



**ZONING  
BY-LAW  
AS AMENDED**

**2018-050**

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THE CORPORATION OF THE CITY OF WATERLOO

DATE OF CONSOLIDATION  
23 • MARCH • 2026

# CITY OF WATERLOO

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## **THE CORPORATION OF THE CITY OF WATERLOO**

### **ZONING BY-LAW NO. 2018-050**

A by-law to regulate and restrict:

- (1) the use of land;
- (2) the frontage, depth, and area of parcels of land;
- (3) the use, location, erection, height, density, bulk, size, floor area, spacing and character of buildings and structures;
- (4) the elevation of doors, windows and other openings of buildings and structures;
- (5) the provision and maintenance of off-street loading and parking facilities; and,
- (6) all other matters authorized by the Planning Act R.S.O. 1990 c.P.13 as amended and the regulations related thereto.

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## ZONING BY-LAW NO. 2018-050

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## SECTION 1 - GENERAL

### 1.1 *SHORT TITLE*

This BY-LAW shall be referred to as the "Zoning By-Law" of The Corporation of the City of Waterloo.

### 1.2 *SCOPE*

The provisions of this BY-LAW apply to all lands within WATERLOO.

### 1.3 *APPLICATION*

1.3.1 No BUILDING or STRUCTURE shall hereafter be ERECTED or altered or enlarged or rebuilt in WATERLOO in whole or in part by any PERSON except in conformity with the provisions of this BY-LAW.

1.3.2 No change in the use of any land, BUILDING or STRUCTURE in WATERLOO shall hereafter be made in whole or in part by any PERSON except in conformity with the provisions of this BY-LAW.

### 1.4 *ZONE CITATIONS*

Zoning citations will be described as a letter or a group of letters, and labeled on Schedule 'A'. Zoning citations may be followed by a number, a suffix, or a number and suffix. A prefix may be applied before the zoning citation.

### 1.5 *SCHEDULES*

Schedules A, A1, A2, A3, B, C and C1 form an integral part of this BY-LAW.

### 1.6 *SCHEDULE 'A'*

Schedule A hereto is comprised of a map with zoning citations (labels) applied to indicate the geographic boundaries of the zones, symbols, and overlays contained herein.

### 1.7 *SCHEDULE 'A1'*

Schedule A1 hereto is comprised of a map with a parking overlay applied to indicate the geographic boundaries of the parking areas contained in this BY-LAW.

### 1.8 *SCHEDULE 'A2'*

Schedule A2 hereto is comprised of a map that indicates the geographic boundaries of MAJOR TRANSIT STATION AREAS and the location of Active Frontages in MAJOR TRANSIT STATION AREAS.

### 1.9 *SCHEDULE 'A3'*

Schedule A3 hereto is comprised of a map that indicates the geographic boundaries of the floodplain and hazard lands prefixes applied in this BY-LAW.

### 1.10 *SCHEDULE 'B'*

Schedule B hereto is comprised of street specific building line regulations, established in accordance with certain the highway widening provisions of the OFFICIAL PLAN.

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1.11 *SCHEDULE 'C'*

Schedule C hereto is comprised of site specific zoning provisions, including provisions to implement the Specific Provision Areas of the OFFICIAL PLAN.

1.12 *SCHEDULE 'C1'*

Schedule C1 hereto is comprised of a map with citations (labels) applied to indicate the geographic boundaries of site specific zoning provisions set forth in Schedule C.

1.13 *ADMINISTRATION*

Administration of this BY-LAW is hereby delegated to the COMMISSIONER.

1.14 *REPEAL*

The following by-laws are hereby repealed:

- By-Law No. 878A and all amendments related thereto.
- By-Law No. 1108 and all amendments related thereto.
- By-Law No. 1418 and all amendments related thereto.

1.15 *EFFECTIVE DATE*

This BY-LAW shall come into force and effect on the date it is passed.

1.16 *OFFICIAL PLAN AMENDMENT*

1.16.1 The provisions of this BY-LAW enabled by Amendment No. 22 to the City of Waterloo Official Plan shall come into force and effect on the date this BY-LAW is passed and the final approval of Official Plan Amendment 22 (OPA 22) to the City of Waterloo Official Plan subject to the provisions of the PLANNING ACT.

1.17 *TRANSITION PROVISIONS*

1.17.1 Except as provided in Section 1.17.2 and Section 1.17.4, the provisions of this BY-LAW shall apply.

1.17.2 Nothing in this BY-LAW shall prevent the erection, alteration, enlargement, reconstruction, or use of a BUILDING or STRUCTURE provided that a complete building permit application is submitted to the CITY prior to the effective date of this BY-LAW which:

- a.) is in compliance with the zoning provisions in effect on the submission date; and,
- b.) is consistent with an approved site plan, where applicable.

1.17.3 For the purposes of Section 1.17.2, a "complete building permit application" means an application for a building permit that satisfies the requirements set out in the BUILDING CODE including:

- a.) the application is accompanied by all required plans, specifications, information, documents and fees as determined by the CITY's Chief Building Official; and,
- b.) the development will not contravene applicable law.

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1.17.4 Nothing in this BY-LAW shall prevent the erection, alteration, enlargement, reconstruction, or use of a BUILDING or STRUCTURE provided that:

a.) a complete site plan application is submitted to the CITY prior to the effective date of this BY-LAW which is in compliance with the zoning provisions in effect on the day before the effective date of this BY-LAW; and,

b.) a building permit is obtained in accordance with the following:

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| Where the complete site plan application identifies one (1) main BUILDING or STRUCTURE on the LOT             | a.) A building permit is obtained within four (4) years of the effective date of this BY-LAW for the main BUILDING / STRUCTURE which shall be in compliance with the approved site plan submitted pursuant to section 1.17.4.a.).  |
| Where the complete site plan application identifies two (2) main BUILDINGS or STRUCTURES on the LOT           | <p>a.) A building permit is obtained within four (4) years of the effective date of this BY-LAW for the first main BUILDING / STRUCTURE which shall be in compliance with the approved site plan submitted pursuant to section 1.17.4.a.).</p> <p>b.) A building permit is obtained within five-point-five (5.5) years of the effective date of this BY-LAW for all remaining BUILDINGS / STRUCTURES which shall be in compliance with the approved site plan submitted pursuant to section 1.17.4.a.).</p>  |
| Where the complete site plan application identifies three (3) or more main BUILDINGS or STRUCTURES on the LOT | <p>a.) A building permit is obtained within four (4) years of the effective date of this BY-LAW for the first main BUILDING / STRUCTURE which shall be in compliance with the approved site plan submitted pursuant to section 1.17.4.a.).</p> <p>b.) A building permit is obtained within five-point-five (5.5) years of the effective date of this BY-LAW for the second main BUILDING / STRUCTURE which shall be in compliance with the approved site plan submitted pursuant to section 1.17.4.a.).</p> <p>c.) A building permit is obtained within seven (7) years of the effective date of this BY-LAW for all remaining BUILDINGS / STRUCTURES which shall be in compliance with the approved site plan submitted pursuant to section 1.17.4.a.).</p> |

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| Where the complete site plan application is appealed to the Ontario Municipal Board or Local Planning Appeal Tribunal | a.) A building permit is obtained within three (3) years of the date of the decision of the Ontario Municipal Board or Local Planning Appeal Tribunal for the BUILDINGS / STRUCTURES which shall be in compliance with the Ontario Municipal Board or Local Planning Appeal Tribunal approved site plan. |
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“Approved Site Plan” means the approved plans and drawings pursuant to Subsection 41(4) and Subsection 41(5) of the PLANNING ACT and execution of an agreement pursuant to Subsection 41(7)(c) of the PLANNING ACT.

- 1.17.5 For the purposes of Section 1.17.4, a “complete site plan application” means an application for approval of plans and drawings pursuant to Subsection 41(4) and Subsection 41(5) of the PLANNING ACT. Excludes a pre-application consultation submission pursuant to Subsection 41(3.1) of the PLANNING ACT.

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## SECTION 2 – DEFINITIONS

Where a term appears in the text of this BY-LAW in capital letters, the term is intended to have the meaning as set out in this section. Wherever a term below appears in the text of this BY-LAW in regular font, it is intended to have the meaning ordinarily attributed to it in the English language.

Certain definitions may include permitted uses and regulations which shall be observed in addition to those contained in other sections of this BY-LAW.

### A

**ABUT or ABUTTING**

means having a common LOT LINE with an adjacent property.

**ACCESSORY**

when used to describe a use, BUILDING or STRUCTURE, means a use, BUILDING or STRUCTURE incidental, subordinate and exclusively devoted to the principal use, BUILDING or STRUCTURE situated on the same LOT.

**ACCESSORY APARTMENT**

[see “DWELLING (ACCESSORY APARTMENT)” definition]

**ADULT ENTERTAINMENT PARLOUR**

means an adult entertainment establishment as described in the MUNICIPAL ACT.

**ADVANCED TECH**

means an establishment specializing in the research, development, and or creation of advanced technology products (software and or hardware), services, systems, processes, and or prototyping related to one or more of the following sectors:

- Aerospace
- Artificial Intelligence
- Biotechnology
- Computer Engineering
- Computer Science, including software
- Data Centre
- Electronic Device Technology
- Energy Technology
- Financial Technology
- Information Technology
- Medical Technology (including precision medical devices/products such as health wearables, virtual reality systems/devices, artificial health devices, 3-D printing of health products, bio-printing of health products, medical/health sensors, medical/health robotics, smart

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medical/health devices, implants, prosthesis, optical lens, precision medicine, and telehealth devices/services)

- Nanotechnology
- Photonics
- Quantum Computing / Technology
- Robotics
- Semiconductors
- Telecommunications

ADVANCED TECH includes software companies, open data companies, digital content companies, wireless technology companies, advanced technology hardware companies, cyber security companies, cloud computing companies, and 3D printing companies.

## **ALTERNATIVE EDUCATION CENTRE**

means a BUILDING or part thereof used for continued education, return to school programs, career training, or similar alternative education and skills development purposes by a District School Board. Excludes PUBLIC SCHOOL and PRIVATE SCHOOL.

## **AMENITY AREA**

means an area designed for active and or passive recreation for the exclusive use and benefit of the residents / tenants in a BUILDING, such as but not limited to:

- a.) outdoor patios
- b.) balconies
- c.) communal indoor recreational spaces (such as gyms)
- d.) communal indoor social spaces (such as entertainment rooms)
- e.) SWIMMING POOLS
- f.) outdoor rooftop amenity space (such as rooftop decks and terraces) (see section 3.A.4.4)

Excludes:

- a.) lobbies, washrooms, laundries, storage areas, and the like
- b.) circulation spaces, such as hallways, elevators, and the like
- c.) reception areas, management offices, and the like
- d.) parking areas and access driveways
- e.) LANDSCAPED OPEN SPACE, excluding outdoor patios
- f.) receiving areas, LOADING SPACES, and the like

## **ARCHITECTURAL ENTRANCE**

means a pedestrian entrance that:

- a.) projects from the BUILDING; and,
- b.) is architecturally designed in conjunction with the entire BUILDING to visually enhance the prominence of the pedestrian entryway into the BUILDING.

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## ARTIST STUDIO

### **ARTIST STUDIO (Class A)**

means the workplace of an artist or craftsperson, and limited to:

- craft jewellery using hand tools
- creative writing
- drawing
- painting
- pottery
- mixed media art
- fine art printmaking
- fibre arts (such as tapestry art)
- picture framing
- sculpting (creation of artistic sculptures)
- still and moving photography
- video editing
- voice recording and or editing
- woodcarving using hand tools

which does not ordinarily result in emissions from the Artist Studio of noise, odours, fumes, dust, vibrations, heat, glare (lighting), electrical interference, or the like. Excludes all uses identified in Class B ARTIST STUDIO.

### **ARTIST STUDIO (Class B)**

means the workplace of an artist or craftsperson, and limited to:

- the production of live music
- stained glass
- painting, drawing, pottery, sculpting, mixed media art, fine art printmaking, fibre art, and craft jewellery involving the use of:
  - fibreglass resins
  - epoxy resins
  - plastics (excluding assembly of plastic supplies)
  - any toxic substance as determined by Environment Canada (re: List of Toxic Substances, Canadian Environmental Protection Act)
  - any HAZARDOUS SUBSTANCE
- sculpting, mixed media art, fine art printmaking, fibre art, and craft jewellery involving one or more of the following processes:
  - welding and or soldering
  - woodworking (excluding woodcarving using hand tools)
  - fired glass and ceramics (excluding pottery)
  - metalworking and blacksmithing (excluding craft jewellery using hand tools)
- spray painting
- silk screening

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## **ASSISTED LIVING FACILITY**

means a multi-unit residential BUILDING where:

- a.) individuals reside who require minimal to moderate assistance with daily living activities such as bathing, toileting, ambulating, and self-administration of medications; and
- b.) residents are provided meals.

Cooking facilities within the dwelling unit shall be limited to a kitchenette.

## **AUDITORIUM**

means a BUILDING or part thereof used for civic, athletic and or commercial entertainment, and limited to:

- arena
- cinema
- theatre
- concert hall
- playhouse

Excludes uses such as BANQUET HALL, BODY-RUB PARLOUR, NIGHTCLUB, and ADULT ENTERTAINMENT PARLOUR.

## **AUTOMOBILE GAS STATION**

means a BUILDING or station (pump island) where motor vehicle fuel is available for sale, and may include tire inflation, battery charging, and the incidental sale of motor oil, windshield cleaner, anti-freeze, transmission fluid, brake fluid, light bulbs, spark plugs, batteries, and similar motor vehicle accessories. Includes ACCESSORY VARIETY STORE. Excludes AUTOMOBILE SERVICE CENTRE and CAR WASH.

## **AUTOMOBILE SERVICE CENTRE**

means a premises or part thereof used for the servicing, maintenance, and repair of motor vehicles. Excludes AUTOMOBILE GAS STATION and CAR WASH.

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## **B**

### **BAKE SHOP**

means a commercial establishment with fifteen (15) or less seats where products of a bakery are sold or offered for sale to the general public. Excludes RESTAURANT and TAKE-OUT RESTAURANT.

### **BANQUET HALL**

means a BUILDING or part thereof used to host and cater to banquets, weddings, receptions or similar functions where food and beverages are typically prepared and served on the premises. May include catering services and live entertainment. Excludes RESTAURANT and TAKE-OUT RESTAURANT.

### **BASEMENT**

means one (1) or more storeys of a BUILDING located below the FIRST STOREY.

### **BED & BREAKFAST ESTABLISHMENT**

means a DWELLING UNIT where:

- a.) guest rooms are rented for the purposes of providing temporary overnight accommodation to the travelling or vacationing public; and
- b.) where one or more meals are provided to the guests of the BED & BREAKFAST ESTABLISHMENT.

Excludes HOTEL, GROUP HOME, GUEST SUITE, RESTAURANT and TAKE-OUT RESTAURANT.

### **BEDROOM**

means a habitable room within a DWELLING UNIT that is not:

- a.) "Common Areas", meaning:
  - a living room open to all occupants of the unit
  - a dining room open to all occupants of the unit;
- b.) areas used for sanitary purposes, such as but not restricted to a washroom;
- c.) areas used for cooking purposes, such as but not restricted to a kitchen;
- d.) areas occupied by mechanical equipment, such as but not limited to furnaces, hot water heaters, and laundry equipment;
- e.) circulation spaces, such as stairways and hallways;
- f.) rooms less than six (6) square metres in area where there are built-in cabinets and or closets;
- g.) rooms less than seven (7) square metres in area where there are no built-in cabinets and or closets; and,
- h.) a room without a window or alternative source of natural light.

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**BODY-RUB**

means one or more of the following:

- kneading
- manipulating
- rubbing
- massaging
- touching
- stimulating

by any means, of a person's body or any part thereof. Excludes medical or therapeutic treatment given by a registered MASSAGE THERAPIST.

**BODY-RUB PARLOUR**

means any premises or part thereof where a BODY-RUB is performed, offered, or solicited.

**BUILDING**

means any structure used or intended to be used for the shelter, accommodation, or enclosure of persons, animals, or chattels. Excludes a boundary wall and fence.

**APARTMENT BUILDING**

means a residential BUILDING containing five (5) or more DWELLING UNITS, where each DWELLING UNIT has access to an interior common corridor system with shared exit and entrance at GRADE. Excludes MAISONETTE BUILDING and STACKED TOWNHOUSE BUILDING.

**DETACHED BUILDING**

means a residential BUILDING used or intended to be used for up to four (4) DWELLING UNITS. DWELLING UNITS beyond the first DWELLING UNIT shall be deemed to be an ADDITIONAL RESIDENTIAL UNIT.

**DUPLEX BUILDING**

means a DETACHED BUILDING divided into two (2) DWELLING UNITS by a horizontal continuous common wall.

**FREEHOLD SEMI-DETACHED BUILDING**

means a residential BUILDING divided into two (2) DWELLING UNITS by a vertical continuous common wall without opening from basement to roof, where each DWELLING UNIT is on a separate LOT. Each LOT shall ABUT a HIGHWAY.

**FREEHOLD TOWNHOUSE BUILDING**

means a residential BUILDING containing three (3) to six (6) DWELLING UNITS which:

- a.) are separated vertically by a continuous common wall without opening from basement to roof;
- b.) are under a connected roof;
- c.) have a separate entrance at GRADE;
- d.) have connected exterior walls; and,
- e.) where each DWELLING UNIT is on a separate LOT.

Each LOT shall ABUT a HIGHWAY.

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| <b>MAISONETTE BUILDING</b>             | means a residential BUILDING containing four (4) or more DWELLING UNITS, where each DWELLING UNIT has at least two separate means of egress. One of the means of egress shall lead to a common corridor, and the other means of egress shall lead directly outside from the DWELLING UNIT to GRADE.  |
| <b>MULTI-UNIT RESIDENTIAL BUILDING</b> | means a residential BUILDING containing five (5) or more DWELLING UNITS.   |
| <b>SEMI-DETACHED BUILDING</b>          | means a DETACHED BUILDING divided into two (2) DWELLING UNITS by a vertical continuous common wall without opening from basement to roof, where both DWELLING UNITS are on the same LOT.   |
| <b>SINGLE DETACHED BUILDING</b>        | means a DETACHED BUILDING used or intended to be used as one (1) DWELLING UNIT. Excludes COACH HOUSE and TOWNHOUSE BUILDING.   |
| <b>STACKED TOWNHOUSE BUILDING</b>      | means a residential BUILDING containing four (4) or more DWELLING UNITS which are horizontally and vertically separated in a split level or stacked manner, where: <ul style="list-style-type: none"><li>• each DWELLING UNIT egresses directly outside to GRADE; and</li><li>• no egress is provided from the DWELLING UNIT to a common corridor.</li></ul>   |
| <b>TOWNHOUSE BUILDING</b>              | means a residential BUILDING containing three (3) to six (6) DWELLING UNITS which: <ul style="list-style-type: none"><li>a.) are separated vertically by a continuous common wall without opening from basement to roof;</li><li>b.) are under a connected roof;</li><li>c.) have a separate entrance at GRADE;</li><li>d.) have connected exterior walls; and,</li><li>e.) are located on the same LOT.</li></ul> |
| <b>TRIPLEX BUILDING</b>                | means a DETACHED BUILDING containing three (3) DWELLING UNITS with a maximum of two (2) of the three (3) DWELLING UNITS being vertically separated.  |
| <b>BUILDING BY-LAW</b>                 | means the Building By-law of the CITY.   |
| <b>BUILDING CODE</b>                   | means the <i>Ontario Building Code Act, 1992</i> , S.O. 1992, c.23 and all amendments and regulations thereto.   |
| <b>BUILDING FACADE, FLANKAGE</b>       | means the exterior wall or face of the BUILDING abutting a FLANKAGE YARD.  |

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| <b>BUILDING FACADE, FRONT</b>                 | means the exterior wall or face of the BUILDING abutting a FRONT YARD.  |
| <b>BUILDING FACADE, OS1</b>                   | means the exterior wall or face of the BUILDING abutting a YARD that ABUTS lands zoned Parks & Recreation (OS1).  |
| <b>BUILDING FACADE, STREET LINE</b>           | means:<br>a.) in the case of an INTERIOR LOT, the FRONT BUILDING FAÇADE;<br>b.) in the case of a CORNER LOT, the FRONT BUILDING FACADE and the FLANKAGE BUILDING FAÇADE.  |
| <b>BUILDING FACADE LENGTH</b>                 |   |
| <b>BUILDING FACADE LENGTH (FRONT YARD)</b>    | means the total length of the BUILDING, measured horizontally parallel between the two furthest points on the FRONT BUILDING FACADE.  |
| <b>BUILDING FACADE LENGTH (FLANKAGE YARD)</b> | means the total length of the BUILDING, measured horizontally parallel between the two furthest points on the FLANKAGE BUILDING FACADE.   |
| <b>BUILDING FLOOR AREA</b>                    | means the gross floor area of a BUILDING measured between the outside of all exterior walls. Includes an attic with a clear ceiling height of two-point-one-five metres (2.15m) for at least fifty percent (50%) of the attic floor area. Excludes STRUCTURED PARKING.  |
| <b>BUILDING HEIGHT</b>                        | For a SINGLE DETACHED BUILDING, SEMI-DETACHED BUILDING, FREEHOLD SEMI-DETACHED BUILDING, DUPLEX BUILDING, TRIPLEX BUILDING, TOWNHOUSE BUILDING, FREEHOLD TOWNHOUSE BUILDING, STACKED TOWNHOUSE BUILDING, MAISONETTE BUILDING, and ACCESSORY BUILDING / STRUCTURE, means the vertical distance measured from the finished average ground level abutting the FRONT BUILDING FACADE to:<br>a.) for a flat roof, the highest point of: <ul style="list-style-type: none"><li>• the roof's surface; or</li><li>• the parapet, where the parapet exceeds 1.2 metres in height,</li></ul> whichever is higher;<br>b.) for a mansard roof, the roof deck line;<br>c.) for a gable, hipped, cottage, gambrel, or peaked roof, the mid-point measured between the eaves and the ridges. |

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For all other BUILDINGS and STRUCTURES, means the vertical distance from the finished ground level abutting the FRONT BUILDING FAÇADE, measured as the average of five (5) points equally spaced apart adjacent to the entire FRONT BUILDING FAÇADE to:

a.) for a flat roof, the highest point of:

- the roof's surface; or
- the parapet, where the parapet exceeds 1.2 metres in height,

whichever is higher;

b.) for a mansard roof, the roof deck line;

c.) for a gable, hipped, cottage, gambrel, or peaked roof, the mid-point measured between the eaves and the ridges.

The following shall be disregarded when calculating BUILDING HEIGHT:

- chimney
- church spire, church steeple, church belfry, and the like
- rooftop mechanical, ventilation, electrical, utility and service equipment not exceeding four metres in height
- enclosed stairwell roof access not exceeding four metres in height
- elevator penthouse (with or without stairwell) not exceeding six metres in height
- rooftop architectural feature (see section 3.A.5)
- mechanical and service equipment noise barriers
- non-habitable and unenclosed rooftop amenity structures
- safety guards
- ornamental domes, skylights, and cupolas
- telecommunication equipment

For a BUILDING on a THROUGH LOT, BUILDING HEIGHT shall be measured using the FRONT BUILDING FAÇADE that is nearest to the STREET, calculated in accordance with the above.

## **BUILDING INSPECTOR**

means a building inspector of the CITY.

## **BUILDING LINE**

means the line regulating the distance of a BUILDING or STRUCTURE on a LOT from:

- a.) the STREET LINE; or,
- b.) the line established by Schedule 'B' of this BY-LAW.

## **BUSINESS INCUBATOR**

means an establishment that is dedicated to nurturing the development and commercialization of startups, early-stage companies, and established companies (enterprises) by providing incubator services such as management training, networking facilities, programming, mentorship programs, business assistance services, and office space.

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**BY-LAW**

means this by-law, all schedules attached hereto, and every amendment which amends, modifies or supplements this by-law.

