum **setback** of 7.3 m (24 ft.) from the front wall facing Gore St with rear yard access and subject to the creation of one new **parking space** for the unit.

   b) Notwithstanding any provision of Section 4 to the contrary, in the C1-3 Zone up to two parking spaces can be provided at the “small car space” standard (see **original amending By-law for holding provisions**).
4. **C1-4(-h) General Commercial Exception Four Zone** (By-law 3358 – 90) 54-58 Wilson St. W.

   a) Notwithstanding any existing lot ownership or lot boundaries, all lands within the C1-4 zone shall be considered one lot for the purposes of determining all zoning requirements.

   b) Notwithstanding the definition of Front Lot Line, the lot line abutting Wilson Street West shall be the Front Lot Line for lands within the C1-4 Zone.

   c) No Commercial use is permitted in the C-4 Zone until all existing residential uses are vacant.

   d) Notwithstanding any provision of the C1 Zone to the contrary, the minimum exterior side yard for any building or accessory structure adjacent to Leslie Street will be 3 m.

   e) Notwithstanding any provision of subsection 4.22 to the contrary, a parking area in the C1-4 zone shall be buffered from Leslie Street by a screening fence on the interior limit of the exterior side yard, providing a minimum of 90% visual buffering from 10 cm above grade to 1.8 m above grade.

   f) No Commercial entrance from the C1-4 Zone will be permitted onto Leslie Street.

   g) No Commercial signage shall be erected in the exterior side yard facing Leslie Street other than a wall mounted sign of a corporate or business logo with a maximum area of 0.6 m² (6.5 ft.²).

   h) The placement of up to four parking spaces on abutting lands outside the C1-4 to meet the minimum parking requirement is hereby approved.

   **-Check original by-law process – holding provision is in effect)

5. **C1-5 General Commercial Exception Five Zone** [Modified TU-6 Zone]

   a) Notwithstanding any provision of subsection 10.1 to the contrary, within the C1-5 Zone, only a parking lot accessory to a commercial use is permitted subject to the following requirements:

   i. a parking area shall have a landscaped buffer a minimum of 3.5 m wide with an interior solid, screening fence a minimum of 2.2 m high.

   ii. no structure other than a solid screening fence or structures accessory to the parking area shall be permitted.

   iii. a solid screening fence shall consist of opaque panels or overlapping wood construction designed to entirely screen visual access to the parking lot from Leslie Street extending from a height of 10 cm above grade to the top of the fence.

6. **C1-6 Reserved**
Section 11 GENERAL COMMERCIAL PROFESSIONAL (C1P) ZONE

No person shall use any land or erect, alter or use any building or structure in the General Commercial Professional (C1P) Zone except in accordance with the following provisions.

11.1 Permitted Uses

- Accessory Use, Building or Structure (see 4.1)
- Accessory Dwelling Unit
- Bank
- Business, Professional and/or Administrative Office
- Law and Legal Offices
- Single Detached Dwelling
- Duplex Dwelling
- Semi-Detached Dwelling

11.2 Zone Requirements

a) Residential Uses

The zone standards shall be as set out in R1, R2 or R3 zone for a Single Detached Dwelling, Semi-Detached Dwelling or Duplex Dwelling respectively. (See Sections 6, 7, and 8)

b) Commercial Uses

Minimum Lot Area .......................................................... n/a
Minimum Lot Frontage ......................................................... n/a
Minimum Yards:
- Front Yard ................................................................. 14m [45.9 ft.]
- Rear Yard ................................................................. 6 m [19.7 ft.]
- Interior or Exterior Side Yard ........................................... n/a or 9 m [29.5 ft.] when zone abuts a Residential Zone
  - also refer to general provision 4.22 i)
Maximum Building Height ................................................. 12 m [39.3 ft.]
Maximum Lot Coverage ..................................................... 80%
Inclusive of Subsection 4.26
11.3 Additional Requirements

a) No *parking space* shall be located within 3 m [9.8 ft.] of any window of a residential use.

b) An *accessory dwelling unit* shall be located on the second *storey* of a *building* provided the unit complies with the *Building Code* and has a separate access to the street level.

c) *Accessory buildings and structures* are subject to the provisions of Table 4.1

d) **Landscaped Open Space**

The provisions of Subsection 4.22 shall apply to any Commercial use in a C1P Zone that abuts a Residential Zone.

11.4 Exception Zones (see also Section 22)

1. **C1P-1 General Commercial Professional Special Zone**

   (By-Law 2656)

   - C1P uses Permitted
   - C1P Zone regulations apply except:
     - no min. *lot area*
     - no min. *lot frontage*
     - min. yards:
       - front and rear - 6 m [19.7 ft.];
       - interior side - 0.6 m [1.9 ft.];
       - exterior side - 4 m [13.1 ft.]
     - max. *building height*: 12.2 m [40 ft.]
     - max. *lot coverage*: 30%
     - max. *landscaped open space*: 50%
     - max. *lot area* for parking: 20%
     - landscaped *exterior side yard* 10.7 m [35.1 ft.] wide subject to encroachments by existing *porches*, stairs, and sidewalks
     - *parking area* limited to rear of building the land between the *building* and North Street but not to encroach on *landscaped open space*

2. **C1P-2 General Commercial Professional Exception Two Zone**

   (By-law 2733)

   - C1P uses Permitted
   - C1P Regulations apply except:
     - no min. *lot area*
     - no min. *lot frontage*
     - min. yards:
       - front and rear - 6 m [19.7 ft.];
       - interior side - 0.6 m [1.9 ft.];
       - exterior side - 4 m [13.1 ft.]
     - max. *building height*: 12 m [39.3 ft.]
- max. **lot coverage**: 40%
- max. **landscaped open space**: 40%
- max. parking area: 20%

-existing setback applies to **side yard** abutting residential zone provided yard is landscaped with plantings and a fence to provide a visual screen

- encroachments of existing **porches**, stairs and sidewalks permitted into landscaped area

- accessory garage shall be permitted to encroach into a **rear yard** provided a minimum **rear yard** of 0.5 m [1.6 ft.] is maintained.

3. **C1P-3 General Commercial Professional Exception Zone**  
   (By-law 2925)

   - C1P standards apply except:
   - - no min. **lot area** or **lot frontage**
   - - min. yards: front 2.25 m [7.38 ft.]; rear 22.5 m [73.8 ft.]; interior side 2.1 m [6.8 ft.]
   - - max. **building height**: existing or 12 m [39.3 ft.]
   - - max. **lot coverage** and **parking area** 25% each
   - - max. **landscaped open space** 50%
   - visual screen required for **interior side yard** abutting residential zone

4. **C1P-4 General Commercial Professional Exception Four Zone**  
   (By-law 3358-35)

   a) In addition to the uses permitted under subsection 11.1, in the C1P-4 Zone a radio or broadcast studio and a financial consulting service are permitted.

   b) Notwithstanding any provision of subsection 11.2 to the contrary, in the C1P-4 Zone the following requirements shall apply:

   i) Minimum **lot area** 232 m² (2,500 ft²);

   ii) Minimum **rear yard** 3 m (9.8 ft.);

   iii) Minimum **interior side yard** 3 m (9.8 ft.);

   iv) Minimum **exterior side yard** 3 m (9.8 ft.);

   v) Minimum **landscaping** width 1.2 m (4 ft.)
   for a commercial use, with a privacy fence not less than 2.1 m (7 ft.) high;

   vi) Wilson Street shall be the **front lot line**.

   vii) there shall be no parking requirement for the portion of the **building** floor space occupied by a radio or broadcast studio.

   viii) Council hereby authorizes up to two off-site **parking spaces** located within 60 m of the subject property where the owner of a business on site provides a copy of a written undertaking from the owner of the **parking spaces** confirming reserved
use of the spaces and confirming that the Town will be notified within one week of any change in the parking arrangement. In the absence of such off-site parking, if the use on-site requires more than four parking spaces the owner shall make a cash-in lieu of parking payment to the Town.

(See original By-law for holding provisions.)

5. **C1P-5 General Commercial Professional Exception Five Zone**

(By-law 3358-43) (68 North Street, 91 Peter Street)

a) In addition to the uses permitted under subsection 11.1, in the C1P-5 Zone a parking area with a maximum of 9 vehicles for an off-site business located within 100 m of the property is permitted provided no other commercial use or home based business is operating on the property.

b) The parking area for an off-site commercial use shall only serve one off-site business until such time as the abutting properties may be zoned for commercial use.

c) The maximum number of parking spaces on site shall be 11 and the maximum lot coverage for a parking area, lanes and driveways shall be 60%.

d) Notwithstanding any provision of subsections 4.22, 4.32 or 11.2 to the contrary, in the C1P-5 Zone the following requirements shall apply:

i) Minimum landscaping width 1. m (3.3 ft.) along for a commercial use or parking area with a solid board privacy fence not less than 2.1 m (7 ft.) high along the easterly side lot line and 0.3 m (1 ft.) along the westerly side lot line.

ii) In lieu of a commercial entrance with an ingress lane and an egress lane, a one way through traffic lane with the entrance on Peter Street and the exit on North Street shall be permitted.

(See original By-law for holding provisions.)

6. **C1P-6 General Commercial Professional Exception Six Zone** (By-law 3358-57)

a) In addition to the uses permitted under subsection 11.1, in the C1P-6 Zone a bake shop and accessory retail use with a maximum floor area of 35 m$^2$ is permitted.

b) Notwithstanding any provision of By-law 3358 to the contrary, in the C1P-6 Zone the following requirements shall apply:

i) Establishing or adding of one or more non-residential uses with a gross floor area between 35 m$^2$ and 70 m$^2$ shall only be permitted if three parking spaces are created on site;

ii) Establishing or adding non-residential uses with a gross floor area exceeding 70 m$^2$ shall only be permitted if on-site parking consistent with the requirements of subsections 4.32 and 4.33 or equivalent parking off site or cash-in-lieu is approved by Council;

iii) Minimum front yard nil for the first two stories to a maximum...
building height of 7.5 m (25 ft.) and 3 m (9.8 ft.) for each full or partial story exceeding a height of 7.5 m (25 ft.);

iv) Minimum side yard nil for the first two stories to a maximum building height of 7.5 m (25 ft.) and 1.5 m (5 ft.) for each full or partial story exceeding a height of 7.5 m (25 ft.);

v) Maximum Lot Coverage 45%;

vi) Minimum landscaped buffer for parking area with four vehicles may be reduced to 1 m adjacent parking spaces and nil abutting the driveway where the parking area is developed with a permeable surface and a solid wood opaque screening fence a minimum of 1.8 m (6 ft) in height is established along any lot line where the abutting lot is in a residential zone category.

7. C1P-7 General Commercial Professional Exception Seven Zone (Bylaw 3358-61)

a) Notwithstanding any provision of subsections 4.32, 4.33, 11.1, 11.2 or 11.3 to the contrary, the following provisions shall apply in the C1P-7 Zone:

i. other than entry or common access areas, a permitted commercial use shall only occupy one floor of the building.

ii. There are no parking spaces on-site as of the date this By-law is passed. However, in recognition of the preceding institutional use, land in the C1P-7 Zone is deemed to have legal non-complying status for up to four parking spaces with respect to the parking required for the permitted commercial uses,

iii. a permitted commercial use shall be limited in floor space or shall operate in a manner that will not create a parking demand, determined per subsections 4.32 and 4.33 herein, that exceeds four parking spaces.

iv. signage for a permitted commercial use shall comply with subsection 4.18.

v. a residential use is permitted on the subject property only when there is a formal agreement between the owner and another property owner that ensures access to a minimum of two overnight off-street parking spaces. For two residential uses on site there must be a minimum of three overnight off-street parking spaces available.

vi. one or more parking spaces may be located anywhere on the lot except within 1.2 m of the rear lot line.

8. C1P-8 General Commercial Professional Exception Eight Zone (Bylaw 3358-62)

a) Notwithstanding any provision of subsection 4.22 to the contrary, an existing driveway may be used for commercial purposes provided any parking spaces accessed by the driveway are fully screened from an abutting residential property by either an opaque solid wood privacy fence a minimum of 1.8 m in height or screening evergreen vegetation of comparable height; however no such screen shall extend closer than 6 m to the front lot line.
b) Notwithstanding any provision of subsections 4.32, 4.33, 11.1, 11.2 or 11.3 to the contrary, the following provisions shall apply in the C1P-8 Zone:

i. Any entrance from the lot line abutting Tysick Avenue shall be limited to entry and parking for a single residential dwelling unit and shall not connect to any driveway or parking linked to South Street.

ii. Signage for a permitted commercial use shall comply with the following:

1. One promotional sign for an on-site business
2. Minimum setback from South Street 4.5 m
3. Maximum area of sign 1.14 m² (12 ft²)
4. Internally lit or back lit signage shall be prohibited.
Section 12  HIGHWAY COMMERCIAL (C2) ZONE

No person shall use any land or *erect, alter* or use any *building or structure* in the Highway Commercial (C2) Zone except in accordance with the following provisions.

