

# SECTION 14

## SPECIAL PROVISIONS

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

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

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

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

**14.3** Reserved

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

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

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

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

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

**ZBA [16]**

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

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

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

**ZBA [4]**

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

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

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

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

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

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

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

- (i) Where the minimum elevation at the high water mark (100 year flood line) is 177.9m G.S.C:
  - (a) If Construction is proposed greater than 15m from the high water mark then the elevation at the grade and openings / floodproofing for any building (or part thereof) shall be a minimum of 178.5m G.S.C.
  - (b) If Construction is proposed within 15m or less of the high water mark then the minimum elevation at building shall be 178.5m G.S.C. and the minimum elevation for floodproofing (minimum grade of openings) shall be 179.5m G.S.C.

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

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

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

- (i) Where the minimum elevation at the high water mark (100 year flood line) is 177.9m G.S.C:
  - (a) If Construction is proposed greater than 15m from the high water mark then the elevation at the grade and openings / floodproofing for any building (or part thereof) shall be a minimum of 178.5m G.S.C.

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

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

- (i) The provisions for a single detached dwelling in the Medium Density Residential (R4) Zone shall apply.
- (ii) Where the minimum elevation at the high water mark (100 year flood line) is 177.9m G.S.C:
  - (a) If Construction is proposed greater than 15m from the high water mark then the elevation at the grade and openings / floodproofing for any building (or part thereof) shall be a minimum of 178.5m G.S.C.
  - (b) If Construction is proposed within 15m or less of the high water mark then the minimum elevation at any building shall be 178.5m G.S.C. and the minimum elevation for floodproofing (minimum grade of openings) shall be 179.5m G.S.C.

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

- (i) The provisions for a single detached dwelling in the Medium Density Residential (R4) Zone shall apply.
- (ii) Where the minimum elevation at the high water mark (100 year flood line) is 177.9m G.S.C:
  - (a) If Construction is proposed greater than 15m from the high water mark then the elevation at the grade and openings / floodproofing for any building (or part thereof) shall be a minimum of 178.5m G.S.C.
  - (b) If Construction is proposed within 15m or less of the high water mark then the minimum elevation at any building shall be 178.5m G.S.C. and the minimum elevation for floodproofing (minimum grade of openings) shall be 179.5m G.S.C.

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

- (a) Public Park
- (b) Single Detached Dwelling

**ZBA [4]**

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

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

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

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

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

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

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

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

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

- (i) Lot frontage (minimum): 7.4 m
- (ii) Lot area (minimum): 190 m<sup>2</sup>/unit and 1,600 m<sup>2</sup> for total development parcel
- (iii) Lot coverage (maximum): 75%
- (iv) Front yard setback (minimum): 6.5 m
- (v) Rear yard setback (minimum): 5.0 m
- (vi) Side yard setbacks (minimum): 0.9 m for an end dwelling unit on an interior lot  
2.0 m for an end dwelling unit on a corner lot adjacent to 5<sup>th</sup> Avenue East  
1.2 m for any other corner lot
- (vii) Building height (maximum): 10.0 m (maximum)
- (viii) Gross floor area (minimum): 75 m<sup>2</sup>/unit
- (ix) Maximum Density: 1 dwelling unit for each 250m<sup>2</sup> of lot area for total development parcel

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

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

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

- (i) Lot Frontage (minimum): 15.0 m
- (ii) Maximum Density: 1 dwelling unit for each 200.0 m<sup>2</sup> of lot area
- (iii) Maximum Number of Dwelling Units: 4 units
- (iv) Side yard setbacks (minimum): 4.0 m on one side and 2.0 m on the other side
- (v) Gross floor area (minimum): 35.0 m<sup>2</sup> for each dwelling unit

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

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

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

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

**ZBA [4]**

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

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

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

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

- (i) Lot Frontage (min): No minimum lot frontage is required
- (ii) Lot area (min): 150m<sup>2</sup> for each dwelling unit
- (iii) Setback from a street line (min): 6.0 m
- (iv) Setback from the lot line opposite the street line (min): 4.5 m
- (v) Setback from all other lot lines except the common lot line (min): 3.0 m

(vi) Gross floor area (min): 50.0 m<sup>2</sup> for each dwelling unit

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

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

**ZBA [4]**

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

- (i) Lot Frontage (min): 30.0 m
- (ii) Lot area (min): 1,000 m<sup>2</sup>
- (iii) Building setbacks (min): 6.0 m from 3<sup>rd</sup> Avenue West street line; 2.0 m from the lot line forming the boundary with 16<sup>th</sup> Street West; 30.0 m from any lot line adjacent to the Pottawatomie River and the lot line opposite the 3<sup>rd</sup> Avenue street line.
- (iv) Floor elevation (min): No opening to a building shall be less than 178.35 m above mean sea level.
- (v) Site elevation (min): No portion of the site between the main building on the lot and 3<sup>rd</sup> Avenue West shall be less than 178.35 m above mean sea level.
- (vi) Lot coverage (max): 40%
- (vii) Building height (max): 5.0 m

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

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

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

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



## (c) Public Parks

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

- (i) Minimum Elevation: No opening to a building shall be less than 178.4 m above mean sea level.
- (ii) Maximum Density: 41 townhouse units  
64 apartment units
- (iii) Gross Floor Area (min): 80.0 m<sup>2</sup> for each dwelling unit
- (iv) Building Height (max): 10.0 m (townhouses)  
12.5 m (apartments)

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

**ZBA [4]**

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

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

- (i) Lot Frontage (minimum): 4.5 m (Dwelling, Semi-Detached)  
5.0m (Street Fronting Townhouse Dwelling)
- (ii) Lot Area (minimum): 150 m<sup>2</sup>/unit
- (iii) Maximum Number of Dwelling Units: 56 semi detached or street fronting townhouse units within the area of lands to which Section 14.23 applies
- (iv) Building setbacks (minimum): 6.0 m from any lot line abutting a Commercial Zone boundary for a maximum two semi-detached dwelling units;  
7.5 m from any R5 Zone;  
2.0 m from any street line where there is an attached garage or carport;  
0.9 m from any other lot line except a lot line forming part of a common or party wall where the dwelling contains an attached garage or carport;  
5.0 m from any other lot line, except a lot line forming part of a common or party wall where there is no attached garage or carport.

- (v) Lot coverage (maximum): 60%
- (vi) Building height (maximum): 9.0 m

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

- i) Lot Area (minimum): 2500 m<sup>2</sup>
- ii) Lot Coverage (maximum): 35%
- iii) Building Setbacks (minimum): 7.5m from any street line and any lot line abutting a Residential Zone; 3.0m from any other lot line
- iv) Gross Floor Area (minimum): 75.0 m<sup>2</sup>/unit
- v) Maximum Density: 1 dwelling unit for each 400.0 m<sup>2</sup> of lot area, or for any existing townhouse dwelling existing on October 13, 1998 shall be 11 dwelling units.
- vi) Building Height (maximum): 9.0 m

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

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

- (a) For any purpose except one of the following uses so long as the "Holding" symbol is affixed to the R4 (14.24) lands:
  - (i) Public Parks
  - (ii) Dwelling, Single Detached
  - (iii) Home Occupation, Rural Residential

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

- (b) At a time when the "Holding" symbol is removed by the City the following uses may be permitted: **ZBA [2]**
  - i) Single Detached Dwellings, Semi-Detached Dwellings
  - ii) Duplex Dwellings
  - iii) Townhouse Dwellings
  - iv) Converted Dwellings have a maximum of 10 units
  - v) Apartment dwellings having a maximum of 10 units
  - vi) Boarding or Lodging House
  - vii) Long Term Care Facility
  - viii) Public Parks
  - ix) Places of Worship

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

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

- |                                |                      |
|--------------------------------|----------------------|
| (i) Lot area (min):            | 250.0 m <sup>2</sup> |
| (ii) Front yard setback (min): | 5.0 m                |
| (iii) Rear yard setback (min): | 5.0 m                |
| (iv) Lot coverage (max):       | 50%                  |

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

Maximum density: 1 dwelling unit for each 250.0 m<sup>2</sup> of lot area for the total development parcel

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

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

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

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

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

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

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

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

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

- (i) Lot Frontage (minimum): 15.0 m
- (ii) Lot Area (minimum): 525 m<sup>2</sup>
- (iii) Maximum Number of Dwelling Units: 4 units
- (iv) Maximum density: 1 dwelling unit for each 175.0m<sup>2</sup> of lot area
- (v) Side yard setback (minimum): 4.0 m on one side and 2.0m on the other side
- (vi) Gross floor area (minimum): 35.0 m<sup>2</sup> for each dwelling unit

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

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

- (i) Lot Frontage (min): 20.0 m
- (ii) Lot Area (min): 1,000 m<sup>2</sup>
- (iii) Lot Coverage (max): 35%
- (iv) Side yard setback (min): 4.0 m for buildings less than 3 storeys and 6.0 m for buildings more than 6 storeys
- (v) Landscaped open space (min): 30%
- (vi) Gross floor area (min): 35.0 m<sup>2</sup> for each dwelling unit
- (vii) Building height (max): 18.0 m
- (viii) The maximum density shall be 200.0 m<sup>2</sup> of lot area for each of the first four dwelling units, and 100.0 m<sup>2</sup> of lot area for each additional dwelling unit. For each required parking space provided in covered or underground parking garages, there may be a 25.0m<sup>2</sup> reduction in the lot area.

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

- a) Notwithstanding the provisions of the MR Zone, the following regulations shall apply to apartment dwellings:
  - i) Lot Area (minimum): 2,000 m<sup>2</sup>

**ZBA [4]**

- ii) Lot Frontage (minimum): 25.0 m
  - iii) Lot Coverage (maximum): 35%
  - iv) Front Yard Setback (minimum): 10.0 m
  - v) Side Yard Setback (minimum): 10.0 m
  - vi) Rear Yard Setback (minimum): 10.0 m
  - vii) Building Height (maximum): No portion of any building shall project above 190 m above mean sea level
  - viii) Gross Floor Area (minimum): 35.0 m<sup>2</sup>/unit
  - ix) Maximum Density: 1 dwelling unit for each 175.0 m<sup>2</sup> of lot area
  - x) Landscaped Open Space (minimum): 35%
- b) For all other uses permitted in the Multiple Residential (MR) Zone, the Multiple Residential (MR) zone regulations shall apply.

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

- (i) Lot Frontage (min): 60.0 m
- (ii) Lot Area (min): 3,900 m<sup>2</sup>
- (iii) Maximum density: 1 dwelling unit for each 175.0 m<sup>2</sup> of lot area
- (iv) Maximum number of Dwelling Units: 36 units
- (v) Front yard setback (min): 7.5 m
- (vi) Rear yard setback (min): 7.5 m
- (vii) Building height: 18.0 m

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

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

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

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

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

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

- (a) a drinking establishment shall not be a permitted use at the properties addressed as:
- 369 8<sup>th</sup> Street East, Part of Lane, Lot 13, West of Murdoch Street on Plan 7, Part Lots 1,2 and 3
  - 777 3<sup>rd</sup> Avenue East, Part of Lot 14, East of Scrope Street
  - 345 8<sup>th</sup> Street East, Part of Lots 13 to 15, West of Murdoch Street, Part Lots 13 to 15, East of Scrope Street
  - Vacant lot known municipally as 288-300 8<sup>th</sup> Street East, described legally as Part of Lot 12, West of Scrope Street
  - Vacant lot known municipally as 810-814 3<sup>rd</sup> Avenue East, described legally as Part of Lot 12, West of Scrope Street
  - 785 3<sup>rd</sup> Avenue East, West Part Lot 13, Part Lot 14, East of Scrope, Plan 16R-2610, Part 1
- (b) a dwelling unit in combination with permitted non-residential uses shall be located above the first storey with the exception of entrances thereto.

