

# SECTION 5

## GENERAL PROVISIONS

---

### 5.1 USES PERMITTED IN ALL ZONES

#### 5.1.1 Essential Services and Utilities

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

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

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

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

#### 5.1.2 Temporary Buildings or Structures

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

### 5.1.3 Signs and Fences

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

## 5.2 USES PROHIBITED IN ALL ZONES

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

- a) which due to its nature, or the materials used therein, or emissions issuing therefrom, is determined to be a noxious trade, business or manufacturing process;
- b) which is likely to create a public nuisance or danger to health or danger from fire or explosion except in accordance with the provisions and regulations under the Gasoline Handling Act; and
- c) for any of the following uses, either alone or in conjunction with other uses except as is otherwise specifically provided herein:
  - i) the boiling of blood, tripe, bones or soaps for commercial purposes;
  - ii) the manufacturing of glue or fertilizers from dead animals or from human or animal waste;
  - iii) an abattoir, stockyard, livestock exchange, or dead stock depot;
  - iv) the extracting of oil from fish or animal matter;
  - v) any use which causes the emission of corrosive gasses, toxic gasses or radioactive gasses or, into any zone other than an Industrial Zone, or electromagnetic fields, heat, glare, non-agricultural odours, noise, vibrations, dust, dirt, fly ash or smoke which does not comply with emission regulations as may be established from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof;
  - vi) the use any travel trailer, caravan, boat, pick up camper, tent, converted bus, truck or motor home for human occupancy while stored or parked on any lot in any zone or on any street
  - vii) an automotive wrecking and related storage yard;
  - viii) burying or disposal of garbage and refuse except by or for a public authority;
  - ix) bulk open storage of inflammable or explosive liquids and gasses, coal or other material as a main use on a lot;
  - x) the keeping or raising of livestock or wild animals in any residential zone unless otherwise permitted.

**ZBA  
[25]**

### **5.3 NON-CONFORMING USES**

This By-law shall not apply to prevent,

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

### **5.4 CHANGES TO NON-CONFORMING USES**

This By-law may be amended,

- a) Where any land, building or structure, on the day this By-law was passed, was lawfully used for a purpose prohibited by this By-law, the Committee of Adjustment for the City of Owen Sound, upon application to the Committee, may permit
  - i) the enlargement or extension of the building or structure, provided that the use that was made of the building or structure on the day this By-law was passed, or a use permitted under Sub-clause (ii) of Section 5.4 (a) of this By-law continued until the date of the application to the Committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day this By-law was passed; or
  - ii) the use of such land, building or structure for a purpose that, in the opinion of the Committee, is similar to the purpose for which it was used on the day this By-law was passed or is more compatible with the uses permitted by this By-law than the purpose for which it was used on the day this By-law was passed, provided that the use for a purpose prohibited by this By-law or another use or a purpose previously permitted by the Committee of Adjustment continued until the date of the application to the Committee.

### **5.5 RESTORATION AND REPAIR OF NON-CONFORMING USES**

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

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

- 2) such restoration or repair is located on or within the limits of the foundation walls of the building as they existed prior to such destruction or in a location in closer conformity to the intent of the By-law; and
- 3) the height and floor area of such replacement does not exceed the height and floor area of the building as it existed prior to such destruction.

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

## **5.6 NON-COMPLYING USES & LOTS WITH LESSER AREA OR FRONTAGE**

**ZBA [4]**

### **5.6.1 Non-Complying Uses**

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

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

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

### **5.6.2 Existing Lots With Lesser Area Or Frontage**

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

- 1) The lot can be serviced to the satisfaction of the City.
- 2) The lot provides a minimum lot frontage on an improved street of:
  - a) 4.0 m in the R1, R2, R3, R4, A, or RUR Zones;

- b) 4.0 m for any Single Detached Dwelling, Semi Detached Dwelling, Duplex Dwelling, Townhouse Dwelling, or Converted Dwelling in the R5 or MR Zones;
  - c) 7.5 m for all other permitted uses in the R5 or MR Zones;
  - d) 7.5 m in the C1, C2, C3, C4, C5, MC, M1, M2, MU, or I Zones;
  - e) 3.0 m in the ZH or OS Zones.
- 3) All other site and building regulations and other provisions of this By-law are met.