12.1 Permitted Uses  (By-law 3467)

- *Accessory Use, Building or Structure* (see 4.1)
- Animal Hospital
- Audio/visual studio
- Automotive Sales Establishment
- Auto Service Station
- Automobile Washing Establishment
- Bakery
- Bank (in a *shopping centre*)
- Bingo Hall
- Business, Professional and/or Administrative Office (existing, accessory to another permitted use or in a *shopping centre*)
- Building Supply Store or Depot
- Bulk Fuel Depot (existing uses only)
- Car rental agency
- Card Lock Facility
- Catering Establishment
- Clinic (in a *shopping centre*)
- Commercial Greenhouse, Garden Centre or Nursery
- Commercial Parking Lot
- Contractor’s Yard
- Custom Workshop
- Entertainment Establishment excluding an arcade or video arcade
- Factory Outlet
- Farm Implement Sales and Service
- Farm Produce Stand
- Flea Market
- Funeral Home
- Furniture and Home Supply Store
- Gas Bar
- Hotel
- Industrial Use (*Existing* uses only)
- Laundromat (in a *shopping centre*)
- Mail-order Facility
- Microbrewery
- Mini Warehouse and Public Storage
- Miniature Golf Course
- Motel
- Park
- Parking Area
- Private Club
- Public Use or Public Service Facility
- Recreational Commercial Establishment
- Recreational Vehicle Sales, Service and Repair
- Restaurant – all defined types [also refer to subsections 4.32 p) and 4.33]
- Retail store
- Shopping centre
- Tavern or Road House
- Terminals including public transit terminals
- Video rental outlet (in a shopping centre)
- Warehouse
- Wellness Centre (in a shopping centre)
- Wholesale Establishment

12.2 Zone Requirements

Minimum Lot Area ......................................................... 929 sq. m [10,000 ft²]
(By-law 3467)

Minimum Lot Frontage .............................................. 15 m [49.2 ft.]

Minimum Yards:
- Front Yard ................................................................. 12 m [39.3 ft.]
- Rear Yard ................................................................. 7.5 m [24.6 ft.] or 15 m [49.2 ft.] when zone abuts a Residential Zone
- Interior Side Yard ...................................................... 3 m [9.84 ft.] or 6 m [19.7 ft.] when zone abuts a Residential Zone
- Exterior side yard ...................................................... 9 m [29.5 ft.]
- Also refer to general provision 4.22 i)

Maximum Building Height 9 m [29.5 ft.]

Maximum Lot Coverage .................................................. 40%
also see Section 4.26

Minimum Landscaped Open Space ................................ 15%
with a minimum of 10% vegetated landscaping

Maximum Gross Leasable Floor Area .......... for new buildings or building expansions for retail stores, factory outlet stores, business offices or a shopping centre shall be 828 sq. m [8,912.8 sq. ft.] but in any case this provision shall not apply to those lands lying south westerly of the intersection of Dufferin Street and Wilson Street comprised of Parts 1 to 3, Plan 27R-4486 and commonly known as the Perth
Minimum Floor Area for a *catering establishment*, entertainment establishment, recreational commercial establishment, retail store, factory outlet store or a *business or professional office*, which is not located within a *shopping centre* 465 m\(^2\) [5,000 ft.\(^2\)] per individual *premises* (By-law 3467)

12.3 **Additional Requirements**

a) Where any lot used for a commercial use abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the commercial use lot which abuts the residential use lot unless the outside display is completely hidden by an opaque screen or buffer.

b) No *parking space* shall be located within 3 m [9.8 ft.] of any window of a residential use.

c) *Accessory buildings and structures* are subject to the provisions of Table 4.1

d) **Motels and Hotels**

Where the exterior wall of a guest room contains a *habitable room* window, such wall shall be located not closer than 7.5 m [24.6 ft.] from any *interior side or rear lot line*.

e) **Landscaped Open Space**

The provisions of Subsection 4.22 shall apply to any Commercial use in a C2 Zone that abuts a Residential Zone.

e) **Setbacks on Provincial Highway 7**

Notwithstanding any other provision of this By-law to the contrary, the minimum *setback* for any new *building* construction from center-line of the right-of-way for Highway 7 (Dufferin St.) shall be 32 m [105 ft.] or the *setback* required for a construction permit from the Ministry of Transportation, or any subsequent road authority, whichever is greater.

f) **Shopping Centre Requirements**

- A new *Shopping Centre* is permitted only on a lot meeting the minimum *lot area* requirements of this Zone.
- The maximum *gross leasable floor area* of a *shopping centre* shall be 9,000 m\(^2\) [96,878.3 ft.\(^2\)]

12.4 **Exception Zones** (see also Section 22)
1. **C2-1 Special Service Highway Commercial Exception One** (By-law 2402)
   C2 Regulations apply except:
   - no new **building** within a *flood plain* or within an area subject to flood regulation without a permit from the Rideau Valley Conservation Authority
   - no min. **lot area**
   - min. **lot frontage**: 15.2 m [49.8 ft.]
   - min. yards: front - 12.2 m [40 ft.]; rear - 7.6 m [24.9 ft.] interior side - 6 m [19.7 ft.]
   - max. **building height**: 10.6 m [34.7 ft.]

2. **C2-2 Highway Commercial Exception Two** (By-law 2847)
   C2 regulations apply except:
   - no street frontage required and
   - min. **setback** requirement for hydro substation of 1.2 m [3.93 ft.]

3. **C2-3 Highway Commercial Exception Three** (By-law 2988)
   Permitted uses
   - C2 uses and **single detached dwelling** and **accessory uses**.
   Regulations:
   - C2 zone requirements apply to commercial uses
   - R2 requirements apply to single detached dwelling
   - no further reduction of undersized yards permitted

4. **C2-4 Highway Commercial Exception Four** (By-law 3260)
   Permitted uses
   - C2 uses and **convenience store**
   Regulations:
   - C2 requirements apply except:
     - max. **gross floor area**: 180 m² [1,937.5 ft.²]
     - min. **side yard**: 0.67 m [2.19 ft.]
     - min. gas pump **setback** from street-lines 3.6 m [11.8 ft.]
     - min. **setback** for sign from Gore Street street-lines: 1.04 m [3.4 ft.] and 0.82 m [2.69 ft.] from other lot lines for existing signs or sign by-law **setback** for new signs
     - min. **landscaped open space**: 2 m [6.56 ft.] along north side lot line abutting residence – not applicable if lots merge in ownership.
     - required **fence** or vegetative **buffer/visual screen**: 1.8 m [5.9 ft. **height** along
north side *lot line*
- maintain existing vegetative buffer along *rear lot line*

5. **C2-5 Highway Commercial Exception Five** *(By-law 3282 and 3628)*
C2 requirements apply except:
- max. *gross floor area*: 6,350 m$^2$ [68,353 ft.$^2$]
- min. width *landscaped open space buffer*: 3 m [9.8 ft.] along the *lot line*
  abutting 116A Drummond Street
- min. parking spaces: 248 provided the *gross floor area* for retail store use does
  not exceed 3,880 m$^2$ [41,765 ft.$^2$], of which a minimum *floor area* of 300 m$^2$
  [3,229 ft.$^2$] shall be for indoor *garden centre* use,
the total number of garage service bays does not exceed 10 and the outdoor *
garden centre* does not exceed 560 m$^2$ [6,028 ft.$^2$]

6. **C2-6 Highway Commercial Exception Six** *(OMB File No. 2960069)*
Permitted Uses
- C2 uses
  - *Personal Service Establishment*
  - Cinema
  - *Convenience Store*
Regulations:
C2 requirements apply except:
- max. *gross leasable floor area* of supermarket use 3,460 m$^2$ [37,244.3 ft.$^2$]
- min. *lot frontage*: 140 m
- min. *front yard*: 7.5m [24.6 ft.]
- max. *height* 10.5 m [34.4 ft.]
- max. *barrier free parking space*: 12 spaces

**C2-7 Highway Commercial Exception Seven** *(By-law 3339)*
- C2 Requirements apply except:
- min. *rear yard*: 3.96 m [12.99 ft.]
- min. width of landscaped buffer along west *lot line*: 4.5 m [14.76 ft.];

9. **C2-9 Highway Commercial Exception Nine** *(By-law 3555)*
a) Notwithstanding the definition of "*front lot line*", on land zoned C2-9 the lot line
   abutting Drummond Street W. shall be the *front lot line*
b) Notwithstanding any provision of subsections 4.1 or 12.2 to the contrary, the
   following requirements shall apply:
i) Minimum *rear yard* or *setback* from the *rear lot line* for all *buildings and*
structures, inclusive of accessory buildings and first floor projections, except as provided for in the seventh row of the table in subsection 4.3 1, 6 m

ii) Minimum exterior side yard 4.5 m

iii) Minimum interior side yard inclusive of accessory buildings 3 m

iv) Maximum accessory building height 5 m

v) Maximum total gross leasable floor area for all buildings partially or fully occupied by a retail use 4,645 sq. m

vi) Maximum building height shall be 6.5 m at the minimum interior side yard and it shall increase by 1 m for each 1 m increase in the interior side yard but no building shall exceed a height of 9.2 m

vii) Maximum lot coverage for outdoor display areas, outdoor garden centre or accessory outdoor commercial storage area, or any combination thereof 50%

viii) Notwithstanding clause 9 b) ii) above, a minimum exterior side yard of 3 m shall apply for a building extension or an accessory structure 4.5 m or less in height where such building extension or accessory structure is constructed solely of support and framing members and enclosed only with trellis type construction elements; or for a temporary, seasonal structure, which is removed during a contiguous period extending from November 1st in one year until May 1st in the following year.

c) Notwithstanding clauses 9 b) ii) and 9 b) iv) above, if future development results in the northerly interior side lot line becoming an exterior side lot line, the minimum setback for an accessory building, which is functioning as a visual buffer strip, shall be 3 m.

d) Notwithstanding any provision of subsections 4.1 or 12.2 to the contrary, on land zoned C2-9, within 50 metres of the northwesterly corner of the lot, one building may have a reduced front yard of 6 m provided that in any plane parallel to the front lot line between the reduced setback and the standard minimum front yard of 12 m the maximum width of the building in the plane does not exceed 10 m.

e) Notwithstanding any provision of this By-law to the contrary, a maximum of 40 percent of the front yard may be occupied by one accessory outdoor storage area and a maximum of 50 percent of the front yard may be occupied for all accessory outdoor storage, outdoor garden centre or outdoor display uses combined.

f) An accessory outdoor storage area, except for a public road entrance, shall be visually screened from any portion of a public road allowance within 20 metres of the accessory outdoor storage area or any adjacent residential use as per the landscaping provisions herein.

g) Notwithstanding any provision of the definition of a "sight triangle" to the contrary, the northwesterly corner of the lot shall be considered a sight triangle.
and shall be subject to the provisions of subsection 4.38. This provision shall not apply if the northerly side lot line does not abut a road allowance upon the registration of a plan of subdivision on the abutting lands.

h) Notwithstanding any provision of subsection 4.22 to the contrary, on land zoned C2-9 landscaped open space buffer areas shall be provided in accordance with the following:

i) a landscaped open space buffer between an accessory outdoor commercial storage area and a front lot line shall have a minimum width of 4.5 m and, exclusive of entrance sight triangles, shall consist of any combination of berms, fencing, ground cover and vegetation to provide a visual barrier 1.8 m in height and a visual screen to a height of 4.5 m at plant maturity.

ii) where an accessory outdoor commercial storage area is adjacent to a side lot line, a landscaped open space buffer 3 m in width shall be maintained and shall consist of a combination of ground cover, a mix of evergreen and deciduous trees and shrubs which, in combination with either an opaque wooden privacy fence a minimum of 1.8 m in height or a building, shall provide a visual barrier, at plant maturity, to a height of 4.5 m. Where a building is used as part of the visual barrier, then sufficient trees and shrubs shall be planted such that, at maturity, up to 30% of any 6m section of the building will be visually screened along its entire length.

iii) a landscaped open space area with a minimum width of 1.5 m shall be maintained along the rear property line and shall consist of existing or new vegetation, which at maturity will provide a 50% visual screen to a minimum height of 1.8 m.

iv) For the purpose of the C2-9 Zone, an accessory outdoor commercial storage area shall mean part of a lot comprised of a contiguous outdoor area, which is enclosed by a building, fence, or berm, or any combination thereof, which is used for the purpose of storing building construction products and merchandise and other products, supplies, goods, wares, or merchandise in bulk for the purpose of their sale from the principal retail, wholesale or building supply operations on site.