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## C

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| <b>CAFE</b>                  | means a commercial establishment with fifteen (15) or less seats that primarily serves beverages that are non-alcoholic to the general public, and may include ancillary retailing of prepared light snack foods such as pastries, muffins, desserts, fruit, yogurt, confectionery items, and baked goods. Excludes RESTAURANT.  |
| <b>CANNABIS DISPENSARIES</b> | means a BUILDING or part thereof in which cannabis is offered and kept for sale to the end consumer. "Cannabis" means: <ul style="list-style-type: none"><li>• any part of a cannabis plant;</li><li>• any substance or mixture of substances that contains or has on it any part of a cannabis plant,</li></ul> except: <ul style="list-style-type: none"><li>• the stalk of a cannabis plant without any leaf, flower, seed or branch</li><li>• fibre derived from the stalk of a cannabis plant</li><li>• the root of a cannabis plant.</li></ul> |
| <b>CAR WASH</b>              | means a commercial establishment the primary function of which is to wash, clean and or wax motor vehicles.  |
| <b>CHANGE OF USE PERMIT</b>  | means a change of use permit pursuant to the BUILDING CODE.  |
| <b>CHILD CARE</b>            |  |
| <b>CHILD CARE CENTRE</b>     | means a premises operated by a person licensed under the <i>Child Care &amp; Early Years Act</i> to operate a child care centre for the purpose of providing temporary care to children for a continuous period not to exceed twenty-four (24) hours.  |
| <b>HOME CHILD CARE</b>       | means the temporary care of five or less children, unless otherwise permitted under the <i>Child Care &amp; Early Years Act</i> , where such care is provided within a private DWELLING UNIT for a continuous period not exceeding twenty-four (24) hours.   |
| <b>CITY</b>                  | means The Corporation of the City of Waterloo and where the context so implies includes its council, employees, solicitors, officers and agents.   |
| <b>CLUSTER DEVELOPMENT</b>   | means a development design technique that locates multiple SINGLE DETACHED BUILDINGS, SEMI-DETACHED BUILDINGS, TOWNHOUSE BUILDINGS, and or STACKED TOWNHOUSE BUILDINGS on a LOT to allow the remaining land to be used for a variety of open space and common element purposes.  |

# CITY OF WATERLOO

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## **COMMERCIAL RECREATION**

means a commercial establishment specializing in recreational activities such as martial arts, racquet sports, bowling, ping-pong, billiards, mini golf, dance studios, indoor sport simulators, board games, ELECTRONIC GAMING CENTRES, and any other similar recreational or sporting activity. Excludes Dance Halls, Bingo Halls, AUDITORIUM, BANQUET HALL, Casino, ADULT ENTERTAINMENT PARLOURS.

## **COMMERCIAL SERVICE**

means a commercial establishment that primarily serves businesses by providing services that support the operations of businesses, such as:

- delivery service
- copy centre
- printing facility
- data centre
- call centre
- document shredding
- post office

Excludes RETAIL STORE and PERSONAL SERVICE SHOP.

## **COMMERCIAL VEHICLE**

means a motor vehicle used primarily for commercial purposes with or without an attached delivery body, and includes vehicles such as food trucks, catering or canteen trucks, buses, box / cube vans, tow trucks, tilt and load vehicles, dump trucks, tractor trailers, semi-trailers, and any vehicle which has an exterior fixture or fixtures for the purposes of carrying equipment, materials, or supplies for commercial purposes.

## **COMMERCIAL VEHICLE (LIGHT)**

means a motor vehicle used primarily for commercial purposes by the owner or occupant of the premises, and is restricted to cars, minivans, contractor vans, and light duty trucks (often referred to as pickup trucks) with a maximum carrying capacity of one (1) ton. Excludes COMMERCIAL VEHICLES other than contractor vans.

## **COMMERCIAL WELLNESS**

means a commercial establishment whose purpose is to refresh the mind and body through relaxation and or fitness activities such as a health spa, fitness centre, MASSAGE ESTABLISHMENT, and any other similar physical health and or wellness activity.

Excludes:

- COMMERCIAL RECREATION
- HEALTH PRACTITIONER other than a MASSAGE THERAPIST

## **COMMISSIONER**

means the Commissioner of Integrated Planning & Public Works of the CITY and any successor position thereto.

# CITY OF WATERLOO

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|                                 |   |
|---------------------------------|---|
| <b>COMMON ELEMENT</b>           | means a parcel of land forming part of the common elements of a Condominium Plan pursuant to the CONDOMINIUM ACT. Includes private roads, common walkways, common sidewalks, and common amenity areas within a plan of condominium.   |
| <b>COMMON ELEMENT ROAD</b>      | means a private road forming part of the COMMON ELEMENTS of a Condominium Plan pursuant to the CONDOMINIUM ACT with a direct connection to a municipal STREET.  |
| <b>COMMON OUTDOOR AREA</b>      | means a contiguous outdoor area on a LOT that is designed, built and maintained as a common public gathering space(s) for employees, occupants and visitors of the associated BUILDING, comprised of high quality landscaped and or hardscaped elements. Excludes commercial areas such as OUTDOOR PATIOS, BICYCLE PARKING spaces, rooftop terraces and the like, utilities, hazard lands, and retaining walls. "Hazard lands" include REGULATED AREAS, wetlands, watercourses, floodplains, steep slopes exceeding five percent (5%), and lands / allowances abutting such features. COMMON OUTDOOR AREA shall not be used to satisfy requirements for AMENITY AREA. |
| <b>COMMUNICATION PRODUCTION</b> | means a BUILDING or part thereof used as a studio for the production of multi-media including radio, music, television, motion pictures, and video streaming.   |
| <b>COMMUNITY GARDEN</b>         | means a parcel of land cultivated (tilled) and gardened by members of the community for non-commercial purposes. For the purposes of this definition, "gardened" means to grow and care for plants and crops. May include ACCESSORY BUILDINGS such as a tool shed, and non-commercial activities related to the community garden such as teaching. Excludes a greenhouse.   |
| <b>COMMUNITY HOUSING</b>        | means residential housing, owned by an organization and operated without profit or gain, with funding from government, that offers AFFORDABLE DWELLING UNITS and or subsidized (rent-geared-to-income) DWELLING UNITS in the entirety of the residential building.  |
| <b>COMPLETE APPLICATION</b>     | means an application that contains sufficient particulars and information to allow it to be processed and comprehensively evaluated on its merits, as determined by the CITY. An application that is incomplete becomes a COMPLETE APPLICATION on the date that the required particulars and information are provided to the CITY, as determined by the CITY.   |
| <b>CONDOMINIUM ACT</b>          | means the <i>Condominium Act, 1998</i> , S.O. 1998, c.19 as amended.  |

# CITY OF WATERLOO

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## **CONTAMINANT**

means:

- a.) any substance that is likely to cause material harm or degradation to a BUILDING or any part thereof, to cause harm to the natural environment, or to cause risk to human health, at any time, when;
  - i. it exists in a BUILDING or part thereof;
  - ii. it exists in the water supplied to or within a BUILDING;
  - iii. it is released into the BUILDING or part thereof;
  - iv. it is released into the water supplied to or within a BUILDING; or
  - v. it is released into the natural environment,

and includes without limitation:

- radioactive materials
- asbestos
- lead paint
- PCBs
- fungal contaminants (including stachybotrys chartarum and other moulds)
- mercury and its compounds
- dioxans and furans
- chlordane (DDT)
- polychlorinated biphenyls
- chlorofluorocarbons (CFCs)
- hydro chlorofluorocarbons (HCFCs)
- volatile organic compounds (VOCs)
- urea formaldehyde foam insulation
- radon gas
- chemicals known to cause cancer or reproductive toxicity
- petroleum and its derivatives, by-products or other hydrocarbons
- any substance declared to be hazardous, toxic, or noxious under any Environmental Law now or hereafter enacted or promulgated by an authority of competent jurisdiction.

## **COUNCIL**

means the municipal council of the CITY.

## **COVERAGE**

means the percentage of the LOT AREA covered by all BUILDINGS and STRUCTURES situated thereon. Excludes an unroofed DECK and an unroofed PORCH.

## **CULTURAL FACILITIES**

means any premises or part thereof used for one or more of the following purposes:

- Art Gallery
- ARTIST STUDIO (CLASS A)
- Museum
- Library
- Performing Arts Theatre
- Concert Hall

# CITY OF WATERLOO

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## **CUSTOM SERVICE SHOP**

means any premises or part thereof used by:

- a building (construction) or building-related contractor business
- a business specializing in building (construction)
- a business specializing in building-related construction products, appliances, and mechanical equipment
- an ornamental metal craftsman

that stores, produces, assembles, and or services (repairs) goods to consumer specifications. CUSTOM SERVICE SHOPS shall be restricted to the following:

- Aluminum Siding Sales and Service
- Building/Construction Contractor specializing in residential and or non-residential construction, and may include the manufacturing and assembly of pre-fabricated building components
- Carpet Cleaning Service
- Custom Picture Framing
- Custom Woodworking
- Domestic Appliances Sales and Service
- Electrical, Plumbing and Heating Contractors
- Flooring and Tile Contractors
- Furniture Upholstering and Covering Services
- General Contractor Office
- Lighting Contractor Sales and Service
- Home Electronics Sales and Service
- Ornamental Metal Works
- Paint and Wallpaper Contractors
- SWIMMING POOL, Hot Tub, Steam Bath, and Sauna Sales and Service
- Windows, Doors and Glass Sales and Service

# CITY OF WATERLOO

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## D

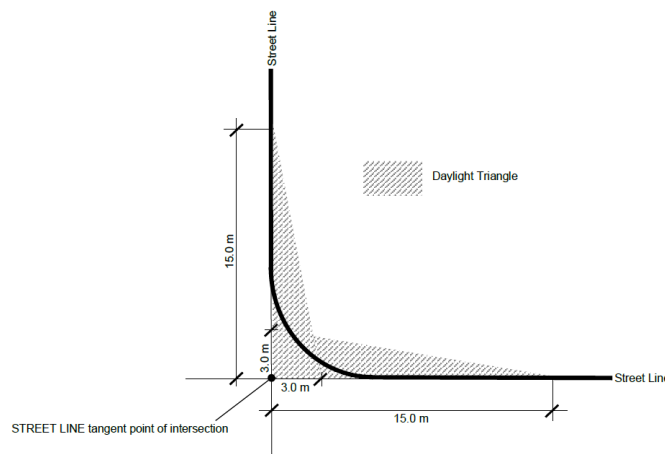
### DATA CENTRE

means a networked computer server facility primarily used for the remote storage, processing, and distribution of data.

### DAYLIGHT TRIANGLE

means the area formed by two triangles, where:

- the STREET LINES form the legs of the triangle;
- one leg of the triangle measures three metres (3m);
- the other leg of the triangle measures fifteen metres (15m); and,
- the triangles extend from the STREET LINE tangent point of intersection.



### DECK

means a raised platform that:

- is independent of the ground supported by a joist and beam system;
- is zero-point-six metres (0.6m) or more above GRADE, measured from the ground level to the top of the raised platform's walking surface;
- is unenclosed and open to the air above the walking surface (excluding a railing); and,
- is not roofed but may contain a trellis.

### DEPARTMENT STORE

means an establishment engaged in retailing a wide range of new durable goods, with no one merchandise line predominating, and may include: apparel, furniture, appliances and home furnishings, jewellery, toys, and additional product lines such as cosmetics, hardware, paint, toiletries, sporting goods, or photographic equipment.

### DEVELOPMENT

means, for the purposes of Section 3.1.2 Inclusionary Zoning, the construction, erection or placing of one or more BUILDINGS or STRUCTURES on a LOT or the making of an addition or alteration

# CITY OF WATERLOO

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to a BUILDING or STRUCTURE that has the effect of substantially increasing the size or usability thereof.

**DIRECTOR**

means the Director of Planning of the CITY and any successor position thereto.

**DOMESTIC APPLIANCE STORE**

means a retail store specializing in home electronics and appliances normally used within a DWELLING and without limiting the generality of the foregoing may include refrigerators, freezers, stoves, microwave ovens, washers, dryers, humidifiers, de-humidifiers, televisions, DVD and Blu-ray players, video recorders, video games and systems, home computers and tablets, radios, music players, sewing machines, vacuum cleaners, components thereto, accessories thereto, and may include the servicing and repair of such appliances and home electronics.

**DONATION BOX**

means any receptacle used for the purpose of collecting donated goods and items (such as apparel) from the public.

**DRIVE-THROUGH**

means a facility that enables customers to order and obtain goods or money while remaining in their motor vehicle. Excludes CAR WASH.

**DRIVEWAY**

means that portion of a LOT used for the passage of motor vehicles from a STREET, LANE or COMMON ELEMENT ROAD to a PARKING SPACE, loading area

**DRUG STORE**

means a commercial establishment where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, non-prescription medicines, and or nutritional supplements. Includes the ancillary retailing of non-medical convenience commercial goods.

**DRY CLEANING AND LAUNDRY DEPOT**

means a service commercial establishment where articles of clothing are received for:

- a.) cleaning elsewhere; or,
- b.) cleaning on the premises if the cleaning process is restricted to closed unvented dry cleaning equipment.

**DWELLING**

means a BUILDING or part thereof designed exclusively for residential occupancy. Excludes HOTEL.

**ACCESSORY APARTMENT DWELLING**

means a separate self-contained DWELLING UNIT which lawfully and actually existed on November 16, 1995 within a residential BUILDING that was originally designed as either:

- a.) a SINGLE DETACHED BUILDING,
- b.) a SEMI-DETACHED BUILDING,
- c.) a FREEHOLD SEMI-DETACHED BUILDING,

# CITY OF WATERLOO

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- d.) a TOWNHOUSE BUILDING,
- e.) a FREEHOLD TOWNHOUSE BUILDING

**ADDITIONAL RESIDENTIAL UNIT** means a separate self-contained DWELLING UNIT that is located within a DETACHED BUILDING, a FREEHOLD SEMI-DETACHED BUILDING, a TOWNHOUSE BUILDING, a FREEHOLD TOWNHOUSE BUILDING, or within a COACH HOUSE.

**AFFORDABLE DWELLING UNIT** means a DWELLING UNIT that:

- (a) In the case of an ownership DWELLING UNIT, the least expensive of: (i) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households in the regional market area; or (ii) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.
- (b) In the case of a rental DWELLING UNIT, the least expensive of: (i) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households in the regional market area; or (ii) a unit for which rent is at or below the average market rent of a unit in the regional market area.
- (c) for the purpose of Section 3.1.2 Inclusionary Zoning, a DWELLING UNIT where maximum rents are in accordance with Section 3.1.2 e) and are occupied by ELIGIBLE TENANTS in accordance with Section 3.1.2 f) of this BY-LAW.

For the purposes of this definition, low and moderate income means: (i) in the case of ownership housing, households with incomes in the lowest 60% of the income distribution for the regional market area; (ii) in the case of rental housing, households with incomes in the lowest 60% of the income distribution for renter households for the regional market area.

**BACHELOR UNIT**

means a DWELLING UNIT where the area intended for sleeping, living, and cooking are combined into a single room. For the purposes of this BY-LAW, a BACHELOR UNIT shall be considered a one (1) BEDROOM unit.

**COACH HOUSE**

means an accessory BUILDING containing one (1) or more ADDITIONAL RESIDENTIAL UNITS that is detached from the principal BUILDING and located on the same LOT as the principal BUILDING.

# CITY OF WATERLOO

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## **DWELLING UNIT**

means two (2) or more rooms designed or intended to be occupied by and for the use of an individual or HOUSEHOLD as a residence with separate kitchen and sanitary (bathroom) facilities that are intended for the use of the dwelling unit only.

# CITY OF WATERLOO

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## E

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|---------------------------------|--|
| <b>EDUCATIONAL INSTITUTION</b>  | means a not-for-profit organization, foundation or think tank devoted to education and or educational research, analysis and training.   |
| <b>ELECTRONIC GAMING CENTRE</b> | means a commercial establishment which contains three (3) or more video and or pinball game machines for commercial entertainment purposes.  |
| <b>ELIGIBLE TENANT(S)</b>       | means a tenant is eligible to occupy AFFORDABLE DWELLING UNITS in accordance with Section 3.1.2 f).  |
| <b>ENFORCEMENT OFFICER</b>      | means an officer assigned to the enforcement of this BY-LAW, specifically: <ul style="list-style-type: none"><li>a.) any Municipal Law Enforcement Officer of the CITY;</li><li>b.) any Police Officer having jurisdiction;</li><li>c.) any BUILDING INSPECTOR;</li><li>d.) the COMMISSIONER;</li><li>e.) the DIRECTOR;</li><li>f.) any other person authorized by by-law of the CITY to enforce this BY-LAW.</li></ul>          |
| <b>ERECT</b>                    | means to build, construct, reconstruct, and relocate. Includes: <ul style="list-style-type: none"><li>a.) any preliminary operation such as excavating, filling, or drainage;</li><li>b.) altering any existing BUILDING or STRUCTURE by an addition, enlargement, extension, or other structural change; and or,</li><li>c.) any work necessitating a building permit as required by the BUILDING BY-LAW of the CITY.</li></ul> |
| <b>EXISTING</b>                 | means lawfully and actually existing on the date of the final passing of this BY-LAW.  |

# CITY OF WATERLOO

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## F

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|---|--|
| <b>FAÇADE PROJECTION</b>                        | means an architectural feature projecting from the exterior of a BUILDING façade which creates visual interest and articulation of the facade, such as a bay window.   |
| <b>FINANCIAL SERVICE</b>                        | means a bank, financial trust company, and credit union.<br>Excludes a PAYDAY LOAN STORE.  |
| <b>FIRST STOREY</b>                             | means the STOREY that has its floor closest to GRADE and its ceiling more than one-point-eight (1.8) metres above GRADE.   |
| <b>FLOOD FRINGE</b>                             | means, for watercourses and small inland lake systems, the outer portion of the floodplain between the floodway and the limit of the flooding hazard.  |
| <b>FLOODPROOFED</b>                             | means structural changes and or measures incorporated into the design and or construction of a BUILDING, STRUCTURE, or property to protect it from flood damage.   |
| <b>FLOOR AREA RATIO</b>                         | means the BUILDING FLOOR AREA of all BUILDINGS on a LOT divided by the LOT AREA.   |
| <b>FOOD AND BEVERAGE MANUFACTURING INDUSTRY</b> | means a BUILDING or part thereof used for the processing of food and beverage products for human consumption. For the purposes of clarity, food and beverage products shall be limited to: <ul style="list-style-type: none"><li>• meat and poultry products</li><li>• bakery products including dehydrated fruit and vegetables</li><li>• dairy products</li><li>• vegetable products</li><li>• cereal and other grain products</li><li>• dry pasta products</li><li>• sugar and confectionary products</li><li>• beverages</li></ul> |
| <b>FOOD STORE</b>                               | means a retail store specializing in food products, including without limitation a grocery store, supermarket, organic food store, HEALTH FOOD STORE, nutritional supplement store, SPECIALTY FOOD STORE, and pet food store. Excludes a butcher shop where animals are slaughtered, or any class of RESTAURANT as defined in this BY-LAW.   |
| <b>FOOD STORE, SPECIALTY</b>                    | means a retail store specializing in one type of food product. Includes a BAKE SHOP, butcher (excluding where animals are  |

# CITY OF WATERLOO

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slaughtered), delicatessen, meat market, fish market, fruit store, candy and confectionery stores, and nut shop.

## **FORMER BY-LAWS**

means the following by-laws of the CITY:

- By-law No. 1108
- By-law No. 1418
- By-law No. 878A

# CITY OF WATERLOO

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## G

### **GARAGE, PRIVATE**

means:

- a.) an ACCESSORY BUILDING designed for the shelter of motor vehicles by the residents of the principal BUILDING; or,
- b.) a portion of a residential BUILDING designed for the shelter of motor vehicles by the residents of the BUILDING.

### **GAZEBO**

means a freestanding, uninhabited, and roofed ACCESSORY STRUCTURE which is unenclosed (except for screening) and open to the air, and which is used for the purposes of relaxation in conjunction with a residential BUILDING. For the purposes of this BY-LAW, a GAZEBO shall not be deemed a DECK or PATIO.

### **GEOHERMAL WELL**

means a vertical well, borehole or pipe installation used for geothermal systems, ground-source heat pump systems, geo-exchange systems or earth energy systems for heating or cooling, including open-loop and closed-loop vertical borehole systems. Excludes horizontal geothermal systems where construction or excavation occurs to depths less than five meters and the protective geologic layers overlaying a vulnerable aquifer remain intact.

### **GOVERNMENT USE**

means a Municipal, Regional, Provincial, or Federal government use and or BUILDING. Includes a community centre, fire station, police station, ambulance station, government office, and library.

### **GRADE**

means the finished ground level of the land, and when used in reference to a BUILDING or STRUCTURE shall mean the finished ground level of the land adjacent to the exterior walls of the BUILDING or STRUCTURE.

### **GREEN ROOF**

means the roof of a BUILDING or STRUCTURE, or part thereof, that is designed and constructed to allow vegetation to grow in a growing medium.

### **GROSS LEASABLE AREA**

means the floor area designed for tenant occupancy and exclusive use, measured from the outside of exterior wall faces and from the center line of joint partition walls. Includes basements, upper floors and mezzanines. Excludes:

- a.) boiler rooms, maintenance rooms, mechanical and electrical rooms
- b.) common hallways, stairwells, elevators, escalators
- c.) common gathering spaces
- d.) common loading and unloading areas
- e.) parking areas
- f.) common washroom facilities

# CITY OF WATERLOO

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## **GROSS LEASABLE RESIDENTIAL FLOOR AREA**

means the combined total floor area of all DWELLING UNITS in a BUILDING measured from the centre line of joint partitions and the exterior faces of the exterior walls of all STOREYS of a BUILDING. GROSS LEASABLE RESIDENTIAL FLOOR AREA excludes non-DWELLING UNIT floor area including common areas, parking areas, and storage lockers.

## **GROUND FLOOR AREA**

means the floor area of the FIRST STOREY of a BUILDING measured to the outside of all exterior walls. In the case of a DWELLING, excludes:

- PRIVATE GARAGE
- porch and veranda
- sunroom, unless the sunroom is constructed to be habitable during all seasons of the year.

## **GROUP HOME**

means a DWELLING where a HOUSEHOLD ranging from three (3) to eight (8) residents (excluding staff and the receiving family) live under supervision, and who by reason of their emotional, mental, social, physical condition, or legal status require a group living arrangement for their well-being. GROUP HOMES shall be licensed or approved for funding under an Act of the Parliament of Canada or the Province of Ontario.

## **GROUP HOME, CLASS A**

means a GROUP HOME having three (3) to six (6) residents (excluding staff and the receiving family), and limited to residential facilities provided for by the following legislation and or regulations thereunder:

- a.) accommodation for the developmentally challenged approved under the authority of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;
- b.) a children's home approved under the authority of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;
- c.) a satellite home approved under the authority of the *Long Term Care Homes Act, 2007*;
- d.) a children's residence licensed under the authority of the *Child and Family Services Act, RSO 1990*;
- e.) a home for special care licensed under the authority of the *Homes for Special Care Act, RSO 1990*;
- f.) a group home funded by the Local Health Integration Network through the *Community Mental Health Services Supportive Housing Program* under the authority of the Ministry of Health & Long Term Care.

## **GROUP HOME, CLASS B**

means a GROUP HOME having three (3) to eight (8) residents (excluding staff and the receiving family), and limited to

# CITY OF WATERLOO

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residential facilities provided for by the following legislation and or regulations thereunder:

- a.) accommodation for the developmentally challenged approved under the authority of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;
- b.) a children's home approved under the authority of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;
- c.) a satellite home approved under the authority of the *Long Term Care Homes Act, 2007*;
- d.) a children's residence licensed under the authority of the *Child and Family Services Act, RSO 1990*;
- e.) a home for special care licensed under the authority of the *Homes for Special Care Act, RSO 1990*;
- f.) an approved home licensed under the authority of the *Homes for Special Care Act, RSO 1990*;
- g.) a community resource centre approved under the authority of the *Ministry of Correctional Services Act, RSO 1990*;
- h.) a half-way house approved under the authority of the *Long Term Care Homes Act, 2007*;
- i.) a group home funded by the Local Health Integration Network through the Community Mental Health Services Supportive Housing Program under the authority of the Ministry of Health & Long Term Care.