## 5.7 OPEN AND OUTDOOR DISPLAY

**ZBA  
[25]**

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

- 1) Shall not cover more than 40% of the lot area.
- 2) Shall not be located within a required front yard.
- 3) Shall not obstruct or occupy any required parking area.
- 4) Area to be constructed of a stable surface and treated to prevent erosion and the raising of dust and loose particles.
- 5) Area to be graded and drained so as to prevent the pooling of surface water or the flow of surface water onto adjacent lots.

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

- 1) Located to the rear of the front wall of the main building, but not in a required side yard nor a required rear yard.
- 2) Not cover more than 40% of the lot area.
- 3) Shall be visually screened from the street and any abutting land zoned or used for residential or institutional purposes by a buffer strip in accordance with Section 5.23

## 5.8 PERMITTED YARD ENCROACHMENTS

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

**Table 5.8.1 – Permitted Yard Projections**

Structure	Required yard	Maximum projection into the required yard	Minimum setback from lot line
Underground cold	Front yard and	3 m	No setback

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

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

- a) A porch or deck that is 0.75 m or less above grade shall not be subject to lot coverage regulations.
- b) A porch or deck accessory to a semi-detached or townhouse dwelling may be setback 0.0 m from a side yard lot line where there is a common party wall provided that a common privacy fence at least 1.5 m in height is provided along the common party wall from the dwelling wall to the edge of the deck or porch.
- c) A canopy or awning located in the C1 Zone may be located within 0 m of a lot line but shall not cross over any lot line.

## 5.9 ACCESSORY BUILDINGS AND STRUCTURES

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

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

**Table 5.9 – Requirements for Accessory Buildings or Structures**

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

	<b>Residential Uses</b>	<b>Non-Residential Uses</b>
Minimum Exterior Side Yard Setback	3.0 m	As required by the applicable zone.
Maximum Height	5.0 m	As required by the applicable zone.

## 5.10 OUTDOOR PATIOS

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

- (a) Where the zone boundary between any residential zone and lands intended to contain an outdoor patio is within a public street, an outdoor patio shall be permitted to the rear of the main building a minimum of 50.0 metres from the said residential zone boundary subject to the following provisions:
  - (i) no live music shall be permitted on the outdoor patio between the hours of 11:00 pm and 9:00 am
  - (ii) where there is a multiple dwelling, lodge care facility, home for the aged within a Commercial Zone the minimum setback from an outdoor patio shall be 50.0 metres minimum from the lot line containing the said use;
  - (iii) no outdoor patio shall be located above the first storey of the main building;
  - (iv) no outdoor patio shall exceed 25% maximum of the gross floor area of the associated main use;
  - (v) an outdoor patio permitted under this By-law, other than one subject of an agreement under Section 5.10(b)(ii), shall be bounded by a fence a minimum of 1.2 metres in height;
  - (vi) no outdoor patio is permitted accessory to a drinking establishment or place of entertainment or amusement.
- (b) Where the zone boundary between any residential zone and lands intended to contain an outdoor patio is to the rear of the main building, an outdoor patio shall be permitted in front of the main building a minimum of 50.0 metres from the said residential zone boundary subject to the following provisions:
  - (i) The provisions of Section 5.10 shall apply to the location of an outdoor patio;
  - (ii) An agreement has been executed with the City permitting the use of any part of the municipal road allowance for an outdoor patio.

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

### **5.11.1 Street Widening**

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

### **5.11.2 Street Frontage**

- (a) No person shall erect any building or structure or establish a use on any lot in any Zone for which a minimum lot frontage is required unless the lot abuts an improved street; this provision shall not apply to individual units in condominium developments.
- (b) Where this By-law does not require a minimum lot frontage within the applicable zone, no person shall use any lot, which does not have a minimum of 3.0 m frontage on an improved street.

### **5.11.3 Sight Triangle**

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

### **5.12.4 Special Yard Requirements**

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

## 5.12 MUNICIPAL SERVICES REQUIRED

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

## 5.13 ONE OR MORE PERMITTED USES

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

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

## 5.14 THROUGH LOTS

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

## 5.15 LOTS AFFECTED BY HAZARD ZONE

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

## 5.16 USE SPECIFIC REGULATIONS

### 5.16.1 Automotive Body/Repair Shop

Where permitted by this By-law, an Automotive Body/Repair Shop shall be subject to the provisions as set out in the following table.