j) For the purpose of the C2-9 Zone an outdoor product display area shall mean part of a lot comprised of a clearly delineated outdoor area, which is used for exhibiting completely assembled products, goods or merchandise for the purpose of marketing and selling such products, goods or merchandise from a business operating on the lot.

k) For the purpose of the C2-9 Zone, an outdoor garden centre shall mean part of a lot comprised of a contiguous outdoor area with clearly delineated boundaries, which is used for the display and sale of lawn and garden equipment, outdoor furnishings, gardening tools, supplies and materials, plants and gardening accessories.
l) Notwithstanding any provision of By-law 3358, to the contrary, on land zoned C2-9 no product, goods, wares, merchandise, materials, garbage or waste shall be placed outdoors except in an *outdoor storage area*, outdoor product display area, outdoor *garden centre, loading area* or enclosed waste storage area. *(See original By-law for holding provisions.)*

10. **C2-10 Highway Commercial Exception Ten** *(By-law 3358-38)*

125-127 Wilson

a) Notwithstanding the uses permitted under any definition in Section 3 or *accessory use* under Section 4 or permitted pursuant to subsection 12.1, in the C2-10 Zone the following uses are not permitted:


b) Notwithstanding paragraph 10 a) above, an *administrative office* for a contracting business is permitted in the C2-10 Zone and the existing *accessory structure* on the lands known as 125 Wilson Street W being Pt Park Lot 7, lots 125, 135 and 136 Plan 8828 may be used for the storage of supplies and equipment for a contracting business with an office on site;

c) Notwithstanding the uses permitted under Section 12.1, in the C2-10 Zone an administrative /sales *office* for an *Automotive Sales Establishment* is only permitted in a *building* existing on the day the C2-10 Zone comes into effect and there shall be no more than 30 vehicles on display or in storage for sales purposes. The existing *accessory structure* on the lands known as 125 Wilson Street W being Pt Park Lot 7, lots 125, 135 and 136 Plan 8828 may be used for the washing, cleaning and preparation of vehicles for sale as an incidental use to an *Automotive Sales Establishment* but no *building*, nor any portion of the lands in the C2-10 Zone shall be used to undertake mechanical repairs to a motor vehicle or as an *Auto Body Shop*.

d) Where one of the existing principal dwellings is *demolished*, the existing *accessory structure* may be used for an *administrative office* for a contracting business or an administrative /sales *office* for an *Automotive Sales Establishment* and may be expanded by up to 10% for the purposes of adding washrooms and creating a formal business entrance area.

e) Within the C2-10 Zone, an *outdoor storage area*, exclusive of a vehicle storage and display area, shall be limited to a maximum of 10% of the lot, shall be located in the *rear yard*, shall not extend into the minimum *landscaped buffer area* and shall be fully screened from public road allowances and from adjacent lots.

f) Within the C2-10 Zone, a motor vehicle storage and display area for an *Automotive Sales Establishment* shall be located within 38 m (125 ft.) of Welland Street.
g) Notwithstanding any provision of Section 4 to the contrary, the *lot line* abutting Wilson Street shall be the *front lot line*.

h) Notwithstanding the minimum *front yard* requirement under subsection 12.2, the minimum *front yard* in the C2-10 Zone shall be 9 m (29.5 ft.).

i) Notwithstanding the Minimum Rear Yard requirement under subsection 12.2, the minimum rear yard in the C2-10 Zone shall be: 6 m (19.7 ft.) for a *building* or portion of a *building one storey* or less than 4.9 m in *height*; 7.5 m for a *building* or portion of a *building* 4.9 m to 7.5 m in *height*; and shall equal the *height* of the *building* for any *building* greater than 7.5 m in *height*.

j) Notwithstanding any other provision of By-law 3358 to the contrary, the existing *accessory building*, in the rear yard of the lot currently known as 125 Wilson Street W., shall not be enlarged or expanded in any manner and shall not be used for any principal use permitted in the C2-10 Zone save and except as provided for under clauses 12.4 10 b), c) and d) herein.

k) Notwithstanding any other provision of By-law 3358 to the contrary, and article 4.29.2 in particular, the existing *accessory building*, in the rear yard of the lot currently known as 125 Wilson Street W., shall not be demolished and replaced save and except to the extent that the *building* is damaged by fire or other calamity caused by the forces of nature and beyond the control of the owner.

l) Notwithstanding any provision of By-law 3358 to the contrary, no addition to an existing *structure* shall be located within 6 m of a *street-line* and no existing *main building or structure* shall be expanded by more than 10%.

m) Notwithstanding any provision of By-law 3358, including the *established building line* provisions, and any other provision of the C2-10 Zone to the contrary, except as provided for under clause 12.4 10 d) and l) above, any new *structure* within the C2-10 Zone shall be constructed in accordance with the minimum yard, setback and landscaping provisions of the C2-10 Zone and no new *structure* shall be constructed other than as provided under said clause h) until the existing *accessory structure* on the lands known as 125 Wilson Street W being Pt Park Lot 7, lots 125, 135 and 136 Plan 8828 is *demolished*.

n) No street entrance permitting access to a new commercial building shall locate on or within 20 m of Wilson Street.

o) Notwithstanding any provision of Section 4 to the contrary, in the C2-10 Zone the minimum width of *landscaped open space* between a *building* or a *parking area* and:

- Wilson Street shall be 6 m (19.7 ft.)
- Elliot Street shall be 3 m (9.8 ft.)
- Welland Street shall be 2 m (6.6 ft.)
- a lot in a residential zone 4.5 m (15 ft.).
p) Notwithstanding any provision of Section 4 to the contrary, other than a directional sign, or a ground sign, no accessory sign shall be permitted in a minimum **landscaped open space**; a pylon sign shall not be accessory to an existing **structure** and if a **building** is **erected** at the minimum **front yard** a pylon sign shall not be a permitted **accessory use**.

q) Notwithstanding any provision of Section 4 or subsection 12.2 or article 12.4 10 clause j) to the contrary, in the C2-10 Zone where a new **building** is constructed within 10 m of the north-westerly property corner abutting the intersection of Wilson St. W. and Elliott Street and where the **front yard** and the **exterior side yard** abutting Elliot Street are used solely for **landscaped open space** and pedestrian walkways, the following zone requirements shall apply:

i) Minimum **front yard** 6 m (19.7 ft.)

ii) Minimum **exterior side yard** 6 m (19.7 ft.);

iii) Minimum **landscaped open space** abutting a lot in a residential zone may be reduced to 3 m (9.8 ft.) where a privacy **fence** not less than 2.1 m (7 ft.) high is **erected** together with the planting of trees capable of providing a 50% visual screen to a height of 6 m at maturity, and may be reduced to 2 m (6.6 ft) where the specified fencing and tree planting is provided and no **parking space** faces the residential **lot line**;

iv) The General Business parking requirement as per Table 4.33 under subsection 4.33 shall be reduced to one **parking space** per 20 m² (215 ft.²).

(See original By-law for holding provisions.)

11. C2-11 Highway Commercial Exception Eleven Zone (By-law 3358-45)

a) Notwithstanding the uses permitted under any definition in Section 3 or accessory use under Subsection 4.1 or permitted pursuant to Subsection 12.1, in the C2-11 Zone the following uses are not permitted:

Auto Service Station; Auto Repair Garage; Auto Body Shop; full service Bank or Bank branch; Bulk Fuel Depot; Card Lock Facility; **Contractor’s Yard**; Farm Implement Sales and Service; Funeral Home; **Mini Warehouse** and Public Storage; **Personal Service Establishment**; **Recreational Vehicle Sales, Service** and Repair; or a **Warehouse** other than a warehouse accessory to another permitted use.

b) In addition to the uses permitted in Subsection 12.1 and notwithstanding any provision of article 12.4.11, paragraph a) above to the contrary, in the C2-11 Zone a **Service Commercial Establishment**, all defined restaurants, a financial services establishment, a **personal service use** accessory to another permitted use, and a drive through service are permitted.

c) For the purposes of the C2-11 Zone the following definitions, terms and interpretations shall apply:

i. “**Articulated wall design**” text moved to definitions section
ii. “Bicycle parking space” text moved to definitions section

iii. “Drive Through Service” text moved to definitions section

iv. Financial Services Establishment” shall mean a business not directly affiliated with a chartered bank or trust company that offers financial advisory services, various forms of credit, and/or investment and savings services, or mortgage brokerage services.

v. “Gross Leasable Floor Area (GLFA)” for the purpose of the C2-11 Zone shall mean the gross floor area designated for the exclusive use and occupancy of an owner or tenant or used as a single premises, and includes any basement, mezzanine or upper floor areas, as expressed in square metres and measured from the centre lines of partition walls between premises and/or the exterior face of outside walls, but shall exclude:
   (a) Any utility room occupied by mechanical, electrical, heating, cooling or similar equipment that serves the building;
   (b) publicly accessible space not used for the sale or display of merchandise including: washrooms, balconies, hallways, stairways, elevator shafts, landings and similar void spaces;
   (c) offices or rooms used for building management or custodial purposes;
   (d) staff locker rooms and lunch rooms;
   (e) enclosed parking or loading areas;
   (f) storage areas that are accessory to a principal use to a maximum of 10% of the floor area of the principal use.

(see Maximum Gross Leasable Floor Area, article 12.4.11 para c) vi. below)

vi. Gross Leasable Floor Area – retail grocery-for the purpose of the C2-11 Zone, any floor area used for, or dedicated to, food preparation activities including: baking, cooking, or the preparation and assembly of sandwiches, food trays and platters or gift baskets (but not the display areas for such items) shall be excluded from the calculation of the gross leasable floor area for a retail grocery store but shall be included in the calculation of the maximum gross leasable floor area permitted for all other uses.

vii. Landscaping Definitions:
   (a) “Enhanced Landscaped Area (ELA)” - means a vegetated landscaped area, a minimum of 4.5 m (14.7 ft) in width that includes:
      - a berm, opaque wood fence, or wall, or any combination thereof, a minimum of 2 m (6.6 ft) in height;
      - tree plantings which, together with the preceding feature, will provide a visual screen at plant maturity to a minimum height of:
         1) 4.5 m (14.7 ft.) when the ELA is adjacent to an outdoor storage area /use, a commercial vehicle parking and loading area or is screening a building that is up to 8 m (26.25 ft.) in height; or
         2) 7.5 m (24.6 ft) when the ELA is screening a building, or a portion of a building, exceeding a height of 8 m (26.25 ft).
An enhanced landscaped area may be interrupted by a driveway or pedestrian walkway extending across the width (narrow axis) of the ELA.

(b). “Hard Surfaced Landscape Area” text moved to definitions section

(c) “Vegetated Landscaped Area” text moved to definitions section

viii. “Maximum Gross Leasable Floor Area” shall mean the maximum total of the gross leasable area for all buildings within the C2-11 Zone.

ix. “Parking Facility” means an area designed or intended to provide a total of 250 parking spaces or more either as a single parking area or as a cluster of two or more adjacent parking areas that are not more than 8 m (26 ft) apart and the perimeter of which is established by a property boundary, a building, or the curb or side of the travelled surface of a driveway or lane.

x. “Permanent Outdoor Storage and Display Area” shall mean any area of outdoor space accessory to a permitted use, that is enclosed with a building, fence, or berm, or any combination thereof, and may be partially covered or enclosed, which is used on a year-round basis for the bulk storage and display of building construction products and merchandise and other products, supplies, goods, wares, or equipment for the purpose of their sale by the principal retail, wholesale, building supply or garden centre business.

xi. text moved to definitions section

xii. text moved to definitions section.

xiii. text moved to definitions section.

xiv. text replaced with standards in General provisions

xv. text moved to definitions section.

d) Notwithstanding any requirement of Subsection 12.2, or any other provision of the By-law to the contrary, in the C2-11 Zone the following requirements shall apply:

i. The Lot Line abutting Dufferin St. (Hwy 7) shall be the front lot line.

ii. The northerly limit of the C2-11 Zone running parallel to Dufferin Street shall be considered the rear lot line.

iii. Notwithstanding any other minimum yard or building setback, lot coverage, maximum gross leasable floor area requirement, parking, loading or landscaping provision in Section 4 or Section 12 to the contrary, the requirements provided for in Table C2-11 [see Figure 1.1] attached hereto and forming part of this By-law shall apply in the C2-11 Zone.

iv. Notwithstanding the minimum exterior side yard, or the minimum rear yard setback, where the municipality takes or requires a road widening the minimum setback shall be reduced to 6 m (19.6 ft) or, where a building exists, the setback created by the road widening, whichever is less.

v. Notwithstanding any minimum yard or setback requirement of the C2-11 Zone to the contrary, no portion of any building shall extend:
(a) within 6 m (19.6 ft) of a street intersection or the intersection of an entrance with a street; or
(b) within 2 m (6.6 ft) of a required site triangle; whichever setback is greater.