## **GUEST SUITE**

means a unit within a principal BUILDING which:

- a.) contains no facilities for cooking; and
- b.) is used for the purpose of providing temporary accommodation to guests of the residents / tenants of the BUILDING.

Excludes BED & BREAKFAST ESTABLISHMENT, HOTEL, and GROUP HOME.

# CITY OF WATERLOO

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## H

|                                       |   |
|---------------------------------------|---|
| <b>HABITABLE FLOOR SPACE</b>          | means the floor area of a BUILDING or part thereof suitable for habitation. Includes a BEDROOM, living room, dining room, family room, finished recreation room, study, den, hallway, stairway, and any room integral for habitation such as a kitchen and bathroom. Excludes areas used for the parking of motor vehicles.   |
| <b>HAZARDOUS SUBSTANCE</b>            | means any explosive, flammable, hazardous or toxic chemical, waste, by-product, pollutant, CONTAMINANT, compound, product or substance, including without limitation any liquid, solid or gaseous material for which the manufacturing, possession, presence, use, generation, storage, transportation, treatment, release, disposal, abatement, clean-up, removal, remediation or handling is prohibited, controlled or regulated under Environmental Law now or hereafter enacted or promulgated by an authority of competent jurisdiction. |
| <b>HEALTH PRACTITIONER</b>            | means a professional who is licensed or registered to provide health care related services to individuals under the laws of the Province of Ontario, including Schedule 1 of the <i>Regulated Health Professions Act, 1991</i> , S.O. 1991, c.18. Includes a physician, dentist, chiropractor, psychologist, and a registered MASSAGE THERAPIST. Excludes BODY-RUB PARLOUR and an ADULT ENTERTAINMENT PARLOUR.  |
| <b>HERITAGE CONSERVATION DISTRICT</b> | means a defined area designated under Part V of the Ontario Heritage Act.   |
| <b>HERITAGE DESIGNATION DATE</b>      | means: <ul style="list-style-type: none"><li>a.) the date of a property's designation under Part IV or section 34.5 of the Ontario Heritage Act; or</li><li>b.) the effective date of the by-law establishing a HERITAGE CONSERVATION DISTRICT under Part V of the Ontario Heritage Act.</li></ul>  |
| <b>PROTECTED HERITAGE PROPERTY</b>    | means: <ul style="list-style-type: none"><li>a.) real property designated under Parts IV, V or VI of the Ontario Heritage Act;</li><li>b.) heritage conservation easement property designated under Parts II or IV of the Ontario Heritage Act;</li><li>c.) property that is subject to a covenant or agreement between the owner of the property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and</li></ul>   |

# CITY OF WATERLOO

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maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

## **HIGHWAY**

means a municipal or provincial public highway, street, road, avenue, parkway, bridge, or viaduct which is primarily intended for the passage of motor vehicles, and includes the area between the lateral STREET LINES thereof.

## **HISTORIC CENTRE LINE**

means the centre line of the original HIGHWAY or LANE allowance.

## **HOME COMMERCIAL WELLNESS**

means a COMMERCIAL WELLNESS business located within a DWELLING UNIT as a HOME OCCUPATION.

## **HOME HEALTH PRACTITIONER**

means a HEALTH PRACTITIONER office located within a DWELLING UNIT as a HOME OCCUPATION.

## **HOME LOW RISK FOOD KITCHEN**

means a licensed small-scale business located within a DWELLING UNIT as a HOME OCCUPATION where LOW RISK FOOD is prepared in an approved separate kitchen other than the DWELLING UNIT's principal kitchen, and is sold to the end consumer for consumption off the premises. Excludes a RESTAURANT (including TAKE OUT RESTAURANT), CAFÉ, BAKE SHOP, FOOD AND BEVERAGE MANUFACTURING INDUSTRY, any business that requires on-site customer parking, and any business that relies on or generates frequent deliveries.

"Licensed" within the definition of HOME LOW RISK FOOD KITCHEN means applicable CITY licenses, such as home occupation license(s) and a food shop license(s), or any successor license thereto.

### *NOTE: Licenses and Applicable Law*

*City licenses may require confirmation of compliance with applicable law, including but not limited to:*

- *Health Protection and Promotion Act, R.S.O. 1990, c.H.7*
- *Ontario Regulation 493/17 ) Food Premises*
- *Inspections by the Region of Waterloo Public Health*

*Also see Section 4.33 of this by-law.*

## **HOME OCCUPATION**

means a business conducted within a DWELLING UNIT by a permanent resident of the DWELLING UNIT. HOME OCCUPATIONS shall be ACCESSORY to the principal residential use.

## **HOME OFFICE**

means an OFFICE located within a DWELLING UNIT as a HOME OCCUPATION, excluding a HOME HEALTH PRACTITIONER.

# CITY OF WATERLOO

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## **HOME PERSONAL SERVICE**

means a commercial service provided within a DWELLING UNIT as a HOME OCCUPATION involving:

- personal grooming of individuals, such as a beauty salon or barber shop
- care of apparel
- dressmaker and or suit maker
- photography

Includes a manicurist, tailor, and a photographic studio.

## **HOTEL**

means a BUILDING or part thereof with no less than six (6) rooms used or designed to be used for temporary overnight accommodation of the travelling or vacationing public, and may include an ancillary RESTAURANT and conference facilities.

Excludes BED & BREAKFAST ESTABLISHMENT, GROUP HOME, and LODGING HOUSE.

## **HOUSEHOLD**

means one (1) or more persons living together as a single non-profit, independent housekeeping unit, sharing all areas of the DWELLING UNIT.

# CITY OF WATERLOO

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## **IMPERVIOUS AREA**

means the area of a LOT which is covered by an impervious or impermeable material. Impervious areas include, but shall not be limited to the following materials:

- a.) asphalt
- b.) wood
- c.) concrete
- d.) clay
- e.) metal
- f.) stone, excluding small decorative landscaping aggregate consisting of stones zero-point-three to zero-point-six centimetres (0.3cm to 0.6cm) in diameter in locations other than a driveway or walkway
- g.) engineered pavers, including permeable pavers

## **INDIRECT SALES**

means the sale of goods via mail order, telephone, fax, internet digital platform or website, but shall not include direct sales or the storage of inventory on the premises.

## **INDUSTRIAL ASSEMBLY**

means an industrial production operation that requires specialized machinery, equipment and or expertise to substantially put together (build) a finished good from individual components or parts, primarily on a large scale by hand or machinery. The assembly or installation of minor components, small parts, or accessories that require minimal expertise or equipment or which are incidental to a finished good that is to be sold on-site shall not be considered an INDUSTRIAL ASSEMBLY operation. May include an ancillary office to administer the INDUSTRIAL ASSEMBLY use. Excludes assembly or installation operations associated with a commercial use, such as but not limited to bicycle retailers, jewelry retailers, and furniture retailers.

## **INDUSTRIAL MALL**

means a BUILDING that contains two (2) or more separated spaces for lease or occupancy.

## **INDUSTRIAL MANUFACTURING**

means an industrial production operation in which raw materials are transformed or fabricated into finished goods, components, or parts on a large scale by hand or machinery. Includes an ancillary office to administer the INDUSTRIAL MANUFACTURING use. Excludes PHARMACEUTICAL INDUSTRIES and FOOD AND BEVERAGE MANUFACTURING INDUSTRIES.

# CITY OF WATERLOO

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## **INDUSTRIAL PROCESSING**

means an industrial process, in which a systematic series of mechanical or chemical operations result in the production of a finished good, primarily in bulk quantities. May include an ancillary office to administer the INDUSTRIAL PROCESSING use. Excludes PHARMACEUTICAL INDUSTRIES and FOOD AND BEVERAGE MANUFACTURING INDUSTRIES.

## **INSTITUTION**

means a not-for-profit organization or foundation devoted to a public, educational, health, social welfare, or charitable cause or program. Includes a public hospital, library, community centre, and GOVERNMENT USE. Excludes a residence, DWELLING UNITS, SPIRITUAL USE, MEDICAL CLINIC, PUBLIC SCHOOL, PRIVATE SCHOOL, EDUCATIONAL INSTITUTION, UNIVERSITY, and COLLEGE.

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## L

### **LABORATORY**

means a BUILDING or part thereof used for scientific research, testing, and experimentation. A LABORATORY excludes:

- a) manufacturing, processing, and or refining of chemicals
- b) rendering plants
- c) PHARMACEUTICAL INDUSTRY

### **LANDSCAPED BUFFER**

means a landscaped area that is predominantly vegetated by trees, shrubs and grasses. Excludes BUILDINGS, STRUCTURES, enclosures, parking areas, DRIVEWAYS, LOADING SPACES, covered or enclosed BICYCLE PARKING, curbs, retaining walls, garbage enclosures, ramps, stairs, utilities, and IMPERVIOUS AREAS.

### **LANDSCAPED OPEN SPACE**

means a portion of a LOT predominantly used for the growth of trees, shrubs, grasses, and or other vegetation (the "Green Space"). Includes COMMON OUTDOOR AREA and outdoor hardscapes that are ACCESSORY to the Green Space, such as a surface walkway for the Green Space, common patio for the exclusive use of residential uses on the LOT, or common DECK for the exclusive use of residential uses on the LOT. Exclusions include, but are not limited to:

- a.) BUILDINGS and STRUCTURES (except for a common DECK for the exclusive use of the residential uses on the LOT)
- b.) parking areas, including parking decks
- c.) DRIVEWAYS
- d.) LOADING SPACES
- e.) BICYCLE PARKING
- f.) curbs and retaining walls
- g.) garbage enclosures
- h.) rooftop AMENITY AREAS, rooftop decks, rooftop terraces constructed after the effective date of this BY-LAW, unless otherwise stated in this BY-LAW
- i.) stairs and ramps
- j.) utilities

### **LANE**

means a public HIGHWAY or public right-of-way which affords a secondary means of access to LOTS abutting thereon. For the purposes of establishing setbacks within this BY-LAW, a LANE shall not be defined as a STREET. For the purposes of determining a LOT THROUGH, a LANE shall not be defined as a STREET.

### **LARGE MERCHANDISE STORE**

means a BUILDING or part thereof in which predominantly large goods are offered, displayed and kept for sale or rent to the end consumer. Includes, but is not limited to:

- a furniture and home furnishing store (including home décor store)

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- DOMESTIC APPLIANCE STORE
- home entertainment store
- home improvement store (with or without ancillary garden supplies)
- hardware store (with or without ancillary garden supplies)
- heating and plumbing equipment sales and service
- office equipment store
- electronics store
- sporting goods store
- fitness equipment store
- swimming pool, steam baths and saunas sales and service
- automotive parts and accessories store (including tires)

Excludes MOTOR VEHICLE RETAILER.

## **LIGHT**

in reference to:

- INDUSTRIAL MANUFACTURING
- INDUSTRIAL ASSEMBLY
- INDUSTRIAL PROCESSING

means an industrial use which:

- a.) is wholly enclosed within a BUILDING, except for PARKING SPACES and LOADING SPACES; and
- b.) in its operation does not result in emissions from the BUILDING of odours, fumes, noise, cinder (including smoke, soot, ash), dust, vibrations, heat, glare (lighting), or electrical interference.

## **LIVE/WORK UNIT**

means a unit with direct access to GRADE that is both the residence and place of business (commercial) of the proprietor.

## **LOADING SPACE**

means an off-street area solely devoted to the temporary parking of a motor vehicle or trailer used for loading or unloading of merchandise, materials, or personal belongings.

## **LODGING HOUSE**

means a BUILDING or part thereof used for residential occupancy where a proprietor offers LODGING ROOMS to five (5) or more persons, with or without meals, in return for remuneration or the provision of a service, or for both. Excludes HOTEL, BED & BREAKFAST ESTABLISHMENT, LONG TERM CARE FACILITY, ASSISTED LIVING FACILITY, and GROUP HOME.

## **LODGING ROOM**

means a BEDROOM within a LODGING UNIT which is exclusively used by the resident or residents of the BEDROOM, and is not normally accessible to persons other than the resident or residents of the BEDROOM.

## **LODGING UNIT**

means a living accommodation which does not include the exclusive use of a kitchen or a bathroom.

## **LONG TERM CARE FACILITY**

means a BUILDING or part thereof:

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- a.) that is regulated by the Ontario Ministry of Health & Long-Term Care;
- b.) that is the residence of a PERSON;
- c.) where residents are provided with twenty four (24) hour nursing care and supervision; and
- d.) where residents are furnished with meals.

## LOT

means:

- a.) A single parcel or contiguous parcels of land held under one ownership that may be conveyed in compliance with the provisions of the Planning Act.
- b.) Any condominium unit not located entirely within and comprising part of a building, excluding parking condominium units and units for incidental structures including, but not limited to, signage and entrance features.

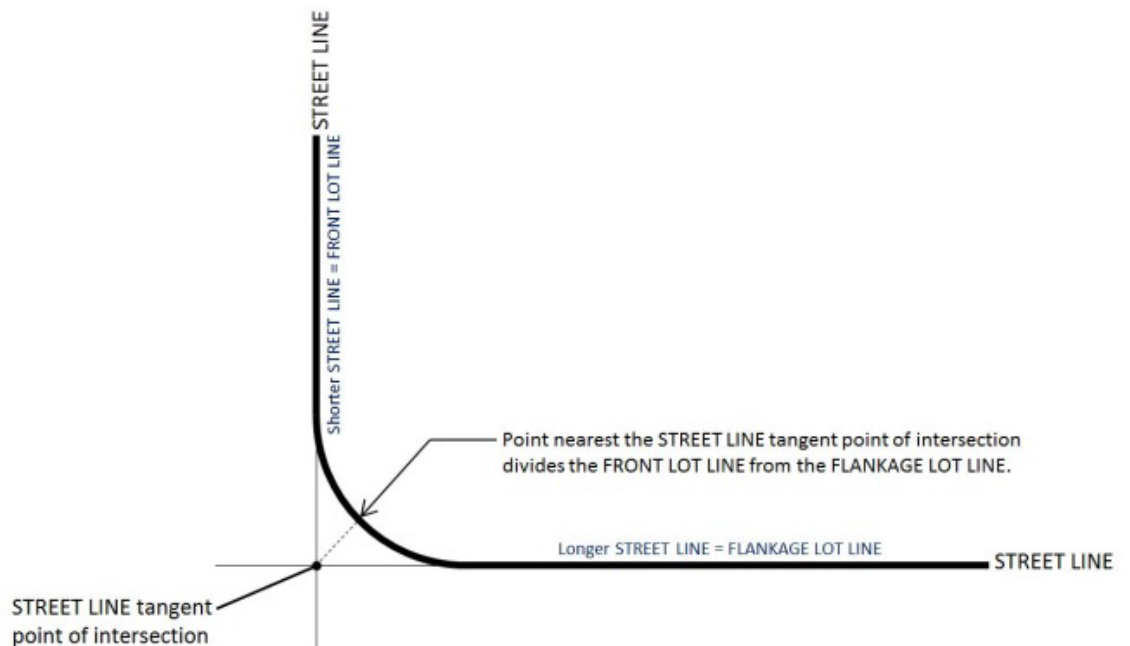
A LOT may or may not be the land shown as a lot on a registered plan of subdivision.

## CORNER LOT

means a LOT:

- a.) abutting the intersection of two (2) STREETS, in one or more instances; or,
- b.) abutting one (1) curved STREET where the angle measured by the STREET LINES is less than one hundred and thirty-five (135) degrees.

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



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|                                      |  |
|--------------------------------------|--|
| <b>INTERIOR LOT</b>                  | means a LOT other than a CORNER LOT.   |
| <b>THROUGH LOT</b>                   | means an INTERIOR LOT bounded on two (2) opposite sides by STREETS, but not a CORNER LOT.  |
| <b>LOT AREA</b>                      | means the total horizontal area within the LOT LINES of a LOT.   |
| <b>LOT DEPTH</b>                     | means the horizontal distance between the FRONT LOT LINE and REAR LOT LINE, or in the case of a triangular LOT between the FRONT LOT LINE and the apex of the triangle formed by the intersection of the SIDE LOT LINES.   |
| <b>LOT FRONTAGE</b>                  | means the width of the LOT measured at the FRONT LOT LINE, except: <ul style="list-style-type: none"><li>a.) in the case of a CORNER LOT where the FLANKAGE LOT LINE and SIDE LOT LINE are not parallel; and,</li><li>b.) in the case of an INTERIOR LOT where the SIDE LOT LINES are not parallel,</li></ul> LOT FRONTAGE shall mean the width of the LOT measures at the FRONT YARD BUILDING LINE. |
| <b>LOT LINE</b>                      | means the boundary line of a LOT, commonly referred to as the property line.   |
| <b>FLANKAGE LOT LINE</b>             | in the case of a CORNER LOT, means the longer LOT LINE that abuts the STREET.  |
| <b>FRONT LOT LINE</b>                | means the LOT LINE that divides a LOT from the STREET. In the case of a CORNER LOT, the shorter STREET LINE shall be deemed to be the FRONT LOT LINE, and the longer STREET LINE shall be deemed the FLANKAGE LOT LINE. In the case of a THROUGH LOT, both of the LOT LINES abutting a STREET shall be deemed FRONT LOT LINES, except pursuant to Section 3.R.5 ("RESERVEs").                        |
| <b>INTERIOR LOT LINE</b>             | means any LOT LINE not abutting a STREET.  |
| <b>LOW RISE RESIDENTIAL LOT LINE</b> | means a LOT LINE abutting a LOW RISE RESIDENTIAL AREA.   |
| <b>REAR LOT LINE</b>                 | means, in the case of: <ul style="list-style-type: none"><li>a.) a square or rectangular LOT, the LOT LINE opposite the FRONT LOT LINE;</li><li>b.) a triangular LOT, the point of the apex of the triangle furthest from the FRONT LOT LINE;</li></ul>  |

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- c.) an irregular shaped LOT, the LOT LINE or LOT LINES furthest from and opposite to the FRONT LOT LINE including any angled contiguous LOT LINE adjoining it.

## **RESERVE LOT LINE**

means a LOT LINE abutting a RESERVE.

## **SIDE LOT LINE**

means a LOT LINE that connects the FRONT LOT LINE to the REAR LOT LINE.

## **LOT WIDTH**

means:

- a.) for an INTERIOR LOT, the distance measured between the SIDE LOT LINES at right angles, except in the case where the SIDE LOT LINES are not parallel LOT WIDTH means the distance measured between the SIDE LOT LINES at the FRONT YARD BUILDING LINE;
- b.) for a CORNER LOT, the distance measured between the SIDE LOT LINE and the FLANKAGE LOT LINE at right angles, except in the case where the SIDE LOT LINE and the FLANKAGE LOT LINE are not parallel LOT WIDTH means the distance measured between the SIDE LOT LINE and the FLANKAGE LOT LINE at the FRONT YARD BUILDING LINE

## **LOW RISE RESIDENTIAL AREA**

means lands which are zoned:

- EI
- FD
- I
- R1
- R2
- R3
- R4
- R5
- R6
- R7
- R8
- R9
- RC1
- S

## **LOW RISK FOOD**

means food items that are generally considered non-hazardous (in a form of state that cannot grow micro-organisms that can cause illness), and do not require time and temperature control, more specifically:

- plain breads and rolls/buns (no meat, dairy, cheese, or other fillings)
- cakes, brownies, tarts, muffins, cookies/biscuits, crackers (which may include icing provided that the does not require refrigeration)
- chocolate
- hard candies and brittles

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- fudge and toffees
- coffee beans and tea leaves
- granola, trail mix, nuts and seeds

## M

### **MAJOR OFFICE**

means a BUILDING or part thereof containing 4,000 square metres or more of BUILDING FLOOR AREA used for one or more of the following purposes:

- a.) professional consulting practice
- b.) professional advisory services
- c.) the administrative functions of a business or industry
- d.) the carrying on of a business, the main product of which is the creation, processing and or storage of information rather than the production, retailing, and or distribution of goods
- e.) government administration

Excludes RETAIL STORE, FINANCIAL SERVICE, PAYDAY LOAN STORE, PERSONAL SERVICE SHOP, VETERINARIAN CLINIC, ANIMAL HOSPITAL, BODY-RUB PARLOR, and ADULT ENTERTAINMENT PARLOUR.

### **MAJOR TRANSIT STATION AREA**

means an area surrounding and including an existing or planned higher order transit station or stop as shown on Schedule 'A2'. For the purposes of this BY-LAW, a MAJOR TRANSIT STATION AREA is a Protected Major Transit Station Area under the PLANNING ACT.

### **MAKERSPACE**

means a community workshop or community studio that is dedicated to nurturing creativity, collaboration and hands-on learning through the provision of shared do-it-yourself space where like-minded individuals can gather and interact to:

- create (make, build), invent, tinker, explore, learn; and,
- share ideas, resources (tools, materials), knowledge, and skillsets.

### **MAKERSPACE, CLASS A**

means MAKERSPACE where patrons:

- a.) have access to low-impact tools and technology such as:
  - 3D printers
  - arts and crafts equipment (such as easels, sewing machines)
  - computers
  - electronics, such as audio and visual devices
  - hand tools
  - microcontrollers for prototyping, digital devices, and interactive objects
  - mixed media
  - robotics
  - software

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- vinyl cutting equipment

- and or -

b.) can learn and develop low-impact skills such as:

- coding
- cooking
- gaming
- painting
- sculpting and woodcarving using hand tools
- sewing and knitting

## **MAKERSPACE, CLASS B**

means MAKERSPACE where patrons:

a.) have access to tools and technology with the potential for high-impact, such as:

- laser and plasma cutters
- milling machines
- computer numerical control equipment (such as CNC routers)
- welding and soldering equipment
- lathes
- forges and blacksmithing equipment
- bio-laboratories

- and or -

b.) involving one or more of the following processes:

- metalworking (excluding craft jewellery)
- woodworking (excluding woodcarving using hand tools)
- manufacturing
- INDUSTRIAL ASSEMBLY (excluding prototype assembly)

## **MASSAGE ESTABLISHMENT**

means a BUILDING or part thereof where massages are provided by a registered MESSAGE THERAPIST. Excludes BODY-RUB PARLOUR and ADULT ENTERTAINMENT PARLOUR.

## **MASSAGE THERAPIST**

means a Massage Therapist who is registered with the College of Massage Therapists of Ontario in accordance with the laws of the Province of Ontario.

## **MAXIMUM DESIGNED CAPACITY**

means the maximum number of PERSONS for which the BUILDING and or STRUCTURE or part thereof was designed, as determined by the BUILDING CODE.

## **MEDICAL CLINIC**

means one or more of the following:

- a.) the OFFICE of one or more HEALTH PRACTITIONERS that is primarily devoted to the care of outpatients, including urgent care medical clinics
- b.) outpatient medical services for health-care related testing, screening, imaging, therapy, and or surgery

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MEDICAL CLINIC may include an ancillary PHARMACEUTICAL DISPENSARY.

**METAL CONTAINER**

means a metal vessel commonly or initially designed for the transportation of freight goods or commodities and shall include but not be limited to a shipping container, cargo container, and truck trailer. Excludes refuse bins, motor vehicles, and QUONSET HUT.

**MEZZANINE**

means an intermediate floor within a STOREY which is predominantly open to the floor below.

**MICROBREWERY**

means a BUILDING or part thereof used for the small-scale production of beverages including beer, wine, cider, and spirits.

**MIXED USE BUILDING**

means a BUILDING containing one or more DWELLING UNITS and one or more non-residential uses other than:

- a.) HOME OCCUPATIONS
- b.) PARKING SPACES

**MODEL HOME**

means a new finished but uninhabited DWELLING UNIT within a:

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

that is constructed to the provisions of the zoning category in which the MODEL HOME is located, and used as an example of the new DWELLING UNITS offered for sale or rent to the general public within the related subdivision or condominium. May include an OFFICE to conduct the affairs of the related developer and or builder.

**MODEL SUITE**

means a new finished but uninhabited DWELLING UNIT within a:

- APARTMENT BUILDING
- MAISONETTE BUILDING
- MIXED USE BUILDING
- MULTI-UNIT RESIDENTIAL BUILDING
- STACKED TOWNHOUSE BUILDING

that is constructed to the provisions of the zoning category in which the MODEL SUITE is located, and used as an example of the DWELLING UNITS offered for sale or rent to the general public within the BUILDING. May include an OFFICE to conduct the affairs of the related developer and or builder.