<b>Regulations</b>		
a	Minimum Lot Frontage	30 m
b	Minimum Lot Area	1,200 m <sup>2</sup>
c	Minimum Front Yard Setback	10.0 m
d	Minimum Rear Yard Setback	3.0 m except where a yard abuts a

<b>Regulations</b>		
e	Minimum Interior Side Yard Setback	Residential Zone the minimum building setback from the common lot line shall be 5.0m
f	Minimum Exterior Side Yard Setback	
g	Maximum Building Height	10.0 m
h	Minimum Setback for Gas Pump Islands	5.0 m from any lot line
i	Minimum Setback for Canopies	2.0 m from any lot line

### **5.16.2 Mobile Homes**

Notwithstanding any provisions of this By-law to the contrary, a mobile home which has minimum dimensions of 6.5 m (length and width) with a minimum gross floor area of 100.0 m<sup>2</sup> and which is to be erected on a foundation with, a basement or cellar a minimum 2.0 m in height and a minimum 60.0 m<sup>2</sup> floor area, shall be considered a single detached dwelling in all zones where single detached dwellings are permitted.

### **5.16.3 Place of Worship**

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

### **5.16.4 Public Park**

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

### **5.16.5 Kennel**

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

- a) Any outdoor run, pen or similar holding area for dogs, cats or other domesticated animals must be fully enclosed by fencing; and
- b) Shall be located a minimum of 200 meters from any lot line.

### **5.16.6 Body Rub Parlour**

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

- a) 100 metres from any drinking establishment or adult entertainment facility
- b) 800 metres from an institutional use including a school, daycare or place of worship
- c) 500 metres from a residential zone
- d) 500 metres from another body rub parlour.

#### **5.16.7 Cannabis Production Facility**

**ZBA  
[25]**

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

- a) A Cannabis Production Facility shall not be permitted as an Accessory Industrial Use.
- b) All components of a Cannabis Production Facility, including required loading spaces, shall be located in a wholly enclosed building. No open display or outdoor storage shall be permitted.
- c) A Cannabis Production Facility shall not be located within a greenhouse structure.
- d) No retail sales may be permitted in conjunction with a Cannabis Production Facility.
- e) A Cannabis Production Facility shall be equipped with air treatment control and shall meet the following separation distances:
  - i. The facility building shall be setback from a sensitive land use zone boundary a minimum of 70 m.
  - ii. The facility building shall be setback from a non-conforming sensitive land use receptor a minimum of 70 m.
- f) Notwithstanding the separation distance outlined in Sec. 5.16.7 (e), the following provisions shall apply:
  - i. Warehousing of packaged goods associated with a Cannabis Production Facility is not subject to a separation distance from sensitive land uses.
  - ii. The required separation distance shall not be deemed to apply to a dwelling unit where permitted in an Industrial Zone for a custodian or maintenance employee.

#### **5.16.8 Food/Beverage Production Facility**

**ZBA  
[25]**

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

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

- b) A Food/Beverage Production Facility shall be equipped with air treatment control and shall meet the following separation distances:
  - i. The facility building shall be setback from a sensitive land use zone boundary a minimum of 70 m.
  - ii. The facility building shall be setback from a non-conforming sensitive land use receptor a minimum of 70 m.
- c) Notwithstanding the separation distance outlined in Sec. 5.16.8 (b), the following provisions shall apply:
  - i. Warehousing for packaged goods associated with a Food/Beverage Production Facility is not subject to the separation distance from sensitive land uses.
  - ii. The required separation distance shall not be deemed to apply to a dwelling unit where permitted in an Industrial Zone for a custodian or maintenance employee.