e) Notwithstanding any other provision of By-law 3358 to the contrary, for the purpose of applying all provisions and requirements of the C2-11 Zone all lands within the zone boundary shall be considered as one lot regardless that the lands and/or buildings may be legally divided and registered as multiple, separate ownerships.

f) Notwithstanding any definition or provision of By-law 3358 to the contrary, for the purpose of applying all provisions and requirements of the C2-11 Zone Municipally owned land abutting a property boundary shall be considered to be a Public Street and the Zone boundary shall be considered a street line regardless of whether a public street has been established by By-law prior to the C2-11 Zone coming into effect.

g) Notwithstanding any provision of Subsections 4.31, 4.32 or 4.33 to the contrary, in the C2-11 Zone a seasonal garden centre may occupy part of a required on-site parking area but shall not exceed a maximum area of 1,115 m² (12,000 ft²).

h) Notwithstanding the maximum gross leasable floor area or gross floor area as specified in Table C2-11 [Figure 1.1] or article 12.4.11. clauses k. ii) iii) below, where additional lot area is permanently committed as vegetated landscaped open space in excess of the minimum 20% landscaped open space required, the maximum gross leasable floor area permitted, including floor area occupied by retail uses, shall be increased by 75 m² (807 ft²) for each 25 m² (269 ft²) of additional vegetated landscaped open space that includes the planting of one tree. The maximum increase permitted shall be 465 m² (5,000 ft²) of glfa or an increase of 557.4 m² (6,000 ft²) in the gross floor area; whichever is greater.

i) Notwithstanding any provision of Section 4 to the contrary, and except where the side of a parking facility in the C2-11 Zone abuts a lot in another commercial or industrial zone category, a parking facility shall include the following landscaped open space elements:

i. landscaped open space areas shall be provided on the perimeter or any side of the parking facility, or portion thereof, more than 12 m (39.4 ft.) from the front wall of a building (the wall encompassing the primary public access/entry) and shall have the following design features:

- a minimum width of 4 m (12 ft)
- a 2 m (6.6 ft.) wide sidewalk throughout its length
- the balance of the landscaped open space shall be comprised of vegetated landscaped area with trees having an average of 6 m (19.6 ft.) spacing between trunk centers.

The perimeter landscaped open space areas may be interrupted only with driveways or access lanes to the parking areas.

A vegetated landscaped open space area abutting a public street and meeting the provisions of Table C2-11 Item 15 c) [Figure 1.1] shall be equivalent to a required landscaped side. A treed, vegetated landscaped area a minimum of 3 m
(9.8 ft.) wide and abutting a property boundary other than a street line shall also be considered to address the perimeter landscaped area required under this Subsection.

ii. a landscaped open space area 4 m (12 ft.) wide including the same design elements as article 12.4.11. para i) clause i. above, shall be located between the parking areas in a parking facility. The landscaped open space area may be used for snow storage and may be interrupted with one access or connecting lane for vehicles for each 50 m (164 ft.) segment, or part thereof, in the length of the landscaped area.

iii. where the vegetated component of the perimeter landscaped open space areas are widened by 0.5 m, (i.e. a total width of 4.5 m) the landscaped area provided for under article 12.4.11 para i) clause ii. above may be narrowed to 3 m (9.8 ft.).

iv. Where vegetated landscaped area exceeding the 15% minimum is provided and alternate locations for the trees required under clause ii are established through a site plan agreement, Council may alter the landscaped area required under clause ii above to remove the requirement for trees, reduce the width and permit the sidewalk to be replaced with an at-grade pedestrian walkway and may alter the width of any perimeter landscaped area.

j) Notwithstanding any provision of Subsection 4.39 to the contrary, no accessory sign shall be permitted in a minimum landscaped open space area abutting a street other than directional signage, a maximum of four ground signs, and a maximum of one pylon sign. The one pylon sign shall be located in a front yard or exterior side yard within 20 m (65.6 ft.) of a public street entrance; or within 30 m (98.4 ft) of the front lot line and shall not be placed on a building. All signage shall comply with the Sign and Merchandise Display By-law 3257.

k) The following Holding Provisions shall be applied to the C2-11 Highway Commercial Exception Eleven Zone to address various conditions and issues that need to be addressed before some forms of development or some expansion of development will be permitted. These holding provisions are as follows: C2-11-h,-h1,-h2,-h3. The issues to be addressed under each holding provision applied are as follows:

i) The effect of the holding (-h) provision shall be to prohibit any commercial use or occupancy of the subject lands, other than uses existing as of the day By-law 3358 was passed, or a retail use of less than 828 m² (8,912.8 ft²) located within 177 m (580.7 ft.) of Dufferin Street until a site plan process has been completed to the satisfaction of the Town of Perth to ensure adequate parking, entrance, buffering, screening landscaping, storm water management, servicing and utility design and traffic management; the submission of a lighting plan that will ensure low level, cut off and directional lighting is used and there is no light spillage off-site; a noise impact report identifying anticipated noise sources with recommendations for limiting noise impacts on adjacent areas intended for residential use; a development agreement has been completed to the satisfaction
of the Town of Perth and the Ministry of Transportation pertaining to off-site servicing improvements; any permits required from the Ministry of Transportation have been obtained.

ii) The effect of the (–h1) holding provision shall be to prohibit a restaurant, an automobile washing establishment or a laundromat until a report prepared by a qualified engineer evaluating the potential sanitary treatment demand and sanitary sewage collection demand prepared by a qualified engineer has been submitted to and accepted by the Town of Perth and any conditions of the report or recommendations by municipal staff have been implemented under a site plan agreement and/or another formal agreement acceptable to the Town of Perth.

iii) The effect of the –h2 holding provision shall be to limit development to the maximum gross leasable floor area and maximum gross floor area specified in table C2-11 [Figure 1.1]. Upon removal of this holding provision, the maximum gross leasable floor area will increase to 15,050 m² (162,000 ft²) and the maximum gross floor area will increase to 18,060 m² (194,400 ft²). The (–h2) holding provision may be removed upon the following conditions being met:

1. The date of construction for additional development is after the first day of January 2016.
2. The owner demonstrates to the satisfaction of the Town of Perth that the commercial floor space occupancy rate in the downtown, being the lands designated Central Area District in the Official Plan, is not less than 90% and was not less than 90% in the same month one year prior to the request to remove the –h2 provision.
3. No vacant commercial floor space outside the C2-11 zone, existing at the time this by-law is passed has been, redeveloped or occupied for retail use with a gross leasable floor space of 464.5 m² (5,000 ft²) or more and the Town has no active building or planning applications providing for such development.
4. No commercial building existing outside the C2-11 zone at the time this by-law is passed has been expanded by 464.5 m² (5,000 ft²) or more for retail use and the Town has no active planning applications providing for such development.
5. Other than land within the C2-11 Zone, no land that is vacant at the time this by-law is passed has been developed for retail use with a gross floor space in excess of 464.5 m² (5,000 ft²) and the Town has no active planning applications providing for such development.
6. The owner submits a report by a qualified economic consultant which confirms to the satisfaction of the Council of the Town of Perth that the economic growth, population growth, employment rate, income levels, sales per square foot, and market recapture predicted to occur by 2016 in the Kircher Research Associates (KRA) report dated February 2007 and addendum report dated May 2008 have been achieved.
7. Article 12.4.11. Para k) clause iii) 1. and 3. through 5. above do not apply where the report provided for in Article 12.4.11. Para k) clause iii) 6. demonstrates to the satisfaction of the Council of the Town of Perth that the specified growth and performance indicators from the KRA report have been exceeded to the extent that additional development may be accommodated notwithstanding that one or more of the developments referred to in Article 12.4.11. Para k) clause iii) 4. and 5. have taken place.

iv) The effect of the –h3 holding provision shall be to limit development within the C2-11 Zone to a maximum gross leasable floor area of 15,050 m² (162,000 ft²) and a maximum gross floor area of 18,060 m² (194,400 ft²) Upon removal of the –h3 holding provision, the maximum gross leasable floor area will increase to 15,979 m² (172,000 ft²) and the maximum gross floor area will increase to 19,175 m² (206,400 ft²). The (-h3) holding provision may be removed upon the following conditions being met:

1. The date of construction for additional development is after:
   a) the first day of January 2021; or
   b) at least 75% of the maximum gross floor area permitted in the C2-11 Zone upon removal of “-h2” holding provision has been completed for a minimum of 36 months; whichever of these conditions establishes the longest period after removal of the “-h2” provision.

2. The owner demonstrates to the satisfaction of the Town of Perth that the commercial floor space occupancy rate in the downtown, being the lands designated Central Area District in the Official Plan, is not less than 90% and was not less than 90 % in the same month one year prior to the request to remove the –h3 provision.

3. No vacant commercial floor space, existing at the time the “-h2” holding provision was removed has been redeveloped or reoccupied for a single retail development with a floor space in excess of 464.5 m² (5,000 ft²) within the past 36 months and the Town has no active building or planning applications providing for such development.

4. No commercial building existing at the time the “–h2” holding provision was removed has been expanded by 464.5 m² (5,000 ft²) or more for retail use within the past 36 months and the Town has no active planning applications providing for such development.

5. Other than land within the C2-11 Zone, no property that was vacant at the time “–h2” holding provision was removed has been developed for retail use with a floor space in excess of 464.5 m² (5,000 ft²) within the past 36 months and the Town has no active planning applications providing for such development.

6. The owner submits a report by a qualified economic consultant/market analyst, which confirms to the satisfaction of the Town of Perth that the economic growth, population growth, employment rate, income levels,
sales per square foot, and market recapture predicted to occur by 2020 in the KRA report and supplementary report dated February 2007 and May 2008 have been achieved or exceeded.

7. Article 12.4.11. Para k) clause iv) 1. and 3. through 5. above do not apply where the report provided for in Article 12.4.11. Para k) clause iv) 6. demonstrates to the satisfaction of the Council of the Town of Perth that the specified growth and performance indicators from the KRA report have been exceeded such that additional development may be accommodated notwithstanding that one or more of the developments referred to in Article 12.4.11. Para k) clause iv) 3. 4. and 5. have taken place.

vi) In the event that the – h2 and/or the – h3 holding provision have not been removed as of January 1st 2023 then the conditions applicable to Article 12.4.11. Para k) clauses iii) and iv) above shall be deemed to have been met and the – h2 and – h3 holding provisions shall cease to apply:

1) On January 1st 2025; or

2) 24 months after development on site exceeds a gross leasable floor area of 12,727 m² (137,000 ft²);

whichever is later; and at that time development may proceed to the maximum gross leasable floor area and the maximum gross floor area permitted pursuant to Article 12.4.11. Para k) clause iv)”

L. Table C-2-11 [Figure 1.1] attached hereto is hereby incorporated into and forms part of this bylaw. For the purposes of this By-law, in the case of any inconsistencies or conflicts between the text of the By-law and the table attached hereto as Table C2-11, the terms of the text shall govern.
Section 13 NEIGHBOURHOOD COMMERCIAL (C3) ZONE

No person shall use any land or *erect, alter* or use any *building or structure* in the Neighbourhood Commercial (C3) Zone except in accordance with the following provisions.

13.1 Permitted Uses

- *Accessory Use, Building or Structure* (see 4.1)
- Accessory Dwelling Unit
- *Convenience Store* or Confectionary Store
- Institutional Use
- Public Use or Public Service Facility
- Personal Service Use
- Professional Offices or Clinic
- Uses at the same scale and with the same requirements as a *Home Based Business* (per section 4.17) but independent of a residence
- Residential up to two units
- Wellness Centre

13.2 Zone Requirements

Minimum Lot Area........................................................................................................... 450 m² [4,843.9 ft.²]
Minimum Lot Frontage ..................................................................................................... 15 m [49.2 ft.]

Minimum Yards:

- Front Yard ..................................................................................................................... 7.5 m [24.6 ft.]
- Rear Yard .................................................................................................................... 7.5 m [24.6 ft.] or 10.6 m [34.7 ft.] when zone abuts a Residential Zone
- Interior or Side Yard ................................................................................................. 3 m [9.84 ft.] or 6 m [19.7 ft.] when zone abuts a Residential Zone
- Exterior Side Yard ........................................................................................................ 6 m [19.7 ft.]
- also refer to general provision 4.22 i)

Maximum Floor Area of Commercial Use ........................................................................ 180 m² [1,937.5 ft.²]
Maximum *Building Height* ............................................................................................ 7.5 m [24.6 ft.]

*Maximum Lot Coverage* .................................................................................................. 35%

refer to Section 4.1.1 para. i) and also see Section 4.26
13.3 Additional Requirements

a) Where any lot used for a commercial use abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the commercial use lot which abuts the residential use lot unless the outside storage is completely hidden by an opaque visual screen or buffer.

b) No parking space shall be located within 3 m [9.8 ft.] of any window of a residential use.

c) An accessory dwelling unit may be located on the 1st or 2nd storey of a building provided the unit complies with the Building Code and has a separate access to the street level.

d) Accessory buildings and structures are subject to the provisions of Table 4.1

e) Landscaped Open Space

The provisions of Subsection 4.22 shall apply to any Commercial use in a C3 Zone that abuts a Residential Zone.