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

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

- |                                   |  |
|-----------------------------------|--|
| (i) Lot Frontage (min):           | 25.0 m                                   |
| (ii) Lot Area (min):              | 1,500 m <sup>2</sup>                     |
| (iii) Gross floor area (min):     | 35.0m <sup>2</sup> for the dwelling unit |
| (iv) Landscaped open space (min): | 500.0 m <sup>2</sup>                     |

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

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

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

- |  |   |
|--|---|
| (i) Lot Frontage (min):                | 6.0 m   |
| (ii) Lot Area (min):                   | 4,800 m <sup>2</sup>  |
| (iii) Lot coverage (max):              | 40%   |
| (iv) Maximum number of Dwelling Units: | 200 m <sup>2</sup> of lot area for each of the first four dwelling units, and 100 m <sup>2</sup> of lot area for each additional dwelling unit; or 44 dwelling units for each lot, whichever is the lesser. |
| Maximum number of nursing homes beds:  | 200 m <sup>2</sup> of lot area for each bed; or 80 beds for each lot, whichever is the lesser.  |
| (v) Building setbacks (min):           | 7.5 m from a street line<br>3.0 m from side and rear lot lines  |
| (vi) Building height (max):            | 8.0 m   |
| (vii) Gross floor area (min):          | 40.0 m <sup>2</sup> for a dwelling unit   |

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

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

- i) A Bed and Breakfast House for the purposes of this section shall be defined as in Section 4 of this By-law, and that:
  - The bed and breakfast house is contained within a Single Detached Dwelling;
  - Temporary lodging for each guest shall not exceed 30 days within any 60 day consecutive day period;
  - No cooking facilities are provided or permitted in guest rooms; and
  - Where guest means a person including all members of a person's party who contracts for accommodation in a bed and breakfast.
- ii) The regulations for a Single Detached Dwelling in the R4 Zone shall apply.

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

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

**ZBA [4]**

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

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

- i) Gross floor area:           Maximum of 100.0 m<sup>2</sup> for the day nursery;  
  Minimum of 50.0 m<sup>2</sup> for the dwelling unit

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

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

- (i) Gross floor area (max):           75.0 m<sup>2</sup> (commercial use)  
(ii) Gross floor area (min):           50.0 m<sup>2</sup> (dwelling unit)

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

- (i) Lot Frontage (min):                           40.0 m  
(ii) Lot Area (min):                               2,200 m<sup>2</sup>

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

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

**ZBA [4]**

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

- i) A Bed and Breakfast House for the purposes of this section shall be defined as in Section 4 of this By-law, and that:
- The bed and breakfast house is contained within a Single Detached Dwelling;
  - Temporary lodging for each guest shall not exceed 30 days within any 60 day consecutive day period;
  - No cooking facilities are provided or permitted in guest rooms; and



- Where guest means a person including all members of a person's party who contracts for accommodation in a bed and breakfast.
- ii) The regulations for a Single Detached Dwelling in the R4 Zone shall apply.

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

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

**ZBA [4]**

- a) Uses permitted in the MR Zone
- b) Convenience store, personal service use, or a butcher shop or bakery, but only in combination with an apartment dwelling
- c) Hospital

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

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

Lot Frontage (minimum):	30.0 m
Lot Area (minimum):	1,500 m <sup>2</sup>
Lot coverage (maximum):	60%
Building height (maximum):	26.0 m

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

- (i) A minimum of three (3) parking spaces shall be required provided such parking is located in the rear yard with access to 3<sup>rd</sup> Avenue West only.
- (ii) The minimum lot frontage and lot area, the minimum building setbacks, the maximum building height and lot coverage shall be as they existed on the date of the passing of this By-law.

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

(i) Gross floor area (max): 190.0 m<sup>2</sup> (commercial use)

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

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

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

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

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

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

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

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

(ii) Lot area (min): 4,500 m<sup>2</sup>

(iii) Lot coverage (max): 35%

(iv) Maximum density: 1 dwelling unit for each 300.0 m<sup>2</sup> of lot area; or 1 dwelling unit for each 117.0 m<sup>2</sup> of lot area where underground or covered parking areas are provided at a rate of a minimum of 1 parking space per dwelling unit (apartment)

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

(vi) Landscaped open space (min): 50.0 m<sup>2</sup> per dwelling unit (apartment)

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

(viii) Gross floor area (min): 60.0 m<sup>2</sup> per dwelling unit (apartment)

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

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

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

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

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

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

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

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

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

Building Setbacks (min): 0 m from 1<sup>st</sup> Avenue West street line

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

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

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

Lot coverage (maximum): 60%.

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

Floor Space Index: N/A

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

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

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

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

- (i) Lot frontage (min): 50.0 m
- (ii) Lot area (min): 2,500 m<sup>2</sup>
- (iii) Lot coverage (max): 50%
- (iv) Building setbacks (min): 10.0 m from a front lot line  
 5.0 m from side and rear lot lines
- (v) Building height (max): 15.0 m

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

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

- (i) Lot area (min): 1,000 m<sup>2</sup>
- (ii) Lot coverage (max): 75%
- (iii) Building setbacks (min): 5.0 m from a street line  
2.0 m from other lot lines  
0.0 m from any waterway navigable by ships
- (iv) Building height (max): 75.0 m for a grain elevator  
12.0 m for all other uses

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

- (i) Lot frontage (min): 15.0 m
- (ii) Lot area (min): 750 m<sup>2</sup>
- (iii) Lot coverage (max): 30%
- (iv) Front yard setback (min): 2.0 m
- (v) Rear yard setback (min): 10.0 m
- (vi) Side yard setbacks (min): 3.0 m
- (vii) Landscaped open space (min): 250.0 m<sup>2</sup>
- (viii) Building height (max): 10.0 m

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

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

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

- (i) Lot area (min): 1,500 m<sup>2</sup>
- (ii) Lot coverage (max): 50%
- (iii) Building setbacks (min): 3.0 m from a lot line

- No building setback is required for a community lifestyle facility or public use
- (iv) Building height (max): 26.0 m
  - (v) Maximum density: 1 dwelling unit for each 200.0 m<sup>2</sup> of lot area
  - (vi) Landscaped open space (min): 50.0 m<sup>2</sup> for each dwelling unit
  - (vii) Gross floor area (min): 40.0 m<sup>2</sup> for each dwelling unit

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

- (a) Neighbourhood Shopping Centre having a maximum gross floor area of 600.0 m<sup>2</sup>
- (b) Retail stores
- (c) Offices, financial institutions, clinics
- (d) Personal service stores
- (e) Studios and art galleries
- (f) Commercial schools
- (g) Repair stores
- (h) Restaurants
- (i) Dwelling units in combination with permitted non-residential uses
- (j) Uses permitted in R5 Zone but not on the same lot used for other uses permitted in this section

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

- (i) Lot frontage (min): 19.0 m
- (ii) Lot area (min): 600.0 m<sup>2</sup>
- (iii) Lot coverage (max): 60%
- (iv) Building setbacks (min): 3.0 m from a street line  
1.5 m from side and rear lot lines
- (v) Building height (max): 10.0 m

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

**14.54** Notwithstanding the provisions of the General Industrial (M1) Zone and for lands shown on Schedule A, Zoning Map 8, no person shall use any lot or

erect, alter or use any building or structure for any purpose except one or more of the following uses, such uses permitted without connection to a public sanitary sewer system:

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

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

- (i) Lot frontage (min): 30.0 m
- (ii) Lot area (min): 1,500 m<sup>2</sup>
- (iii) Lot coverage (max): 20%
- (iv) Building setbacks (min): 10.0 m from a front lot line  
5.0 m from side and rear lot lines
- (v) Building height (max): 10.0 m

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

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

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

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

- iii. Compliance with the Environmental Protection Act and its regulations;
  - iv. Archaeological Study ;
  - v. Servicing Studies and entering into agreements with the City with respect to the implementation of these upgrades;
  - vi. That those portions of the subject property located in the southwest quadrant, subject to periodic flooding, and as shown in the attached Schedule are subject to a holding provision. The City of Owen Sound shall not remove the "Holding" provision until such time as the flooding hazard has been removed through the re-grading or the site. These works will be carried out with appropriate permits to the satisfaction of the City of Owen Sound and the Grey Sauble Conservation Authority.
- (c) At the time when the "Holding (H)" Symbol is removed by the City and notwithstanding the provision of the Residential Three Zone (R3), in addition to all other uses permitted in the R3 Zone, a "Dwelling, Townhouse" shall be permitted. For any permitted use, the following special provisions shall apply:
- (i) Low Density Residential Zone Regulations (Dwelling, Single Detached)
 

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

    - a) Minimum Front Yard Setback: 6.0 m to the garage and 5.5 m to the habitable portion
    - b) Maximum Lot Coverage: 50 %
  - (ii) Low Density Residential Zone Regulations (Dwelling, Townhouse)
 

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

    - a) Minimum Front Yard Setback: 6.0 m to garage and 5.5 m to the habitable portion
    - b) Maximum Lot Coverage: 50%
    - c) Minimum Rear Yard Setback: 6.0 m
- (d) At the time when the "Holding (H)" Symbol is removed by the City for the purposes of any use permitted in the Multiple Residential (MR) Zone, the provisions of the Multiple Residential (MR) Zone shall apply.

**14.56** Notwithstanding the provisions of the Mixed Use Commercial (MC) Zone and for lands shown on Schedule A, Zoning Map 11, the following provisions shall apply:



(A) So long as the "Holding" symbol is affixed to the MC (14.56) lands no person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on January 28, 2002. The gross floor area, building height, building setbacks and lot coverage shall be as they existed on January 28, 2002.

(B) At a time when the "Holding" symbol is removed by the City and notwithstanding the provisions of the Mixed Use Commercial (MC) Zone, the following provisions shall apply:

(i) The following uses shall also be permitted:

1. Industrial Use, Industrial Mall
2. Wholesale Establishment
3. Transportation Depot
4. Utility Service Buildings and Uses
5. Warehouse within a completely enclosed buildings
6. Boat Launch And Dockage Facilities
7. Retail Sale Of Fuel For Boats
8. All uses permitted in the MC Zone

(ii) No person shall use any lot or erect, alter or use any building or structure for any permitted use identified above in 14.56 subsection (B) as (1), (2), (3) and (4), except in accordance with the following:

Lot area (min):	1,500 m <sup>2</sup>
Lot coverage (max):	50%
Building setbacks (min):	3.0 m from any lot line
Building height (max):	15.0 m
Setback from any lot line abutting and Institutional (I) Zone:	100 m

(iii) No person shall use any lot or erect alter or use any building or structure for Townhouse Dwellings as a main use on a lot except in accordance with the provisions of the Multiple Residential (MR) Zone, with the exception of the following:

Minimum Lot Frontage:	N/A
Maximum Density:	1 dwelling unit for each 300 m <sup>2</sup> of lot area; or 1 dwelling unit for each 200 m <sup>2</sup> of lot area where common fully enclosed parking areas are provided at a rate of 1 parking spaces per dwelling unit minimum.

Setback from any lot line abutting and Institutional (I) Zone:  
100 m

- (iv) No person shall use any lot or erect alter or use any building or structure for Apartment Dwellings as a main use on a lot except in accordance with the provisions of the Mixed Use Commercial (MC) Zone, with the exception of the following:

Minimum Lot Frontage:	N/A
Maximum Building Height:	26 m
Side Yard Setback:	6.0 m for main buildings over 3 storeys in height and 4.0 m for main buildings 3 storeys or less in height
Maximum Density:	200 m <sup>2</sup> minimum of lot area for each of the first four dwelling units, and 100 m <sup>2</sup> minimum of lot area for each additional unit. For each required parking spaces provided in covered or underground parking areas, there may be a 25 m <sup>2</sup> reduction in the lot area.