**MOTOR VEHICLE RETAILER**

means a LOT or portion thereof, and any BUILDING thereon, used to display, sell, rent, or lease motor vehicles including cars, trucks,

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marine and all-terrain vehicles. Includes servicing and repair services that are ACCESSORY to the principal Motor Vehicle Retail Use.

**MOTOR VEHICLE RETAIL STORE**

means a BUILDING or part thereof, not exceeding 930 square metres of BUILDING FLOOR AREA, in which new motor vehicles are offered and displayed for sale or rent to the end consumer. Excludes outdoor display and or storage of motor vehicles, with the exception of a maximum six (6) demonstration vehicles for consumers to test drive. Excludes servicing, repair and detailing of motor vehicles.

**MUNICIPAL ACT**

means the *Municipal Act, 2001, S.O. 2001* and all amendments and regulations thereto.

**MUNICIPAL RECREATION FACILITY**

means lands owned and operated by the CITY for public recreation purposes, and shall include but not be limited to parks, playgrounds, community centers, tennis courts, bowling greens, SWIMMING POOLS, and golf courses.

# CITY OF WATERLOO

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## N

### **NANOBREWERY**

means a BUILDING or part thereof used for the small-scale production of beer, wine, cider, and or spirits in conjunction with and ancillary to a RESTAURANT.

### **NIGHTCLUB**

means a BUILDING or part thereof primarily used for commercial entertainment with an open floor area and where seating is not provided for the majority of the patrons; the principal function of which is dancing and or listening to pre-recorded or amplified music, viewing live musical performances, and or viewing other forms of live entertainment. Food and beverages may be offered for sale as an ancillary use. Excludes RESTAURANT, TAKE-OUT RESTAURANT, BANQUET HALL, AUDITORIUM, and ADULT ENTERTAINMENT PARLOUR.

### **NON-PROFIT HOUSING PROVIDER**

means

- (1) a corporation to which the Not-for-Profit Corporations Act, 2010 applies, that is in good standing under that Act and whose primary objective is to provide housing;
- (2) a corporation without share capital to which the Canada Business Corporations Act applies, that is in good standing under that Act and whose primary objective is to provide housing;
- (3) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act; or
- (4) an organization that is a registered charity within the meaning of the Income Tax Act (Canada) or a non-profit organization exempt from tax under paragraph 149(1)(l) of that Act, and whose land is owned by the organization, all or part of which is to be used as affordable housing.

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## O

### **OCCASIONAL USE**

means an event within a City-owned facility or on City-owned land which is temporary in duration. Includes:

- specialty sales and services
- concerts
- festivals
- trade shows
- fairs
- auctions
- recreational competitions

For the purposes of this definition, "temporary" shall mean established for an identified short period of time with the intent to discontinue upon the expiration of the time period.

### **OFFICE**

means a BUILDING or part thereof containing less than 4,000 square metres of BUILDING FLOOR AREA used for one or more of the following purposes:

- a.) professional consulting practice
- b.) professional advisory services
- c.) the administrative functions of a business or industry
- d.) the carrying on of a business, the main product of which is the creation, processing and or storage of information rather than the production, retailing, and or distribution of goods
- e.) government administration

Excludes RETAIL STORE, FINANCIAL SERVICE, PAYDAY LOAN STORE, PERSONAL SERVICE SHOP, VETERINARIAN CLINIC, ANIMAL HOSPITAL, BODY-RUB PARLOR, and ADULT ENTERTAINMENT PARLOUR.

### **OFFICIAL PLAN**

means the Official Plan of the CITY, as amended.

### **OLD GOLD SHOP**

means a commercial establishment where items containing gold, silver, precious metals and or gems are purchased by the commercial establishment in exchange for a monetary return to the consumer. Excludes RETAIL STORE.

### **OUTDOOR DISPLAY AREA**

means an unenclosed outdoor display area ACCESSORY to a commercial retail use, used for the display of merchandise associated with the commercial retail use. Excludes MOTOR VEHICLE RETAILER.

### **OUTDOOR PATIO**

means an unenclosed outdoor seating area ACCESSORY to a RESTAURANT, CAFÉ, or BAKE SHOP where food and beverages are served to the public for consumption on the patio.

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**OUTDOOR BAKE SHOP PATIO**

means an unenclosed outdoor seating area ACCESSORY to a BAKE SHOP where food and beverages from the BAKE SHOP are served to the public for consumption on the patio.

**OUTDOOR CAFE PATIO**

means an unenclosed outdoor seating area ACCESSORY to a CAFÉ where food and beverages from the CAFE are served to the public for consumption on the patio.

**OUTDOOR RESTAURANT PATIO**

means an unenclosed outdoor seating area ACCESSORY to a RESTAURANT where food and beverages from the RESTAURANT are served to the public for consumption on the patio.

**OUTDOOR ROOFTOP PATIO**

means an unenclosed outdoor seating area ACCESSORY to a RESTAURANT, CAFÉ, or BAKE SHOP, where food and beverages are served to the public for consumption on the rooftop patio. Excludes NIGHTCLUB and any component thereof.

**OUTDOOR STORAGE**

means the storage of equipment, goods and or materials outside of any BUILDING or STRUCTURE, including storage in unenclosed portions of any BUILDING or STRUCTURE which are open to the air on the sides. Excludes a Seasonal Garden Centre, OUTDOOR DISPLAY AREA, and MOTOR VEHICLE RETAILER.

# CITY OF WATERLOO

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## P

### PARKING

|                                  |   |
|----------------------------------|---|
| <b>BICYCLE PARKING</b>           | means an area used exclusively for the parking of bicycles.   |
| <b>BICYCLE PARKING (STACKED)</b> | means a horizontal BICYCLE PARKING space that is positioned above or below another BICYCLE PARKING space and equipped with a mechanical device providing floor level access to each BICYCLE PARKING space.  |
| <b>BICYCLE PARKING (TYPE A)</b>  | means secure BICYCLE PARKING located indoors or within a bike locker.   |
| <b>BICYCLE PARKING (TYPE B)</b>  | means BICYCLE PARKING other than TYPE A BICYCLE PARKING.  |
| <b>PARKING FACILITY</b>          | means a LOT, BUILDING, STRUCTURE, or part thereof, used for the temporary parking of motor vehicles for a period not to exceed twenty four (24) successive hours. Includes STRUCTURED PARKING and SURFACE PARKING.                                |
| <b>PARKING SPACE</b>             | means an unobstructed area used exclusively for the parking of motor vehicles.  |
| <b>PARALLEL PARKING</b>          | means one (1) or more PARKING SPACES which are parallel to and abutting a drive aisle, STREET, or LANE.   |
| <b>PUBLIC PARKING AREA</b>       | means STRUCTURED PARKING and or SURFACE PARKING available for public use.   |
| <b>STRUCTURED PARKING</b>        | means a BUILDING, STRUCTURE, or part thereof, used primarily for the parking of motor vehicles. Includes UNDERGROUND PARKING. Includes PARKING SPACES entirely or partially beneath a BUILDING, excluding cantilevered shade or solar STRUCTURES. |
| <b>SURFACE PARKING</b>           | means the portion of a LOT at GRADE and open to the air that is used for the parking of motor vehicles.   |
| <b>TANDEM PARKING</b>            | means two (2) or more PARKING SPACES which are located one behind the other, where only one (1) PARKING SPACE has direct access to a drive aisle, STREET, or LANE.  |
| <b>UNDERGROUND PARKING</b>       | means STRUCTURED PARKING fully enclosed below GRADE.  |
| <b>VISITOR PARKING</b>           | means PARKING SPACES for the exclusive use of visitors to the LOT and or BUILDING.  |

# CITY OF WATERLOO

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## **PATIO**

means:

- a.) a constructed hard surfaced outdoor passive recreation area at GRADE and ACCESSORY to a BUILDING; or,
- b.) a raised platform that:
  - i. is independent of the ground;
  - ii. is less than zero-point-six metres (0.6 m) above GRADE measured to the top of the raised platform's walking surface;
  - iii. is unenclosed and open to the air above the walking surface, excluding a railing;
  - iv. is not roofed, but may contain a trellis; and,
  - v. is ACCESSORY to a BUILDING.

## **PAYDAY LOAN STORE**

means an establishment licensed under the *Payday Loans Act, S.O. 2008, c.9* as amended, to provide personal loans to consumers.

## **PERMIT**

means a formal grant of permission, including a permit, license, or certificate that is issued by a PUBLIC AUTHORITY.

## **PERSON**

means and includes any individual, association, partnership, incorporated company, corporation, municipal corporation, agent, or trustee and their heirs, executors and assigns, or other legal representatives or a person to whom the context can apply according to law.

**PERSONAL BREWING ESTABLISHMENT** means a commercial establishment where the consumer makes beer and or wine for personal consumption off the premises, described by the Alcohol & Gaming Commission of Ontario as "Ferment on Premise Facility".

## **PERSONAL SERVICE SHOP**

means a BUILDING or part thereof used in the provision of services involving:

- a.) personal grooming of individuals, such as a beauty salon or barber shop
- b.) CLASS A PET SERVICES
- c.) care of apparel
- d.) dressmaker and or suit maker
- e.) ACCESSORY retailing of products or services related to a.) to d.) above.

Includes a hair salon, barber shop, tailor, DRY CLEANING AND LAUNDRY DEPOT, and Photography Studio. Excludes MEDICAL CLINIC, private hospital within the meaning of the *Private Hospitals Act*, VETERINARY CLINIC, VETERINARY HOSPITAL, BODY-RUB PARLOUR, and ADULT ENTERTAINMENT PARLOUR.

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## **PET SERVICES, CLASS A**

means a BUILDING or part thereof used for the non-veterinarian caring, grooming, and or training of animals including domestic dogs, cats, rabbits, and birds. Excludes overnight boarding, outdoor animal enclosures, kennel, pound, Humane Society, VETERINARY CLINIC and VETERINARY HOSPITAL.

## **PET SERVICES, CLASS B**

means a BUILDING or part thereof used for the non-veterinarian caring, grooming, training, and or overnight boarding of domestic animals including domestic dogs, cats, rabbits, and birds. May include an outdoor animal enclosure, provided that animals are not kept outdoors during evening and night hours (7:00pm to 7:00am). Excludes VETERINARY CLINIC and VETERINARY HOSPITAL.

## **PHARMACEUTICAL DISPENSARY**

means a small retail outlet, to a maximum 465 square metres, where the primary business is the dispensing of drugs prescribed by a HEALTH PRACTITIONER. Dispensing shall only be undertaken by a pharmacist registered with the Ontario College of Pharmacists. Includes ancillary retailing of medical devices, medical supplies, non-prescription drugs, and non-prescription medicines. Excludes a DRUG STORE.

## **PHARMACEUTICAL INDUSTRY**

means a BUILDING or part thereof used for the manufacturing and or fabrication of:

- a.) pharmaceutical and or medical products for human or veterinary use;
- b.) orthopedic, prosthetic, and surgical appliances and supplies.

For clarity, chemical manufacturing, processing and refining is expressly prohibited with the exception of same specifically related to pharmaceuticals.

## **PLANNING ACT**

means the *Ontario Planning Act, R.S.O. 1990, c.P.13* as amended.

## **PODIUM**

means the base of a BUILDING above GRADE, up to six storeys in height, extending outwards from the TOWER as an identifiable projecting element to articulate the BUILDING in accordance with BUILDING STEPBACK provisions in this BY-LAW..

## **POOL ENCLOSURE**

means a fence, wall, or other structure, or combination thereof, including any door or gate, surrounding a SWIMMING POOL to restrict access thereto.

## **PORCH**

means a roofed structure projecting from the exterior wall of a DWELLING and having at least fifty percent (50%) of the total area of the vertical planes forming its perimeter unobstructed in any manner between floor and ceiling except by insect-screening.

# CITY OF WATERLOO

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|                                     |   |
|-------------------------------------|---|
| <b>PRINTING ESTABLISHMENT</b>       | means a BUILDING or part thereof used primarily for printing, copying, lithographing, and or the publishing of printed materials.   |
| <b>PRIVATE CLUB</b>                 | means a BUILDING or part thereof exclusively used by the members of a club (association) and their guests for social or recreational purposes, or for the promotion of a common objective or pursuit. Excludes SPIRITUAL USE.   |
| <b>PRIVATE ROAD</b>                 | means a non-municipal privately-owned road other than a COMMON ELEMENT ROAD.  |
| <b>PUBLIC AUTHORITY</b>             | means any federal, provincial, or municipal government, including their crown agencies and local boards.  |
| <b>PUBLIC MARKET</b>                | means a LOT or portion thereof, and any BUILDING thereon, with temporary vending areas used to display and sell one or more of the following items to the general public: <ul style="list-style-type: none"><li>• antiques</li><li>• artisans goods</li><li>• confectionery and baked goods</li><li>• canned or preserved products</li><li>• eggs and dairy products</li><li>• fresh fruits, vegetables, and produce</li><li>• food products requiring minimal processing such as maple syrup</li><li>• games</li><li>• homemade and handcrafted goods</li><li>• meat, poultry and fish</li><li>• second hand goods</li><li>• toys</li><li>• trees, shrubs, plants, flowers and gardening accessories</li></ul> |
| <b>PURPOSE-BUILT RENTAL HOUSING</b> | means all or part of a MULTI-UNIT RESIDENTIAL BUILDING or MIXED USE BUILDING where DWELLING UNITS are not a registered condominium unit pursuant to the CONDOMINIUM ACT and which are intended for use as rented residential premises.  |

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## Q

### **QUONSET HUT**

means a prefabricated shelter made of corrugated steel, plastic, wood or other material, fabricated to form a self-supporting structure often used for storage or weather protection of vehicles or other materials. The structure may or may not be anchored by a foundation system. Excludes a private residential greenhouse.

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## R

|                             |  |
|-----------------------------|--|
| <b>REGION</b>               | means the Regional Municipality of Waterloo and "Regional" shall have a corresponding meaning and where the context so implies includes its council, employees, solicitors, officers and agents.   |
| <b>REGIONAL MARKET AREA</b> | means the real estate market within the geographical boundary of the Region of Waterloo.   |
| <b>REGULATED AREA</b>       | means lands regulated by the Grand River Conservation Authority pursuant to Ontario Regulation 150/06 and any successor regulation thereof, and includes all regulated hazard lands, wetlands, watercourses, floodplains, steep slopes, and lands adjacent to such features (allowance). |
| <b>REGULATORY FLOOD</b>     | means the inundation under a flood resulting from the rainfall experienced during the Hurricane Hazel storm (1954) or the 100-year flood, wherever it is greater, the limits of which define the riverine flooding hazard, as determined by the Grand River Conservation Authority.      |
| <b>RESERVE</b>              | means a municipally-owned narrow parcel of land that separates a LOT from a STREET, LANE or COMMON ELEMENT ROAD.   |
| <b>RESTAURANT</b>           | means a commercial establishment within an enclosed BUILDING in which food and beverages are prepared and served for immediate consumption primarily on the premises by customers seated at tables and or counters. Excludes NIGHTCLUB.  |
| <b>RESTAURANT, TAKE-OUT</b> | means a commercial establishment within an enclosed BUILDING, with fifteen (15) or less seats, in which adequate facilities are provided for the preparation, serving, and sale of food and beverages which are not normally consumed on the premises.                                   |
| <b>RETAIL STORE</b>         | means a BUILDING or part thereof in which goods are offered, displayed, and kept for sale or rent to the end consumer.<br>Excludes: <ul style="list-style-type: none"><li>• MOTOR VEHICLE RETAILER with the exception of a MOTOR VEHICLE RETAIL STORE</li><li>• Lumber Yard</li></ul>    |

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## S

### **SAFE ACCESS**

means locations where during the REGULATORY FLOOD, the flow velocity does not exceed 1.7 metres per second, the product of depth and velocity does not exceed 0.4 square metres per second, the depth of flooding along access routes to residential units does not exceed 0.8 metres or 1.2 metres along access routes to commercial or industrial buildings or structures, and the depth of flooding adjacent to residential units does not exceed 1.2 metres or 2.0 metre adjacent to commercial or industrial buildings or structures.

### **SCHOOL**

means an educational establishment.

#### **COMMERCIAL SCHOOL**

means a service commercial establishment which provides instruction to one or more PERSONS for gain or profit. COMMERCIAL SCHOOLS do not operate in accordance with the requirements of the *Education Act, R.S.O. 1990, c.E.2* as amended. Includes a driving school, art school, drama school, dancing school, music school, modeling school, golf school, and business school. Excludes PUBLIC SCHOOL and PRIVATE SCHOOL.

#### **PRIVATE SCHOOL**

means a private elementary school and or private secondary school that is primarily funded by private organizations and private individuals, but operates in accordance with the requirements under the *Education Act, R.S.O. 1990, c.E.2* as amended. Excludes COMMERCIAL SCHOOL.

#### **PUBLIC SCHOOL**

means a public elementary school and or public secondary school that is primarily funded by the Province of Ontario and operates under the jurisdiction of a District School Board pursuant to the *Education Act, R.S.O. 1990, c.E.2* as amended. May include adult education and skills development by the District School Board. District School Board includes the Waterloo Region District School Board and the Waterloo Catholic District School Board.

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## **SENSITIVE USE**

means a BUILDING containing one or more of the following uses:

- ALTERNATIVE EDUCATION CENTRE
- AMENITY AREA (indoor)
- ASSISTED LIVING FACILITY
- CHILD CARE CENTRE
- DWELLING UNIT
- GROUP HOME
- Hospital
- HOTEL
- INSTITUTION where a person sleeps or is present on a full-time basis
- LONG TERM CARE FACILITY
- MEDICAL CLINIC where a person sleeps or is present on a full-time basis
- PRIVATE SCHOOL
- PUBLIC SCHOOL
- SPIRITUAL USE
- UNIVERSITY / COLLEGE residence or residential use

## **SHORT-TERM RENTAL HOUSING**

means a DWELLING rented to the travelling or vacationing public, whether rented regularly, seasonally or occasionally.

## **SPIRITUAL USE**

means a BUILDING or part thereof used by a religious organization as a place of worship and for religious services, ceremonies, and rites. Includes subordinate and incidental accessory uses related to the spiritual use, such as:

- a spiritual leader's residence
- assembly areas for meditation, reflection, social gathering, and the like
- faith-based instruction and teaching
- offices for the administration of the religious organization
- library for the religious organization
- gymnasium.

A religious organization means a corporation or an association that is charitable according to the laws of the Province of Ontario, and organized for the advancement of a religion.

## **STEPBACK**

means the horizontal recessing of the BUILDING facade above a specified STOREY.

## **STOREY**

means that portion of a BUILDING between any floor and the roof or ceiling next above such floor, provided that any portion of a BUILDING partly below GRADE shall be deemed a STOREY if its ceiling height is one-point-eight metres (1.8 m) above the average adjacent GRADE.

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**STREET**

means:

- a.) a public HIGHWAY having a minimum width of twelve metres (12m) which affords a principal means of access to abutting LOTS;
- b.) a COMMON ELEMENT ROAD contained within a plan of condominium.

**STREET LINE**

means the LOT LINE separating the LOT from the STREET.

**STREET LINE ELEVATION**

means the elevation of the finished ground level at the STREET LINE.

**STRUCTURE**

means any erection, permanent or temporary, fixed to or supported by the soil. Excludes signs, flag poles, fences, retaining walls, electrical authority hydro transformers, telecommunication utility pedestals, municipal hydrants, gasoline pump islands, and light standards.

**SWIMMING POOL**

means a structure that is filled with water and used for swimming or leisure activities. Includes hot tubs.

**UNENCLOSED SWIMMING POOL**

means either:

- an unenclosed below-ground SWIMMING POOL
- an unenclosed above-ground SWIMMING POOL

# CITY OF WATERLOO

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## T

### **TEACHER**

means a HOME OCCUPATION where the permanent resident of the DWELLING UNIT instructs another person on a specific topic such as but not limited to music, math, or language.

### **TEACHING AREA**

means any area which is designed and used for teaching a group of individuals, either on a full time or part time basis.

### **TECH OFFICE**

means an OFFICE specializing in:

- augmented reality
- cloud computing
- coding
- computer engineering
- computer science
- cyber security
- data centres
- development and application of software
- digital and content media
- digital health and biometrics
- digital imaging
- e-commerce
- encryption
- information technologies, including analytics
- nanotechnology
- open data
- operating systems
- quantum computing and science
- virtual reality

Includes incidental prototyping and assembly of related advanced technology hardware and products, to a maximum twenty-five percent (25%) of the BUILDING FLOOR AREA.

### **TEMPORARY CONTRACTOR OFFICE**

means a temporary BUILDING or trailer used by a contractor engaged in the construction, maintenance, and or demolition of a BUILDING or STRUCTURE.

### **TEMPORARY FARMERS MARKET**

means a LOT or portion thereof, and any BUILDING thereon, with temporary vending areas used to display and sell one or more of the following items to the general public:

- baked goods
- canned or preserved products
- dairy products
- food products requiring minimal processing such as maple syrup
- fresh fruits and vegetables
- meat, poultry and fish
- trees, shrubs, plants and flowers

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## **TEMPORARY SALES CENTRE**

means a temporary stand-alone uninhabited BUILDING used:

- a.) to market the related development to the general public; and or,
- b.) to sell or lease new DWELLING UNITS or non-residential units within the related development to the general public.

May include an OFFICE to conduct the affairs of the builder of the DWELLING UNITS or non-residential units. May include an OFFICE to conduct the affairs of the developer of the related development.

## **TOWER**

means the portion of the BUILDING above the PODIUM.

## **TRAINING FACILITY**

means a commercial service establishment where instruction is provided for employment-related skills required to:

- a.) fulfill the training requirements of a profession;
- b.) improve job performance; and or
- c.) enhance career development.

TRAINING FACILITIES do not operate in accordance with the requirements of the *Education Act, R.S.O. 1990, c.E.2* as amended.

## **TRANSPORTATION SERVICE**

means a commercial establishment which provides transportation services for goods and or passengers using vehicles with a maximum capacity of one (1) tonne or smaller.

## **TRUCK DEPOT**

means a commercial establishment which provides transportation services for goods and or passengers using vehicles with a maximum capacity greater than one (1) tonne.

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## U

### **UNIVERSITY / COLLEGE**

means a post-secondary educational institution comprised of one or more of the following:

- university or college academic uses, BUILDINGS, STRUCTURES
- university or college administrative uses, BUILDINGS, STRUCTURES
- university or college research uses, BUILDINGS, STRUCTURES
- university or college residential uses, BUILDINGS, STRUCTURES
- university or college recreational uses, BUILDINGS, STRUCTURES

### **USE**

means the purpose for which a LOT, BUILDING, STRUCTURE, or any combination thereof, is designed, arranged, intended, occupied, utilized, or maintained, and "used" shall have a corresponding meaning.

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## V

### **VARIETY STORE**

means a retail commercial establishment in which a wide variety of day-to-day convenience goods are sold, primarily convenience grocery and dairy products, but may include tobacco products, confectionery, soft drinks, ice, reading materials, souvenirs, lottery tickets, greeting cards, stationery, and the like. Includes ACCESSORY services such as postal services and automated banking.

### **VETERINARY CLINIC**

means a veterinary facility predominantly for outpatient medical services for animals (consultation, diagnosis, examination and treatment of animals), which does not contain outdoor runs or outdoor boarding.

### **VETERINARY HOSPITAL**

means a veterinary facility with both outpatient and inpatient medical services are provided to sick, ailing, infirm or injured animals. VETERINARY HOSPITALS may contain outdoor runs, but shall not contain outdoor boarding. Inpatient services include short-term and long-term accommodations for recovery and treatment services.

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## W

### **WAREHOUSE**

means a BUILDING or part thereof used:

- a.) for the storage of goods for compensation; or,
- b.) for the storage of goods which will be sold elsewhere or transported to another location for sale or consumption.

A WAREHOUSE includes self-storage establishments.