13.4 Exception Zones (see also Section 22)

1. C3-1 Neighbourhood Commercial Exception One
   Provisions from Section 22
   the only permitted use shall be a Clinic

2. C3-2 Neighbourhood Commercial Exception Two
   Provisions moved from Section 22
   • C3 requirements apply except:
     • Setbacks shall be as per locate survey attached to By-law 3240
     • commercial use limited to existing 108 m² [1162.5 ft.²] on main floor
     • required parking: 9 spaces; - 2 accessed from Drummond Street East reserved for customers and 7 accessed from Craig Street reserved for commercial and residential tenants

3. C3-3 Neighbourhood Commercial Exception Three Zone
   (By-law 3501)
   a) Notwithstanding Despite any provision of subsection 13.1 to the contrary, on land zoned C3-3, the only permitted uses shall be a Clinic, an Institutional use, a Public use or Public Service Facility and Accessory Dwelling Units.
   b) Despite any provision of subsection 13.2 to the contrary, on land zoned C3-3, the following zone provisions shall apply:
      i) Maximum Floor Area for Commercial Use 510 m² (5,490 ft.²)
      ii) Minimum westerly interior side yard 3 m (9.8 ft.)
iii) Maximum **building height** 8 m [26.2 ft.]

iv) Maximum number of dwelling units 4

4. **C3-4 Neighbourhood Commercial Exception Four Zone**  
   (By-law 3558-78and-84)  
   205 Gore St. E

   a) Notwithstanding any provision of subsection 13.1 or Section 4 to the contrary, on land subject to the C3-4 Zone, **dwelling units** are permitted as a principal use of the property subject to the following:

   i) Maximum number of dwelling units 3

   ii) Maximum number of dwellings with three or more bedrooms 2

   iii) Maximum number of dwelling units when a commercial use is on site 1

   iv) Parking for dwelling units with two bedrooms or less 1 space per unit

   b) Notwithstanding any provision of subsection 13.1 or Section 4 of By-law 3358 to the contrary, a computer retail and repair services store shall be a **permitted use** in addition to all of the permitted uses listed in Section 13.1 and the ancillary residential uses per article r a) above.

   c) Off-street **parking spaces** located in the front yard between the building and the street line of 205 Gore Street East shall be line painted to clearly demarcate each parking space. The dimensions for demarcating parking spaces shall be as set out in article 4.32.8 for a standard parking space.

   d) The maximum **gross leasable floor area** for any permitted commercial use shall be 140 m² (1,507 ft.²).

5. **C3-5 Neighbourhood Commercial Exception Five Zone**  
   (By-law 3558-86)  
   182 Gore St. E

   a) In addition to the uses permitted in subsection 13.1, a **single detached dwelling** and the **Home Based Business** uses listed in article 4.17.1 are permitted in the C3-5 Zone.

   b) Any permitted business or non-residential use shall occur within a wholly enclosed **building** and the provisions of articles 4.17.3 and 4.17.4 apply to uses in the C3-5 Zone except that the maximum number of employees, in addition to the owner, shall be two.

   c) Other than repair work, there shall be no new exterior openings to the existing **building** located within 3 m of the rear lot line with respect to the walls facing the rear or northerly side lot line.

   d) The existing **building**, located within 3 m of the rear lot line, was an **accessory building** and compliant with the rear yard requirement of By-law 3358 prior to the passage of this amendment. Upon this by-law coming into effect and the building being occupied for business purposes it will become a legal non-
complying principal building. Notwithstanding Subsection 4.29, the building shall not be modified in any dimension and, except where the building is damaged or destroyed by fire or other calamity beyond the control of the owner, if the building is demolished by the owner, any replacement building shall comply with the minimum rear yard requirement of the C3 Zone.

e) Notwithstanding any provision of subsection 4.22 to the contrary, the driveway and parking area in the C3-5 zone will be buffered from an abutting residential use by a screening fence, providing a minimum of 90% visual buffering from 10 cm above grade to 1.8 m above grade and extending along the side lot line starting 7m from the front lot line and extending to a point 15 m from the front lot line.

f) Notwithstanding any provision of subsections 4.32 and 4.33 to the contrary, in the C3-5 zone a detached dwelling with one bedroom shall only require one parking space.
Section 14  SERVICE COMMERCIAL (C4) ZONE

(By-law 3388)

No person shall use any land, or erect, alter or use any building or structure in the Service Commercial (C4) Zone except in accordance with the following provisions.

14.1 Permitted Uses

- A Catering Establishment
- A Mini-Warehouse / Rental Storage Facility
- A Printing or Publishing Establishment
- A Veterinary clinic with no outdoor facilities for animals
- The sale and service of non-pharmaceutical medical, or dental supplies and equipment
- The sale and service of office furniture and equipment
- Uses accessory to one of the above permitted uses
- No permitted use shall include the repair of motor vehicles or combustion engines or the exterior venting of paint or solvent fumes

14.2 Zone Requirements

Minimum Lot Area ................................................................. 2000 m² [21,528.5 ft.²]

Minimum Lot Frontage ............................................................ 30 m [98.4 ft.]

Minimum Yards: also refer to general provision 4.22 i)

- Front Yard ........................................................................ 7.5 m [24.6 ft.]
- Rear Yard ........................................................................... 10 m [32.8 ft.]
- Interior or Side Yard .............................................................. 3 m [9.84 ft.]
- Side Yard abutting Residential Zone ..................................... 6 m [19.7 ft.]
- Exterior Side Yard ................................................................. 7.5 m [80.7 ft.]

Minimum Landscaped Open Space ........................................... 25%

Maximum Lot Coverage .......................................................... 20%

refer to Subsection 4.1.1 para. i. and also see Subsection 4.26

Maximum Building Height ...................................................... 7.5 m

Maximum number of Stories .................................................. 2
Maximum number of Parking Spaces ................................................................. 15

Maximum number of uses/premises ................................................................. 2

Outdoor storage and display of goods or products ........................................ None

No parking space shall be located within the front yard or within 3 metres of a dwelling unit on another lot.

Notwithstanding any provision of subsection 4.33 to the contrary, the largest contiguous storage area shall be subject to the same parking requirement as a warehouse.

Accessory buildings and structures are subject to the provisions of Table 4.1

14.3 Exception Zones “(Reserved)"

(Amending By-law 3388)
Section 15 BUSINESS PARK (C5) ZONE

(By-law 3514)

No person shall use any land or erect, alter or use any building or structure in the Business Park (C5) Zone except in accordance with the following provisions:

15.1 Permitted Uses

- Animal Shelter (limited to lands fronting on County Road 511)
- Artist, artisans or crafts studios and associated or ancillary retail outlets
- Audio/visual studio
- Bakery and / or Bake shop
- Business, Professional or Administrative Office
- Café or Snack Bar
- Clinic
- Custom Workshop
- Dry Cleaning Establishment
- Factory Outlet
- Industrial uses, Class One only
- Laundromat
- Microbrewery
- Personal Service Establishment
- Place of assembly
- Public Service use
- Private Club
- Recreational Commercial Establishment
- Restaurant
- Retail Store, including a Convenience Store or Confectionary Store
- Service Commercial Uses, including: a catering establishment, a mini warehouse/ personal storage facility, a printing or publishing establishment, the sale and service of non-pharmaceutical medical, or dental supplies and equipment, the sale and service of office furniture and equipment.
- Sound, music, photography and / or video studio
- Taxi Stand
- Video rental outlet
- Warehousing

15.2 C5 Zone Requirements

Minimum Lot Area................................................................. 2000 m² [21,528.5 ft.²]

Minimum Lot Frontage ................................................................ 30 m [98.4 ft.]
Minimum Yards: also refer to general provision 4.22 i)

- Front Yard ................................................................. 7.5 m [24.6 ft.]
- Rear Yard ................................................................. 10 m [32.8 ft.]
- Interior or Side Yard ................................................... 3 m [9.84 ft.]
- Yard abutting Residential use or Zone ....................... 6 m [19.7 ft.]
  plus one metre for each story over two with a minimum
  set back of 10m from an existing dwelling
- Exterior Side Yard ..................................................... 7.5m [24.6 ft.]
- also refer to general provision 4.22 i)

Minimum *Landscaped Open Space* ................................................................. 15%

*Maximum Lot Coverage* .............................................................................40%
refer to Subsection 4.1.1 para. i. and also see Subsection 4.26

Maximum *Building Height* .................................................................15 m [49.2 ft.]

Outdoor Storage of goods or products None

15.3 **C5 Additional Requirements**

a) The maximum total *floor area* for all factory outlet and retail stores, which are not
  accessory to or associated with another *permitted use* for the purpose of selling the
  goods of the associated use, shall be 828 m² (8,912.8 ft²).

b) The Maximum number of restaurants shall be one per each 4,000 m² (43,056 ft²) of
  *floor area* in the C5 Zone.

c) The Maximum total *floor area* for all *business or professional offices*, which are not
  accessory to or associated with another *permitted use*, shall be 828 m² (8,912.8 ft²).

d) *Accessory buildings and structures* are subject to the provisions of Table 4.1

e) For the purpose of the C5 Zone a *café or snack bar* shall mean an establishment or an
  *accessory use* to another *permitted use* where food and / or beverages are prepared for
  sale to the public, which generally provides either a convenience food menu or a limited
  specialty menu; has a maximum *floor area* of 20 m² (215 ft²), exclusive of patron
  seating, maximum seating for 10 patrons; and shares a common washroom with another
  use or with public use space. A *café or snack bar* shall not be a restaurant.

f) The maximum number of *café or snack bar* uses shall be 2 for every 4,000 m²
  (43,056 ft²) in a *building*, or 1 for every 1,000 m² (10,764 ft²) net floor space for other
  *permitted uses* excluding a *restaurant* or any residential use, whichever is greater.

g) A retail store or suite that is not accessory to or associated with another *permitted use*
  in a *building* shall have a *floor area* of less than 65m² or greater than 186m².

h) *Public service and public assembly uses*, may include: *offices* of a public service
  agency, health and recreational services and facilities, *private clubs*, youth and cultural
  services and training services other than an *elementary school, day care center*, a
  shelter providing overnight occupancy or an emergency service use.
i) Dwelling units, where permitted, and retail, restaurant, personal service, clinic, business and professional office, and public service, and public assembly uses which are not accessory to another permitted use, shall be considered sensitive land uses.

j) Where a site is zoned for a mixed-use development and permits any sensitive land use, then no use requiring or involving the bulk storage, processing, or high volume use in production, of toxic, highly flammable or hazardous materials or gasses stored under pressure shall be permitted in the same building.

k) Where a site is zoned for mixed-use development, sensitive and non-sensitive uses shall not share a common hallway, and shall not share a common wall except where suites have a firewall separation and are environmentally separate with respect to ventilation.

l) Where residential uses are permitted by site specific amendment to the by-law, then, except for home offices or suites designed for “live-work” purposes, residential uses / units and non-residential / units shall not have their principal entrances on a common hallway. Residential uses shall be separated from other uses by the creation of an exclusive access / entrance to the exterior of the building limited to residential use or by installation of fire and security doors to create an exclusive residential uses area.

15.4 Exception Zones

1) C5-1 Business Park Exception One Zone (By-law-3514)

    a. On land within the C5-1 Zone one accessory apartment unit, for occupancy by a building manager or custodian is permitted provided the apartment unit does not exceed a floor area of 80 m² (861 ft.²) and all other uses and provisions of the C5 Zone shall apply. 

           (By-law 3358-74)

    b. Work-live units are permitted in the C5-1 Zone and for the purposes of this zone shall be defined as: a business premises with an accessory living space for the business owner/operator where the floor area dedicated to business use is clearly predominant and distinguishable from mixed-use space and physically separated from the dedicated residential use space. There shall be one primary entrance serving the work-live unit and access to the exclusive residential use space shall be through the business use space. The needs of business occupancies will take precedence over the quiet enjoyment expectations of the residential, in that there may be some evident, noise, odours or other impacts, as well as employees, walk in trade or sales.

    c. Permitted uses in a Work-Live unit will include:

       Home Based Business permitted uses per article 4.17.1 excluding daycares and taxi services and Business Park permitted uses excluding restaurants, video rental, place of assembly, private clubs, recreational commercial establishment and industrial uses.