Setback from any lot line abutting an Institutional (I) Zone: 100 m

- (v) For all other permitted uses, the provisions of the MC Zone shall apply, with the exception of the following:

Building Height (maximum):	26.0 m
Gross Floor Area:	40.0 m <sup>2</sup> / dwelling unit established in combination with a permitted non-residential use
Maximum Density:	For a dwelling unit established in combination with permitted non-residential uses 200m <sup>2</sup> / dwelling unit
Minimum Landscaped Open Space:	50m <sup>2</sup> / dwelling unit established in combination with permitted non-residential uses

Setback from any lot line abutting and Institutional (I) Zone:  
10

0 m

- 14.57** Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Maps 11 and 12, the following uses shall be permitted in addition to all other uses permitted in the R5 Zone: **ZBA [4]**

a) Community Lifestyle Facility, excluding banquet and bingo halls

Notwithstanding the regulations of the R5 Zone, the following shall apply to a School, Long Term Care Facility, or Community Lifestyle Facility, excluding banquet and bingo halls, permitted above:

- (i) Lot frontage (minimum): 20.0 m
- (ii) Lot area (minimum): 1,000 m<sup>2</sup>
- (iii) Lot coverage (maximum): 60%
- (iv) Front yard setback (minimum): 10.0 m
- (v) Rear yard setback (minimum): 2.0 m
- (vi) Interior side yard setback (minimum): 2.0 m
- (vii) Exterior side yard setback (minimum): 3.0 m
- (viii) Building height (maximum): 12.0 m
- (ix) Floor Space Index (maximum): 1.5
- (x) In addition, for any Community Lifestyle Facility, excluding banquet and bingo halls the permitted gross floor area shall be located entirely within buildings existing on September 28, 1998. Parking shall be provided entirely on privately owned lands up to a maximum of 20 parking spaces. The premises shall not be used for banquets, weddings, receptions or similar for persons or groups other than for the primary tenant of the Community Lifestyle Facility.

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

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

- (i) Lot frontage (min): 15.0 m
- (ii) Lot area (min): 550 m<sup>2</sup>
- (iii) Lot coverage (max): 30%
- (iv) Front yard setback (min): 0.5 m
- (v) Rear yard setback (min): 7.5 m
- (vi) Side yard setbacks (min): 2.0 m
- (vii) Building height (max): 10.0 m

**14.59** Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 20, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses so long as the "Holding" symbol is affixed to the R5 (14.59) lands:

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

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

At a time when the "Holding" symbol is removed by the City, the provisions and permitted uses from the General Residential (R5) Zone shall apply.

- 14.60** Notwithstanding the provisions of the Neighbourhood Commercial (C3) Zone and for lands shown on Schedule A, Zoning Map 13, a veterinarian clinic and uses permitted in the R3 Zone but not on the same lot used for any other use in this section, shall be permitted.

A use permitted in the R3 Zone under this section shall be subject to the site provisions in the R3 Zone. Where any lot line abuts a lot line in a Residential Zone, a minimum 20.0 m setback is required for a veterinarian clinic.

- 14.61** Notwithstanding the provisions of the Arterial Commercial (C4) Zone, and for lands shown on Schedule A, Zoning Map 14, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses:

- (a) Retail warehouse
- (b) Place of worship
- (c) Offices and clinics
- (d) Community lifestyle facilities
- (e) Warehouses

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

- (i) Lot frontage (min): 60.0 m
- (ii) Lot area (min): 5,000 m<sup>2</sup>
- (iii) Lot coverage (max): 50%
- (iv) Building setbacks (min): 8.0 m from a front lot line  
3.0 m from a side and rear lot line
- (v) Building height (max): 10.0 m

A retail warehouse and place of worship may be permitted on the subject lot provided a minimum of 48 parking spaces are provided on-site. The parking requirements of Section 5.22.2 of this By-law apply to all other permitted uses.

- 14.62** Notwithstanding the provisions of the Arterial Commercial (C4) Zone, and for lands shown on Schedule A, Zoning Map 14, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses so long as the "Holding" symbol is affixed to the C4 (14.62) lands:

- (a) Public Parks
- (b) Single Detached Dwelling
- (c) Home Occupation

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

At a time when the "Holding" symbol is removed by the City and notwithstanding the provisions of the C4 Zone, no person shall use any lot or erect, alter or use any building or structure except for the following uses:

- (a) Offices and clinics
- (b) Seniors Living Facility
- (c) Places of worship
- (d) Dwelling units in combination with permitted non-residential uses

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

- (i) Lot frontage (min): 30.0 m
- (ii) Lot area (min): 2,500 m<sup>2</sup>
- (iii) Lot coverage (max): 50%
- (iv) Building setbacks (min): 8.0 m from a front lot line  
3.0 m from a side and rear lot line
- (v) Building height (max): 10.0 m
- (vi) Maximum density: 1 dwelling unit for each 200.0 m<sup>2</sup> of lot area
- (vii) Landscaped open space (min): 40.0 m<sup>2</sup> for each dwelling unit
- (viii) Gross floor area (min): 35.0 m<sup>2</sup> for a dwelling unit

**14.63** Notwithstanding the provisions of the Retail Commercial (C2) Zone and for lands shown on Schedule A, Zoning Map 19, no person shall use any lot or erect, alter or use any building or structure for any purpose except for the following uses:

- (a) Uses permitted in the M1 Zone
- (b) Retail stores
- (c) Restaurants
- (d) Community Lifestyle Facilities

No person shall use any lot or erect, alter or use any building or structure for any permitted use in 14.63 (a) except in accordance with the provisions of Section 8.2 for such uses in an M1 Zone.

No person shall use any lot or erect, alter or use any building or structure for any permitted use in 14.63 (b), (c) or (d) except in accordance with the regulations of the C2 Zone with the exception of gross floor area and number of uses which shall be as follows:

- (i) Gross floor area (minimum): 1,300 m<sup>2</sup> for any single retail store
- (ii) Number of uses (maximum): No more than three (3) uses permitted under section 14.63 (b), (c), and (d)

ZBA [4]

shall be permitted within the area zoned C2 (14.63).

**14.64** Notwithstanding the provisions of the Retail Commercial (C2) Zone and for lands shown on Schedule A, Zoning Map 20, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses so long as the "Holding" symbol is affixed to the C2 (14.64) lands:

(a) Uses existing on October 2<sup>nd</sup>, 2000

The minimum lot frontage, lot area, building setbacks, lot coverage and building height shall be as they existed on October 2, 2000.

At a time when the "Holding" symbol is removed by the City and notwithstanding the provisions of the C2 Zone, no person shall use any lot or erect, alter or use any building or structure except for the following uses:

- (a) Retail stores
- (b) Home improvement warehouse outlet
- (c) Restaurants
- (d) Offices, financial institutions and clinics
- (e) Personal service stores
- (f) Community lifestyle facilities

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

- (i) Lot frontage (min): 180.0 m
- (ii) Lot area (min): 10.0 ha except for a Home Improvement Warehouse where a minimum lot area of 4.0 ha is required provided the entire lot area is located within the area zoned C2 (14.64) by this By-law
- (iii) Lot coverage (max): 50%
- (iv) Building setbacks (min): 10.0 m from any street line  
3.0 m from any other lot line
- (v) Building height (max): 10.0 m

The maximum gross floor area shall be 27,290 m<sup>2</sup> for all permitted uses, which shall include one retail store having a maximum gross floor area of 9,800 m<sup>2</sup> and a minimum gross floor area of 9,000 m<sup>2</sup> and one home improvement warehouse outlet having a maximum gross floor area of 12,080 m<sup>2</sup> and a minimum gross floor area of 11,500 m<sup>2</sup>.

**14.65** Notwithstanding the provisions of the Institutional (I) Zone and for lands shown on Schedule A, Zoning Map 20, no person shall use any lot or erect, alter or use any building or structure for any purpose except for a hospital, offices and clinics in accordance with the following provisions:

Lot frontage (min): 500.0 m

Lot area (min):	2.0 ha
Lot coverage (max):	50%
Building setbacks (min):	20.0 m from a front lot line 10.0 m from a side and rear lot line
Building height (max):	25.0 m

**14.66** Notwithstanding the provisions of the Arterial Commercial (C4) Zone, and for lands shown on Schedule A, Zoning Map 13, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses so long as the "Holding" symbol is affixed to the C4 (14.66) lands:

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

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

At a time when the "Holding" symbol is removed by the City and notwithstanding the provisions of the C4 Zone, no person shall use any lot or erect, alter or use any building or structure except for the following uses:

- (a) Offices and clinics
- (b) Convenience stores, personal service stores, bakery or butcher shops
- (c) Restaurants except that take out facilities for the purposes of direct pick-up from an automobile shall not be permitted
- (d) Neighbourhood Shopping Centres
- (e) Places of worship
- (f) Uses permitted in a R5 Zone but not on the same lot as any use listed above

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

- |                               |  |
|-------------------------------|--|
| (i) Lot frontage (min):       | 30.0 m   |
| (ii) Lot area (min):          | 2,500 m <sup>2</sup>   |
| (iii) Lot coverage (max):     | 50%  |
| (iv) Building setbacks (min): | 8.0 m from a front lot line<br>3.0 m from a side and rear lot line |
| (v) Building height (max):    | 10.0 m   |

**14.67** Notwithstanding the provisions of the Neighbourhood Commercial (C3) Zone, and for lands shown on Schedule A, Zoning Map 1, no person shall use any lot or erect, alter or use any building or structure except for the following uses:

- (a) Automotive Service Station
- (b) Home Occupation or Studio having a maximum gross floor area of 60.0m<sup>2</sup>
- (c) Maximum of one (1) dwelling unit in combination with a permitted non-residential use
- (d) Uses permitted in the Medium Density Residential (R4) Zone, but not on the same lot used for other uses permitted in this section

A use permitted in the R4 Zone under this section shall be subject to the site provisions in the R4 Zone. No person shall use any lot or erect, alter or use any building or structure for any permitted use (excluding R4 permitted uses) except in accordance with the following provisions:

- (i) Lot frontage (min): 12.0 m
- (ii) Lot area (min): 550.0 m<sup>2</sup>
- (iii) Lot coverage (max): 40%
- (iv) Building setbacks (min): 7.0 m from a street line  
1.0 m from an interior side yard and rear yard lot lines
- (v) Building height (max): 10.0 m

Notwithstanding the foregoing, a gasoline pump island shall be setback a minimum of 5.0 m from any lot line. A minimum of 6 parking spaces shall be required for any combination of permitted uses on a lot in a C3 (14.67) Zone.

**14.68** Notwithstanding the provisions of the Neighbourhood Commercial (C3) Zone, and for lands shown on Schedule A, Zoning Map 2, no person shall use any lot or erect, alter or use any building or structure for any purpose except for the following uses:

- (a) Offices
- (b) Uses permitted in the R5 Zone

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

- (i) Lot frontage (min): 50.0 m
- (ii) Lot area (min): 6,000 m<sup>2</sup>
- (iii) Building setbacks (min): 5.0 m from 3<sup>rd</sup> Avenue West street line
- (iv) Floor elevation (min): No opening to a building shall be less than 178.35 m above mean sea level
- (v) Gross floor area (max): 2,300 m<sup>2</sup>
- (vi) Building height (max): 8.0 m



**14.69** Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 2 and 12, a day nursery and recreational uses including lawn bowling, racquet or curling clubs shall be permitted in accordance with the following provisions:

- (i) Lot frontage (min): 40.0 m
- (ii) Lot area (min): 1,800 m<sup>2</sup>
- (iii) Lot coverage (max): 25%
- (iv) Building setbacks (min): 2.0 m from side and rear lot lines
- (v) Building height (max): 11.0 m

**14.70** Notwithstanding the provisions of the General Residential (R5) Zone, and for lands shown on Schedule A, Zoning Map 3, a funeral home including a maximum of one (1) dwelling unit in combination therewith shall be permitted in accordance with the following provisions:

- (i) Lot frontage (min): 35.0 m
- (ii) Lot area (min): 1,500 m<sup>2</sup>
- (iii) Lot coverage (max): 40%
- (iv) Front yard setback (min): 7.5 m
- (v) Rear yard setback (min): 1.0 m
- (vi) Interior side yard setback (min): 1.0 m
- (vii) Exterior side yard setback (min): 3.0 m
- (viii) Building height (max): 11.0 m
- (ix) Gross floor area (min): 35.0 m<sup>2</sup> for a dwelling unit in combination with a funeral home

**14.71** Notwithstanding the provisions of the General Residential (R5) Zone, and for lands shown on Schedule A, Zoning Map 3, an art gallery, museum, library, studio and day nursery shall be permitted in accordance with the following provisions:

- (i) Lot frontage (min): 30.0 m
- (ii) Lot area (min): 1,000 m<sup>2</sup>
- (iii) Lot coverage (max): 40%
- (iv) Building setbacks (min): 7.5 m from a street line  
2.0 m from a side and rear lot line
- (v) Building height (max): 12.0 m

**14.72** Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 4, the following uses shall be permitted in addition to all other uses permitted in the R4 Zone: **ZBA [4]**

- a) Convenience Store

- b) Butcher or Bakery Shop
- c) Office
- d) Clinic
- e) Personal Service Use
- f) A maximum of two (2) dwelling units in combination with any of the above permitted non-residential uses

For these additional uses the R4 Zone regulations shall apply, except for the following:

- (i) Gross floor area: 75.0 m<sup>2</sup> maximum for non-residential uses;  
35.0 m<sup>2</sup> minimum for dwelling units in combination with permitted non-residential uses
- (ii) The minimum lot frontage, lot area, minimum building setbacks, maximum building height and lot coverage shall be as they existed on the effective date of this By-law.