### **WAREHOUSE MEMBERSHIP CLUB**

means a general merchandise retailer, with a minimum BUILDING FLOOR AREA of 5,000 square metres and a maximum BUILDING FLOOR AREA of 14,500 square metres, in which sales and storage are integrated in a no-frills, self-service warehouse format. A limited range of goods, wares, and products in a wide range of merchandise categories is offered to members (consumers and businesses) at low prices for buying in bulk, including but not limited to: food, clothing, furniture, appliances, books and electronics. ACCESSORY sales and services related to automotive products (including tire sales and installation), gasoline, propane dispensing, seasonal garden centre, pharmacy, optical centre, photo print centre, hearing aid centre, and eat-in/take-out food services is permitted.

### **WATERLOO**

means all lands within the geographic boundaries of the City of Waterloo.

### **WHOLESALE**

means a commercial establishment that sells merchandise and commodities exclusively to retailers, and not to the end consumer. Excludes RETAIL STORE and WAREHOUSE MEMBERSHIP CLUB.

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## Y

**YARD** means the unbuilt space on a LOT that extends from the facade (exterior wall) of a principal BUILDING or BUILDINGS to the nearest LOT LINE.

**FLANKAGE YARD** means a YARD extending across the full width of a LOT between the facade (exterior wall) of the principal BUILDING or BUILDINGS and the FLANKAGE LOT LINE. Jointly comprises part of the FRONT YARD and REAR YARD where such YARDS coincide with the FLANKAGE YARD as herein described.

**FRONT YARD** means a YARD extending across the full width of a LOT between the facade (exterior wall) of the principal BUILDING or BUILDINGS and the FRONT LOT LINE. Jointly comprises part of the FLANKAGE YARD where such YARDS coincide.

**LOW RISE RESIDENTIAL YARD** means a YARD extending across the full width of a LOT between the facade (exterior wall) of the principal BUILDING or BUILDINGS and a LOW RISE RESIDENTIAL LOT LINE.

**REAR YARD** means a YARD extending across the full width of a LOT between the facade (exterior wall) of the principal BUILDING or BUILDINGS and the REAR LOT LINE. Jointly comprises part of the FLANKAGE YARD where such YARDS coincide.

In the case of a triangular LOT, the REAR YARD shall be the YARD extending across the full width of a LOT between the facade (exterior wall) of the principal BUILDING or BUILDINGS and the apex of the triangle opposite the FRONT LOT LINE.

**SIDE YARD** means a YARD extending from the FRONT YARD to the REAR YARD, between the SIDE LOT LINE and the facade (exterior wall) of the principal BUILDING or BUILDINGS.

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## **Z**

### **ZONE BOUNDARY**

means the boundary between two zone classifications.

## SECTION 3 – GENERAL REGULATIONS

### A

#### 3.A.1 ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES

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

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

Table 3A: ACCESSORY BUILDING and ACCESSORY STRUCTURE Regulations

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

- b.) Notwithstanding anything to the contrary, an ACCESSORY BUILDING/ACCESSORY STRUCTURE located in the SIDE YARD shall comply with the SIDE YARD setback for the zoning category applied to the LOT.
- c.) ACCESSORY BUILDINGS and ACCESSORY STRUCTURES shall be prohibited within the FRONT YARD and FLANKAGE YARD.
- d.) The walking surface (floor) of an ACCESSORY BUILDING / ACCESSORY STRUCTURE shall be a maximum zero-point-six metres (0.60m) above GRADE, measured at any point abutting the ACCESSORY BUILDING / ACCESSORY STRUCTURE.
- e.) Notwithstanding Table 3A, for a SEMI-DETACHED BUILDING where each DWELLING UNIT is located on a separate LOT, the maximum LOT COVERAGE shall be five percent (5%) of the LOT AREA.
- f.) With the exception of permitted COACH HOUSES, ACCESSORY BUILDINGS and ACCESSORY STRUCTURES shall not be used for human habitation.
- g.) ACCESSORY BUILDINGS and ACCESSORY STRUCTURES shall not be used for commercial purposes including, but not restricted to, HOME OCCUPATIONS.
- h.) An ACCESSORY BUILDING / ACCESSORY STRUCTURE shall be detached from the principal BUILDING. A PRIVATE GARAGE or carport attached to the principal

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

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

## 3.A.1B ADDITIONAL RESIDENTIAL UNITS

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

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

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

- a.) The PARKING SPACE for the ADDITIONAL RESIDENTIAL UNIT may be provided as a TANDEM PARKING SPACE in the DRIVEWAY.
- b.) The ADDITIONAL RESIDENTIAL UNIT shall be connected to municipal sanitary services and municipal water services.
- c.) The ADDITIONAL RESIDENTIAL UNIT shall not result in a new door / entrance on the FRONT BUILDING FAÇADE or the FLANKAGE BUILDING FAÇADE on a LOT zoned Residential Conservation One (RC1).
- d.) The maximum number of ADDITIONAL RESIDENTIAL UNITS permitted on a LOT is three (3).

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

- a.) within a BUILDING containing a LODGING HOUSE with six (6) or more BEDROOMS;  
*NOTE: this corresponds with the former Class 1 Lodging House*

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

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

*NOTE:*

*3.F.1.2 includes:*

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a.) that the *ADDITIONAL RESIDENTIAL UNIT* (includes *COACH HOUSE*) is on lands identified as 'Two Zone Flood Fringe' or 'Laurel/Clair Special Policy Area – Flood Fringe' on Image 1 to Section 3.f.1;

b.) that the *ADDITIONAL RESIDENTIAL UNIT* (includes *COACH HOUSE*) is located at or above the elevation of the *REGULATORY FLOOD* as determined by the Grand River Conservation Authority;

c.) that *SAFE ACCESS* is provided to the *BUILDING* as determined by the Grand River Conservation Authority.

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

3.A.1B.7 Notwithstanding anything to the contrary:

a.) a *SINGLE DETACHED BUILDING* in Section 3.A.1B.1 shall include a legal non-conforming *SINGLE DETACHED BUILDING*;

b.) a *FREEHOLD SEMI-DETACHED BUILDING* in Section 3.A.1B.1 shall include a legal non-conforming *FREEHOLD SEMI-DETACHED BUILDING*;

c.) a *FREEHOLD TOWNHOUSE* in Section 3.A.1B.1 shall include a legal non-conforming *FREEHOLD TOWNHOUSE BUILDING*.

d.) a *TOWNHOUSE* in Section 3.A.1B.1 shall include a legal non-conforming *TOWNHOUSE BUILDING*;

## 3.A.2 *ADULT ENTERTAINMENT PARLOURS*

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

## 3.A.3 *ADVANCED TECH*

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

## 3.A.4 *AMENITY AREA*

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

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

3.A.4.3 Notwithstanding anything to the contrary, for *EXISTING BUILDINGS*, the minimum required *AMENITY AREA* shall be the lesser of:

a.) the *AMENITY AREA* that actually existed on the date of passing of this BY-LAW; or

b.) the minimum *AMENITY AREA* required in the applicable zone of this BY-LAW.

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

## 3.A.5 ARCHITECTURAL PROJECTIONS

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

### Architectural Projection, Class A

- a.) Class 'A' Architectural Projections are restricted to:
- bay window
  - belt course
  - chimney breast
  - architectural columns, piers, pilaster
  - cornices
  - friezes
  - architectural hoods (projecting shelf-like decorative element above an arch, doorway, or window)
  - architectural panels
  - window boxes
  - window sills
  - for a BUILDING which is 20 metres or less in BUILDING HEIGHT:
    - a.) an architectural bay or architectural bays, to a maximum 30% of the FRONT BUILDING FAÇADE and a maximum 30% of the FLANKAGE BUILDING FAÇADE
    - b.) cantilevered architectural element
    - c.) balconies projecting into the FRONT YARD, FLANKAGE YARD, or REAR YARD
    - d.) sunshade / sunscreen
    - e.) rooftop architectural element
    - f.) architectural canopy
- b.) The maximum encroachment of a Class 'A' Architectural Projection shall be zero-point-six metres (0.60m) measured from the minimum BUILDING setback required in the zoning applied to the LOT.

### Architectural Projection, Class B

- c.) Class 'B' Architectural Projections are restricted to:
- enclosed ARCHITECTURAL ENTRANCE abutting the FRONT YARD or FLANKAGE YARD
  - for a BUILDING which is more than 20 metres in BUILDING HEIGHT but 40 metres or less in BUILDING HEIGHT:
    - a.) an architectural bay or architectural bays, to a maximum 40% of the FRONT BUILDING FAÇADE and a maximum 40% of the FLANKAGE BUILDING FAÇADE
    - b.) cantilevered architectural element
    - c.) balconies projecting into the FRONT YARD, FLANKAGE YARD, or REAR YARD
    - d.) sunshade / sunscreen
    - e.) rooftop architectural element
    - f.) architectural canopy
- d.) The maximum encroachment of a Class 'B' Architectural Projection shall be one metre (1m) measured from the minimum BUILDING setback required in the zoning applied to the LOT.

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## Architectural Projection, Class C

- e.) Class 'C' Architectural Projections are restricted to:
- unenclosed ARCHITECTURAL ENTRANCE abutting the FRONT YARD or FLANKAGE YARD
  - for a BUILDING which is more than 40 metres in BUILDING HEIGHT:
    - a.) an architectural bay or architectural bays, to a maximum 40% of the FRONT BUILDING FAÇADE and a maximum 40% of the FLANKAGE BUILDING FAÇADE
    - b.) cantilevered architectural element
    - c.) balconies projecting into the FRONT YARD, FLANKAGE YARD, or REAR YARD
    - d.) sunshade / sunscreen
    - e.) rooftop architectural element
    - f.) architectural canopy
- f.) The maximum encroachment of a Class 'C' Architectural Projection shall be one-point-five metres (1.5m) measured from the minimum BUILDING setback required in the zoning applied to the LOT.
- g.) Where the minimum STREET LINE setback required in the zoning applied to the LOT is equal to or less than one-point-five metres (1.5m), a Class 'C' Architectural Projection shall not extend beyond the STREET LINE.

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

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

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

- 3.A.7.1 Notwithstanding anything to the contrary, an unenclosed metal fire escape required by applicable law shall be permitted in a SIDE YARD provided a minimum setback of zero-point-three metres (0.3m) is provided to the SIDE LOT LINE.
- 3.A.7.2 Notwithstanding anything to the contrary, an unenclosed metal fire escape required by applicable law shall be permitted in a REAR YARD provided:
- a.) a minimum setback of zero-point-three metres (0.3m) is provided from the REAR LOT LINE;
  - b.) a minimum setback equal to the BUILDING's SIDE YARD is provided from the SIDE LOT LINE;
  - c.) a minimum setback equal to the BUILDING's FLANKAGE YARD (if applicable) is provided from the FLANKAGE LOT LINE.
- 3.A.7.3 Notwithstanding anything to the contrary, exterior stairs and accessible ramps less than zero-point-six metres (0.6m) in height above GRADE may project into a YARD.

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

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

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

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

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

3.A.9 *ARTIST STUDIOS – DISPLAY AND RETAILING*

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

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

3.A.10 *AIR CONDITIONERS & HEAT PUMPS*

3.A.10.1 Notwithstanding anything to the contrary, air conditioners (excluding removable window mounted units) and heat pumps shall not be:

- a.) affixed to the FRONT BUILDING FAÇADE;
- b.) affixed to the FLANKAGE YARD BUILDING FAÇADE;
- c.) located in a FRONT YARD
- d.) located in a FLANKAGE YARD.

3.A.10.2 Sections 3.A.10.1.(b.) and 3.A.10.1.(d.) shall not apply to:

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

# CITY OF WATERLOO

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## **B**

### *3.B.1 BAKE SHOP*

- 3.B.1.1 Notwithstanding anything to the contrary, the incidental sale of beverages shall be permitted within a BAKE SHOP.
- 3.B.1.2 Baking shall be permitted within a BAKE SHOP provided that:
- a.) the floor area devoted to baking is less than thirty percent (30%) of the BUILDING FLOOR AREA of the BAKE SHOP; and,
  - b.) baking does not take place at the front of the establishment, where the public entrance is located.
- 3.B.1.3 Baked goods and incidental beverages may be consumed on the premises.

### *3.B.2 BED & BREAKFAST ESTABLISHMENTS*

- 3.B.2.1 BED & BREAKFAST ESTABLISHMENTS shall be prohibited in:
- APARTMENT BUILDING
  - COACH HOUSE
  - MAISONETTE BUILDING
  - STACKED TOWNHOUSE BUILDING

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

### *3.B.3 BEDROOMS*

- 3.B.3.1 Notwithstanding anything to the contrary, with the exception of a BEDROOM identified on a building permit, the use of any HABITABLE FLOOR SPACE in whole or in part as a BEDROOM shall be prohibited except where a Zoning Certificate pursuant to Section 34(6) of the PLANNING ACT is obtained from the CITY authorizing such use in accordance with applicable law including the zoning regulations herein such as, but not limited to, density regulations.
- 3.B.3.2 Notwithstanding anything to the contrary, with the exception of a BEDROOM identified on a building permit, the conversion of any HABITABLE FLOOR SPACE in whole or in part to a BEDROOM shall be prohibited except where a Zoning Certificate pursuant to Section 34(6) of the PLANNING ACT is obtained from the CITY authorizing such conversion in accordance with applicable law including the zoning regulations herein such as, but not limited to, density regulations.
- 3.B.3.3 For the purposes of this definition, a BACHELOR UNIT shall be considered a one (1) BEDROOM unit.

### *3.B.4 BEDROOMS – MAXIMUM PER DWELLING UNIT*

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

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

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

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

## 3.B.5 BUILDINGS

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

- METAL CONTAINER
- Tent
- Trailer

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

## 3.B.6 BUILDINGS PER LOT

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

# CITY OF WATERLOO

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## C

### 3.C.1 CANNABIS DISPENSARIES

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

- DRUG STORE
- RETAIL STORE
- VARIETY STORE

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

### 3.C.2 COACH HOUSES

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

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

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

- a.) A COACH HOUSE may contain a maximum of two (2) DWELLING UNITS. DWELLING UNITS contained within a COACH HOUSE shall be deemed to be ADDITIONAL RESIDENTIAL UNITS.
- b.) The COACH HOUSE shall be accessible from the FRONT YARD or FLANKAGE YARD by an unobstructed walkway with a minimum width of 1.1 metres.
- c.) The PARKING SPACE for the COACH HOUSE may be provided as a TANDEM PARKING SPACE in the DRIVEWAY.
- d.) The principal BUILDING and the COACH HOUSE shall be connected to municipal sanitary services and municipal water services.
- e.) COACH HOUSES shall be erected from a slab or foundation.
- f.) COACH HOUSES shall not be designed to be or capable of being portable such as a mobile home.
- g.) Modular dwellings constructed off-site that are permanently affixed to a slab or foundation are exempt from regulation e.) above.
- h.) COACH HOUSES shall comply with the regulations in Table 3B:

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Table 3B: COACH HOUSE Regulations

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

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

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

3.C.2.5 Notwithstanding anything to the contrary, where the floodplain symbol "(F)" on Schedule 'A3' is applied, COACH HOUSES shall only be permitted on a lot in compliance with 3.F.1.2 of this BY-LAW.

*NOTE:*

*3.F.1.2 includes:*

*a.) that the ADDITIONAL RESIDENTIAL UNIT (includes COACH HOUSE) in on lands identified as 'Two Zone Flood Fringe' or 'Laurel/Clair Special Policy Area – Flood Fringe' on Image 1 to Section 3.F.1;*

*b.) that the ADDITIONAL RESIDENTIAL UNIT (includes COACH HOUSE) is located at or above the elevation of the REGULATORY FLOOD as determined by the Grand River Conservation Authority;*

*c.) the SAFE ACCESS is provided to the BUILDING as determined by the Grand River Conservation Authority.*

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

### 3.C.3 COMMERCIAL RECREATION

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

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

## 3.C.4 COMMERCIAL WELLNESS

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

## 3.C.5 COMMITTEE OF ADJUSTMENT

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

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

## 3.C.6 COMMON WALLS

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

## 3.C.7 COMMUNITY GARDENS

3.C.7.1 A COMMUNITY GARDEN shall be permitted in all zones except:

- the Conservation Zone (OS3)
- the Environmentally Sensitive Landscape Two (ESL2) Zone

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

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

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

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

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

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## 3.C.8 COMMUTER PARKING FACILITIES

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

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

## 3.C.9 CONVENTIONS AND TRADE SHOWS

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

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

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

## 3.C.10 CLUSTER DEVELOPMENT

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

Table 3C: CLUSTER DEVELOPMENT Regulations

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

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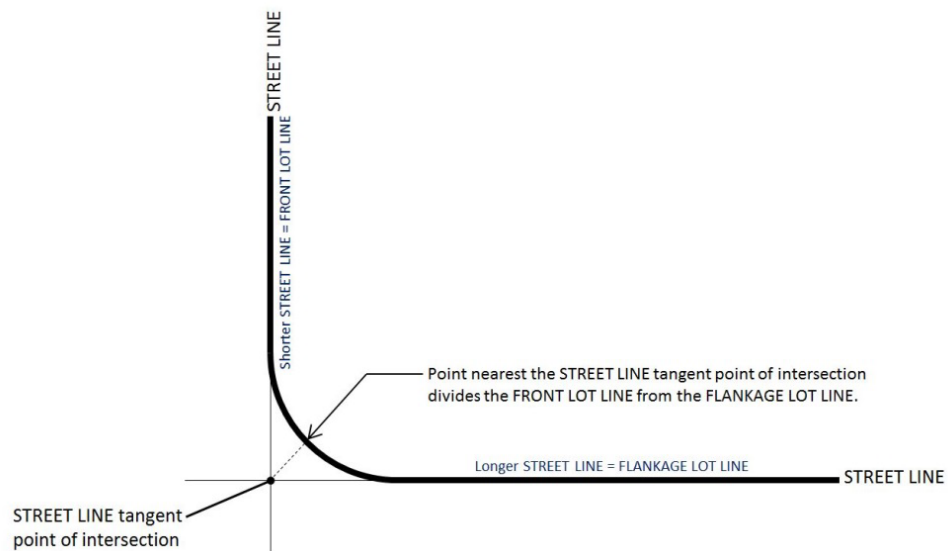
3.C.10.2 Notwithstanding anything to the contrary, for CLUSTER DEVELOPMENT, more than one (1) BUILDING shall be permitted on a LOT.

3.C.11 *CONFLICTING REGULATIONS*

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

3.C.12 *CORNER LOTS – LOT LINE MEASUREMENT*

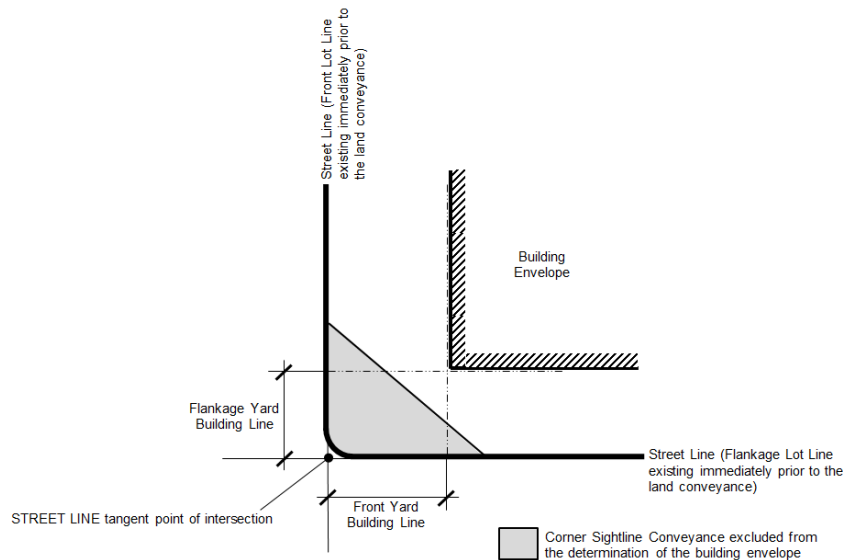
3.C.12.1 Where a CORNER LOT has a curve, the FRONT LOT LINE will be distinguished from the FLANKAGE LOT LINE at that point on the STREET LINE nearest to the STREET LINE tangent point of intersection.



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## 3.C.13 CORNER LOTS – SIGHTLINE TRIANGLE CONVEYANCE

- 3.C.13.1 Notwithstanding anything to the contrary, where lands are conveyed to a municipality for the purposes of a sightline triangle on a CORNER LOT, the FRONT YARD BUILDING LINE shall be measured from the FRONT LOT LINE that would have existed if the sightline triangle was not conveyed to the municipality, after the conveyance of all other highway widenings.
- 3.C.13.2 Notwithstanding anything to the contrary, where lands are conveyed to a municipality for the purposes of a sightline triangle on a CORNER LOT, the FLANKAGE YARD BUILDING LINE shall be measured from the FLANKAGE LOT LINE that would have existed if the sightline triangle was not conveyed to the municipality, after the conveyance of all other highway widenings.



## 3.C.14 CORNER LOTS – REAR YARD REDUCTION

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

## 3.C.15 CUSTOM SERVICE SHOP

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

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## D

### 3.D.1 DAYLIGHT TRIANGLE

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

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

- a.) The maximum height of landscaping shall be zero-point-five metres (0.50m), measured from the adjacent STREET LINE ELEVATION.
- b.) Landscaping shall not obstruct the vision of a motor vehicle driver or cyclist approaching the intersection.

### 3.D.2 DECKS

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

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

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

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

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

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

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

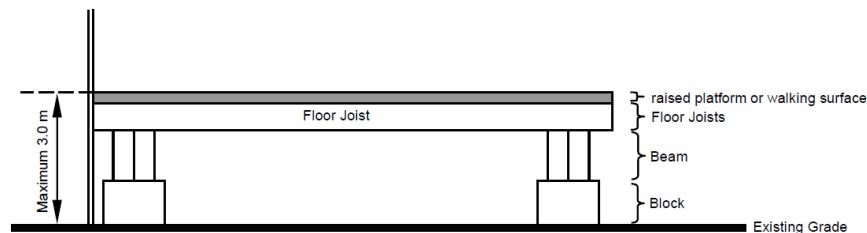
3.D.2.7 The area directly beneath the DECK may be enclosed, but shall not contain HABITABLE FLOOR SPACE.

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

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- 3.D.2.9 A roof shall be permitted above a DECK provided that the roof complies with the same setbacks applicable to the principal BUILDING on the LOT.
- 3.D.2.10 Notwithstanding anything to the contrary, the area of a DECK that is roofed pursuant to 3.D.2.9. shall be included in LOT COVERAGE calculations.
- 3.D.2.11 Notwithstanding anything to the contrary, DECKS shall be excluded from IMPERVIOUS AREA calculations provided that:
- the DECK is constructed with at least three millimetre (3mm) spaces between each DECK board;
  - the DECK boards do not exceed zero-point-three metres (0.30m) in width;
  - the DECK is not roofed;
  - no impervious materials are stored or installed beneath the DECK; and,
  - the ground surface beneath the DECK is pervious.



## 3.D.3 DONATION BOX

- 3.D.3.1 A DONATION BOX shall be permitted in:
- all Commercial Zones specified in Section 8 of this BY-LAW
  - all Employment Zones specified in Section 9 of this BY-LAW
  - all Institutional Zones specified in Section 10 of this BY-LAW
  - all Academic Zones specified in Section 11 of this BY-LAW
- 3.D.3.2 A DONATION BOX shall be deemed to be a BUILDING for the purposes of applying setbacks in this BY-LAW.
- 3.D.3.3 A DONATION BOX shall not be placed on a required PARKING SPACE, drive aisle, LANDSCAPED OPEN SPACE, LANDSCAPED BUFFER, or DAYLIGHT TRIANGLE.

## 3.D.4 DRIVE-THROUGH FACILITIES

- 3.D.4.1 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall only be permitted where the zoning applied to the LOT expressly permits the USE.
- 3.D.4.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH that contains an intercom order station within one hundred metres (100m) of:
- a DWELLING UNIT
  - a SENSITIVE USE
  - a LOT LINE of a Residential Zone specified in Section 7 of this BY-LAW

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

## 3.D.5 DUAL ZONING

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

- a.) Where the LOT is developed with a single USE:
  - i. Where the USE is permitted in only one of the zones, the regulations of that zone shall apply.
  - ii. Where the USE is permitted in more than one zone, the most restrictive regulations applicable to the USE as prescribed in the zones shall apply.
- b.) Where the LOT is developed with multiple USES, the regulations specific to each USE shall apply to the related USE, provided further that:
  - i. Where the USE is permitted in only one of the zones, the regulations of that zone shall apply.
  - ii. Where the USE is permitted in more than one zone, the most restrictive regulations applicable to the USE as prescribed in the zones shall apply.