#### **5.16.9 Accessory Industrial Uses**

**ZBA  
[25]**

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

- a) Accessory Industrial Uses shall be conducted directly in conjunction with a primary use permitted in the subject zone.
- b) Uses that may be considered as Accessory Industrial Uses are:
  - i. Industrial Uses, Light
  - ii. Food/Beverage Production Facilities
  - iii. Monument Sales
  - iv. Any other similar use that is approved by the Owen Sound Committee of Adjustment
- c) An Accessory Industrial Use shall encompass no more than 50 percent gross floor area to a maximum of 100 m<sup>2</sup> of the cumulative gross floor area dedicated to the primary permitted use and the Accessory Industrial Use.
- d) Where permitted as an Accessory Industrial Use and notwithstanding Sec. 5.16.8, an accessory Food/Beverage Production Facility:
  - i. Shall not be subject to any separation distances from a sensitive land use; and
  - ii. Shall be equipped with air treatment control.
- e) The Accessory Industrial Use shall not create or become a nuisance in regard to noise, odour, vibration, traffic generated or parking/loading.
- f) The Accessory Industrial Use shall not create or become a fire, health or building hazard.

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

## 5.17 HOME BUSINESSES

### 5.17.1 General Provisions for Home Businesses

One or more home businesses are permitted anywhere a Residential Use is permitted in this By-law, subject to the following provisions:

ZBA  
[51]

- a) No home business shall result in a change to the residential character of the building in which it is located.
- b) Only one (1) non-resident employee, partner, or associate of a home business is permitted per dwelling unit, regardless of the number of home businesses in the dwelling unit.
- c) The home business shall not create or become a nuisance in regard to odours, vibrations, traffic generated or parking or by producing at the property line or noise that disturbs the inhabitants in contravention of the City's Noise Control By-law.
- d) The home business shall not create or become a fire, health or building hazard.
- e) There shall be no outdoor display, sales or outdoor storage area in conjunction with a home business.
- f) There shall be no external display or advertising or the home business except in accordance with the City of Owen Sound Sign Bylaw.
- g) There shall be no more than one (1) vehicle permitted on the premises, which is either commercially licensed or otherwise used in conjunction with the home business. Sec. 5.18.8 of this By-law respecting Commercial Motor Vehicles, Tractor Trailers and Buses in Residential zones shall continue to apply.
- h) The home business shall not involve the shipping or receiving of goods or materials by commercial vehicles other than automobiles or delivery vans used by courier services.
- i) The gross floor area (GFA) occupied by one or more home businesses including any accessory buildings and structures, shall not occupy exclusively more than 25% of the dwelling unit to a maximum of 40.0 m<sup>2</sup>, whichever is the greater.
- j) There shall be no more than 4 cubic metres of storage of materials of a non-toxic or non-hazardous nature and such storage shall be wholly within the portion of the building containing the home business.
- k) Regardless of the number of home businesses, a maximum of 3 clients may be present on the property at any given time.
- l) An additional parking stall is provided for the home business in addition to those required by the By-law for other permitted uses on the property. Notwithstanding, if there is no parking requirement for the main use as

determined Section 5.18 of this By-law then no additional parking is required.

### **5.17.2 Restricted Home Business Uses**

The following restrictions apply to the types of businesses and activities permitted as a home business, and shall apply in addition to the general provisions outlined in Sec. 5.17.1.

- a) No manufacturing activity involving the processing of raw or semi-processed materials shall be carried out in conjunction with a home business except for the small-scale fabrication of handmade goods or crafts, such as those associated with a home studio, home catering service, or home sewing establishment. The small-scale assembly of fully processed goods is permitted.
- b) Retail sales are not permitted as part of a home business. Indirect sales are permitted but shall be limited to items that are prepared within the area associated with the home business or which are accessory to the home business.
- c) A repair service shall be limited to the repair of personal effects and small household appliances such as electronic equipment. The repair of vehicles, major appliances, and equipment that have oil and grease-filled transmissions such as lawn care equipment or other power equipment is not permitted.
- d) A Vehicle-for-Hire Service is permitted as a home business but shall not include a transportation depot or taxi dispatch office as defined in this By-law.
- e) The grooming of dogs, cats, or other household pets is permitted as a home business provided that all pens and holding areas for pets are within completely enclosed buildings and there is no overnight accommodation of such pets.

### **5.17.3 Regulations for Bed and Breakfast Establishments**

The following regulations apply to Bed and Breakfast Establishments, which are permitted as a home business, and shall apply in addition to the general provisions outlined in Sec. 5.17.1.

- a) In addition to the home business regulations in Section 5.17.1, every Bed and Breakfast Establishment shall be developed in accordance with the regulations for the zone in which the Bed and Breakfast Establishment is located.
- b) Despite Section 5.17.1 (i), a Bed and Breakfast Establishment is not limited to a gross floor area of 25% of the dwelling unit, to a maximum of 40 m<sup>2</sup>.