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

**14.73** Notwithstanding the provisions of the Low Density Residential (R2) Zone and for lands shown on Schedule A, Zoning Map 8, a restaurant shall be permitted in accordance with the following provisions:

- (i) Lot area (min): 2,500 m<sup>2</sup>
- (ii) Building height (max): 6.0 m
- (iii) Building setbacks (min): 1.0 m from any lot line
- (iv) Gross floor area (max): 400.0 m<sup>2</sup>

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

- (a) Public Uses including a Visitor Centre and accessory offices
- (b) Rental Uses geared towards outdoor recreation activities
- (c) Restaurants in combination with or on an adjacent lot to any other permitted use
- (d) Uses permitted in the OS Zone

No person shall use any lot or erect, alter or use any building or structure for any permitted use listed in OS (14.74) except in accordance with Section 10.2 with the exception of the following:

- (i) Building setbacks (min): 0 m from any street line;  
2.0 m from any other lot line

**14.75** Notwithstanding the provisions of the General Industrial (M1) Zone and for lands shown on Schedule A, Zoning Map 12, the lands are identified with the suffix (A) and (B) and the following provisions shall apply:

(A) Notwithstanding the M1 Zone, the following provisions shall be applied to lands identified as 14.75 (A):

i) Notwithstanding the M1 Zone, the following uses shall also be permitted:

- (a) Light industrial uses; Industrial Malls;
- (b) Warehouse and Storage Uses excluding open, bulk above-ground storage of liquids and gases; Wholesale Establishments;
- (c) Banks; Offices; Broadcasting Studios;
- (d) Animal Shelters; Veterinarian's Clinic;
- (e) Repair Stores; Service Uses; Repair of recreational, farm and heavy machinery and/or vehicles; Welding shops;
- (f) Automotive Service Stations;
- (g) Truck, Bus or Railway Terminals; Courier's Depot;
- (h) Athletic or recreational establishments;
- (i) Utility Service Buildings and Uses;
- (j) A dwelling unit accessory to a permitted use used by a custodian or similar employee;
- (k) Assembly Halls; Private clubs;
- (l) Automotive Repair Establishment; Automotive Washing Establishment; Automotive Sales Establishment; Farm implement dealership;
- (m) Commercial Schools; Schools;
- (n) Ambulance Depot;
- (o) Public Uses;
- (p) Horticultural Nursery;
- (q) Retail Store Selling Lumber, Homes Improvement Supplies, Swimming Pools or safety supplies, Monument Sales Establishments, Retail Stores Accessory to a permitted use;
- (r) Rental Uses; Catering Services;
- (s) Tattoo Parlour; Body Piercing Establishment in accordance with Section 5 of this By-law;
- (t) Uses on a stand-alone basis that are permitted in an Industrial Mall in an M1 Zone;
- (u) Place of Entertainment or Amusement;
- (v) Agricultural uses existing as of November 3, 1976;
- (w) Household Pet Grooming Service;
- (x) Existing single-detached dwelling and accessory buildings and structures.

ii) For the purposes of Section 14.75 (A)i)(f), no person shall use any lot or erect, alter or use any building or structure for an Automotive Service Station, except in accordance with the following provisions:

- (i) Lot frontage (min): 30.0 m
- (ii) Lot area (min): 1,200.0 m<sup>2</sup>
- (iii) Building setbacks (min): 10.0 m from a street line; 3.0 m from interior side and rear lot lines;

Notwithstanding the foregoing, where a lot within this Zone abuts any land within R1, R2, R3, R4 or R5 Zones, the building setback from the common lot line shall be 5.0 m minimum.

- (iv) Pump Island Setback (min): 5.0 m from all lot lines
  - (v) Setback for Canopies: No part of any canopy shall encroach to within less than 2.0 m of any lot line
  - (vi) Setback for Other Accessory Buildings: 10.0 m from a street line; 3.0 m from interior side and rear lot lines;
  - (viii) Building height (max): 10.0 m for a main building and canopy
- iii) For the purposes of Section 14.75 (A) i) (a) to (e), (g) to (x), no person shall use any lot, or erect, alter or use any building or structure for any other permitted use in Section 14.75 except in accordance with the following:
- (i) Lot frontage (min): 20.0 m
  - (ii) Lot area (min): 750.0 m<sup>2</sup>
  - (iii) Lot coverage (max): 60%
  - (iv) Building setbacks (min): 7.5 m minimum from a front lot line; 2.0 m minimum from side and rear lot lines;
- Notwithstanding the foregoing, where a lot within this Zone abuts any land within R1, R2, R3, R4 or R5 Zones, the building setback from the common lot line shall be 5.0 m minimum.
- (vi) Building height (max): 15.0 m
- iv) For all other uses permitted in the M1 Zone, the provisions and regulations of the M1 Zone shall apply.
- (B) Notwithstanding the M1 Zone, the following provisions shall be applied to lands identified as 14.75 (B):
- i) Notwithstanding the M1 Zone, the following uses shall also be permitted:
    - (a) Light industrial uses; Industrial Malls;
    - (b) Warehouse and Storage Uses excluding open, bulk above-ground storage of liquids and gases; Wholesale Establishments;
    - (c) Banks; Offices; Broadcasting Studios;
    - (d) Animal Shelters; Veterinarian's Clinic; Household Pet Grooming Service;
    - (e) Repair Stores; Service Uses; Repair of recreational, farm and heavy machinery and/or vehicles; Welding shops;
    - (f) Automotive Service Stations;
    - (g) Truck, Bus or Railway Terminals; Courier's Depot;
    - (h) Athletic or recreational establishments.
    - (i) Utility Service Buildings and Uses.

- (j) A dwelling unit accessory to a permitted use used by a custodian or similar employee.
  - (k) Assembly Halls; Private clubs,
  - (l) Automotive Repair Establishment; Automotive Washing Establishment; Automotive Sales Establishment; Farm implement dealership;
  - (m) Commercial Schools; Schools;
  - (n) Ambulance Depot;
  - (o) Public Uses
  - (p) Horticultural Nursery
  - (q) Retail Store Selling Lumber, Homes Improvement Supplies, Swimming Pools or safety supplies, Monument Sales Establishments, Retail Stores Accessory to a permitted use.
  - (r) Rental Uses; Catering Services.
  - (s) Tattoo Parlour; Body Piercing Establishment in accordance with Section 5 of this By-law;
  - (t) Uses on a stand-alone basis that are permitted in an Industrial Mall in an M1 Zone;
  - (v) Place of Entertainment or Amusement;
  - (w) Agricultural uses existing as of November 3, 1976;
  - (x) Existing single-detached dwelling and accessory buildings and structures;
  - (y) Parking Areas or Outside Storage Areas Accessory to Industrial Uses located within 50.0 m of the subject lot;
  - (z) Miniature Golf Facilities; Driving Ranges
- ii) For the purposes of Section 14.75 (B)i)(f), no person shall use any lot or erect, alter or use any building or structure for an Automotive Service Station, except in accordance with the following provisions:
- (i) Lot frontage (min): 30.0 m
  - (ii) Lot area (min): 1,200.0 m<sup>2</sup>
  - (iii) Building setbacks (min): 10.0 m from a street line; 3.0 m from interior side and rear lot lines;
- Notwithstanding the foregoing, where a lot within this Zone abuts any land within R1, R2, R3, R4 or R5 Zones, the building setback from the common lot line shall be 5.0 m minimum.
- (iv) Pump Island Setback (min): 5.0 m from all lot lines
  - (v) Setback for Canopies: No part of any canopy shall encroach to within less than 2.0 m of any lot line
  - (vi) Setback for Other Accessory Buildings: 10.0 m from a street line; 3.0 m from interior side and rear lot lines;
  - (viii) Building height (max): 10.0 m for a main building and canopy
- iii) For the purposes of Section 14.75 (B)i)(a) to (e) and (g) to (z), no person shall use any lot, or erect, alter or use any building or structure for any other permitted use, except in accordance with the following:

- (i) Lot frontage (min): 20.0 m
- (ii) Lot area (min): 750.0 m<sup>2</sup>
- (iii) Lot coverage (max): 60%
- (iv) Building setbacks (min): 7.5 m minimum from a front lot line; 2.0 m minimum from side and rear lot lines;

Notwithstanding the foregoing, where a lot within this Zone abuts any land within R1, R2, R3, R4 or R5 Zones, the building setback from the common lot line shall be 5.0 m minimum.

- (v) Building height (max): 15.0 m
- iv) For all other uses permitted in the M1 Zone, the provisions and regulations of the M1 Zone shall apply.
- (C) Notwithstanding the M1 Zone, a "Retail Warehouse" shall be permitted on lands identified as "A" or "B", on Schedule A, Zoning Map 12 and in Section 14.75, subject to the following provisions:
- i) For the purposes of Section 14.75 C), a "Retail Warehouse" shall be defined as: a building or structure, or portion thereof, where goods, wares or merchandise are warehoused and offered for sale at retail and wherein ancillary uses may be provided.
  - ii) A Retail Warehouse shall be subject to the following provisions:
    - (i) Lot frontage (min): 30.0 m
    - (ii) Lot area (min): 1.3 ha
    - (iii) Lot coverage (max): 50%
    - (iv) Building setbacks (min): 10.0 m from any street line; 3.0 m from any other lot line
    - (v) Building height (max): 15.0 m
    - (vi) Total maximum gross floor area devoted to retail warehouse: 25,293.7 m<sup>2</sup>
    - (vii) Minimum gross floor area: 743.2 m<sup>2</sup>

Notwithstanding the definitions in Section 4 of this By-law, the following definitions shall be used for the purposes of determining uses identified in Section 14.75 (A)i) and (B)i):

Industrial Mall – means a lot, building or part thereof or a group of buildings which is planned, developed, owned and managed as a unit or condominium, used by two or more industrial uses permitted in the applicable zone, and may include dining establishments, banks, offices, personal service stores, and other uses allowed in the applicable zone.

Veterinarian Clinic – means a lot, building or part thereof where animals are examined and treated or are kept for treatment by qualified veterinarians, and where animals kept for treatment are housed within a completely enclosed building.

Athletic or recreational establishment – means a lot, building or part thereof in which the main use is for athletic activities including racquet sports, roller or ice skating, bowling, curling, lawn bowling, swimming, and includes health and exercise clubs and gymnasiums, but shall not include an assembly hall, drinking establishment, or place of entertainment or amusement.