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## **E**

### *3.E.1 EDUCATIONAL INSTITUTION*

- 3.E.1.1 An EDUCATIONAL INSTITUTION may include an ancillary residence devoted solely to the EDUCATIONAL INSTITUTION.
- 3.E.1.2 An EDUCATIONAL INSTITUTION may include an ancillary RESTAURANT (including TAKE-OUT RESTAURANT) or CAFE provided that the floor area devoted to the RESTAURANT or CAFE does not exceed ten percent (10%) of the BUILDING FLOOR AREA of the EDUCATIONAL INSTITUTION.

### *3.E.2 ELECTRONIC GAMING CENTRE*

- 3.E.2.1 A maximum of ten percent (10%) of the BUILDING FLOOR AREA of an ELECTRONIC GAMING CENTRE may be used for the display and retailing of products related to the gaming activity.
- 3.E.2.2 A maximum of twenty-five percent (25%) of the BUILDING FLOOR AREA of an ELECTRONIC GAMING CENTRE may be used for food services, being any combination of the preparation, serving, sale and consumption of food and beverages on the premises.

### *3.E.3 EASEMENTS-MAXIMUM SETBACKS*

- 3.E.3.1 Notwithstanding anything to the contrary, a maximum BUILDING setback in this BY-LAW shall be automatically increased as necessary to recognize an existing easement(s) granted to one or more of the following:
- Municipality
  - Province of Ontario
  - Federal Government of Canada
  - Enova Power Corporation or similar electricity provider
  - Enbridge Gas Inc. or similar natural gas provider
- 3.E.3.2 Notwithstanding anything to the contrary, a maximum STREET LINE setback in this BY-LAW shall be automatically increased as necessary to recognize easements required for essential infrastructure, utilities, generation facilities, and distribution and transmission facilities by:
- Municipality
  - Province of Ontario
  - Federal Government of Canada
  - Enova Power Corporation or similar electricity provider
  - Enbridge Gas Inc. or similar natural gas provider

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## F

### 3.F.1 FLOODPLAIN ZONING

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

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

- the erection, alteration, enlargement, reconstruction, or use of any BUILDING or STRUCTURE in whole or in part;
- any increase in density;
- the use of land in whole or in part;
- any site alteration of land, including changes to the elevation of land, after the effective date of this BY-LAW:

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

- i.) No PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration, within a **One Zone Policy Area** or **Candidate Two Zone Policy Area** except in accordance with sections 3.F.1.2.a).ii.) and 3.F.1.2.a).iii.).
- ii.) Notwithstanding section 3.F.1.2.a).i.), the following uses shall be permitted within a **One Zone Policy Area** or **Candidate Two Zone Policy Area** provided a PERMIT or written consent is obtained from the Grand River Conservation Authority:
  - flood or erosion control works
  - water supply and wastewater management facilities
  - stormwater management or control works
  - Conservation Areas
  - open space lands for passive recreation
  - LANDSCAPED BUFFER
- iii.) Notwithstanding anything to the contrary, additions and alterations to EXISTING facilities, EXISTING BUILDINGS and EXISTING STRUCTURES shall be permitted within a **One Zone Policy Area** or **Candidate Two Zone Policy Area** provided:
  - A.) a PERMIT or written consent is obtained from the Grand River Conservation Authority;

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- B.) the addition or alteration shall not increase the number of DWELLING UNITS on the LOT; and
- C.) All BUILDINGS and STRUCTURES shall be FLOODPROOFED to the elevation of the REGULATORY FLOOD, unless otherwise authorized by the Grand River Conservation Authority.

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

- b.) the following regulations shall apply to lands identified as **Two Zone Floodway** on Image 1 to section 3.F.1:
- i.) No PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration, within a **Two Zone Floodway** except in accordance with sections 3.F.1.2.b.)ii.) and 3.F.1.2.b.)iii.).
- ii.) Notwithstanding section 3.F.1.2.b.)i.), the following uses shall be permitted within a **Two Zone Floodway** provided a PERMIT or written consent is obtained from the Grand River Conservation Authority:
- flood or erosion control works
  - water supply and wastewater management facilities
  - stormwater management or control works
  - Conservation Areas
  - open space lands for passive recreation
  - LANDSCAPED BUFFER
- iii.) Notwithstanding section 3.F.1.2.b.)i.), no PERSON shall alter, enlarge, reconstruct or use an EXISTING BUILDING or EXISTING STRUCTURE unless a PERMIT or written consent is obtained from the Grand River Conservation Authority.

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

- c.) the following regulations shall apply to lands identified as **Two Zone Flood Fringe** on Image 1 to section 3.F.1:
- i.) No PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration, within a **Two Zone Flood Fringe** unless a PERMIT or written consent is obtained from the Grand River Conservation Authority.

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- ii.) In addition to the USES permitted in the zoning applied to the LOT, the following additional uses shall be permitted provided a PERMIT or written consent is obtained from the Grand River Conservation Authority:
- flood or erosion control works
  - water supply and wastewater management facilities
  - stormwater management or control works
  - Conservation Areas
  - open space lands for passive recreation
  - LANDSCAPED BUFFER
- iii.) Notwithstanding anything to the contrary, within the **Two Zone Flood Fringe**, the conversion of non-residential BUILDING FLOOR AREA to a residential use such as a DWELLING UNIT shall not be permitted below the elevation of the REGULATORY FLOOD. Permitted conversions shall require a PERMIT or written consent from the Grand River Conservation Authority.
- iv.) Within the **Two Zone Flood Fringe**, septic systems shall not be permitted.
- v.) Notwithstanding section 3.F.1.2.c).iv.), EXISTING septic systems shall be permitted and may be replaced provided a PERMIT or written consent is obtained from the Grand River Conservation Authority.
- vi.) Notwithstanding anything to the contrary, within the **Two Zone Flood Fringe**, no PERSON shall alter and enlarge an EXISTING BUILDING or EXISTING STRUCTURE unless a PERMIT or written consent is obtained from the Grand River Conservation Authority.
- vii.) Notwithstanding anything to the contrary, within the **Two Zone Flood Fringe**, the following regulations shall apply to the erection or reconstruction of a BUILDING or STRUCTURE in whole or in part undertaken after the effective date of this BY-LAW:
- A.) All BUILDINGS and STRUCTURES shall be FLOODPROOFED to the elevation of the REGULATORY FLOOD, unless otherwise authorized by the Grand River Conservation Authority.
  - B.) HABITABLE FLOOR SPACE shall be located above the elevation of the REGULATORY FLOOD.
  - C.) BASEMENTS located below the elevation of the REGULATORY FLOOD shall be restricted to common AMENITY AREA and or parking.
  - D.) BUILDING and STRUCTURE services (such as mechanical and electrical services) shall be located above the elevation of the REGULATORY FLOOD.
  - E.) All USES shall be prohibited unless SAFE ACCESS is provided to the BUILDING or STRUCTURE as determined by the Grand River Conservation Authority.

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F.) The following uses shall not be permitted:

- ASSISTED LIVING FACILITY
- LONG TERM CARE FACILITY
- CHILD CARE CENTRE
- HOME CHILD CARE
- INSTITUTION where an individual sleeps or is present on a full-time basis
- MEDICAL CLINIC where an individual sleeps or is present on a full-time basis
- Private Hospital
- Public Hospital
- SCHOOL
- Emergency Services, meaning Police Stations, Fire Stations, and Ambulance Stations
- Permanent and temporary manufacturing, production, treatment, disposal, warehousing, and storage facilities for HAZARDOUS SUBSTANCES and or CONTAMINANTS
- Utility / Public Works Yards
- Utility / Electrical Stations / Substations

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

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

**Laurel/Clair Special Policy Area - Floodway**

- i.) No PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration, within the **floodway** of the Laurel/Clair Special Policy Area as illustrated on Image 1 to section 3.F.1.
- ii.) Notwithstanding section 3.F.1.2.d.)i.), the following uses shall be permitted within the **floodway** of the Laurel/Clair Special Policy Area provided a PERMIT or written consent is obtained from the Grand River Conservation Authority:
- flood or erosion control works
  - water supply and wastewater management facilities
  - stormwater management or control works
  - Conservation Areas
  - open space lands for passive recreation
  - LANDSCAPED BUFFER
  - PARKING FACILITY that is entirely above GRADE and located between the Erb Street West / Caroline Street intersection and the Erb Street East / Pepler Street intersection
  - additions and alterations to EXISTING facilities, EXISTING BUILDINGS and EXISTING STRUCTURES that improve the flow characteristics of the floodway or shall not change the flow characteristics of the floodway, provided the

# CITY OF WATERLOO

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

- iii.) Notwithstanding section 3.F.1.2.d).ii.), no PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration, within the **floodway** of the Laurel/Clair Special Policy Area located between Weber Street North and University Avenue East, except:
  - A.) The CITY may erect a Fire Training Facility within the **floodway** of the Laurel/Clair Special Policy Area located between Weber Street North and University Avenue East, provided a PERMIT or written consent is obtained from the Grand River Conservation Authority.
- iv.) Notwithstanding anything to the contrary, on CITY lands to the north of Silver Lake, BUILDINGS and STRUCTURES may be erected, altered, enlarged, reconstructed, and used within the **floodway** of Silver Lake, provided a PERMIT or written consent is obtained from the Grand River Conservation Authority.

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

## **Laurel/Clair Special Policy Area – Flood Fringe**

- v.) No PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, nor modify or change the elevation of any land in whole or in part, nor undertake any site alteration (including grading and placement of fill), within the **flood fringe** of the Laurel/Clair Special Policy Area without a PERMIT or written consent from the Grand River Conservation Authority. The **flood fringe** of the Laurel/Clair Special Policy Area means the outer portion of the floodplain between the Special Policy Area Floodway and the limit of the Special Policy Area as illustrated on Image 1 to section 3.F.1.
- vi.) Within the **flood fringe** of the Laurel/Clair Special Policy Area, no PERSON shall increase the number of DWELLING UNITS on the LOT without a PERMIT or written consent from the Grand River Conservation Authority.
- vii.) Notwithstanding anything to the contrary, within the **flood fringe** of the Laurel/Clair Special Policy Area, the conversion of non-residential BUILDING FLOOR AREA to a residential use such as a DWELLING UNIT shall not be permitted below the elevation of the REGULATORY FLOOD. Permitted conversions shall require a PERMIT or written consent from the Grand River Conservation Authority.
- viii.) Notwithstanding anything to the contrary, within the **flood fringe** of the Laurel/Clair Special Policy Area, no PERSON shall alter and enlarge an EXISTING

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

- ix.) Notwithstanding anything to the contrary, within the **flood fringe** of the Laurel/Clair Special Policy Area, the following regulations shall apply to the erection and reconstruction of any BUILDING or STRUCTURE in whole or in part undertaken after the effective date of this BY-LAW:
- A.) All BUILDINGS and STRUCTURES shall be FLOODPROOFED to the elevation of the REGULATORY FLOOD, unless otherwise authorized by the Grand River Conservation Authority.
- B.) HABITABLE FLOOR SPACE shall be located above the elevation of the REGULATORY FLOOD.
- C.) BUILDING and STRUCTURE services (such as mechanical and electrical services) shall be located above the elevation of the REGULATORY FLOOD.
- D.) BASEMENTS located below the elevation of the REGULATORY FLOOD shall be restricted to common AMENITY AREA and or parking.
- E.) The following USES shall be prohibited unless SAFE ACCESS is provided to the BUILDING or STRUCTURE as determined by the Grand River Conservation Authority:
- residential uses, including DWELLING UNITS
  - HOTEL, provided further that all hotel rooms where individuals sleep shall be located above the elevation of the REGULATORY FLOOD
- F.) The following uses shall not be permitted:
- ASSISTED LIVING FACILITY
  - LONG TERM CARE FACILITY
  - CHILD CARE CENTRE
  - HOME CHILD CARE
  - INSTITUTION where an individual sleeps or is present on a full-time basis
  - MEDICAL CLINIC where an individual sleeps or is present on a full-time basis
  - Private Hospital
  - Public Hospital
  - SCHOOL
  - Emergency Services, meaning Police Stations, Fire Stations, and Ambulance Stations
  - Permanent and temporary manufacturing, production, treatment, disposal, warehousing, and storage facilities for HAZARDOUS SUBSTANCES and or CONTAMINANTS
  - Utility / Public Works Yards
  - Utility / Electrical Stations / Substations
- G.) STRUCTURED PARKING, including UNDERGROUND PARKING, shall be permitted within the **flood fringe** of the Laurel/Clair Special Policy Area

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

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

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

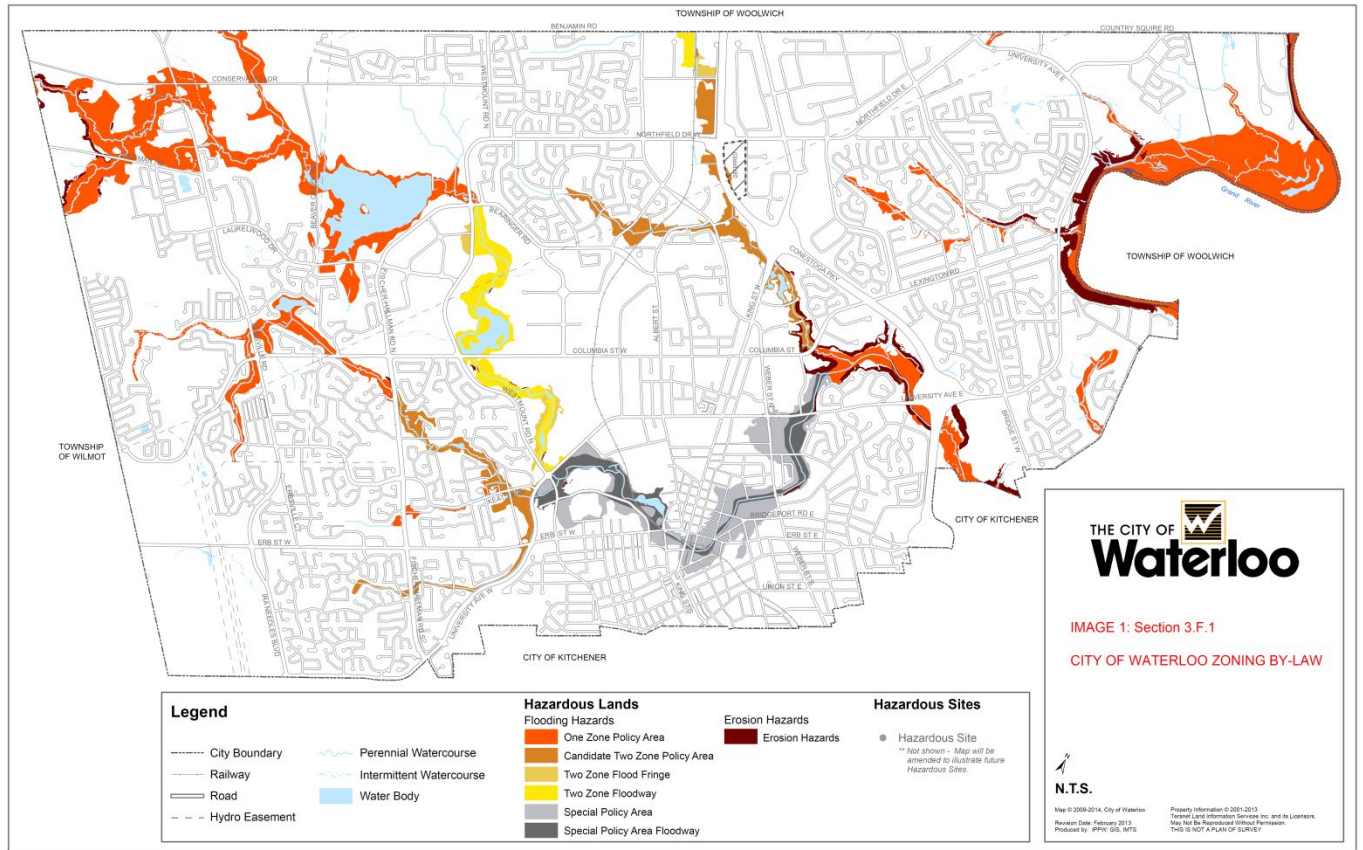
x.) Notwithstanding anything to the contrary, on CITY lands to the north of Silver Lake, BUILDINGS and STRUCTURES may be erected, altered, enlarged, reconstructed, and used within the **flood fringe** of Silver Lake, provided a PERMIT or written consent is obtained from the Grand River Conservation Authority.

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

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**Image 1 – Section 3.F.1**



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

## 3.F.2 FRONTAGE ON PUBLIC STREET

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

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## G

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

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

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

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

### 3.G.2 GROUP HOMES

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

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

### 3.G.3 GUEST SUITES

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

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

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

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

# CITY OF WATERLOO

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## H

### 3.H.1 HOLDING SYMBOLS

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

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

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

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

### 3.H.2 HOME CHILD CARE

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

- a.) The caregiver shall reside in the DWELLING UNIT associated with the HOME CHILD CARE.
- b.) A maximum of one (1) HOME CHILD CARE business shall be permitted in a DWELLING UNIT.

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## 3.H.3 HOME OCCUPATIONS

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

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

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

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

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

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

- a.) The maximum number of HOME OCCUPATIONS per DWELLING UNIT shall be two (2), except:
  - i.) For HOME HEALTH PRACTITIONER, the maximum number of HOME OCCUPATIONS per DWELLING UNIT shall be one (1).
  - ii.) For HOME PERSONAL SERVICE, the maximum number of HOME OCCUPATIONS per DWELLING UNIT shall be one (1).
  - iii.) For HOME COMMERCIAL WELLNESS, the maximum number of HOME OCCUPATIONS per DWELLING UNIT shall be one (1).
  - iv.) For LOW RISK FOOD KITCHEN, the maximum number of HOME OCCUPATIONS per DWELLING UNIT shall be one (1).
- b.) Each HOME OCCUPATION shall be conducted by a maximum of one (1) person, herein the "Operator" and owner of the HOME OCCUPATION, with or without the employee permitted in section 3.H.3.3.
- c.) The Operator of the HOME OCCUPATION shall reside within the DWELLING UNIT associated with the HOME OCCUPATION.
- d.) The HOME OCCUPATION shall not change the external character of the BUILDING or the DWELLING UNIT as a private residence.

# CITY OF WATERLOO

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- e.) HOME OCCUPATION(S) shall not occupy more than twenty five percent (25%) of the BUILDING FLOOR AREA of the DWELLING UNIT.
- f.) Required PARKING SPACES may be located in front of the BUILDING LINE within the DRIVEWAY as TANDEM PARKING.
- g.) There shall be no external storage of goods or materials.
- h.) No more than two (2) clients or customers shall be serviced at any one time.
- i.) Notwithstanding anything to the contrary, the following uses shall be prohibited as a HOME OCCUPATION:
  - i. the repair and service of motor vehicles and or internal combustion engines
  - ii. BODY-RUB PARLOUR
  - iii. ADULT ENTERTAINMENT PARLOUR
  - iv. manufacturing, production and or the sale or servicing of:
    - explosives, including fireworks
    - fuels, including propane
    - firearms
    - any CONTAMINANT
    - any HAZARDOUS SUBSTANCE
- j.) Notwithstanding anything to the contrary, for a HOME LOW RISK FOOD KITCHEN, no client or customer shall pick-up/take possession of LOW RISK FOOD from the premises containing the HOME LOW RISK FOOD KITCHEN or the surrounding HIGHWAY(S).

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

## 3.H.4 HOSPICE

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

## 3.H.5 HYDRO SERVICES – MAXIMUM SETBACKS

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

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

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## 3.1.1 IMPERVIOUS COVERAGE

- 3.1.1.1 The maximum IMPERVIOUS AREA permitted on any LOT shall be determined by a numerical prefix shown on the zoning map attached as Schedule "A" to this BY-LAW. The numerical prefix represents the maximum percentage of IMPERVIOUS AREA permitted on the LOT.
- 3.1.1.2 If a numerical prefix is absent, no IMPERVIOUS AREA regulation shall apply to the LOT.
- 3.1.1.3 If a numerical prefix contains a backslash:
- a.) The number to the left of the backslash shall be the maximum IMPERVIOUS AREA excluding ACCESSORY BUILDINGS and ACCESSORY STRUCTURES on the LOT.
  - b.) The number to the right of the backslash shall be the maximum IMPERVIOUS AREA for all ACCESSORY BUILDINGS and ACCESSORY STRUCTURES on the LOT.

## 3.1.2 INCLUSIONARY ZONING

- a) The Inclusionary Zoning regulations in section 3.1.2 shall apply to DEVELOPMENT containing residential uses in the following MAJOR TRANSIT STATION AREAS identified on Schedule 'A2' of this BY-LAW:
- Conestoga
  - North field
  - Research & Technology Park
  - University of Waterloo
  - Laurier-Waterloo Park
  - Waterloo Public Square
  - Willis way
  - Allen
- b) Notwithstanding anything to the contrary, the Inclusionary Zoning regulations 3.1.2 a) and 3.1.2 c) to i) inclusive shall not apply to:
- i) EXISTING BUILDINGS except where any addition, extension, alteration or change in use results in fifty (50) or more new DWELLING UNITS, net of any rental replacement DWELLING UNIT required under an applicable Rental Replacement By-law;
  - ii) DEVELOPMENT that would add fewer than fifty (50) new DWELLING UNITS to a LOT, net of any rental replacement DWELLING UNIT required under an applicable Rental Replacement By-law;
  - iii) DEVELOPMENT where a NON-PROFIT HOUSING PROVIDER has an interest that is greater than 51 per cent;

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- iv) DEVELOPMENT that, on or before the day the by-law establishing Section 3.1.2 in this BY-LAW was passed, had made a COMPLETE APPLICATION for:
    - a. a plan of subdivision under Section 51 of the PLANNING ACT;
    - b. a description or an amendment to a description under Section 9 of the CONDOMINIUM ACT.
    - c. a building permit; and/or
    - d. a site plan under Section 41 of the PLANNING ACT;
  - v) DEVELOPMENT that is exempt in accordance with the PLANNING ACT and associated regulations;
  - vi) ASSISTED LIVING FACILITY
  - vii) GROUP HOME;
  - viii) HOSPICE; and,
  - ix) LONG TERM CARE FACILITY;
  - x) LODGING HOUSE;
  - xi) A student residence owned and/or operated by a UNIVERSITY / COLLEGE.
- c) Commencing on an undetermined date in the future, on a LOT that is located within a MAJOR TRANSIT STATION AREA as identified on Schedule 'A2' of this BY-LAW, a percentage of GROSS LEASABLE RESIDENTIAL FLOOR AREA shall be set aside for AFFORDABLE DWELLING UNITS in accordance with Table 3C-2, net of any rental replacement DWELLING UNIT required under an applicable Rental Replacement By-law.

| <b>Table 3C-2: Inclusionary Zoning Set Aside Requirements</b> |  |   |
|---|--|---|
| <b>Market Area</b>  | <b>MAJOR TRANSIT STATION AREA</b>  | <b>Minimum Percentage of GROSS LEASABLE RESIDENTIAL FLOOR AREA to be provided for AFFORDABLE DWELLING UNITS</b> |
| Prime   | <ul style="list-style-type: none"> <li>• University of waterloo</li> <li>• Laurier-Waterloo park</li> <li>• Waterloo public square</li> <li>• Willis way</li> <li>• Allen</li> </ul> | 2%  |
| Established   | <ul style="list-style-type: none"> <li>• Conestoga</li> <li>• Research &amp; Technology Park</li> <li>• Northfield</li> </ul>  | 1%  |
| Emerging  |  | 0%  |

- d) Notwithstanding Policy 3.1.2 c), any lands located within a MAJOR TRANSIT STATION AREA that are zoned:
  - E1-Business Employment One (E1)Zone

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

as of the date of the passing of the by-law establishing Section 3.1.2 in this BY-LAW (date), shall be subject to the Inclusionary Zoning set aside rate within the Prime Market Area in Table 3C-2 as amended if residential uses are permitted on such lands by amendment to this BY-LAW.