- c) Despite Section 5.17.1 (k) a Bed and Breakfast Establishment is not limited to 3 clients at one time.
- d) Despite Section 5.17.1 (g), parking for the Bed and Breakfast Establishment shall be provided in accordance with Section 5.18 of this By-law.

**5.17.4 Regulations for Private Home Day Cares**

The following regulations apply to Private Home Day Cares, which are permitted as a home business, and shall apply in addition to the general provisions outlined in Sec. 5.17.1.

- a) Despite Section 5.17.1 (i), a private home day care is not limited to a gross floor area of 25% of the dwelling unit, to a maximum of 40 m<sup>2</sup>.
- b) Despite Section 5.17.1 (k), a private home day care may serve a maximum of five (5) children on the property at any one time.

**5.18 GENERAL PARKING REGULATIONS**

**5.18.1 Provision of Parking Stalls**

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

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

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

Land Use Category	Use	Number of Vehicle Parking stalls Required
<b>Residential Uses</b>	Single detached dwelling, duplex dwelling, semi-detached dwelling, converted dwelling, and street fronting townhouse dwelling	1 space per dwelling unit
	Apartment dwelling and cluster townhouse dwelling	1.25 spaces per dwelling unit
	Residential dwelling units in a portion of non-residential building	1 space per dwelling unit
	Bed and breakfast house and boarding or lodging house	1 space plus 1 space per suite

Land Use Category	Use	Number of Vehicle Parking stalls Required
<b>Commercial Uses</b>	Commercial school, financial institution, Laundromat, personal service use, retail store, service shop, studio	1 space per 25 m <sup>2</sup> of gross floor area or 4 spaces, whichever total is greater
	Restaurant, Drive-thru Restaurant	1 space per 9 m <sup>2</sup> of gross floor area, plus 1 space for each 7.5 m <sup>2</sup> of patio or deck area used for dining or drinking
	Funeral home	1 space for each 15 m <sup>2</sup> of gross floor area
	Shopping Centre (Neighbourhood or otherwise)	1 space for each 15.0 m <sup>2</sup> of gross floor area up to 300.0 m <sup>2</sup> , and 1 space for each 20.0 m <sup>2</sup> of gross floor area thereafter; or 10 spaces, whichever is the greater
	Hotel	1.2 spaces per guest room
	Marina	0.5 space for each water craft slip
	Automotive Rental Establishment	4 spaces plus 1 space per 28.0 m <sup>2</sup> gross floor area
	Automotive Service Station, Vehicle Body/Repair Shop	3 spaces for every service bay or repair station
	Automotive Washing Establishment	2 spaces
	Wholesale establishment	1 space per 90m <sup>2</sup> of gross floor area
	Other commercial uses	1 space per 28.0 m <sup>2</sup> gross floor area
<b>Office Uses</b>	Business or professional office and government administrative offices	1 space per 28 m <sup>2</sup> of gross floor area
	Animal kennel, medical centre, veterinary clinic	Minimum of 4 spaces or 6.0 spaces per 100 m <sup>2</sup> gross floor area, whichever is greater
<b>Industrial Uses</b>	Truck transport terminal	1 space per 100 m <sup>2</sup> gross floor area

Land Use Category	Use	Number of Vehicle Parking stalls Required
	Warehouse	1 space per 185 m <sup>2</sup> of gross floor area
	All other industrial uses	5 plus 1 space per 90 m <sup>2</sup> of gross floor area
<b>Institutional Uses</b>	Place of worship	1 for every 5 seats capacity or 1 for each 10 m <sup>2</sup> of gross floor area used for a hall or auditorium, whichever is greater
	Hospital	1 space per 3 beds plus 1 space for every 4 employees
	Elementary School	5 spaces plus 1 space per classroom
	Secondary School	1 space for each classroom; or 1 space per 10 m <sup>2</sup> of floor area in the gymnasium or auditorium, whichever is greater.
	Group home, group residence, crisis residence	1 space per 3 beds
Long term care facility	1 space per 4 suites	
<b>Leisure and Recreation Type Uses</b>	Museum, library, recreational or athletic facility	1 space per 20 m <sup>2</sup> of gross floor area. Playing areas for squash, tennis, handball and badminton courts are to be excluded for the purposes of calculating parking
	Community lifestyle facility	1 space for every 4 seats or 1 space per 20 m <sup>2</sup> of gross floor area
	Bowling alley, lawn bowling club, tennis club, golf course, curling club, racquet club	3 spaces per alley, bowling green, tennis or racquet court, putting green, or sheet of ice, plus 1 space for each 15.0 m <sup>2</sup> of gross floor area devoted to other uses.
<b>Other uses</b>	All other uses permitted by this By-Law other than those	1 per 40 m <sup>2</sup> of gross floor area