Assembly Hall – means a lot, building or part thereof use for gathering or meeting of a civic, educational, political, religious, social or recreational nature, including banquet and bingo halls and rehearsal studios.

Private club – means a lot, building or part thereof used by a service club, sorority, lodge, fraternity, or similar organization as a meeting place for members thereof or their invited guests for the conduct of business, meetings, social events or similar activities, but shall not include an assembly hall, drinking establishment, or place of entertainment or amusement.

Automotive Repair Establishment – means a lot, building or part thereof used for the servicing, repair, cleaning, polishing, rust proofing, and lubrication of motor vehicles and may include vehicular body repair and painting.

Automotive Sales Establishment – refer to definition of Vehicle Sales Establishment

Commercial School – means a lot, building or part thereof used for a school where instruction is given for hire or gain and includes a studio for dance, sport or music, art, business or trade school.

Place of Entertainment or Amusement – means a lot, building or part thereof used for an arcade, theatre, dance pavilion, bingo hall, billiard hall, or similar, and where not limited to enclosed buildings, means a lot, buildings and structures used for miniature golf, golf driving ranges, amusement park, or similar establishments designed to entertain or amuse patrons.

Dining Establishment – means a lot and/or building of part thereof, either unlicensed or licensed under the provisions of the Liquor License Act S.O. 1990, where the main use is the preparation and serving of meals and sundries to the public in consideration of payment, intended for consumptions on the same premises (in the building of an abutting terrace or patio), and may include home delivery, catering or food pick-up/take-out services provided as an accessory use, but shall not include a place of entertainment or amusement, an assembly hall, a private club, a drinking establishment, a drive-in restaurant, or a take out restaurant.

- 14.76** Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 17, no person shall use any lot or erect, alter or use any building or structure for any purpose except for the following uses:

- (a) Schools
- (b) Uses permitted in the R4 Zone but not on the same lot as a school

No person shall use any lot or erect, alter or use any building or structure for any permitted use listed in R4 (14.76), save and except a School, except in accordance with Section 6.5. A School shall be subject to the following provisions:

- (i) Lot frontage (min): 100 m
- (ii) Lot area (min): 2.0 ha
- (iii) Lot coverage (max): 40%
- (iv) Building setbacks (min): 10.0 m except when abutting a Residential lot in which a 30.0 m setback is required
- (v) Floor space index (max): 1.0
- (vi) Building height (max): 12.0 m

**14.77** Notwithstanding the provisions of the Open Space (OS) Zone and Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 11, any building or structure shall be set back a minimum of 150 m from any lot line abutting an Institutional (I) Zone.

**14.78** Notwithstanding the provisions of the Single Residential (R1) Zone, Low Density Residential (R2) Zone and the Hazard Land (ZH) Zone, and for lands shown on Schedule A, Zoning Map 5, no person shall use any lot or erect, alter or use any building or structure for an above ground pool.

Notwithstanding the Regulations in the Single Residential (R1) Zone, the following provisions shall apply to the subject lands:

**ZBA [3]**

- (i) Minimum Lot Frontage: 13.5 m
- (ii) Minimum Lot Area: 475 m<sup>2</sup>
- (iii) Maximum Lot Coverage: 40%
- (iv) Minimum Front Yard Setback: 5.5 m
- (v) Minimum Gross Floor Area: 90 m<sup>2</sup>

For the purposes of calculating "lot frontage" as defined in Section 4.2 of this Bylaw, the minimum front yard depth as provided for in the definition shall be 7.5 metres.

Notwithstanding the required site and building regulations under 14.78 existing single detached dwellings located on lands zoned R1 (14.78) shall be deemed to comply with this By-law. For additions to these existing single detached dwellings, the yard and height requirements of the R1 (14.78) Zone shall apply.

**14.79** Notwithstanding the provisions of the Retail Commercial (C2) Zone and for lands shown on Schedule A, Zoning Map 13, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of



the following uses so long as the “Holding” symbol is affixed to the C2 (14.79) lands:

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

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

At a time when the “Holding” symbol is removed by the City, the provisions and permitted uses from the C2 Zone shall apply.

**14.80** Notwithstanding the provisions of the Arterial Commercial (C4) Zone and for lands shown on Schedule A, Zoning Map 14, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- (a) Offices and Clinics
- (b) Long Term Care Facilities
- (c) Boarding or Lodging Houses
- (d) Churches
- (e) Dwelling units in combination with a permitted non-residential use

No person shall use any lot or erect, alter or use any building or structure for any permitted use in C4 (14.80) except in accordance with the following provisions:

- (i) Lot frontage (min): 30 m
- (ii) Lot area (min): 2,500 m<sup>2</sup>
- (iii) Lot coverage (max): 50%
- (iv) Building setbacks (min): 8.0 m from a front lot line; 3.0 m from a side and rear lot line
- (v) Building height (max): 10.0 m
- (vi) Landscaped open space (min): 40 m<sup>2</sup> for each dwelling unit

**14.81** Notwithstanding the provisions of the Mixed Use Commercial (MC) Zone and for lands shown on Schedule A, Zoning Map 3, no person shall use any lot or erect, alter or use any building or structure for any purpose except for the following uses:

- (a) Gas bar
- (b) Uses permitted in a MC Zone

No person shall use any lot or erect, alter or use any building or structure for a gas bar except in accordance with the provisions contained in Section 5.19.1 of this By-law.

**14.82** Notwithstanding the definitions in Section 4 of this By-law, the following definitions shall be used for the purposes of determining uses in the Regional Shopping Centre (C5) Zone:

“Regional Shopping Centre” shall mean a group of commercial uses conceived, designed, developed and managed as in inter-dependent and inter-related unit whether by a single owner or tenant or by a group of owners or tenants, acting in collaboration, intended to serve the urban community in which it is located and the surrounding regional market area outside the urban limits. A Regional Shopping Center must include all of the following retail uses: Major/Traditional Department Store, a supermarket, ancillary retail and service stores; and may include a Discount/Promotional Department Store.

“Department Store, Major/Traditional” shall mean one of the group of Department Stores which emphasizes a broad selection of higher price and quality range merchandise, specialty goods and large household furnishings and appliances in a distinctly departmentalized format with specialized service personnel and cashier facilities typically available in each department.

“Department Store, Discount/Promotional” shall mean one of the group of Department Stores which emphasizes a large selection of lower and middle price range merchandise in the supermarket style format, with cashier stations predominantly grouped at a store exit location and featuring discount pricing made possible by volume merchandising, standardization and the self-service format.

“Total Floor Area” shall mean the aggregate of all floor areas within a building, which are used, intended to be used, or capable of being used for a permitted use, including mezzanine areas, mechanical rooms, common malls, stairwells, garbage and electrical rooms, all enclosed services and loading areas, to be measured from the outside of exterior wall faces. For purposes of this definition, a mezzanine shall not be considered Total Floor Area where such mezzanine is used for storage or office uses which are accessory to the principle use.

**14.83** Notwithstanding the provisions of any Zone and for the lands shown on Schedule A, Zoning Maps 6 and 11 subject to this provision, no new buildings or structures shall be permitted, excluding uses lawfully existing on the effective date of this by-law, buildings or structures accessory to a lawfully existing main use, boat launch or dockage, parking areas and structures, or public parks may be permitted in accordance with other provisions of the By-law.

**14.84** Notwithstanding the provisions of the Core Commercial (C1) Zone and for lands shown on Schedule A, Zoning Maps 7 and 8, dwelling units must be in combination with permitted non-residential uses and shall be located above the first storey with the exception of entrances thereto.

Further to the above, a residential unit and entrance thereto may be permitted on the first storey in accordance with the following:

(a) The non-residential use and store front shall be maintained.

- (b) The residential unit shall not exceed 45% of the gross floor area of the first storey of the non-residential use located on the same building on a lot.
- (c) A separate entrance to the residential unit shall be required and shall not be from the store front or by way of common access through the non-residential use.

**14.85** Notwithstanding the provisions of the Downtown Commercial (C1) Zone and for lands shown on Schedule A, Zoning Map 7, a drive-thru restaurant shall be permitted in addition to all other uses permitted in the C1 Zone. All permitted uses shall be in accordance with the regulations of the Downtown Commercial (C1) Zone.

ZBA [4]

**14.86** Notwithstanding the provisions of the Mixed Use Commercial (MC) Zone and for lands shown on Schedule A, Zoning Map 7, the following uses shall be permitted in addition to those permitted in the MC Zone:

- (a) Printing and publishing establishment
- (b) Boarding or Lodging House
- (c) Catering Service
- (d) School
- (e) Wholesale Establishment
- (f) Funeral Home
- (g) Transportation Depot
- (h) Veterinarian Clinic
- (i) Tattoo Parlour in accordance with Section 5.17.7
- (j) Body Piercing Establishment in accordance with Section 5.17.1

**14.87** Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 7, a boarding or lodging house may be permitted in accordance with the provisions of Section 5.17.10 of this By-law.

**14.88** Notwithstanding the provisions of the General Industrial (M1) Zone and for lands shown on Schedule A, Zoning Map 19, the following uses shall be permitted in addition to those permitted in the M1 Zone:

- (a) Vehicle Sales Establishment

**14.89** Notwithstanding the provisions of the Retail Commercial (C2) Zone and for lands shown on Schedule A, Zoning Map 20, the following provisions shall apply:

1) Permitted Uses:

Notwithstanding the list of uses permitted in the C2 Zone, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

(a) Retail Stores according to the North American Industry Classification System (NAICS) limited to the following categories:

- i. Furniture, Home Furnishings and Electronics

ZBA [6]

- ii. Pharmacies and Personal Care Stores
- iii. Clothing and Accessories
- iv. General Merchandise
- v. Miscellaneous Retail

(b) Service Uses limited to the following categories:

- i. Medical and dental clinics and laboratories
- ii. Tool or party rental
- iii. Veterinary services
- iv. Fitness centres
- v. Restaurants with or without drive-through services

(c) Amusement arcade

(d) Billiards and/or bowling

(e) Movie Theatre

2) Site and Building Regulations:

Notwithstanding the Site and Building Regulations in the C2 Zone, no person shall use any lot or erect, alter or use any building or structure for any permitted use or combination of permitted uses listed in Section 14.89.1 except in accordance with the following provisions:

- i. Lot Frontage: 20 m minimum
- ii. Lot Area: No individual minimum lot area is required where the area of the overall development is 7.6 hectares minimum
- iii. Lot Coverage: 50% maximum
- iv. Building Setbacks: 6m minimum from any street line 8m minimum from any other lot line
- vi. Building Height: 19 m maximum for medical and dental clinics and laboratories, 10 m maximum for all other permitted uses

vii. Floor Area Provisions:

1. Maximum gross floor area for any combination of uses permitted under Section 14.89.1 (a) and (b): 17,443.7 m<sup>2</sup>
2. Maximum gross floor area applicable to any combination of amusement arcade, billiards and/or bowling, and movie theatres: 1,858 m<sup>2</sup>
3. Any combination of retail uses permitted under Section 14.89.1(a) shall be subject to a maximum gross floor area of 14,865.7 m<sup>2</sup> with no single use having a unit size less than 697 m<sup>2</sup> gross floor area, and subject to the following maximum gross floor area distribution:
  - a. Furniture, Home Furnishings and Electronics – Max. 3,716.4 m<sup>2</sup>
  - b. Pharmacies and Personal Care Stores – Max. 1,393.6 m<sup>2</sup>
  - c. Clothing and Accessories – Max. 3,716.4 m<sup>2</sup>

- d. General Merchandise – Max. 2,322.8 m<sup>2</sup>
  - e. Miscellaneous Retail – Max. 4,645.5 m<sup>2</sup>
4. Notwithstanding 14.89.2 (3) above, a total of five (5) individual Retail Stores with no minimum unit size may be permitted, provided they do not exceed 2,230m<sup>2</sup> in aggregate and provided that the maximum gross floor area distribution per category is maintained as noted in 14.89.2 (3).
5. Any combination of service uses permitted under Section 14.89.1 (b) shall be subject to a maximum gross floor area of 2,578 m<sup>2</sup> and the following:
- a. Medical and dental clinics and laboratories – Min. unit size of 697 m<sup>2</sup>
  - b. Tool or party rental – no further restriction
  - c. Veterinary services – no further restriction
  - d. Fitness centre – no further restriction
  - e. Restaurants – Minimum unit size of 325.2 m<sup>2</sup>, however smaller restaurants with no minimum unit size may be permitted provided that they not exceed 464 m<sup>2</sup> in aggregate.
6. Definitions for the purposes of Section 14.89:
- a) “Miscellaneous Retail” means retailers primarily engaged in the sale of the following goods:
    - (i) Sporting Goods;
    - (ii) Toys, Hobby, Games;
    - (iii) Sewing/Fabric/Needlework;
    - (iv) Music/Books/Instruments;
    - (v) Florist;
    - (vi) Office Supply and Stationery;
    - (vii) Gift/Novelty/Souvenir;
    - (viii) Pet Supplies;
    - (ix) Art Dealers; and,
    - (x) Used Merchandise.