- e) The maximum rent that shall be charged for Inclusionary Zoning AFFORDABLE DWELLING UNITS will be determined annually by the CITY by by-law, in consultation with the REGION, and according to the following procedure:
- i) within BUILDINGS that are not PURPOSE-BUILT RENTAL HOUSING, the lesser of the average market rent for the REGIONAL MARKET AREA according to the number of bedrooms, or 30% of the 60th percentile household income for renter households for the REGIONAL MARKET AREA.
  - ii) within PURPOSE-BUILT RENTAL HOUSING, the greater of the figure calculated in accordance with Section 3.1.2e) i) above, or 30% of median renter household income for the REGIONAL MARKET AREA, as published from time to time by the Canada Mortgage and Housing Corporation.
- f) ELIGIBLE TENANT(s) of Inclusionary zoning AFFORDABLE DWELLING UNITS shall be individuals pre-approved by the CITY or its designate, and who have a total maximum household income from all sources of all persons who reside / will reside in said unit of 3.5 times the unit's rent at the time the ELIGIBLE TENANT(s) occupies the Inclusionary Zoning AFFORDABLE DWELLING UNIT.
- g) Inclusionary Zoning AFFORDABLE DWELLING UNITS shall be similar to market units in the DEVELOPMENT in terms of mix, type and size.
- NOTE: Section 3.1.2(g) will be secured by one or more legal agreements with the CITY, pursuant to the OFFICIAL PLAN and the PLANNING ACT, and/or the REGION, and/or an owner of offsite Inclusionary Zoning AFFORDABLE DWELLING UNITS. The form and content of such legal agreements shall be to the satisfaction of the City Solicitor, and such agreements will be registered on title to the applicable lands.*
- h) Inclusionary Zoning AFFORDABLE DWELLING UNITS shall be provided for a minimum of 25 continuous years, commencing on the date that the Inclusionary Zoning AFFORDABLE DWELLING UNIT is first occupied by an ELIGIBLE TENANT.
- i) Inclusionary Zoning AFFORDABLE DWELLING UNITS shall be provided in the DEVELOPMENT or offsite in a separate newly constructed BUILDING within a MAJOR TRANSIT STATION AREA in the CITY.

# CITY OF WATERLOO

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**J**

**K**

# CITY OF WATERLOO

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## L

### 3.L.1 LAUREL CREEK

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

### 3.L.2 LODGING HOUSES

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

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

- c.) There shall be a minimum LOT AREA of three hundred and sixty square metres (360 sq. m.) plus fifty square metres (50 sq. m.) for each occupant of a LODGING UNIT.
- d.) There shall be a minimum STREET LINE setback of six metres (6.0m).
- e.) There shall be a minimum SIDE YARD of one-point-eight metres (1.8m) on both sides of the LOT. Where parking is provided in the SIDE YARD or REAR YARD, one (1) SIDE YARD shall have a minimum width of three metres (3m).
- f.) There shall be a minimum REAR YARD setback of seven-point-five metres (7.5m).
- g.) There shall be a maximum BUILDING HEIGHT of ten metres (10m).
- h.) There shall be a minimum of one (1) PARKING SPACE for every two LODGING UNIT occupants plus one (1) PARKING SPACE for the proprietor if the proprietor resides within the LODGING HOUSE.
- i.) A minimum twenty percent (20%) of the LOT AREA shall be LANDSCAPED OPEN SPACE.

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

- a.) the LODGING HOUSE continues without interruption;
- b.) the LODGING HOUSE occupies the whole of the BUILDING;
- c.) the BUILDING is not expanded or enlarged; and,
- d.) the regulations applied to the original BUILDING shall apply to the LODGING HOUSE.

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## 3.L.3 *LODGING ROOM*

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

## 3.L.4 *LOT AREA – REDUCTIONS PROHIBITED*

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

- a.) shall continue to be so used regardless of changes in ownership of the lands or part thereof;
- b.) shall be deemed not to form part of an adjacent LOT for the purpose of calculating the area thereof available for building purposes.

## 3.L.5 *LOT DEVELOPMENT*

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

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

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

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

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

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

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## M

### 3.M.1 MEDICAL CLINIC – PHARMACEUTICAL DISPENSARY

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

### 3.M.2 METAL CONTAINERS

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

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

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

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

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

- a.) METAL CONTAINERS used for temporary storage shall be permitted in the following zone categories:
  - C5 - Corridor Commercial, for a period of time not exceeding 30 consecutive days.
  - E3 - Flexible Industrial, for a period of time not exceeding 180 consecutive days.

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

- b.) One (1) METAL CONTAINER shall be temporarily permitted on a residential LOT for the purpose of loading and unloading household items during the process of moving. Temporary means located on the LOT for a short period of time not exceeding twenty one (21) consecutive days.
- c.) METAL CONTAINERS used for temporary storage shall be permitted on a LOT during the erection, alteration, enlargement, or reconstruction of a BUILDING provided that the METAL CONTAINER is removed from the LOT within thirty (30) days of the completion of the building permit.

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- d.) One (1) METAL CONTAINER may be used as a TEMPORARY CONTRACTOR OFFICE during site servicing provided that the METAL CONTAINER is removed from the LOT within thirty (30) days of the completion of the servicing works, excluding required monitoring and maintenance periods.
- e.) One (1) METAL CONTAINER may be used as a TEMPORARY CONTRACTOR OFFICE during demolition, remediation, development, and BUILDING construction provided that the METAL CONTAINER is removed from the LOT within thirty (30) days of the completion of the building permit.
- f.) METAL CONTAINERS may be used as a temporary:
  - i.) pop-up commercial establishment to launch a new product, gauge interest in a business idea or market, or assess a business location before investing in a permanent space;
  - ii.) TEMPORARY SALES CENTRE;
  - iii.) community centre, community workshop / studio, MAKERSPACE (CLASS A), or BUSINESS INCUBATOR,

provided further that:

- A. The METAL CONTAINERS shall form one (1) BUILDING or STRUCTURE.
- B. The commercial use is permitted in the zoning applied to the LOT.
- C. Temporary shall mean located on the LOT for a short period of time not exceeding:
  - a. for a use permitted in section 3.M.2.5.(f).(i.) a maximum sixty (60) days;
  - b. for a use permitted in section 3.M.2.5.(f).(ii.) a maximum thirty (30) days after the completion of the related building permit;
  - c. for a use permitted in section 3.M.2.5.(f).(iii.) a maximum seven hundred and thirty (730) days.
- D. Prior to the establishment and use of any METAL CONTAINER, the owner shall obtain a Zoning Certificate pursuant to Section 34(6) of the PLANNING ACT from the CITY authorizing such use in accordance with applicable law including the zoning regulations herein.
- E. A minimum three (3) PARKING SPACES shall be provided for the METAL CONTAINERS.
- F. The METAL CONTAINERS shall be located on the LOT in accordance with a site plan approved by the DIRECTOR.

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## 3.M.2B MEZZANINE

- 3.M.2B.1 For non-residential USES, the floor area of a MEZZANINE shall be deemed to be BUILDING FLOOR AREA.
- 3.M.2B.2 If the floor area of a MEZZANINE exceeds forty percent (40%) of the open floor area of the room in which it is located, the MEZZANINE shall be considered a STOREY.
- 3.M.2B.3 The MEZZANINE shall be open and unobstructed to the room in which such MEZZANINE is located except for safety guards required by the BUILDING CODE and any enclosed space permitted by section 3.M.2B.4.
- 3.M.2B.4 The floor area of the MEZZANINE is permitted to contain enclosed spaces that collectively shall not exceed ten percent (10%) of the floor area of the room in which the MEZZANINE is located, provided the enclosed spaces do not obstruct the visual connection between the open floor area of the MEZZANINE and the room below.
- 3.M.2B.5 A MEZZANINE in contravention of section 3.M.2B.4 shall be considered an additional STOREY.
- 3.M.2B.6 A MEZZANINE shall not be located adjacent to the STREET LINE BUILDING FAÇADE.

## 3.M.3 MICROBREWERIES

- 3.M.3.1 Notwithstanding anything to the contrary, MICROBREWERY includes the retailing of beverages produced on the premises for consumption off-site.
- 3.M.3.2 The maximum BUILDING FLOOR AREA of a MICROBREWERY shall be 2,325 square metres.
- 3.M.3.3 All emissions and vapours created by the MICROBREWERY shall be wholly contained within the unit or discharged to the municipal sewer.

## 3.M.4 MODEL HOMES

- 3.M.4.1 The following regulations shall apply to MODEL HOMES:
- a.) MODEL HOMES shall be permitted in a zone which permits a DWELLING UNIT or on a LOT used solely for residential purposes.
- b.) MODEL HOMES shall only be permitted in a:
- DETACHED BUILDING
  - FREEHOLD TOWNHOUSE BUILDING
  - TOWNHOUSE BUILDING
- within a:
- approved draft plan of subdivision
  - approved draft plan of vacant land condominium

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- registered plan of subdivision
  - registered plan of vacant land condominium
- c.) The MODEL HOME shall be permitted as an interim use of land, and comply with the zoning regulations applicable to the permanent residential BUILDING created when occupancy is granted through a change of use PERMIT under the BUILDING CODE.
- d.) A MODEL HOME shall not be used for human habitation or occupied as a residence.
- e.) MODEL HOMES shall be connected to municipal sanitary and water services.
- f.) MODEL HOMES shall be connected to hydroelectric services.
- g.) MODEL HOMES shall have direct access to a:
- STREET or COMMON ELEMENT ROAD constructed with a base course of asphalt;
  - proposed municipal street on an approved draft plan of subdivision constructed with a base course of asphalt;
  - proposed common element road on an approved draft plan of vacant land condominium constructed with a base course of asphalt.
- h.) The maximum number of MODEL HOMES permitted shall be in accordance with Table 3D:

Table 3D: Maximum Number of MODEL HOMES

| Hectares of land within the approved: <ul style="list-style-type: none"><li>• draft plan of subdivision / condominium, or</li><li>• registered plan of subdivision / condominium</li></ul> | Maximum Number of MODEL HOMES |
|--|-------------------------------|
| 0 - <9 hectares  | 1                             |
| 9 - <17 hectares   | 2                             |
| 17 - <25 hectares  | 3                             |
| 25 - <33 hectares  | 4                             |
| 33 or more hectares  | 5                             |

## 3.M.5 MODEL SUITES

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

- a.) MODEL SUITES shall be permitted in a zone which permits a DWELLING UNIT or on a LOT used solely for residential purposes.
- b.) MODEL SUITES shall only be permitted in a:
- APARTMENT BUILDING
  - ASSISTED LIVING FACILITY
  - LONG TERM CARE FACILITY
  - MAISONETTE BUILDING
  - MIXED USE BUILDING

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- MULTI-UNIT RESIDENTIAL BUILDING
  - STACKED TOWNHOUSE BUILDING
- c.) MODEL SUITES shall be deemed a DWELLING UNIT for the purposes of determining compliance with this BY-LAW.
- d.) A MODEL SUITE shall not be used for human habitation or occupied as a residence.
- e.) MODEL SUITES shall be connected to municipal sanitary and water services.
- f.) MODEL SUITES shall be connected to hydroelectric services.
- g.) The maximum number of MODEL SUITES permitted in any BUILDING shall be three (3).

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## N

### 3.N.1 NANOBREWERIES

- 3.N.1.1 Beer, wine, cider, and or spirits produced in a NANOBREWERY shall be primarily consumed within the associated RESTAURANT.
- 3.N.1.2 Notwithstanding anything to the contrary, NANOBREWERY includes the retailing of beverages produced on the premises for consumption off-site.
- 3.N.1.3 The maximum BUILDING FLOOR AREA of a NANOBREWERY shall be 235 square metres.
- 3.N.1.4 All emissions and vapours created by the NANOBREWERY shall be wholly contained within the unit or discharged to the municipal sewer.

### 3.N.2 NON-CONFORMING PROPERTIES / USES

#### Non-Conforming Use of Land

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

#### Non-Conforming Buildings and Structures

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

#### Transition Regulation: Non-Conforming Buildings and Structures

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

#### Municipal Land Taking

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

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

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

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

### **Non-Conforming Location of Buildings and Structures/Driveways**

3.N.2.6 Where:

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

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

- a.) the location of the EXISTING BUILDING or STRUCTURE on the LOT shall be deemed to conform to the BY-LAW; and
- b.) the EXISTING width of the DRIVEWAY, if less than the minimum provisions of this BY-LAW, shall be deemed to conform to the BY-LAW.

### **Non-Conforming Lot Frontage – Low Rise Residential Areas**

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

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

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

### **Fire or Natural Disaster**

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

- c.) the restoration or reconstruction does not increase the height, size, or volume of the BUILDING or STRUCTURE;
- d.) the location of the BUILDING or STRUCTURE either:
  - (i.) remains the same; or
  - (ii.) complies with the setbacks of the zoning applied to the LOT.

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## **Non-Conforming APARTMENT BUILDINGS and MULTI-UNIT RESIDENTIAL BUILDINGS**

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

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## O

### 3.0.1 OCCASIONAL USES

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

### 3.0.2 OLD GOLD SHOPS

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

### 3.0.3 OUTDOOR STORAGE

3.0.3.1 OUTDOOR STORAGE shall only be permitted in:

- a.) Commercial Zones specified in Section 8 of the BY-LAW
- b.) Employment Zones specified in Section 9 of this BY-LAW, excluding the University / College (UC) zone.

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

3.0.3.3 OUTDOOR STORAGE shall be prohibited in a SIDE YARD and REAR YARD unless it is fenced and visibly screened from:

- a.) public views, including from STREETS; and
- b.) SENSITIVE USES.

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## P

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

- 3.P.1.1 Notwithstanding anything to the contrary, an OUTDOOR RESTAURANT PATIO shall be permitted where a RESTAURANT is permitted in this BY-LAW.
- 3.P.1.2 Notwithstanding anything to the contrary, an OUTDOOR CAFE PATIO shall be permitted where a CAFE is permitted in this BY-LAW.
- 3.P.1.3 Notwithstanding anything to the contrary, an OUTDOOR BAKE SHOP PATIO shall be permitted where a BAKE SHOP is permitted in this BY-LAW.
- 3.P.1.4 Notwithstanding anything to the contrary, an OUTDOOR DISPLAY AREA shall be permitted where a RETAIL STORE is permitted in this BY-LAW, provided that the OUTDOOR DISPLAY AREA is located within:
- the FRONT YARD
  - the FLANKAGE YARD
  - the STREET or LANE immediately adjacent to the LOT containing the RETAIL STORE

### 3.P.2 PATIOS – GENERAL REGULATIONS

- 3.P.2.1 Notwithstanding anything to the contrary, OUTDOOR RESTAURANT PATIOS, OUTDOOR CAFE PATIOS, OUTDOOR BAKE SHOP PATIOS, OUTDOOR ROOFTOP PATIOS and OUTDOOR DISPLAY AREAS shall not extend beyond the LOT onto the abutting STREET or LANE without the prior written consent of the municipality having jurisdiction over the STREET or LANE.
- 3.P.2.2 Notwithstanding anything to the contrary, OUTDOOR RESTAURANT PATIOS, OUTDOOR CAFE PATIOS, and OUTDOOR BAKE SHOP PATIOS are prohibited in any YARD abutting a LOW RISE RESIDENTIAL AREA.
- 3.P.2.3 Notwithstanding anything to the contrary, OUTDOOR RESTAURANT PATIOS, OUTDOOR CAFE PATIOS, OUTDOOR BAKE SHOP PATIOS, and OUTDOOR DISPLAY AREAS shall not obstruct or eliminate a PARKING SPACE or LOADING SPACE required by this BY-LAW.
- 3.P.2.4 Notwithstanding anything to the contrary, the following regulations shall apply to OUTDOOR ROOFTOP PATIOS:
- a.) OUTDOOR ROOFTOP PATIOS shall be prohibited except in a zone which permits a RESTAURANT, CAFÉ, or BAKE SHOP.
  - b.) OUTDOOR ROOFTOP PATIOS, shall be prohibited within forty metres (40m) of a LOW RISE RESIDENTIAL LOT LINE, measured horizontally from the LOW RISE RESIDENTIAL LOT LINE.
  - c.) OUTDOOR ROOFTOP PATIOS shall not extend beyond the roof of the BUILDING.
  - d.) Where an ABUTTING LOT is zoned for residential purposes or contains a BUILDING(S) with one or more DWELLING UNITS, a minimum one-point-eight metre (1.8m) tall Acoustical Wall shall be erected along the portion of the perimeter of the OUTDOOR

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

- e.) Notwithstanding anything to the contrary, the maximum floor area of all OUTDOOR ROOFTOP PATIOS combined shall be 50 square metres per BUILDING.
- f.) Any roofed area comprising part of an OUTDOOR ROOFTOP PATIO shall remain unenclosed and open to the air on at least two sides, and shall not exceed twenty percent (20%) of the total floor area of the OUTDOOR ROOFTOP PATIO.
- g.) The primary ingress and egress to an OUTDOOR ROOFTOP PATIO shall be from the interior of the BUILDING, and exterior stairs shall only be used for emergency and fire safety purposes as required by applicable law.
- h.) OUTDOOR ROOFTOP PATIOS shall not contain electronic music/sound equipment, and shall not be used as a dance floor or for live music or other forms of live entertainment.

3.P.2.5 Notwithstanding anything to the contrary:

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

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

### 3.P.3 *PERSONAL BREWING ESTABLISHMENT*

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

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

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

### 3.P.4 *PERSONAL SERVICE SHOP*

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

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## 3.P.5 PRIVATE CLUB

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

## 3.P.6 PROHIBITED LAND USES

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

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

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

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## 3.P.7 PROPANE STORAGE

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

- as an ancillary use to an AUTOMOBILE GAS STATION
- as an ancillary use to an AUTOMOBILE SERVICE CENTRE
- as an ancillary use to a WAREHOUSE MEMBERSHIP CLUB
- as an ancillary use to a Hardware Store
- on lands zoned Commercial Five (C5)
- on the lands municipally known as 120 Northfield Drive East, where authorized by the Technical Standards and Safety Authority (TSSA).

## 3.P.8 PUBLIC MARKETS

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

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

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

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

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

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

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

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

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

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

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

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## 3.P.9 PUBLIC SERVICES

- 3.P.9.1 The regulations of this BY-LAW shall not apply to the use of any land or to the erection or use of any BUILDING or STRUCTURE for the purpose of providing a public service by:
- the CITY
  - the REGION
  - any department or ministry of the Federal or Provincial government,
- provided the lands, BUILDING or STRUCTURE is in substantial compliance with the regulations prescribed in the zone applied to the LOT and applicable provisions of this BY-LAW.

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

Table 3E:

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

- 3.P.9.2 The regulations of this BY-LAW shall not apply to the use of any land or to the erection or use of any BUILDING or STRUCTURE for the purpose of providing essential infrastructure, utilities, generation facilities, distribution and transmission facilities, and telecommunication facilities by:
- railway provider
  - electricity provider
  - natural gas provider
  - telecommunication provider
  - fibre optic provider
- provided any related BUILDING is in substantial compliance with the regulations prescribed in the zoning applied to the LOT and applicable provisions of this BY-LAW.
- 3.P.9.3 Section 3.P.9.2 of this BY-LAW shall not apply to administrative offices, sales outlets, studios, maintenance facilities, depots, and storage yards of any railway provider, electricity provider, natural gas provider, telecommunication provider, or fibre optic provider.

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

# CITY OF WATERLOO

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**Q**

# CITY OF WATERLOO

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## R

### 3.R.1 RAILWAYS

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

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

- a.) No PERSON shall erect, enlarge, or reconstruct any BUILDING containing a SENSITIVE USE in whole or in part within seventy-five metres (75m) of a railway right-of-way.
- b.) The holding provision as it applies to the LOT shall not be removed or modified until it is demonstrated by a qualified professional engineer that there will be:
  - i. sufficient buffer from railway operations to dissipate rail-oriented emissions, vibrations, and noise;
  - ii. no adverse impacts to the SENSITIVE USES; and,
  - iii. a sufficient safety barrier from railway operations and potential derailments, to the satisfaction of the CITY and any other authority having jurisdiction.

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

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

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

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

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

3.R.2 RECREATIONAL TRAILERS AND MOBILE HOMES

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

3.R.3 REFUSE WASTE STORAGE STRUCTURES

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

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

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

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

- a.) Erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, without a PERMIT or written consent from the Grand River Conservation Authority.
- b.) Alter, grade, place, fill, excavate, or remove material without a PERMIT or written consent from the Grand River Conservation Authority.
- c.) Interfere with any wetland, watercourse, or floodplain without a PERMIT or written consent from the Grand River Conservation Authority.

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

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

3.R.5 RESERVES

3.R.5.1 Where a RESERVE separates a LOT from a STREET:

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

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3.R.5.2 Notwithstanding section 3.R.5.1.c.), where:

- a.) the LOT would be deemed to be a THROUGH LOT if the RESERVE is lifted; and
- b.) a DRIVEWAY does not traverse the RESERVE LOT LINE, the RESERVE LOT LINE shall be deemed to be a REAR LOT LINE for the purposes of determining compliance with the provisions of the BY-LAW.

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

## 3.R.6 *ROUNDING*

3.R.6.1 In determining compliance with a provision in this BY-LAW, any fraction resulting from a calculation or numeric value shall be rounded to the fourth decimal place in accordance with the rounding principles in section 3.R.6.2, except:

- a.) calculations to determine required parking which result in a fraction shall be rounded to the next highest whole number;
- b.) calculations to determine maximum density which result in a fraction shall be rounded to the next lowest whole number.

3.R.6.2 Measurements in this BY-LAW are subject to the following rounding principles:

- a.) measurements where the fifth number of the decimal is four (4) or less, the fourth decimal number shall remain the same (e.g. 7.01243 = 7.0124);
- b.) measurements where the fifth number of the decimal is five (5) or more, the fourth decimal number shall be increased by one, that is rounded up (e.g. 7.01248 = 7.0125).

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## S

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

3.S.2 *SERVICES*

### 3.S.2.1 Sanitary Services

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

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

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

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

- a.) Sections 3.S.2.1.1 and 3.S.2.1.2 shall not apply to the alteration, enlargement, or use of an EXISTING BUILDING or EXISTING STRUCTURE that is serviced by an EXISTING sanitary septic system.
- b.) The EXISTING sanitary septic system in section 3.S.2.1.3.a.) may be maintained and replaced to service the BUILDING or STRUCTURE.
- c.) Section 3.S.2.1.1 shall not apply to the erection, alteration, enlargement, or use of an ACCESSORY BUILDING or ACCESSORY STRUCTURE provided the ACCESSORY BUILDING or ACCESSORY STRUCTURE is not used for human habitation.

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

### 3.S.2.2 Water Services

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

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

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- 3.S.2.2.2 Every BUILDING and STRUCTURE containing or intended to contain a water service shall be connected to a municipal water service with sufficient supply and pressure to accommodate the BUILDING or STRUCTURE.
- 3.S.2.2.3 Where no municipal water distribution system exists within the STREET abutting the LOT:
- a.) Sections 3.S.2.2.1 and 3.S.2.2.2 shall not apply to the alteration, enlargement, or use of an EXISTING BUILDING or EXISTING STRUCTURE that is serviced by an EXISTING private water well.
  - b.) The EXISTING private water well in section 3.S.2.2.3.a.) may be maintained and replaced to service the BUILDING or STRUCTURE.
  - c.) Section 3.S.2.2.1 shall not apply to the erection, alteration, enlargement, or use of an ACCESSORY BUILDING or ACCESSORY STRUCTURE provided the ACCESSORY BUILDING or ACCESSORY STRUCTURE is not used for human habitation.
- 3.S.2.2.4 Where a BUILDING or STRUCTURE that is serviced by an EXISTING private water well connects to a municipal water service, the EXISTING private water well shall be decommissioned in accordance with Regulation 903 of the Ontario Water Resources Act R.S.O. 1990 c.0.40 and all other applicable law.
- 3.S.2.2.5 Notwithstanding anything to the contrary, on a residential LOT, a private water well used for any purpose other than human consumption, such as irrigation, shall be prohibited.
- 3.S.2.2.6 Notwithstanding anything to the contrary, on an EXISTING golf course, an EXISTING private water well used for irrigation shall be permitted and may be replaced.