Land Use Category	Use	Number of Vehicle Parking stalls Required
	listed in this table	

**5.18.3 Off-Street Parking Requirements for C1 Zone**

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

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

ZBA [4]

**5.18.4 Parking Exemption for C1 Zone**

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

- a. The new use shall be permitted without additional parking being provided notwithstanding that additional parking spaces may be required pursuant to Section 5 of this By-law;
- b. Notwithstanding the foregoing, parking shall be required in accordance with this By-law where the change in use is from a residential use to any other permitted use;

- c. Where an addition is proposed to any building, parking shall be required only for the addition, and any legal deficiency in parking for the existing building shall not be required to be made up, unless the proposed addition results in the loss of existing parking spaces.
- d. No additional parking shall be required where the proposed addition does not exceed 10% of the gross floor area of the existing building.

#### **5.18.5 Use of Parking Areas and Spaces**

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

#### **5.18.6 Calculation of Off-Street Parking stalls**

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

#### **5.18.7 Parking for More Than One Use in a Building**

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

#### **5.18.8 Commercial Motor Vehicles, Tractor Trailers and Buses in Residential Zones**

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

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

#### **5.18.9 Parking and Storage of Unlicensed and Inoperable Motor Vehicles**

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

#### **5.18.10 Size of Standard Parking Stalls**

Required parking stalls shall comply with the standards set out in Table 5.18.10.

**Table 5.18.10 – Required Parking Stall Dimensions**

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

**5.18.11 Location of Required Off-Street Parking stalls**

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

**5.18.12 Parking Surfaces and Drainage**

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

**5.18.13 Tandem Parking**

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

**5.18.14 Parking Facilities**

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

**5.18.15 Underground Parking Provisions**

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

**5.18.16 Parking Area Location On-Lot**

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

- a) A parking space for individual residential dwelling units with individual private driveways may be located in the front yard provided that not more

**ZBA [4]**

than 50% of the front yard area is used for driveways and parking areas. Notwithstanding the above a private drive shall be no less than 3.0 m wide and no more than 8.5 m wide.

- b) For Extractive Industrial/Disposal Industrial Uses, parking shall be permitted in the rear yard and interior side yard, and where such uses abut a Residential, Commercial, Institutional or Agricultural use, the parking area shall be set back 9.0 m from the abutting lot line.
- c) For the conversion of a building, as legally existing on the effective date of this By-law, to permit a residential use containing three (3) or more dwelling units a parking area may be permitted within a front, rear or side yard.

**5.19 ACCESSIBLE PARKING REGULATIONS**

**5.19.1 Number of Required Accessible Parking Stalls**

Accessible parking stalls shall be provided in accordance with the requirements set out in Table 5.19.1.

**Table 5.19.1 – Number of Required Accessible Stalls**

Total Required Parking Stalls	Minimum Number of Accessible Stalls
1 to 12	1
13 to 100	4% of the total required
101 to 200	1, plus 3% of the total required
201 to 1,000	2, plus 2% of the total required
Greater than 1,000	11, plus 1% of the total required

- a) Accessible stalls shall be counted towards and included within the minimum number of off-street parking stalls required by Section 5.18 of this By-law.
- b) Notwithstanding Table 5.19.1, where a lot contains a single detached dwelling, semi-detached dwelling, duplex, additional residential units, or street-fronting townhouse where parking stalls are accessed from a driveway, no accessible stalls are required.

ZBA [41]

**5.19.2 Type A and Type B Accessible Stall Calculations**

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

- a) Where an even number of accessible stalls is required by Section 5.19.1, an equal number of Type A and Type B accessible stalls must be provided;
- b) Where an odd number of accessible stall is required by Section 5.19.1, an equal number of Type A and Type B accessible stalls must be

provided, but the additional accessible stall, the odd-numbered stall, shall be a Type A accessible stall;

- c) Despite Section 5.19.2 (b), where only one accessible stall is required, it shall be a Type A accessible stall.