**14.90** Notwithstanding Section 5.18.3 for any dwelling units in combination with a non-residential use where such dwelling units are geared toward housing for the elderly the minimum required number of vehicle parking stalls shall be 0.5 spaces for each dwelling unit.

Notwithstanding the provisions of the Core Commercial (C1) Zone the definition of Landscaped Open Space for any dwelling units in combination with a non-residential use shall be permitted to include common balconies as landscaped open space.

**14.91** Notwithstanding the provisions of the Heavy Industrial (M2) Zone and for lands shown on Schedule A, Zoning Map 18, an athletic or recreational

establishment having a maximum gross floor area of 1000 m<sup>2</sup> shall also be permitted.

**14.92** Notwithstanding the provisions of the Mixed Use Industrial (MU) Zone and for lands shown on Schedule A, Zoning Map 6, the following uses shall also be permitted:

- (a) Railway tracks and supplementary and complementary operational and safety apparatus and equipment
- (b) Railway Marshalling Yard

Until such time as the holding provision is removed the use, minimum lot frontage, lot area, building setbacks, lot coverage and building height shall be as they existed on January 28, 2002.

**14.93** Notwithstanding the provisions of the Mixed Commercial (MC) Zone and for lands shown on Schedule A, Zoning Map 6, the following provisions shall apply:

- (a) For the purposes of any apartment or converted dwellings established in this location the maximum FSI shall be 2.0;
- (b) A maximum height shall be permitted to be 26.0 metres; and,
- (c) Notwithstanding the provisions of Section 5.18 of this By-law, off-street parking shall be established in accordance with the requirements for the C1 zone.

**14.94** Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 13, the following provisions shall apply:

- (a) No person shall use any lot or erect, alter or use any building or structure for any purpose except for the following:
  - i) Single detached dwelling
  - ii) Semi detached dwelling
  - iii) Townhouse dwelling

Any single detached dwelling, semi detached or townhouse dwelling shall be permitted accordance provisions of the R4 zone (Section 6.5).

**14.95** Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 16, no person shall use any lot or erect, alter or use any building or structure for any purpose except for uses existing on the effective date of this By-law until such time as the following provisions are satisfied.

- (a) The permitted uses and regulations of the Medium Density Residential (R4) Zone shall apply to the lands and any building or structure when the following provisions are satisfied:
  - i) A geotechnical study from a Certified Professional Engineer regarding slope stability, structural integrity and/or grading and drainage supporting the proposed use is completed at the expense of the

owner to the satisfaction of the City of Owen Sound and Grey Sauble Conservation Authority;

- ii) Municipal services, including water, improved road and sanitary sewer, are designed by a professional engineer and extended to the lands at the expense of the owner to the satisfaction of the City of Owen Sound which may include the execution of a Servicing Agreement.
  - iii) Upon completion of construction of all on-site and off-site works including the extension of services (road, water, sanitary), written certification by the Certified Professional Engineer at the expense of the owner.
  - iv) Compliance with the Zoning By-law including but not limited to minimum required lot frontage on an improved street.
- (b) The City of Owen Sound shall not issue a building permit on the lands until such time as the matters outlined in Section 14.95 (a) are addressed to the satisfaction of the City and Grey Sauble Conservation Authority. The Chief Building Official may apply additional conditions to any Building Permit in accordance with the Ontario Building Code. ZBA [4]

**14.96** Notwithstanding the provisions of the Institutional (I) Zone and for lands shown on Schedule A, Zoning Map 7, a converted dwelling shall be permitted in accordance with the General Residential (R5) regulations in Section 6 of this By-law.

**14.97** Notwithstanding the provisions of the General Industrial (M1) Zone and for lands shown on Schedule A, Zoning Map 17, a retail warehouse shall also be permitted.

**14.98** Notwithstanding the provisions of the General Industrial (M1) Zone and for lands shown on Schedule A, Zoning Map 17, a clinic shall also be permitted.

**14.99** Notwithstanding the provision of the Medium Density Residential (R4) zone and for lands shown on Schedule A, Zoning Map 7, the following provisions shall apply:

- (i) Notwithstanding the list of uses permitted in the R4 Zone, and for lands shown on Schedule A, Zoning Map 7, the following uses shall be permitted in addition to those permitted in the R4 Zone:
  - a) Office
  - b) Clinic
  - c) Personal Service Use
  - d) Residential uses in combination with any of the foregoing uses.
- (i) Notwithstanding the site and building regulations, the Permitted Uses described in 14.99 shall be permitted with the minimum lot frontage, lot area, building setbacks, lot coverage and building height as they existed on the date of passing this By-law.

- (ii) Any single detached dwelling, semi, duplex or townhouse or converted dwelling shall be permitted in accordance with the provisions of the R4 zone (Section 6.5)

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

**ZBA [3]**

- (i) Minimum Front Yard Setback: 6.0 m  
 (ii) Maximum Lot Coverage: 40%

**14.101** Notwithstanding the provisions of the Low Density Residential (R3) Zone and for lands shown on Schedule A, Zoning Map 11, all uses permitted in the R3 zone as well as the following uses shall be permitted:

**ZBA [3]**

- a) Converted Dwelling (maximum of 10 units)  
 b) Townhouse Dwelling (maximum of 10 units)  
 c) Apartment Dwelling (maximum of 10 units)  
 c) Boarding/Lodging Houses  
 d) Church
- i) Notwithstanding the R3 Zone, no person shall alter or use any lot or erect, use any building or structure for a church use except in accordance with the Institutional (I) Zone of this By-law.
- ii) Notwithstanding the R3 Zone, no person shall alter or use any lot or erect, use any building or structure for a townhouse dwelling except in accordance with the following:
- (i) Minimum Lot Frontage: 18.0 m and 5.5 m for each unit  
 (ii) Minimum Lot Area: 900 m<sup>2</sup> for total development parcel  
 (iii) Maximum Density: 200 m<sup>2</sup> for each of the first five dwelling units and 150 m<sup>2</sup> minimum of lot area for each additional dwelling unit  
 (iv) Maximum Lot Coverage: 40%  
 (v) Maximum # of Units: 10 units  
 (vi) Minimum Front Yard Setback: 7.0 m  
 (vii) Minimum Rear Yard Setback: 7.0 m  
 (viii) Minimum Side Yard Widths: 3.5 m from side lot lines and for end dwelling units  
 (ix) Maximum Building Height: 10.0 m  
 (x) Gross Floor Area: 75 m<sup>2</sup>
- iii) Notwithstanding the R3 Zone, no person shall alter or use any lot or erect, use any building or structure for an apartment with a maximum of 10 units except in accordance with the following:



- (i) Minimum Lot Frontage: 18.0 m
  - (ii) Minimum Lot Area: 600 m<sup>2</sup>
  - (iii) Maximum Density: 200 m<sup>2</sup> for each of the first five dwelling units and 150 m<sup>2</sup> minimum of lot area for each additional dwelling unit
  - (iv) Maximum Lot Coverage: 40%
  - (v) Maximum # of Units: 10 units
  - (vi) Minimum Front Yard Setback: 7.5 m
  - (vii) Minimum Rear Yard Setback: 7.5 m
  - (viii) Minimum Side Yard Widths: 4.0 m on each side
  - (ix) Maximum Building Height: 10.0 m
  - (x) Gross Floor Area: 40 m<sup>2</sup> minimum for each dwelling unit
- iv) For purposes of site and building regulations, a boarding or lodging house shall be considered a single detached dwelling.

**14.102** Notwithstanding the provisions of the Single Residential Zone (R1), and for lands shown on Schedule A, Zoning Map 5:

**ZBA [5]**  
**ZBA [7]**

(a) Notwithstanding the above, for any permitted use, the following provisions shall apply:

- (i) Minimum Front Yard Setback: 5.5 m
- (ii) Maximum Lot Coverage : 45 %

**14.103** Notwithstanding the provisions of the Single Residential Zone (R1), and for lands shown on Schedule A, Zoning Map 5:

**ZBA [7]**

(a) Notwithstanding the above, for any permitted use, the following provisions shall apply:

- (i) Minimum Front Yard Setback: 6.0 m
- (ii) Maximum Lot Coverage : 45 %
- (iii) Minimum Rear Yard Setback: 6.5 m

For the purposes of calculating "lot frontage" as defined in Section 4.2 of this By-law, the minimum front yard depth as provided for in the definition shall be 7.5 m.

**14.105** Notwithstanding the provisions of the Commercial Core Zone (C1), and for lands shown on Schedule A, Zoning Map 7:

**ZBA [9]**

a) The permitted uses and site and building regulations of the Core Commercial Zone (C1) shall continue to apply to any use of the buildings which exist on the effective date of this By-law provided that the height and gross floor area are not increased so long as the "Holding (H)" symbol is affixed to the C1 (14.105) lands.

b) The City of Owen Sound shall not remove the "Holding" provision until such time as the matters outlined below are satisfied and, notwithstanding the provisions of the Core Commercial Zone (C1), for those lands shown on Schedule A, Zoning Map 7, no person shall increase the height or increase the gross floor area beyond the extent of the buildings existing on the effective date of this By-law until such time as the following items have been addressed to the satisfaction of the City of Owen Sound:

- A Site Plan Agreement
- A Hydrostatic assessment
- A Hydrodynamic assessment
- Final Geotechnical Assessment
- Record of Site Condition

c) At a time when the "Holding (H)" Symbol is removed by the City and notwithstanding the provisions of the Core Commercial Zone (C1), for any use permitted in the Core Commercial Zone (C1), the following provisions shall apply:

- (i) Minimum Rear Yard Setback: 0.0 metres
- (ii) Minimum Exterior Side Yard Setback 0.0 metres
- (iii) Minimum Interior Side Yard Setback 0.0 metres
- (iv) Maximum Building Height 23.0 metres
- (v) A minimum of 7.0 % of the GFA on the ground floor shall be devoted to commercial use.
- (v) Regulation 5.23 (c) shall not apply.

**14.106** Notwithstanding the provisions of the Retail Commercial (C2) Zone, and for lands shown on Schedule A, Zoning Map 13, the following uses shall be permitted in addition to all other uses permitted in the C2 Zone:

a) Long Term Care Facility

For any lot, building or structure used for a Long Term Care Facility the Retail Commercial (C2) provisions for Uses, Commercial (including residential uses in combination with a permitted non-residential use) shall apply with the exception of the following:

a)	Minimum Front Yard Setback	3m
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**ZBA  
[21]**

b)	Minimum Landscaped Open Space	25% of Lot Area
c)	16 <sup>th</sup> Avenue East shall be deemed to be the "Lot Line, Front"	

For all other uses permitted in the Retail Commercial (C2) Zone, the Retail Commercial (C2) Zone regulations shall apply.