       - all uses will be subject to provisions of home based business articles 4.17.2 and 4.17.3 and no hazardous wastes or storage of toxic, volatile or highly inflammable substances is permitted.
d. Despite any other provision of the C5 Zone, C5-1 Zone, or Section 4 to the contrary, Work-live units shall be subject to the following requirements:

i) Minimum unit size: 83.6 m² (900 ft²)

ii) Maximum unit size: 200 m² (2,150 ft²)

iii) Percentage Floor space use in Work/live units:

   - 50% commercial (min),
   - 35% dedicated residential use space (max) or 56 m² (600 ft²) whichever is less with a maximum of two bedrooms, except that the existing unit on the third floor (#302) may have up to 57.6 m² (620 ft²) of residential use space;
   - 15% mixed-use space (max) or 18.6 m² (200 ft²) whichever is less;

iv) Minimum dedicated residential floor space: - 29 m² (312 ft²)

v) Work-live units shall be located entirely within 20 m (66 ft.) of the exterior side lot line abutting Sherbrooke Street to maintain an adequate separation from the railway and may occupy up to 50% of the leasable floor space of the building within this maximum setback to a maximum of 12 units.

vi) Parking:

   - dedicated residential use space one (1) space
   - business use one (1) space plus one space for a business floor area exceeding 46.5 m² (500 ft²) plus one space for each employee.

vii) Maximum Number of Employees: two (2).

viii) The dedicated residential use area shall include all sleeping, cooking and bathroom spaces and must be physically and visually separated from the business floor space.

ix) Only one work-live unit or accessory apartment shall be permitted on the main floor and shall occupy no more than 20% of the leasable floor area and the work-live unit will be subject to all preceding requirements.

x) Dedicated business floor area shall be determined or demonstrated by a change in floor covering and/or an evident barrier and the presence of equipment or furniture clearly designed and intended for the exclusive use of the permitted business/commercial occupancy.

2) C5-2 Business Park Exception Two Zone (By-law 3574)

   a. Despite any provision of subsection 15.3 to the contrary, on land zoned C5-2 a maximum floor area of 2,325 m² (25,027 ft²) shall be permitted for business, professional or administrative offices. All other provisions of the C5 zone shall apply. (See original By-law for holding provisions.)

3) C5-3 Business Park Exception Three Zone (By-law 3471)

   a. Despite any provision of this By-law to the contrary, on land within the C2-8 Zone, one accessory one-bedroom apartment unit, for occupancy by a person employed by the building owner as a building manager or custodian, may be permitted provided the apartment does not exceed a floor area of 62.5 sq. m
Town of Perth Zoning By-Law No. 3358

(672 sq. ft.) and one additional parking space is allocated for exclusive use of the occupant.

4) **C5-4 Business Park Exception Four (C5-4) Zone**

Formerly M1-1 Zone

**Permitted Uses**

- C5 uses excluding a restaurant, other than a café or snack bar
- Dwelling unit

**C5 requirements apply except:**

- no further reduction of non-complying yards permitted
- -R2, R3 or R4 zone requirements apply to exclusive residential uses
- the maximum number of residential dwelling units on all lots subject to the C5-4 Zone shall be 5 with 3 dwelling units permitted on lands municipally known as 8 and 10 Herriott Street and 2 dwelling units permitted on the lands municipally known as 18 Sherbrooke Street.
- -1 parking space per 32.5 m² [349.8 ft.²] of non-residential floor space
- -1.2 m [3.93 ft.] landscaped buffer strip applies to any border of a parking area abutting a residential use
- -vehicular access across Crown Land prohibited except for the existing legal right-of-way
- -min. interior side yard for accessory building 0.3 m [.98 ft.]
- - no building openings below 133.39 m [437.6 ft.] flood elevation.
- - new development shall require a storm-water management plan.
- Vehicular and pedestrian access to be above flood elevation
- Lands in the C5-4 Zone are subject to Rideau Valley Conservation Authority (RVCA) regulation and all new development shall require a permit from the Authority
- A new residential use shall only be permitted when a contiguous safe access route above the regulatory flood elevation for pedestrians and emergency vehicles is demonstrated to the satisfaction of the RVCA.

5) **C5-5 Business Park Exception Five (C5-5) Zone**

Formerly M2-1 Zone

Provisions moved from Section 22

**C5 requirements apply except:**

- -min. lot area: 1,393.5 m² [15,000 ft.²]
- -min. lot frontage: 22.9 m [75.1 ft.]
- -min. front yard: 7.6 m [24.9 ft.];
- -min. exterior side yard: 7.6 m [24.9 ft.]
- -min. interior side yard: 4.6 m [15 ft.]
- -min. rear yard: 12.2 m [40 ft.];
- -max. lot coverage: 65%
- -min. landscaped open space: 10%
Section 16  RESTRICTED INDUSTRIAL (M1) ZONE

No person shall use any land or *erect, alter* or use any *building or structure* in the Restricted Industrial (M1) Zone except in accordance with the following provisions.

### 16.1 Permitted Uses
- *Accessory Use, Building or Structure* (see 4.1)
- Accessory commercial use or service outlet
- Class I Industrial Use, including a bakery
- Mini Warehouse
- Warehouse

### 16.2 Zone Requirements
*(By-law 3358-36)*

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Minimum/Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>930 m² [10,010 ft.²]</td>
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<tr>
<td>Minimum Lot Frontage</td>
<td>23 m [75 ft.]</td>
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<td>Minimum Yards:</td>
<td></td>
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<tr>
<td>Front Yard</td>
<td>7.5 m [24.6 ft.] or 12 m [39.3 ft.] where zone abuts a Residential Zone</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>6 m [19.7 ft.] or 12 m [39.3 ft.] where zone abuts a Residential Zone</td>
</tr>
<tr>
<td>Interior Side Yard</td>
<td>3 m [9.84 ft.] one side, 6 m [19.7 ft.] other side or 12 m [39.3 ft.] where zone abuts a Residential Zone – see also subsection 16.3 paragraphs g) and h)</td>
</tr>
<tr>
<td>Exterior Side Yard</td>
<td>6 m [19.7 ft.] or 9 m [29.5 ft.] where a residential zone is located within 20 m [65.6 ft.] – see article 4.27.2</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>12 m [39.3 ft.]</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>50%</td>
</tr>
<tr>
<td>Refer to Subsection 4.1 para. i. and also see Subsection 4.26</td>
<td></td>
</tr>
<tr>
<td>Minimum Landscaped Open Space</td>
<td>10%</td>
</tr>
</tbody>
</table>

### 16.3 Additional Requirements

a) Where any lot used for an industrial use abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the industrial use lot which abuts the residential use lot unless the outside storage is completely hidden by an opaque *visual screen* or buffer.
b) No *parking space* shall be located within 3 m [9.8 ft.] of any window of a residential use.

c) **Landscaped Open Space**

The provisions of **Subsection 4.22** shall apply to any Industrial use in a M1 Zone that abuts a Residential Zone.

d) **Accessory buildings and structures** are subject to the provisions of Table 4.1

e) **Minimum Distance Separation**

The provisions of **Subsection 4.27** shall apply to any Industrial use in a M1 Zone that abuts a Residential Zone or a *sensitive land use*.

f) Notwithstanding the Minimum *Lot Area* in subsection 16.2 above, the Minimum *Lot Area* for an interior unit in an industrial building divided vertically into separate condominium units shall be 372 m$^2$ [4,000 ft.$^2$] where access to the unit is by a common private road or *laneway* connecting to a *public road* entrance.

g) Notwithstanding any provision of subsection 16.2 to the contrary, the *minimum side yard* of 3 m shall increase by a ratio of 0.5m of side yard to 1 m of height for each metre or portion thereof, of *building height* over 8 m and the *minimum side yard* of 3 m shall increase by 0.5 m for each 464.5 m$^2$ of building *floor area*, or portion thereof over 1,858 m$^2$ but in any case the *minimum side yard* required shall not exceed 6 m.

h) Notwithstanding any provision of subsection 16.2 or this subsection to the contrary, the *minimum side yard* requirement shall not apply to the common wall or party wall of a unit in an industrial building divided vertically to create separate units in a condominium where access to the unit is by a common private road or *laneway* connecting to a public road entrance.

i) Notwithstanding any provisions of subsection 16.2 or this subsection to the contrary, the *Maximum Lot Coverage* for an interior unit in an industrial building divided vertically into separate condominium units shall be 60% provided the overall *Maximum Lot Coverage* for all buildings within the condominium is 50%.

(As of By-law 3358-36)

### 16.4 Exception Zones (see also Section 22)

1. **M1-1 Restricted Industrial**
   
   **Exception One**
   
   (As of By-law 2990)

   **RESERVED** Now C5-4 Zone due to Designation change to Business Park

2. **M1-2 Restricted Industrial - Limited Commercial**
   
   (As of By-law 3015)

   **Permitted Uses**
   
   - professional and business offices,
   - *personal service uses*
   - financial establishment excluding bank & trust company
- private service clubs
- retail stores excluding a convenience store
- light industrial or service commercial establishment

Regulations

M1 Requirements per Subsection 16.2 apply except:

- no further reduction of non-complying yards
- max. floor area for individual or any combination of permitted uses other than a light industry or service commercial use: 178.4 m² [1,920.3 ft.²]
- storm water management plan required before any new structural development
- no buildings below 133.39 m [437.6 ft.] flood elevation.
- Vehicular and pedestrian access to be above flood elevation
- Lands in the C5-4 Zone are subject to Rideau Valley Conservation Authority (RVCA) regulation and all new development shall require a permit from the Authority

3. M1-3 Special Restricted Industrial Zone (By-law 2435)

Despite Section 16.2, the min. interior side yard shall be 30.5 m [100 ft.]

4. M1-4 Restricted Industrial Exception Four Zone (Bylaw 3358-71)

b) Notwithstanding the definition of light industrial use, in the M1-4 Zone an outdoor storage area is permitted as an accessory use to an equipment repair, welding and metal fabrication shop.

c) Notwithstanding any provision of subsections 4.1, 16.1 or 16.2 to the contrary, in the M1-4 Zone an outdoor storage area shall be subject to the following:

ix) The outdoor storage area shall be located in a fenced enclosure in a rear yard or southerly side yard.

x) Equipment or vehicles waiting repair or delivery may be stored anywhere in the outdoor storage area but the outdoor storage of un-assembled parts, raw materials, goods, or supplies for the main business shall be subject to a minimum setback of 36 m from the northerly side lot line.

xi) Prior to placing parts, goods or materials in the outdoor storage area, or assembling a structure used for that purpose, such that the stored parts, goods or materials would extend above a height of 2 m then the Owner shall establish a vegetated buffer strip and/or screening fence compliant with subsection 4.22 of the By-law in the existing vegetated space or modification or any section of fence within 70 m of any lot used for residential purposes.
Section 17  GENERAL INDUSTRIAL (M2) ZONE

No person shall use any land or *erect, alter* or use any *building or structure* in the General Industrial (M2) Zone except in accordance with the following provisions.

17.1  Permitted Uses

- *Accessory Use, Building or Structure* (see 4.1)
- Accessory commercial use or service outlet
- Animal Shelter, Commercial Kennel
- Auto Body Shop
- Auto Repair Garage
- Bulk Fuel Depot
- Class I Industrial Use
- Class II Industrial Use
- Commercial Garage
- Custom Workshop
- Metal working and woodworking
- Transportation Depot or Truck Terminal
- Transfer Station or Depot
- Warehouse
- Welding Shop

17.2  Zone Requirements

Minimum Lot Area ................................................................. 2,000 m² [21,527 ft.²]

Minimum Lot Frontage ........................................................... 26 m [85 ft.]

Minimum Yards:

- Front Yard................................................................. 7.5 m [24.6 ft.]
- Rear Yard ........ 7.5 m [24.6 ft.] abutting another industrial zone and 12 m [39.3 ft.] abutting any other zone.
- Interior Side Yard......................... 4.5 m [15 ft.] one side, 6m [19.6 ft.] other side 
  See also 15.3 e)
- Exterior Side Yard ......................... 7.5m [24.6 ft] – see also 17.3 f)
- also refer to general provision 4.22 i)

Maximum *Building Height* ......................................................... 24 m [78.7 ft.]
17.3 Additional Requirements

a) Where any lot used for an industrial use abuts a lot on which the principal use is a residential use, outside storage is prohibited in those yards on the industrial use lot which abuts the residential use lot unless the outside storage is completely hidden by an opaque visual screen or landscaped buffer strip.

b) No parking space shall be located within 3 m [9.84 ft.] of any window of a residential use.

c) Landscaped Open Space

The provisions of Subsection 4.22 shall apply to any Industrial use in a M1 Zone that abuts a Residential Zone.

d) Accessory buildings and structures are subject to the provisions of Table 4.1

e) Minimum Distance Separation

The provisions of Subsection 4.27 shall apply to any Industrial use in a M2 Zone that abuts a Residential Zone or a sensitive land use.

f) Notwithstanding any provision of subsection 17.2 to the contrary, the minimum side yard of 4.5 m shall increase by a ratio of 0.5 m of side yard to 2 m of height for each 2 metres, or portion thereof, of building height over 11 m and the minimum side yard of 4.5 m shall increase by 0.5 m for each 464.5 m² of building floor area, or portion thereof over 3,716 m² but in any case the minimum side yard required shall not exceed 8 m.

g) No outdoor storage shall be permitted within 70 m of a residential use or in an exterior side yard abutting a residential zone or where a residential use or zone is located on the opposite side of an abutting street – see also article 4.27.2.