### 5.19.3 Accessible Parking Design Standards

The following provisions shall apply to the design of accessible parking stalls.

- a) Accessible parking stall dimensions shall comply with Table 5.19.3.

**Table 5.19.3 – Accessible parking space dimensions**

Type	Minimum width	Minimum length
Type A accessible stall	3.4 m	6.0 m
Type B accessible stall	2.4 m	6.0 m

- b) Accessible stalls must comply with the following minimum vertical clearances:
- i. the minimum vertical clearance of an accessible stall located in a parking structure is 2.1 m; and,
  - ii. the minimum vertical clearance of all other accessible stall is 2.9 m.
- c) An accessible aisle must be provided for each accessible stall and may be shared by a maximum of two accessible stalls. Accessible aisles must:
- i. have a minimum width of 1.5 m;
  - ii. extend the full length of the accessible stall; and,
  - iii. Be marked with high-contrast diagonal lines where the surface is asphalt, concrete, or other hard surface.
- d) All accessible stalls shall:
- i. Have an accessible permit parking sign that satisfies the requirements of the Highway Traffic Act,
  - i. Have a maximum gradient of 5%; and,
  - ii. Type A accessible stalls must have signage that identifies the stall as “van accessible”.

## 5.20 BICYCLE PARKING REGULATIONS

ZBA [4]

### 5.20.1 Bicycle Space Requirements

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

Use	Number of Bicycle Spaces Required
Cluster Townhouse or Apartment Dwellings	10% of required vehicle parking
Schools	1 space per 20 m <sup>2</sup> classroom, plus 1 space per 800 m <sup>2</sup> of office area
Offices	4% of required vehicle parking, or 4 spaces, whichever is greater
Commercial Uses (excluding uses in the C1 Zone, unless otherwise noted), including Restaurants (excluding take-out only)	5% of required vehicle parking, or 4 spaces, whichever is greater
Cinema, Community Lifestyle Facility or Community Centre	10% of required vehicle parking, or 4 spaces, whichever is greater
Hotel	1 space per 20 guest rooms
Industrial Use	4% of required vehicle parking

### 5.20.2 Bicycle Parking Space Design Standards

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

ZBA [4]

### 5.20.3 Motorcycle Parking Space Design Standards

- a) The minimum dimensions for each space intended for motorcycles or similar vehicles must be 1.0 m in width and 2.1m in length;
- b) Motorcycle parking can be located in areas which may be unsuitable for vehicle parking due to size or shape and not intended for pedestrian traffic, however the parking must be clearly delineated by markings and barriers.

## 5.21 QUEUING REGULATIONS

### 5.21.1 Queue Space Requirements

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

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

### 5.21.2 Queue Space Design Standards

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

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

**5.22 LOADING SPACE REGULATIONS**

**5.22.1 Loading Space Requirements**

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

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

ZBA  
[15]

**5.22.2 Loading Space Access**

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

**5.22.3 Loading Space Surface**

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

**5.22.4 Loading Space for Medical Marihuana Production Facility**

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

ZBA  
[15]

**5.23 LIGHTING & LANDSCAPING OF PARKING AND LOADING AREAS**

**5.23.1 Lighting**

- a) Where lighting facilities are provided in conjunction with any off-street parking or loading area, no person shall arrange such lighting such that excessive light and glare is deflected onto adjoining properties.
- b) Lighting facilities are to meet minimum illumination standards of 6.2 lux, a maximum to minimum uniformity ratio of 3:1 and be dark sky

compliant. Luminaires are to have a correlated colour temperature (CCT) of 3000° +/- and be LED type.

### **5.23.2 Parking Area Abutting another Use or Lot Line**

- a) Where a parking area containing four (4) or more parking stalls or a loading space(s) abuts any use or undeveloped land in any Zone, a minimum of 1.5 metres of land abutting the lot line, shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection.
- b) A planting strip required for Sec. 5.23.2 (a) shall be used for no other purpose than for a row of trees, a continuous hedgerow of evergreens or shrubs, a berm, a wall, or a privacy fence, not less than 1.5 m high, immediately adjacent to the lot line or portion thereof along which such planting strip is required hereunder, arranged in such a way as to form a dense or opaque screen; with the remainder of the strip used for shrubs, flower beds or grass, ground cover or a combination thereof.