**14.107** Notwithstanding the provisions of the Low Density Residential (R2) Zone and for lands shown on Schedule A, Zoning Map 1, no person shall use any lot or erect, alter or use any building or structure for any permitted semi-detached dwelling in the R2 Zone except in accordance with the following provisions:

**ZBA  
[23]**

- a) Minimum Lot Frontage – 10m/unit
- b) Minimum Lot Area – 300 m<sup>2</sup>/unit
- c) Maximum Lot Coverage – 40%
- d) Minimum Front Yard Setback – 8.8 m
- e) Minimum Rear Yard Setback – 7.5 m
- f) Minimum Interior Side Yard Setback – 1.2m on one side, 0.0 m where there is a common wall
- g) Minimum Exterior Side Yard Setback (adjacent to unopened road allowance) – 0.6m
- h) Maximum Building Height – 8.0m

For all other uses permitted in the R2 Zone, the Low Density Residential (R1) zone regulations shall apply.

**14.108** Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 20:

**ZBA  
[26]**

- (1) No person shall use any lot or erect, alter or use any building or structure except for:
  - a) Single Detached Dwelling
  - b) Semi Detached Dwelling
  - c) Duplex Dwelling
- (2) No person shall use any lot or erect, alter or use any building or structure for any Single Detached Dwelling except in accordance with the regulations for a Single Detached Dwelling listed in the R4 Zone with the exception of Lot Area which shall be as follows:
  - (i) Lot Area (Min): 355 m<sup>2</sup>

- (3) For all other uses permitted in the Medium Density Residential (R4) 14.108 Zone, the Medium Density Residential (R4) Zone regulations shall apply.

**14.109** Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 20:

**ZBA  
[26]**

- (1) No person shall use any lot or erect, alter or use any building or structure except for those uses permitted in the R4 Zone.
- (2) No person shall use any lot or erect, alter or use any building or structure for any Townhouse Dwelling except in accordance with the regulations for a Townhouse Dwelling listed in the R4 Zone with the exception of Number of Units per Block, Lot Area, Density and Coverage which shall be as follows:
- (i) Number of Townhouse Units per Block (Max): 8
  - (ii) Minimum Lot Area: 1 unit / 195 m<sup>2</sup> total development parcel  
Maximum Density: 1 unit / 195 m<sup>2</sup> total development parcel
  - (iii) Maximum Lot Coverage: 60%
- (3) For all other uses permitted in the Medium Density Residential (R4) 14.109 Zone, the Medium Density Residential (R4) Zone regulations shall apply.

**14.110** Notwithstanding the provisions of the General Residential (R5) Zone, and for lands shown on Schedule A, Zoning Map 20:

**ZBA  
[26]**

- (1) No person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on January 21, 2019 so long as the "Holding" symbol is affixed to the R5 (14.110) lands.
- (2) The City of Owen Sound shall not remove the "Holding" provision until such time as the matters outlined below are satisfied:
- (i) The execution of a Subdivision Agreement;
  - (ii) The completion of a Shadow Study and Urban Design Brief at the time of any future Site Plan application to address building height, built form, overall plan design and layout, and land use compatibility considerations including lot/building orientation, interface with adjacent uses, and any recommended mitigation measures;
  - (iii) The granting of conditional Site Plan Approval by the Council of the City of Owen Sound and the execution of a Site Plan Agreement.
- (3) At a time when the "Holding" symbol is removed by the City, no person shall use any lot or erect, alter or use any building or

structure for any purpose except one or more of the following uses:

- a) Uses permitted in the R5 zone
  - b) Convenience Store
  - c) Laundromat
  - d) Office
  - e) Restaurant
  - f) Commercial School
  - g) Place of Entertainment or Amusement
  - h) Community Lifestyle Facility
- (4) Notwithstanding the site and building regulations of the R5 Zone, no person shall use any lot or erect, alter or use any building or structure for any permitted Commercial Use or combination of permitted Commercial Uses (including those listed in b) – h) above or otherwise listed in the R5 Zone) except in accordance with the regulations for ‘Uses, Commercial’ listed in the R5 Zone and the following:
- (i) All Commercial Uses shall be limited to the ground floor;
  - (ii) Notwithstanding the definitions of Section 4 of this By-law, the following definitions shall be used for the purposes of those uses listed in Special Provision 14.110:
    - Commercial School – means a lot, building or part thereof used for a school where instruction is given for hire or gain and includes a studio for dance, sport, art, business or trade school.
    - Place of Entertainment or Amusement – means a lot, building or part thereof used for an arcade, theatre, dance pavilion, bingo hall, billiard hall, or similar establishments designed to entertain or amuse patrons.
  - (iii) Commercial Uses shall be limited to a total cumulative maximum of 200 m<sup>2</sup> gross floor area unless they are accessory to a Residential or Institutional use on the subject lands and intended only for use by the public on a secondary basis.
- (5) Notwithstanding the site and building regulations of the R5 Zone and subsection 14.110 (4), no person shall use any lot or erect, alter or use any building or structure for any permitted Apartment Dwelling, Institutional Use, or Commercial Use (including those listed in b) – h) above or otherwise listed in the R5 Zone) or combination thereof except in accordance with the regulations listed in the R5 Zone and the following:

(i) Maximum Building Height: 16 m

(6) For all other uses permitted in the General Residential (R5) Zone 14.110, the General Residential (R5) Zone regulations shall apply.

**14.111** Notwithstanding the provisions of the General Residential (R5) Zone, and for lands shown on Schedule A, Zoning Map 20:

**ZBA  
[26]**

(1) No person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on January 21, 2019 so long as the "Holding" symbol is affixed to the R5 (14.111) lands.

(2) The City of Owen Sound shall not remove the "Holding" provision until such time as the matters outlined below are satisfied:

(i) The execution of a Subdivision Agreement;

(ii) The completion of a Shadow Study and Urban Design Brief at the time of any future Site Plan application to address building height, built form, overall plan design and layout, and land use compatibility considerations including lot/building orientation, interface with adjacent uses, and any recommended mitigation measures;

(iii) The granting of conditional Site Plan Approval by the Council of the City of Owen Sound and the execution of a Site Plan Agreement.

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

a) Uses permitted in the R5 zone

b) Convenience Store

c) Laundromat

d) Office

e) Restaurant

f) Commercial School

g) Place of Entertainment or Amusement

h) Community Lifestyle Facility

(4) Notwithstanding the site and building regulations of the R5 Zone, no person shall use any lot or erect, alter or use any building or structure for any permitted Commercial Use or combination of permitted Commercial Uses (including those listed in b) – h) above or otherwise listed in the R5 Zone) except in accordance with the regulations for 'Uses, Commercial' listed in the R5 Zone and the following:

- (i) All Commercial Uses shall be limited to the ground floor;
- (ii) Notwithstanding the definitions of Section 4 of this By-law, the following definitions shall be used for the purposes of those uses listed in Special Provision 14.111:

Commercial School – means a lot, building or part thereof used for a school where instruction is given for hire or gain and includes a studio for dance, sport, art, business or trade school.

Place of Entertainment or Amusement – means a lot, building or part thereof used for an arcade, theatre, dance pavilion, bingo hall, billiard hall, or similar establishments designed to entertain or amuse patrons.

- (iii) Commercial Uses shall be limited to a total cumulative maximum of 200 m<sup>2</sup> gross floor area unless they are accessory to a Residential or Institutional use on the subject lands and intended only for use by the public on a secondary basis;
- (5) Notwithstanding the site and building regulations of the R5 Zone and subsection 14.111 (4), no person shall use any lot or erect, alter or use any building or structure for any permitted Apartment Dwelling, Institutional Use, or Commercial Use (including those listed in b) – h) above or otherwise listed in the R5 Zone) or combination thereof except in accordance with the regulations listed in the R5 Zone and the following:
- (i) Maximum Building Height: 19 m
- (6) For all other uses permitted in the General Residential (R5) 14.111 Zone, the General Residential (R5) Zone regulations shall apply.

**14.112** Notwithstanding the provisions of the General Residential (R5) Zone, and for lands shown on Schedule A, Zoning Map 20:

**ZBA  
[26]**

- (1) No person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on January 21, 2019 so long as the “Holding” symbol is affixed to the R5 (14.112) lands.
- (2) The City of Owen Sound shall not remove the “Holding” provision until such time as the matters outlined below are satisfied:
  - (i) The execution of a Subdivision Agreement;
  - (ii) The completion of a Shadow Study and Urban Design Brief at the time of any future Site Plan application to address building height, built form, overall plan design and layout, and land use compatibility considerations including lot/building orientation, interface with adjacent uses, and any recommended mitigation measures;

- (iii) The granting of conditional Site Plan Approval by the Council of the City of Owen Sound and the execution of a Site Plan Agreement.
- (3) At a time when the “Holding” symbol is removed by the City, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:
- a) Uses permitted in the R5 zone
  - b) Convenience Store
  - c) Laundromat
  - d) Office
  - e) Restaurant
  - f) Commercial School
  - g) Place of Entertainment or Amusement
  - h) Community Lifestyle Facility
- (4) Notwithstanding the site and building regulations of the R5 Zone, no person shall use any lot or erect, alter or use any building or structure for any permitted Commercial Use or combination of permitted Commercial Uses (including those listed in b) – h) above or otherwise listed in the R5 Zone) except in accordance with the regulations for ‘Uses, Commercial’ listed in the R5 Zone and the following:
- (i) All Commercial Uses shall be limited to the ground floor;
  - (ii) Notwithstanding the definitions of Section 4 of this By-law, the following definitions shall be used for the purposes of those uses listed in Special Provision 14.112:
    - Commercial School – means a lot, building or part thereof used for a school where instruction is given for hire or gain and includes a studio for dance, sport, art, business or trade school.
    - Place of Entertainment or Amusement – means a lot, building or part thereof used for an arcade, theatre, dance pavilion, bingo hall, billiard hall, or similar establishments designed to entertain or amuse patrons.
  - (iii) Commercial Uses shall be limited to a total cumulative maximum of 200 m<sup>2</sup> gross floor area unless they are accessory to a Residential or Institutional use on the subject lands and intended only for use by the public on a secondary basis;
- (5) Notwithstanding the site and building regulations of the R5 Zone and subsection 14.112(4), no person shall use any lot or erect, alter or use any building or structure for any permitted Apartment



Dwelling, Institutional Use, or Commercial Use (including those listed in b) – h) above or otherwise listed in the R5 Zone) or combination thereof except in accordance with the regulations listed in the R5 Zone and the following:

(i) Maximum Building Height: 22 m

(6) For all other uses permitted in the General Residential (R5) 14.112 Zone, the General Residential (R5) Zone regulations shall apply.

**14.113** Notwithstanding the provisions of the Multiple Residential (MR) Zone, and for lands shown on Schedule A, Zoning Map 21:

**ZBA  
[18]**

(a) No person shall use any lot or erect, alter or use any building or structure except for those uses permitted in the MR Zone. The MR zone provisions shall apply, save and except for the following:

i) Minimum Front Yard Setback: 9 m

ii) Maximum Height: 13.12 m

(b) Notwithstanding the definitions in Section 4, the lot line abutting and parallel to 8th Street East is considered the 'Lot Line, Front' for the purposes of Subsection 14.113.

**14.114** Notwithstanding the provisions of the Multiple Residential (MR) Zone, and for lands shown on Schedule A, Zoning Map 21:

**ZBA  
[18]**

(a) No person shall use any lot or erect, alter or use any building or structure except for those uses permitted in the MR Zone. The MR zone provisions shall apply, save and except for the following:

i) Minimum Front Yard Setback: 9 m

ii) Maximum Height: 16.2 m

(b) Notwithstanding the definitions in Section 4, the lot line abutting and parallel to 8th Street East is considered the Lot Line, Front for the purposes of Subsection 14.114.

**14.115** Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 21:

**ZBA  
[18]**

(a) No person shall use any lot or erect, alter or use any building or structure except for those uses permitted in the R4 Zone.