17.4 Exception Zones (see also Section 22)

1. M2-1 General Industrial Exception One

Now C5-5 Zone due to Official Plan Designation change to Business Park

2. M2-2 General Industrial Exception Two

Provisions moved from Section 22

M2 Uses Permitted including Bulk Fuel Depot

M2 requirements apply except:

- min. lot area: 12,688 m² [136,577 ft²]
- min. lot frontage: 122 m [400 ft.]
- min. yards: front 10 m [32.8 ft.], rear and interior side 15 m [49.2 ft.]
- max. building height 10 m [32.8 ft.]
- max. lot coverage: 57%
- min. landscaped open space: 10%
3. **M2-3 General Industrial Exception Three**

   (By-law 3467)  
   (Perth Soap Site)

Lands zoned M2-3 shall only be used for the parking, loading and movement of *commercial vehicles* as an accessory function to an industrial use. Notwithstanding any provision of this By-law to the contrary, the landscaping and *buffer strip* provisions of subsection 4.22 shall apply along the northerly and westerly boundaries of lands in the M2-3 Zone except that the width of the required buffer space may be reduced to 3 metres where an opaque wooden *fence* a minimum of 2 metres in *height* is provided together with vegetation, which when mature, will create a visual screen to a minimum height of 5 metres and which is a minimum of 3 metres in height at the time of planting.

4. **M2-4 General Industrial Exception Four**

   (By-law 3467)

Except for a Bulk Fuel Depot or the *bulk storage* of toxic or highly flammable goods and materials, all uses permitted in the M2 Zone shall be permitted in the M2-4 Zone. Notwithstanding the preceding sentence, the *permitted uses* shall be limited to Class 1 industries, *Custom Workshops* and Warehousing when institutional or recreational uses are occupying any portion of the lands or the buildings within the M2-4 Zone.

5. **M2-5 General Industrial Exception Five**

   (By-law 3624) (2005 Rogers Road)  
   (By-law 3358-36)

   a) In addition to the uses permitted under subsection 17.1, land zoned M2-3 may also be used for automotive service uses including: an automobile washing establishment, auto parts and accessories sales, automotive audio services, *Auto Body Shop*, and/or auto detailing service, a transmission shop, *Auto Repair Garage* and auto service station or a card lock facility but this shall not include an *automotive sales establishment* or an *automobile wrecking or salvage yard*.

   b) The provisions of subsection 4.2 also apply

6. **T.U.2011. Temporary Use Four (TU-4) Zone**

   Notwithstanding any provision of subsection 17.1 to the contrary, within the TU-4 Zone, in addition to any other use permitted in the M2-1 Zone a mobile food vending use is permitted provided the food vending use is located with a minimum *front yard* of 80 m from the municipal road known as Smith Drive and in compliance with all other minimum *setbacks* or yard requirements of the M2-1 Zone.
Section 18  WASTE MANAGEMENT FACILITY (WMF) ZONE

No person shall use any land or erect, alter or use any building or structure in the Waste Management Facility (WMF) Zone except in accordance with the provisions of this Section and of any other relevant Sections of this By-law.

18.1 Permitted Uses

- Waste Management Facility
- Recycling Depot or Transfer Station
- Municipal Composting facility

18.2 Zone Requirements

Minimum Yard Requirements
- All Yards 30.0m (98.4 ft.)

18.3 Additional Requirements

a) Minimum Distance Separation

The provisions of Section 4.27 shall apply to any Waste Management Facility in a WMF Zone that abuts a Residential Zone or a sensitive land use.

b) All waste management facilities shall comply with the applicable provisions of the Environmental Protection Act.
Section 19 INSTITUTIONAL (I) ZONE

No person shall use any land or erect, alter or use any building or structure in the Institutional (I) Zone except in accordance with the following provisions.

19.1 Permitted Uses

- Accessory use, building or Structure (see 4.1)
- Crisis Care Facility
- Day Nursery
- Hospital
- Institutional Use
- Continuum-of-Care Facility
- Museum
- Place of Assembly
- Place of Worship
- Public Use or Public Service Facility
- School (public or private)
- Senior’s Home or Residence
- Senior’s Non-residential care Facility

19.2 Zone Requirements

Minimum Lot Area ................................................................................................. n/a

Minimum Yard Requirements
- Front Yard ........................................................................................................ 6 m [19.7 ft.]
- Rear Yard ......................................................................................................... 9 m [29.5 ft.]
- Interior Side Yard ............................................................................................. 4.5 m [14.7 ft.]
- Exterior Side Yard ............................................................................................ 7.5 m [24.6 ft.]

Maximum Height ................................................................................................. 10.6 m [34.7 ft.]

Maximum Lot Coverage ...................................................................................... 30%
refer to Subsection 4.1.1 para. i. and also see Subsection 4.26

19.3 Additional Requirements

Accessory buildings and structures are subject to the provisions of Table 4.1
19.4 Exception Zones (see also Section 22)

1) I-1 Institutional Exception One Zone (By-law 3190)

Provisions moved from Section 22

Permitted Uses

-I Zone uses
-business office
-law and legal office
-professional service
-clinic
-financial office excluding bank or trust company

Institutional standards apply for provisions

2) I-2 Institutional Exception Two (By-law 3316)

Provisions moved from Section 22

Any use permitted in an (I) Institutional Zone, as well as, an undertaking establishment (funeral home) and related accessory uses on the main and basement floors and a residential use on the top floor of the existing structure situated of Lot A, Part Lt 2, RP 8828 (15 Victoria St) and a residential use within the existing structure on Lot C, Part Lt 2, RP 8828 (13 Queen St)

The standards for the “1-2” Zone shall be the same as for the “I” zone except that:

1. Any minimum yard setback deficiencies associated with the existing structures on the subject lands will be recognized as per the Topographic Plan dated December 6, 1971 attached to by-law 3316;

2. That 4.6 m and 3.5 m wide buffers shall be required to include appropriate vegetative plantings as per the attached Site Plan Drawing No. SP -3 dated December 13, 1999; and

3. That all other relevant provisions this By-law shall apply to the subject lands

3. I-3 Institutional Exception Three Zone (By-law 3570)

a) Notwithstanding any provision of subsection 19.1 to the contrary, land zoned I-3 may also be used for a clinic or a business, professional and/or administrative office.

4. I-4 Institutional Exception Four Zone (By-law 3358-40)

a) Notwithstanding any provision of subsection 4.22 to the contrary, in the I-4 Zone, where a privacy fence is erected or where a continuous hedge a minimum of 1.2 m in height at planting is established the landscaped buffer for the parking area may be reduced to a width of 3 meters and where a building is constructed at the minimum side yard, the side yard shall be developed as a landscaped buffer.
b) Notwithstanding article 4.32.7, within the I-4 Zone a parking access lane may have a reduced width of 3.3 m (11 ft.) for 10 m of its length for the purpose of retaining an existing mature tree.

c) In addition to the uses permitted under subsection 19.1, land in the I-4 Zone may also be used for a medical clinic, physiotherapy clinic or a business, professional or administrative office.

d) Notwithstanding any provision of subsection 19.2 to the contrary, in the I-4 Zone the following requirements shall apply:

i) Minimum interior side yard 2 m (6.6 ft.);

ii) Minimum rear yard 7.5 m (25 ft.);

iii) Maximum front yard 8.5 m (27.9 ft.);

iv) No exterior opening to habitable building space shall be located below an elevation of 133.14 m.

5. I-5 Institutional Exception Five Zone

a) Notwithstanding the uses permitted under subsection 19.1, land in the I-5 Zone may only be used for one or more of the following: a Place of Assembly or Place of Worship; a dental or medical clinic, a physiotherapy clinic, a medical supply outlet, a business, professional or administrative office; a personal service establishment.

b) Notwithstanding the uses permitted under subsection 19.1, or any other provision of this By-law to the contrary, no dwelling, no residential occupancy, and no day nursery, school, long term care facility, nursing home or any use with overnight accommodations shall be permitted in the I-5 Zone.

c) Notwithstanding the uses permitted under subsection 19.1, or permitted under any other provision of this By-law, no building with a basement or cellar may be erected in the I-5 Zone.

d) Notwithstanding any provision of subsection 19.2 to the contrary, in the I-5 Zone the following requirements shall apply:

i) Minimum rear yard 90 m. (295 ft.);

ii) Maximum lot coverage 650 m² (6,996.5 ft.²)

iii) No exterior opening to habitable building space shall be located below an elevation of 133.14 m. (See original By-law for holding provisions.)

6. I-6 Institutional Exception Six Zone

a) Notwithstanding the uses permitted under subsection 19.1, land in the I-6 Zone may only be used for one or more of the following: a Place of Assembly or Place of Worship; a dental or medical clinic, a physiotherapy clinic, a medical supply outlet, a business, professional or administrative office; a personal service establishment.

b) Notwithstanding the uses permitted under subsection 19.1, or any other provision of this By-law to the contrary, no dwelling, no residential occupancy, and no day nursery,
school, long term care facility, nursing home or any use with overnight accommodations shall be permitted in the I-6 Zone.

c) Notwithstanding any provision of subsection 19.2 to the contrary, in the I-6 Zone the following requirements shall apply:

i) Minimum **front yard** 9 m (29.5 ft.)

ii) Minimum **rear yard** 30 m. (98 ft.);

iii) Minimum **interior side yard** 30 m. (98 ft.)

iv) Minimum **setback** from south-easterly lot corner 70 m (230 ft.)

*(See original By-law for holding provisions.)*

7. **I-7 Institutional Exception Seven Zone** *(By-law 3358-91)*

a) In addition to the uses permitted in the Institutional zone, a **single detached dwelling** or an **accessory apartment** unit are permitted but conversion to a **single detached dwelling** requires creation of a **parking space** on the property.
Section 20  OPEN SPACE (OS) ZONE

No person shall use any land or *erect, alter* or use any *building or structure* in the Open Space (OS) Zone except in accordance with the following provisions.

20.1 Permitted Uses

- Cemetery
- Conservation Use
- Golf course
- Natural areas for passive recreational activities
- Marine Facility
- Public or private park or playground, beach, picnic area, botanical gardens, zoological gardens, bathing stations, bandstands, fire tower
- Recreational facilities such as a sports field, tennis courts, skateboard or roller blade facility
- Recreational trails for cyclists, jogging, cross-country skiing, snowmobiling, walking, hiking
- Recreational Vehicle Park on lands owned by the municipality whether operated or not by the municipality
- *Accessory uses, buildings or structures* to the foregoing permitted uses including an eating establishment, a retail sales outlet

20.2 Zone Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Value</th>
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<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>No minimum</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>No Minimum</td>
</tr>
<tr>
<td>Minimum Yard for Buildings</td>
<td>15 m [49.2 ft.]</td>
</tr>
<tr>
<td>Minimum Setback of any buildings from the High Water Mark</td>
<td>30 m [98.4 ft.]</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>30%</td>
</tr>
</tbody>
</table>

20.3 Additional Requirements

*Accessory buildings and structures* are subject to the provisions of Table 4.1
20.4 Exception Zones (see also Section 22)

1. **OS-1 - Open Space Exception One Zone (Fairgrounds)** (By-law 2396)

   Permitted Uses: Fairgrounds
   - OS standards apply except:
     - min. setback from any lot line abutting a residential zone: 15.25 m [50 ft.]
     - maintain existing setbacks for abutting non-residential uses
     - max. lot coverage 50%

2. **OS-2 Open Space Exception Two Zone** (By-law 2596, 2965)

   Permitted Uses
   - Health Care offices or administrative facilities within an existing building
   - an accessory dwelling unit
   - residential uses permitted in the R3 Zone
   - landscaped open space
   - parking area for a public hospital, health care offices or admin facilities

   Regulations
   - OS standards apply except:
     - min. yards: existing yards where abutting residential area
     - no building enlargements for existing buildings
     - min. yard between perimeter fencing of heliport and residential zone: 29 m [95.1 ft.]
     - min. landscaped (visual) open space screen: 2.1 m [6.8 ft.]
     - R2 standards apply but no reduction of non-complying yards
     - min. width landscaped open space: 4.6 m [15 ft.]
Section 21  ENVIRONMENTAL PROTECTION (EP) ZONE

No person shall use any land or erect, alter or use any building or structure in the Environmental Protection (EP) Zone except in accordance with the following provisions.