### **5.23.3 Parking Area Abutting a Street**

- a) Where a parking area consisting of four (4) or more parking stalls or a loading space(s) abuts a portion of a street, a minimum width of 1.5 metres of land adjacent to the street shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection.
- b) A planting strip required for Sec. 5.23.3 (a) shall be used for no other purpose than for a planting strip arranged in such a way as to form a landscape strip predominated by trees and with shrubs, flower beds, or grass, or ground cover. Notwithstanding, a berm, a wall, or a privacy fence may be permitted where it is required for noise attenuation purposes.

### **5.23.4 Parking Area in the C1 Zone**

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

## **5.24 OUTDOOR WASTE RECEPTACLES/STORAGE AREAS**

Where a waste receptacle is proposed to be located on a lot, the following provisions shall apply:

- a) No waste receptacle shall be stored on any lot in any zone except within a building or structure on such lot or in a container in an interior side yard or rear yard of such lot.
- b) Every waste storage area required by this by-law or as a result of Site Plan Control, which is visible from an adjoining site, shall be visually screened by solid fencing/enclosure.

- i. Despite Sec 5.24(b) an enclosed in-ground waste container is not required to have visual screening.
- c) A waste receptacle or storage area enclosure shall be regulated in the same manner as accessory buildings or structures except that such structure shall not be subject to lot coverage regulations.
- d) Standard residential waste containers and stationary individual waste cans that are less than 1 cubic metre in size are exempt from the provisions of Section 5.24.

### **5.25 DESIGNATED HERITAGE BUILDINGS**

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

### **5.26 MODEL HOMES**

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

- a) The use must be permitted in the underlying zone in which the dwelling is to be located;
- b) Notwithstanding Sec. 5.26 (a), a model home may be used as a temporary sales office for the development within which the dwelling is located;
- c) The model home must not be occupied as a dwelling unit prior to the date of registration of the subdivision plan or condominium plan;
- d) The maximum number of model homes within one plan of subdivision under the Planning Act or a description under the Condominium Act proposed for registration is equal to ten percent (10%) of the total number of lots intended for single detached, semi-detached, or townhouse dwelling purposes within the plan or description for registration, to a maximum of 10 model homes;
- e) The model home must comply with all other provisions of this by-law, as though constructed on the lot within the registered plan of subdivision under the Planning Act or the description under the Condominium Act; and,
- f) The model home must comply with all applicable terms and conditions of the model home agreement or subdivision agreement.

### **5.27 ADDITIONAL RESIDENTIAL UNITS**

**ZBA [41]**

An Additional Residential Unit may be permitted in any Zone where a Single Detached Dwelling, Semi-detached Dwelling or Townhouse is permitted as of right in accordance with the following:

- a) A maximum of two (2) additional dwelling units is permitted per lot;
- b) One (1) additional on-site parking space shall be provided for each additional residential unit;
- c) All regulations of the zone must be complied with;
- d) A maximum of one (1) additional residential unit is permitted to be located in an accessory building per lot, provided the additional residential unit has direct access from the street or dedicated parking space and the accessory building must comply with the provisions of section 5.9;
- e) Any additional residential unit shall be required to obtain a Building Permit from the City;
- f) For lots that are partially or not connected to municipal services, well water records or approval from the designated authority for sewage systems is required prior to granting a building permit;
- g) Additional residential units in the Agricultural zone must be located in the existing single detached dwelling, or in a non-agricultural accessory structure in the existing farm cluster;
- h) Additional residential units in the flood fringe overlay require conservation authority approval; and,
- i) Additional residential units are exempt from the provisions that establish maximum density as a measure of dwelling units per square metre of total development parcel area.

### **Section 5.28 Short-Term Rental Accommodations**

**ZBA [51]**

Where permitted, a short-term rental shall be subject to the requirements of the zone in which it is located, and it shall:

- a) Be permitted in any zone where a 'Residential Use' is a permitted use;
- b) Comply with the parking provisions of Section 5 for the associated residential use in the zone.