(b) The regulations for a 'Dwelling, Townhouse' in the R4 Zone shall apply to a 'Dwelling, Townhouse' use save and except for the following:

- (i) Minimum Lot Frontage: 15 m for the total development parcel

Notwithstanding the provisions of this Section or Section 5.12.2, a minimum lot frontage of 15 m may be provided via an easement to 8th Street East only until such time as Street 'A' is upgraded to an improved street.

- (ii) Maximum Density: 1 unit per 250 m<sup>2</sup> of lot area for total development parcel.

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

**14.116** Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 21:

**ZBA  
[18]**

- (a) No person shall use any lot or erect, alter or use any building or structure save and except for those uses permitted in the R4 Zone.
- (b) The regulations for a 'Dwelling, Street Fronting Townhouse' in the R4 Zone shall apply to a 'Dwelling, Street Fronting Townhouse' use except for the following:
  - i) Maximum Lot Coverage: 53%
  - ii) Maximum Density: 1 unit per 250 m<sup>2</sup> of lot area for total development parcel
- (c) For all other uses permitted in the Medium Density Residential (R4) Zone, the Medium Density Residential (R4) Zone regulations shall apply.

**14.117** Notwithstanding the provisions of the Single Residential (R1) Zone, and for lands shown on Schedule A, Zoning Map 21:

**ZBA  
[18]**

- (a) No person shall use any lot or erect, alter or use any building or structure save and except for those uses permitted in the R1 Zone.
- (b) The regulations for a 'Dwelling, Single Detached' in the R1 Zone shall apply to a 'Dwelling, Single Detached' use except for the following:
  - (i) Minimum Lot Area: 440 m<sup>2</sup>
  - (ii) Minimum Front Yard Setback: 6.5 m
  - (iii) Maximum Lot Coverage: 45%

**14.118** Notwithstanding the provisions of the Rural (RUR) Zone, and for lands shown on Schedule A, Zoning Map 21 no person shall use any lot or erect, alter or use any building or structure for any purpose except in accordance with the following provisions:

- (a) So long as the 'Holding' symbol is affixed to the RUR (14.118) lands, permitted uses shall be limited to:
  - i) Agricultural uses limited to the growing of crops and pasturing livestock.
  - ii) Habitat maintenance and enhancement as per the Development Plan developed for the block through the Environmental Impact Study submitted for OPA 6 and ZBA 18.
- (b) The 'Holding' provision may be removed at such time as the matters outlined below are satisfied:
  - i) The required habitat maintenance and enhancement consistent with the Development Plan developed for the parcel through the Environmental Impact Study submitted for OPA 6 and ZBA 18 has been completed.
  - ii) It is demonstrated through an Environmental Impact Study that development will not negatively impact significant natural heritage and environment features to the satisfaction of the City of Owen Sound.
  - iii) It is demonstrated that the lot can be provided with adequate servicing and physical frontage to a public road.

**14.119** Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 13:

**ZBA  
[27]**

- (a) No person shall use any lot or erect, alter or use any building or structure save and except for those uses permitted in the R4 Zone. The R4 zone provisions shall apply, save and except for the following:
  - i. Maximum Lot Coverage: 55%

**14.120** Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 13:

**ZBA  
[27]**

- (a) No person shall use any lot or erect, alter or use any building or structure save and except for those uses permitted in the R4 Zone. The R4 zone provisions shall apply, save and except for the following:

- i. Maximum Lot Coverage: 45%
- ii. Minimum Interior Side Yard (West): 7.5m
- iii. Minimum Interior Side Yard (East): 5.0 m

**14.121** Notwithstanding the provisions of the Retail Commercial (C2) Zone, and for lands shown on Schedule A Zoning Map 13, the following provisions shall apply:

**ZBA  
[28]**

- (a) No person shall erect, alter or use any building or structure for any purpose except for those outlined in the table in 14.121 (c)(ii).
- (b) No person shall establish a use in the basement of the commercial building other than storage accessory to the permitted uses.
- (c) Notwithstanding the provisions of Section 5.18.2 regulating Off-street Parking Requirements:

- i. Minimum Site Parking Requirement 131 spaces

The number of parking spaces required by Sec. 5.18.2 as-of-right is 146 spaces to serve the site. Notwithstanding this requirement, a reduced number of parking spaces to 131 spaces is permitted to serve all uses on the lands subject to 14.121.

- ii. The following table outlines the uses permitted on site and specifies the minimum number of vehicle parking stalls (131) required by ratio:

Land Use Category	Permitted Use	Min. Number Parking Stalls Required (131)
Commercial Uses	Hotel	1.0 space per guest room
	Commercial school, financial institution, laundromat, personal service use, retail store, service shop, studio	1 space per 40.5 m <sup>2</sup> of gross floor area
	Wholesale Establishment	
	Business or professional office and government administrative office	

- iii. No person shall erect, alter or use any building or structure that has the effect of increasing the parking

required on the lands subject to 14.121 above the 146 stalls required as-of-right by Sec. 5.18.2.

- (d) The provisions of Section 5.10 regulating Outdoor Patios shall apply, save and except for the following:
  - a. An outdoor patio located on the lands subject to 14.121 shall have a minimum setback of 43 m from a Long Term Care Facility.
  - b. An outdoor patio located on the lands subject to 14.121 shall have a minimum setback of 35 m from a Residential Zone boundary.
- (e) The provisions of Section 5.22.1 regulating Loading Space Requirements shall apply, save and except for the following:
  - a. The number of loading spaces required is reduced from two (2) loading spaces for the Hotel, which is >3000 m<sup>2</sup> to one (1) loading space for the Hotel.
- (f) The C2 zone provisions shall apply, save and except for the following:
  - i. Minimum Front Yard Setback: 7.7 m
  - ii. Notwithstanding the definition of 'Building, Height' in Sec. 4, the maximum height of a Hotel shall be as follows:
    - Maximum 18.5 m for a flat roof
    - Maximum 23.3 m for the top tallest parapet

All other buildings shall be subject to the maximum height applicable in the C2 zone.

**14.122** Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A Zoning Map 3, the Medium Density Residential (R4) zone provisions shall apply with the addition of the following permitted use:

- (a) Day Nursery

**14.123** Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for the lands shown on Schedule A Zoning Map 3, the R4 zone provisions shall apply, save and except for the following:

- i) Minimum Lot Frontage : 10.51 m
- ii) Minimum Lot Area: 384 m<sup>2</sup>

**ZBA  
[31]**

Notwithstanding Sec. 5.9 of the Zoning By-law for the lands shown on Schedule A Zoning Map 3 for an existing accessory building the following setbacks shall apply:

- A minimum Interior side yard setback of 0.35 m is permitted/recognized for the accessory storage shed located in the northern Interior side yard on the date of passing of this by-law.
- All buildings and structures constructed after July 27, 2020 must comply with the general and zone provisions In force and effect at that time.

**14.124** Notwithstanding the provisions of the Institutional Zone (I) and for lands shown on Schedule A, Zoning Map 13, a "Public Use" may include:

(a) Research and Development Facility

The following provisions shall apply to a research and development facility.

- (i) A Research and Development Facility may include a business incubator establishment and accessory prototype manufacturing.
- (ii) Research and Development means the use of land, building or structure, or part thereof, for the purpose of conducting pure and applied research, analysis and experimentation, and development and creation, in any field of science, medicine, technology and manufacturing and includes accessory prototype manufacturing.
- (iii) A Research and Development Facility use may include but not be limited to facilities such as lecture rooms, administrative offices, laboratories, training facilities, display rooms, pilot plants, accessory prototypical manufacturing, simulating equipment and the like, and service and machine shops to serve the Research and Development Facility.

A Research and Development Facility use shall:

- Not create or become a nuisance in regard to noise, odour, vibration, traffic generated or parking/loading.
  - Not create or become a fire, health or building hazard.
  - No outdoor storage of materials or goods associated with the Accessory Industrial Use.
- (iv) Prototypical manufacturing may be conducted as accessory and incidental to the Research and Development Facility use subject to the provisions of Section 5.17.13 regarding 'Accessory Industrial Use', with the following exception:

**ZBA  
[32]**

- a. That notwithstanding Sec. 5.17.13 c), the 100 m<sup>2</sup> maximum cumulative gross floor area cap shall not apply to dedicated prototypical manufacturing.
- (v) Business Incubator means an establishment that provides incubator services such as management training, networking facilities, programming, mentorship programs, business assistance services, and office space including 'hot desk' services and is dedicated to nurturing the development and commercialization of start-ups, early-stage companies, and established companies (enterprises).
- (vi) Notwithstanding Sec. 5.18 of the Zoning By-law, the following parking ratio shall apply:
- One (1) parking space is required per 33 square meters of 'Area, Gross Floor' of the building existing as of the passing of this amendment.
  - For any new buildings or additions to the existing building, parking for a "Research and Development Facility" shall be calculated at one (1) space per 33 square meters of 'Area, Gross Floor' as defined in Sec. 4 of this By-law.
  - For any new buildings or additions to the existing building, parking for uses, other than a "Research and Development Facility", permitted in the Institutional (I) zone shall be calculated as per Section 5.18.2 of the Zoning By-law.
- (vii) Notwithstanding Sec. 5.18 and Special Provision 14.124 (vi) the minimum number of parking stalls required to serve a "Research and Development Facility" in building existing as of the passing of this amendment is:
- a. A minimum of 82 parking stalls shall be provided where 2385 m<sup>2</sup> or less of the existing building is used for a "Research and Development Facility".
  - b. A minimum of 98 parking stalls shall be provided where more than 2385 m<sup>2</sup> of the existing building is used for a "Research and Development Facility".
- (viii) Notwithstanding the definition of 'Area, Gross Floor' in Sec. 4 of this By-law, for the purposes of this Special Provision and for buildings existing as of the passing of this amendment:
- Hallways shall not be included in the calculation of 'Area, Gross Floor'.

- 14.125** Notwithstanding the provisions of the Retail Commercial (C2) and for lands shown on Schedule A, Zoning Map 13, the Retail Commercial (C2) zone provisions shall apply save and except for the following:
- i. Min. front yard (16<sup>th</sup> St E) setback: 8 m
  - ii. A minimum of nine (9) queuing spaces and one (1) space at the pickup window for a total of 10 spaces in the drive thru lane is permitted for Building A (the drive thru restaurant located in the western corner of the lot) as shown on the Site Plan dated June 30, 2021. All other drive thru restaurants on site will be required to meet the queuing requirements of the Zoning By-law.
  - iii. Notwithstanding Sec. 5.18 of the Zoning By-law, the following parking ratio shall apply:
    - a. One (1) parking space is required per 19.3 square meters of 'Area, Gross Floor'.
  - iv. All restaurant uses on site are subject to the following:
    - a. The total gross floor area for all restaurants, including drive thru restaurants, shall not exceed 50% of the total gross floor area on the site.
    - b. The minimum unit size for restaurants shall be 325 square metres, excluding drive thru restaurants.
    - c. Notwithstanding the minimum restaurant unit size, restaurants (excluding drive thru restaurants) less than 325 square metres may be permitted to a maximum aggregate gross floor area not to exceed 464 square metres.

**ZBA  
[33]**

- 14.126** Notwithstanding the provisions of the Institutional (I) Zone, and for lands shown on Schedule A, Zoning Map 6:
- a) In addition to all other uses permitted in the Institutional (I) Zone, a dwelling unit shall be permitted alone or in combination with other uses permitted in the I Zone. For this use, the I Zone regulations shall apply and the minimum gross floor area of any dwelling unit shall be 35 m<sup>2</sup>.
  - b) For all other uses permitted in the Institutional (I) Zone, the I Zone regulations shall apply.
  - (c) Notwithstanding the above, for any permitted use, the following provisions shall apply to front yard setback and any porch or deck:
    - (i) Minimum Front Yard Setback: 6.5 m

**ZBA [30]**



- (ii) A porch or deck may encroach into the required front yard up to a maximum of 2.5 m, with a minimum front yard setback for the porch or deck of 4.0 m.