21.1  Permitted Uses

- Conservation uses
- Low impact buildings or marine structures such as a gazebo, wharf or dock, boat slip, garden or storage shed or utility corridor
- Public or private park
- Wildlife or natural heritage features
- Passive recreational uses including conservation and educational activities such as an interpretation kiosk, boardwalk, viewing structure or passive recreational trails.

21.2  Zone Requirements

Lot area, frontage and yard requirements shall be those existing on the date of the passing of this By-law.

21.3  Additional Requirements

a) No buildings or structures are permitted other than those required for flood or erosion control, bank stabilization, watercourse protection or which are public or private works which must be located in the zone by nature of their use and are constructed in accordance with accepted scientific and engineering practices. In particular, no use, building or structure which involves the storage of hazardous or toxic materials e.g. ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities, nor any institutional use shall be permitted to be constructed, enlarged or expanded in a flood plain. (Subsection 4.11 shall also apply.)

b) No removal or addition of landfill or any kind, whether originating on site or elsewhere, shall be permitted without the written approval or authority of the Rideau Valley Conservation Authority or the public authority having jurisdiction.
c) The provisions of this zone shall not apply to prevent the strengthening or restoration to a safe condition of any building or structure of alteration or repair of an existing building or structure provided such alteration or repair will not increase the height, size, or volume or change the use of such building or structure.

d) Land zoned Environmental Protection (EP) may be used in the calculation of the minimum lot area or frontage requirements for another zone on that lot where property under one ownership is zoned only partially as Environmental Protection (EP).

e) Development with 120 m [393.7 ft.] of a provincially significant wetland shall be subject to an Impact Assessment prior to the approval of such development.

### 21.4 Exception Zones (see also Section 22)

1. **EP-1 Environmental Protection Exception One Zone** (By-law 2736)

   **Provisions moved from Section 22**

   a) EP Zone uses

   - group housing consisting of one two (2) unit residential dwelling
   - one eighteen (18) unit apartment building
   - accessory units

   b) EP requirements apply except:

   - min. lot area: 0.5 ha [1.2 ac.];
   - no min. lot frontage;
   - min. yards: front - 6 m [19.7 ft.] or the existing front yard for an existing dwelling;
     rear or side - 3 m [9.84 ft.]
   - max. building height: 12 m [39.3 ft.]
   - max. lot coverage: 20%
   - min. landscaped open space 50%
   - max. density: 20 units
   - min. ground floor elevation: 135 m [442 ft.] contour elevation
   - Minimum Setback from the High Water Mark: 30 m [98.4 ft.]
   - Pedestrian and vehicular access to be located above a contour elevation of 134.75 m [442 ft.] and shall be in a direct, continuous and unobstructed manner to a public street
- maintain shoreline in natural state
- min. width of **landscaped open space** buffer: 4.5 m [14.7 ft.] along border of **parking area** unless visually screened
- Encroachments below the 134.75 m [442 ft.] contour elevation in the form of parking areas, ground level patios or pedestrian walkways permitted provided existing lot grades are maintained.

2. **EP-2 Environmental Protection Exception Two Zone**
   (By-law 3035)
   Provisions moved from Section 22
   
   a) -EP Zone uses
      - pavilion or market gallery style building
   b) -EP requirements apply except:
      - no min. **lot area**
      - no min. **lot frontage**
      - no min. yard requirements
      - max. **building height**: 6 m [19.7 ft.]
      - max. **lot coverage**: 50%
      - max. **landscaped open space**: 50%
      - **structures and buildings** to be **flood proofed**
      - storm water management applies

3. **EP-3 Environmental Protection Exception Three Zone**
   (By-law 3477)
   a) In addition to the uses permitted in Subsection 21.1, and notwithstanding article 4.32.2 paragraph d) pertaining to **front yard parking** in the R4 Zone, a **parking area** accessory to an apartment dwelling in the R4-7 Zone is permitted in the EP-3 Zone provided it is not located within 30 [98.4 ft.] of the shoreline of the Tay River and a maximum of 20 **parking spaces** are located in the **rear yard**.
   (By-law 3358-54)
   (See original By-law for holding provisions.)

4. **EP-4 Environmental Protection Exception Four Zone**
   (By-law 3358-80)
   a) Notwithstanding subsection 19.1, the EP-4 Zone is intended to provide a safety buffer abutting a railway corridor and the only permitted uses are conservation uses and the protection of existing tree cover and wildlife habitat.
Section 22    EXCEPTIONS TO ZONES

Note: The following is a summary of amendments to By-law 2208 and constitute a legal part of the new Zoning By-law for the Town of Perth. For convenience, certain Zone Symbols have been renamed for convenience of numbering. The old zone symbols may shown to assist with tracking.

<table>
<thead>
<tr>
<th>By-Law #</th>
<th>Zone</th>
<th>Address of Site</th>
</tr>
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<tbody>
<tr>
<td>2332</td>
<td>C1-1</td>
<td>West side of Wilson from North Street to Midblock north of Kippen now C1</td>
</tr>
<tr>
<td>2386</td>
<td>M2-1</td>
<td>Both sides Conlon Dr. original industrial zoning 1980 – revised per Official Plan</td>
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<tr>
<td>2389</td>
<td>C3-1</td>
<td>14 Isabella</td>
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<tr>
<td>2396</td>
<td>OS-1</td>
<td>-fairgrounds</td>
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<tr>
<td>2402</td>
<td>C2-1</td>
<td>6 Craig St Original zoning for 3M site and former Rona Lumber site.</td>
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<tr>
<td>2596</td>
<td>(OS-H) OS-2</td>
<td>Residence on hospital site 33 Drummond to be used for offices</td>
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<tr>
<td>2600</td>
<td>(R2-S) R2-1</td>
<td>Leslie at Wilson Street now C1 with Metro grocery store</td>
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<tr>
<td>2606</td>
<td>(R4-C) R4-1</td>
<td>52 Craig</td>
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<td>2647, 2649, 2773</td>
<td>40 Harvey St</td>
<td>R3-x, R3-1</td>
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<td>32 Drummond St W.</td>
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<td>2733</td>
<td>30 Foster Street</td>
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<td>2736</td>
<td>Lanark South Condo Corp#2, 19 John Street</td>
<td>HAZ-S, EP-1</td>
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<td>2737</td>
<td>Riverside at Chetwynd (vacant lot)</td>
<td>R4, R4-2</td>
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<td>67 Drummond E</td>
<td>R3c, R3-2</td>
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<td>2790</td>
<td>Perthshire Condo, Lambert and Lally Lane off Rogers Rd</td>
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<td>OS-H, OS-2</td>
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<td>2990</td>
<td>(MC-h) M1-1</td>
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<td>3283 and 3477</td>
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<td>Carolina Suites</td>
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<td>3295</td>
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<td>C1-264 North Street</td>
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<td>3298 (Amended by 3625)</td>
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<td>I-2</td>
<td>13-Queen St and 15 Victoria St Funeral Home Site</td>
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<td>M1-3</td>
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<td>OMB</td>
<td>(CS)</td>
<td>80 Dufferin – Perth Mews Mall</td>
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<td>3316</td>
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APPENDIX ‘A’

Zoning By-law Amendments

The Zoning By-law may be amended where the proposed amendment complies with the Town’s Official Plan. In accordance with the requirements of Section 34 of the Planning Act, the usual procedure for amendments involves the following steps:

(1) The person or public body wishing to amend the Zoning By-law must consult with the municipality before making an application. The application may then be made to the Clerk/Administrator of the Corporation of the Town of Perth to amend the By-law under (subsection 34(10.0.1) of the Planning Act). Applications are available from the Town office (80 Gore Street East, Perth) or on the website www.perth.ca (click on Your Local Government > Planning Services > Planning Applications).

(2) Designated staff will determine whether the application is a ‘complete’ application. Additional information, reports or studies may be required to support the proposed amendment before the application is considered complete. Council has 30 days from the date of application to determine whether the application is complete (s. 34(10.1-10.3)). A complete application also requires that the Town’s application fee is paid.

(3) Once the application is considered complete, staff circulates to the applicant and to prescribed agencies and bodies a Notice of Complete Application (s. 34(10.4)). If Council deems an application incomplete or does not make a decision within 30 days from the date of application, the person or public body may appeal to the Ontario Municipal Board (OMB) to determine whether the application is complete (s. 34(10.5)).
(4) If an application is considered complete, staff advertises that a Public Meeting will be held in order to consider an amendment to the Zoning By-law. Advertisement is given 20 days in advance of the public meeting (s. 34(12, 13, 14.1)). The advertisement may be placed in the local newspaper, or may be mailed, faxed or emailed to all property owners within 120 m of the property affected by the application. Where the notice is mailed, faxed or emailed, the applicant must also post a notice in a location on the property to be zoned that is clearly visible from the adjacent street.

(5) The Planning Advisory Committee holds a Public Meeting and evaluates the appropriateness of the proposed amendment. The Committee considers the proposal’s conformity with the Official Plan, adequacy of services, conformity with the provisions of the requested zone, suitability of the proposed use in the proposed location, public input, etc. If the application is considered satisfactory, the Committee will recommend that an amending By-law be passed by Council.

(6) Within 15 days of the passing of the by-law by Council, the Clerk will give written notice of the decision of Council through a notice in the local newspaper or by mail, fax or email to the applicant, to all property owners within 120 m of the rezoned property and to anyone who made a written request to receive notice of the decision (s. 34(10.9, 18)).

(7) If Council refuses the application and does not amend the zoning by-law, the Clerk must give written notice with reasons to the applicant within 15 days of Council’s decision (s. 34 (10.9).

(8) Any person who gave their opinion at a public meeting or who submitted their concerns in writing to the Clerk before the by-law was passed may appeal the decision of Council to the Ontario Municipal Board. The appeal must be filed with the clerk within the 20 day appeal period set out in the Notice of Passing for the Zoning By-law amendment (s. 34(19)) and must include a cheque for $300 payable to the Minister of Finance. If a person does not make an oral or written submission prior to council passing the by-law, they may not appeal Council’s decision.

(9) If Council refuses to approve the application or Council does not make a decision within 120 days from the date the application the person or public body may appeal to the OMB (s. 34(11)). An appeal of a refusal must be made within 20 days of the date of the decision.

(10) Where an appeal is made, Council may opt for mediation or dispute resolution to resolve the objection by giving notice to the appellant(s) (s. 34
(20.2). Participation by the appellant(s) is voluntary but where agreed to, the period for mediation is 75 days.

(11) An amendment to the Zoning By-law takes effect on the day the by-law was passed where no appeal is filed.

(12) If a decision or lack of a decision is appealed to the OMB, the Board can make any decision the Council of the Town had in regard to the specific application (s. 34(26)). In other words, the OMB can approve, or refuse the application or approve the application in part.

FREQUENTLY ASKED QUESTIONS

How long does a zoning By-law amendment take to be approved?

Upon the receipt of a complete application (including any required supporting studies), a zoning By-law amendment usually takes 75 to 90 days to complete, inclusive of the appeal period after the by-law is passed. The level of complexity and issues related to the proposal and the Planning Advisory Committee and Council schedules will affect the time line.

What is the fee and is it refundable?

The fee for a zoning amendment application is established by the Town’s Fees and Charges By-law 3675 and is updated annually as of 2017. The fee varies depending on the complexity of the application. The current application fee will be indicated in the upper right-hand corner of the amendment application form. The basic fee covers all processing costs, notice preparation and advertising expenses, staff time for application review and reports to the committee and Council, and preparation of the draft by-law and all required documentation. The fee is non-refundable. Applications are processed on a cost recovery basis. As, such expenses for additional meetings, reports or the hiring of consultants to review specialized studies or unique proposals will be charged to the applicant.
APPENDIX ‘B’

Minor Variances

When the size, location or other conditions of a proposed development or land use cannot be achieved by meeting the existing zoning standards then the property owner may file a minor variance application to request relief from the standards. To qualify as a minor variance specific criteria need to be met. The primary criteria for evaluating Minor Variance applications are set out in section 45(1) of the Planning Act:

1. The general intent and purpose of the Official Plan are maintained;
2. The general intent and purpose of the Zoning By-law are maintained;
3. The variance is minor (in extent, scope or potential impact); and
4. The proposed use of land, building or structure is desirable for appropriate development.

An application for a minor variance must meet all of the above four tests to qualify as a variance in addition to any other criteria that the Town has established (see Section 2.4 of Zoning By-law 3358). Where a proposed variance is not minor or cannot satisfy the criteria for a minor variance, an application to amend the Zoning By-law will be required for the requested change to be considered. Applications for a minor variance are available from the Town office (80 Gore Street East, Perth) or on the website www.perth.ca (click on Your Local Government > Planning Services > Planning Applications).

How long does a minor variance application take to be approved?

Upon the receipt of a complete application a minor variance application usually takes 1-2 months to complete. The level of complexity and issues related to the proposal will affect the time line.
FIGURE ‘F1’  Insert Table C-11 And Figures C11-1 and C11-2 By-law 3358-45