## 3.S.3 SOLAR PANELS

- 3.S.3.1 Solar panels detached from a BUILDING shall be considered an ACCESSORY STRUCTURE in this BY-LAW.
- 3.S.3.2 Notwithstanding anything to the contrary, solar panels exempt from municipal zoning regulations pursuant to the Green Energy Act are hereby exempt from this BY-LAW.

## 3.S.4 SPIRITUAL USES

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

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

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

- 3.S.4.2 Notwithstanding anything to the contrary in this BY-LAW, within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.
- 3.S.4.3 The minimum width of the LANDSCAPED BUFFER shall be an average three metres (3m), with no point less than one-point-five metres (1.5m).
- 3.S.4.4 The LANDSCAPED BUFFER shall contain plant material that forms a visual buffer, with a minimum height of one-point-five metres (1.5m).
- 3.S.4.5 Notwithstanding anything to the contrary, a SPIRITUAL USE shall be permitted in an AUDITORIUM.
- 3.S.4.6 Notwithstanding anything to the contrary in this BY-LAW, 3.S.4.1 shall not apply to a SPIRITUAL USE within a MIXED-USE BUILDING.

## 3.S.5 SPLIT ZONING

- 3.S.5.1 Notwithstanding anything to the contrary in this BY-LAW, where two (2) or more zones are applied to the same LOT but do not overlap:
- a.) Where the USE is permitted in one (1) zone but not the other:
- i. The USE shall be restricted to the portion of the LOT zoned to permit said USE.
  - ii. The ZONE BOUNDARY shall be deemed to be a LOT LINE for determining compliance with the regulations of this BY-LAW, save and except:
    - A. Where the abutting zone is the Parks & Recreation (OS1) zone applied to a utility corridor, the land area of the utility corridor shall be included in the LOT AREA for the purpose of calculating density.
- b.) Where the USE is permitted in one (1) zone and in the abutting zone (collectively the "PARCEL"):
- i. A BUILDING may be constructed across the ZONE BOUNDARY.



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## 3.S.8 STREET LINE SETBACK MAXIMUMS

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

- a.) the first BUILDING constructed after the effective date of this BY-LAW;
- b.) subsequent BUILDINGS located within 30 metres of the STREET LINE.

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

## 3.S.9 SWIMMING POOLS

### Enclosed Swimming Pools

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

### Unenclosed Swimming Pools

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

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

- a.) A minimum zero-point-nine-one-four-four metre (0.9144m) setback shall be provided from the UNENCLOSED SWIMMING POOL to a REAR LOT LINE, FLANKAGE LOT LINE, and SIDE LOT LINE.
- b.) A minimum two-point-five metres (2.5m) setback shall be provided from the UNENCLOSED SWIMMING POOL to any part of a principal BUILDING on an abutting LOT.
- c.) UNENCLOSED SWIMMING POOLS are prohibited in the FRONT YARD.
- d.) UNENCLOSED SWIMMING POOLS shall be excluded from LOT COVERAGE calculations.
- e.) UNENCLOSED SWIMMING POOLS shall be included in IMPERVIOUS AREA calculations.
- f.) A roof or sunshade structure above an UNENCLOSED SWIMMING POOLS shall be considered an ACCESSORY STRUCTURE.

### Unenclosed Above-Ground Swimming Pools – Raised Platforms

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

- a.) The raised platform shall:
  - i.) Be located between the SWIMMING POOL and the principal BUILDING on the LOT.
  - ii.) Not exceed one-point-eight metres (1.8m) in width, excluding stairs, measured perpendicular to the nearest façade of the principal BUILDING.

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- iii.) Not exceed four-point-five metres (4.5m) in length, excluding stairs, measured parallel to the nearest façade of the principal BUILDING.
- iv.) Be unenclosed (excluding hand railings), open to the air, and unroofed.
- b.) The top of the raised platform shall be a maximum one-point-five metres (1.5m) above GRADE, measured at any point abutting the raised platform.
- c.) The raised platform shall not be considered a DECK for the purposes of this BY-LAW.

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## T

### 3.T.1 TEMPORARY CONTRACTOR OFFICE

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

- a.) A TEMPORARY CONTRACTOR OFFICE shall be permitted on any construction site.
- b.) A TEMPORARY CONTRACTOR OFFICE shall be permitted on the LOT during demolition, remediation, development, servicing, and BUILDING construction.
- c.) A TEMPORARY CONTRACTOR OFFICE shall not be used for human habitation.
- d.) A TEMPORARY CONTRACTOR OFFICE shall not be placed on LANDSCAPED OPEN SPACE, LANDSCAPED BUFFER, or a DAYLIGHT TRIANGLE.
- e.) TEMPORARY CONTRACTOR OFFICES shall be removed from the LOT within thirty (30) days of the completion of the related demolition, remediation, development, servicing, or BUILDING construction.

### 3.T.2 TEMPORARY FARMERS MARKETS

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

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

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

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

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

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

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

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

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- 3.T.2.7 Notwithstanding anything to the contrary, a TEMPORARY FARMERS MARKET is prohibited on LANDSCAPED OPEN SPACE with the exception of turf and outdoor hardscapes such as a patio.
- 3.T.2.8 Notwithstanding anything to the contrary, a TEMPORARY FARMERS MARKET may occupy some of the required PARKING SPACES on a LOT provided a minimum of one (1) PARKING SPACE for every vendor is provided on the LOT.
- 3.T.2.9 A TEMPORARY FARMERS MARKET shall not be permitted on CITY lands without written permission from the CITY.
- 3.T.2.10 A TEMPORARY FARMERS MARKET shall not be permitted on REGIONAL lands without written permission from the REGION.

## 3.T.3 TEMPORARY SALES CENTRES

- 3.T.3.1 The following regulations shall apply to a TEMPORARY SALES CENTRE:
- a.) A TEMPORARY SALES CENTRE shall be permitted in:
    - all Residential Zones specified in Section 7 of this BY-LAW
    - all Commercial Zones specified in Section 8 of this BY-LAW
    - all Employment Zones specified in Section 9 of this BY-LAW
    - all Institutional Zones specified in Section 10 of this BY-LAW
  - b.) The setbacks applicable to a principal BUILDING on the LOT shall apply to the TEMPORARY SALES CENTRE.
  - c.) A TEMPORARY SALES CENTRE shall not be used for human habitation.
  - d.) The maximum height of a TEMPORARY SALES CENTRE shall be eight-point-five metres (8.5 m).
  - e.) The maximum number of TEMPORARY SALES CENTRES permitted on a LOT shall be one (1).
  - f.) A TEMPORARY SALES CENTRE shall not be placed on LANDSCAPED OPEN SPACE, LANDSCAPED BUFFER, or a DAYLIGHT TRIANGLE.
  - g.) A TEMPORARY SALES CENTRE shall be removed from the LOT within thirty (30) days of the completion of the building permit for the related BUILDING or BUILDINGS.
  - h.) A TEMPORARY SALES CENTRE shall be provided with and connected to hydroelectric services.
  - i.) A minimum three (3) PARKING SPACES shall be provided for a TEMPORARY SALES CENTRE.

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- j.) A TEMPORARY SALES CENTRE shall be located on the LOT in accordance with a site plan approved by the DIRECTOR.
- k.) Prior to the establishment and use of any TEMPORARY SALES CENTRE, the owner shall obtain a Zoning Certificate pursuant to Section 34(6) of the PLANNING ACT from the CITY authorizing such use in accordance with applicable law including the zoning regulations herein.

## 3.T.4 THROUGH LOTS

- 3.T.4.1 Notwithstanding anything to the contrary in this BY-LAW, for a THROUGH LOT containing a:
- SINGLE DETACHED BUILDING
  - SEMI-DETACHED BUILDING
  - DUPLEX BUILDING
  - TRIPLEX BUILDING
  - FREEHOLD TOWNHOUSE BUILDING,
- the STREET LINE abutting the backyard shall be deemed to be a REAR LOT LINE.

## 3.T.5 TOWERS – GENERAL PROVISIONS

- 3.T.5.1 Notwithstanding anything to the contrary, there shall be a minimum three metre (3m) TOWER STEPBACK above the PODIUM, including balconies, on an OS1 BUILDING FAÇADE.
- 3.T.5.2 Notwithstanding anything to the contrary, for an INTERIOR LOT, one (1) TOWER Separation setback to a SIDE LOT LINE may be reduced to a minimum 6 metres provided that the TOWER Separation setbacks to both SIDE LOT LINES combined equals a minimum 22 metres.
- 3.T.5.3 Notwithstanding anything to the contrary, balconies shall be excluded from the measurement of a horizontal TOWER Dimension.
- 3.T.5.4 For the purpose of measuring TOWER separation, a balcony shall be considered part of the exterior face of the building.

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## **V**

### *3.V.1 VETERINARY CLINIC*

- 3.V.1.1 A VETERINARY CLINIC may include ACCESSORY short-term overnight accommodations or twenty four (24) hour supervision of animal patients.
- 3.V.1.2 A VETERINARY CLINIC may include incidental retailing of animal food and other goods or services used principally by, with or for animals provided said incidental retailing does not exceed twenty-five percent (25%) of the BUILDING FLOOR AREA of the VETERINARY CLINIC.
- 3.V.1.3 Notwithstanding anything to the contrary, buying and selling of animals is prohibited within a VETERINARY CLINIC.

### *3.V.2 VETERINARY HOSPITAL*

- 3.V.2.1 A VETERINARY HOSPITAL may include incidental retailing of animal food and other goods or services used principally by, with or for animals provided said incidental retailing does not exceed twenty-five percent (25%) of the BUILDING FLOOR AREA of the VETERINARY HOSPITAL.
- 3.V.2.2 Notwithstanding anything to the contrary, buying and selling of animals is prohibited within a VETERINARY HOSPITAL.

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## **W**

### 3.W.1 Wells

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

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

- a.) a private water well in compliance with section 3.S.2 of this BY-LAW;
- b.) a well that is installed for the purposes of contaminated site investigations and remediation;
- c.) a well that is installed for the purposes of groundwater monitoring during geotechnical and environmental studies;
- d.) site dewatering authorized by the CITY, the REGION, the Province of Ontario, or the Federal Government of Canada.

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

### 3.W.2 *WIND TURBINES*

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

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

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**X**

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**Y**

**Z**

## SECTION 4 – INTERPRETATIONS

### 4.1 *INTERPRETATIONS*

The interpretation rules set out in this Section 4 apply to all regulations herein, unless the text of the BY-LAW expressly states otherwise.

### 4.2 *LEGISLATION*

Wherever legislation is referenced in this BY-LAW, the reference is meant to include all applicable amendments to the legislation and successor legislation thereto, as well as all regulations or other secondary legislation that is passed in accordance with the referenced statute.

### 4.3 *CONFLICT*

In the event of any conflict between this BY-LAW and any other by-law passed by the CITY, the more restrictive provision prevails unless applicable law requires otherwise.

In the event of any conflict between provisions in this BY-LAW, the more restrictive provision prevails unless applicable law requires otherwise.

### 4.4 *POST-CONSTRUCTION TOLERANCES*

Any measurement provided for in this BY-LAW shall be considered to have a post-construction tolerance of:

- a) For a minimum regulation:
  - i. Minus 0.05 metres in the case of a linear measurement.
  - ii. Minus two percent (2%) in the case of an area measurement.
- b) For a maximum regulation:
  - i. Plus 0.05 metres in the case of a linear measurement.
  - ii. Plus two percent (2%) in the case of an area measurement.

### 4.5 *HEADING & CAPTION NAMES AND NUMBERING*

Heading and caption names and numbering appearing in this BY-LAW are for convenience of reference only, do not form an operative part of this BY-LAW, and are not considered to be an integral part of this BY-LAW. Heading and caption names and numbering shall not in any way modify or limit the regulations contained herein or have any effect on the interpretation of this BY-LAW. Accordingly, heading and caption names and numbering may be added, deleted, or changed by the COMMISSIONER without a formal amendment being required to this BY-LAW.

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## 4.6 *DIAGRAMS & IMAGES*

Diagrams and images in this BY-LAW are for convenience of reference only, do not form an operative part of this BY-LAW, and are not considered to be an integral part of this BY-LAW. Diagrams and images shall not in any way modify or limit the regulations contained herein. Accordingly, diagrams and images may be added, deleted, or changed by the COMMISSIONER without a formal amendment being required to this BY-LAW.

## 4.7 *REFERENCES AND NOTES*

4.7.1 References in brackets, illustrated as "(see [inset reference])", in this BY-LAW are for convenience of reference only, do not form an operative part of this BY-LAW, and are not considered to be an integral part of this BY-LAW. References shall not in any way modify or limit the regulations contained herein or have any effect on the interpretation of this BY-LAW. Accordingly, references may be added, deleted, or changed by the COMMISSIONER without a formal amendment being required to this BY-LAW.

4.7.2 Notes, illustrated as "NOTE: [inset note]", in this BY-LAW are for reference only, do not form an operative part of this BY-LAW, and are not considered to be an integral part of this BY-LAW. Notes shall not in any way modify or limit the regulations contained herein or have any effect on the interpretation of this BY-LAW. Accordingly, notes may be added, deleted, or changed by the COMMISSIONER without a formal amendment being required to this BY-LAW.

## 4.8 *SITE SPECIFIC EXCEPTIONS*

Where a number in brackets follows a zone symbol on Schedule A of this BY-LAW, the number refers to a site specific regulation that applies to the lands. Site specific regulations are located in Schedule C of this BY-LAW. Unless specifically amended by the site specific regulation, all the regulations within the zoning category applied to the lands and the general provisions of this BY-LAW shall apply.

## 4.9 *SITE SPECIFIC REGULATIONS*

Site specific regulations shall supersede the regulations within the zoning category applied to the lands and the general provisions of this BY-LAW.

## 4.10 *TECHNICAL REVISIONS*

Provided that the purpose and intent of the BY-LAW is not affected, the COMMISSIONER may undertake the following technical revisions without a formal amendment being required to this BY-LAW:

- a) Changing numbering, cross-referencing, and arrangement of text, tables and schedules.
- b) Revising base mapping and parcel fabric updated from the Ontario Land Registry Office.
- c) Correcting LOT and feature boundary errors and or inconsistencies.

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- d) Adjusting the precise boundary of an open space zone specified in Section 12 of this BY-LAW or an environmentally sensitive landscape zone specified in Section 13 of this BY-LAW where such adjustments are supported by a technical assessment approved and or accepted by the City of Waterloo.

#### 4.11 SEVERABILITY

In the event that any regulation in this BY-LAW is deemed or determined to be in violation of any law, or held to be invalid or unenforceable by any court or tribunal of competent jurisdiction, the violation and invalidity shall not affect the remainder of this BY-LAW. This BY-LAW shall afterwards be interpreted as though the offending regulation is not contained in this BY-LAW.

#### 4.12 PERMIT DOES NOT CONSTITUTE ACKNOWLEDGEMENT OF COMPLIANCE

The issuance of a PERMIT by any PUBLIC AUTHORITY including the CITY does not constitute an acknowledgement that the requirements of this BY-LAW have been complied with.

#### 4.13 PERMIT COMPLIANCE

4.13.1 No PERMIT shall be issued for the use or occupancy of any land, in whole or in part, that would contravene this BY-LAW. No PERMIT shall be issued for the erection, enlargement, alteration, reconstruction, use and or occupancy of any BUILDING or STRUCTURE, in whole or in part, that would contravene this BY-LAW.

4.13.2 Notwithstanding section 4.13.1, a PERMIT may be issued for an EXISTING BUILDING that does not comply with the minimum density and or minimum BUILDING FLOOR AREA provisions of this BY-LAW provided that the density and or BUILDING FLOOR AREA is increased.

#### 4.14 INDIRECT ACTION

Any PERSON prohibited from doing something pursuant to this BY-LAW is also prohibited from causing, allowing or permitting that action to be done.

#### 4.15 INCLUDES

The use of the word "includes" in any tense (for example, "including", "included", or "include") is not intended to restrict or limit any of the words or phrases either preceding or following it.

#### 4.16 GENDER

Words imparting the masculine, feminine or neutral gender shall be interpreted to refer to any gender as applicable in the context.

#### 4.17 NOUNS

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Reference to any noun is considered to be a reference to all or any part of that item. For example, reference to a "BUILDING" shall be interpreted as reference to "all or any portion of the BUILDING".

#### 4.18 *DEFINITION BRACKETED TERMS*

A bracketed term in the Definition Section of this BY-LAW shall be interpreted as a prefix to the unbracketed term, and may be written as such in this BY-LAW. For example, reference to "Lot Line (Front)" shall be interpreted as "Front Lot Line" and may be written as such.

#### 4.19 *INTERPRETATION OF DEFINITIONS – RESIDENTIAL BUILDING TERMS*

*NOTE: Definitions are contained in Section 2 of this By-law*

- a) Within this BY-LAW, ACCESSORY APARTMENT shall have the same meaning as ACCESSORY APARTMENT DWELLING, and may be written as such.
- b) Within this BY-LAW, APARTMENT shall have the same meaning as APARTMENT BUILDING, and may be written as such.
- c) Within this BY-LAW, BACHELOR UNIT shall have the same meaning as BACHELOR DWELLING UNIT, and may be written as such.
- d) Within this BY-LAW, DUPLEX shall have the same meaning as DUPLEX BUILDING, and may be written as such.
- e) Within this BY-LAW, MAISONETTE shall have the same meaning as MAISONETTE BUILDING, and may be written as such.
- f) Within this BY-LAW, SEMI-DETACHED shall have the same meaning as SEMI-DETACHED BUILDING, and may be written as such.
- g) Within this BY-LAW, FREEHOLD SEMI-DETACHED shall have the same meaning as FREEHOLD SEMI-DETACHED BUILDING, and may be written as such.
- h) Within this BY-LAW, SINGLE DETACHED shall have the same meaning as SINGLE DETACHED BUILDING, and may be written as such.
- i) Within this BY-LAW, STACKED TOWNHOUSE shall have the same meaning as STACKED TOWNHOUSE BUILDING, and may be written as such.
- j) Within this BY-LAW, TOWNHOUSE shall have the same meaning as TOWNHOUSE BUILDING, and may be written as such.
- k) Within this BY-LAW, FREEHOLD TOWNHOUSE shall have the same meaning as FREEHOLD TOWNHOUSE BUILDING, and may be written as such.
- l) Within this BY-LAW, TRIPLEX shall have the same meaning as TRIPLEX BUILDING, and may be written as such.

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## 4.20 TABLES

Permitted uses in this BY-LAW may be described in tabular format. In each case, the first column will describe the use. Each column to the right of the first column relates to a zoning category as stated. Reading down the first column, locate the row for the use in question, and read the table cells to the right of the said use in the applicable zoning category column. If the table cell contains the symbol "■", the use is permitted. If the table cell is blank, the use is not permitted.

Regulations in this BY-LAW may be described in tabular format. In each case, the first column will describe the regulation. Each column to the right of the first column will relate to a permitted use as stated. Reading down the first column, locate the row for the regulation in question, and read across to the table cell below the permitted use. The table cell will contain the regulation (being a number or a formula) that must be complied with to permit the use.

## 4.21 GENERAL REGULATIONS

Unless otherwise expressly stated in this BY-LAW, the regulations contained in the General Regulations Section of this BY-LAW take precedence over the regulations contained in any zone category.

## 4.22 SPECIFIC DEFINITIONS

Specific definitions stated in a zone category or site specific zoning provision shall take precedence over the definitions contained in Section 2 of this BY-LAW.

## 4.23 GRAND RIVER CONSERVATION AUTHORITY

The CITY acknowledges that REGULATED AREAS are subject to the Conservation Authorities Act which authorizes the Grand River Conservation Authority to regulate and prohibit development in such areas. The CITY further acknowledges that mapping lines associated with REGULATED AREAS can change. Compliance with this BY-LAW does not entitle a PERSON to erect, enlarge, alter, or reconstruct any BUILDING or STRUCTURE in whole or in part in REGULATED AREAS, nor grade or place fill in REGULATED AREAS, without first obtaining a PERMIT from the Grand River Conservation Authority.

*NOTE: Readers of this BY-LAW are directed to consult with the Grand River Conservation Authority whenever they are considering uses and development within, adjacent or near REGULATED AREAS including floodplains, wetlands, slopes, and watercourses in WATERLOO.*

## 4.24 HIGHWAYS

Highways referenced by name in this BY-LAW mean the highway so named within WATERLOO.

## 4.25 ZONING MAP

The Zoning Map attached hereto as Schedule 'A' delineates the zones set forth in this BY-LAW, and together with all notations, references, and other information shown thereon is hereby incorporated in and declared to form part of this BY-LAW to the same extent as if fully described herein.

## 4.26 BOUNDARIES

Where any uncertainty exists as to the location of a zone boundary as shown on the Zoning Map attached hereto as Schedule 'A', the following interpretations shall apply:

# CITY OF WATERLOO

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- a) Where the zone boundary is indicated as approximately following the edge of a HIGHWAY allowance, the HISTORIC CENTRE LINE of the HIGHWAY shall be deemed to be the zone boundary.
- b) Where the zone boundary is indicated as approximately following the edge of a LANE allowance, the HISTORIC CENTRE LINE of the LANE shall be deemed to be the zone boundary.
- c) Where the zone boundary is indicated as approximately following the edge of a railway, the centre line of the rail corridor shall be deemed to be the zone boundary.
- d) Where the zone boundary is indicated as approximately following a LOT LINE other than a STREET LINE, the LOT LINE shall be deemed to be the zone boundary.
- e) Where the zone boundary is indicated as approximately parallel to any HIGHWAY and the distance of the zone boundary from such HIGHWAY is not indicated, the zone boundary shall be construed as being parallel to such HIGHWAY and the distance therefrom shall be determined by scaling the Zoning Map attached hereto as Schedule 'A'.

## 4.27 *OPEN SPACE ZONE, ENVIRONMENTALLY SENSITIVE LANDSCAPE ZONE, AND REGULATED AREAS BOUNDARIES*

- 4.27.1 Where the boundaries of an open space zone specified in Section 11 of this BY-LAW do not correspond to a LOT LINE, the boundary shall be determined by survey based on Schedule 'A' of this BY-LAW.
- 4.27.2 Where the boundaries of an environmentally sensitive landscape zone in Section 12 of this BY-LAW do not correspond to a LOT LINE, the boundary shall be determined by survey based on Schedule 'A' of this BY-LAW.
- 4.27.3 Where the boundaries of a floodplain or hazard lands do not correspond to a LOT LINE, the boundary of the floodplain or hazard lands shall be determined by survey acceptable to the GRCA and the CITY based on Schedule 'A3' of this BY-LAW.

## 4.28 *BUILDING PERMIT - UNCONSTRUCTED AND INCOMPLETE BUILDINGS AND STRUCTURES*

- 4.28.1 Where a building permit is issued before the effective date of this BY-LAW, an unconstructed BUILDING or STRUCTURE shall be deemed to be lawful under this BY-LAW provided that the BUILDING or STRUCTURE is constructed and used in accordance with the building permit.
- 4.28.2 Where a building permit is issued before the effective date of this BY-LAW, an incomplete BUILDING or STRUCTURE shall be deemed to be lawful under this BY-LAW provided that the BUILDING or STRUCTURE is constructed and used in accordance with the building permit.

## 4.29 *PLANNING ACT - SECTION 34(6)*

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4.29.1 This BY-LAW may require a Zoning Certificate pursuant to Section 34(6) of the PLANNING ACT, without which no change shall be made to the use of the lands, BUILDING or STRUCTURE.

4.29.2 A Zoning Certificate required in section 4.29.1 shall not be refused if the proposed use is permitted and is in compliance with the provisions of this BY-LAW.

## 4.30 ADDITIONS TO EXISTING BUILDINGS

4.30.1 Where this BY-LAW states "*shall apply to BUILDINGS constructed after the effective date of this BY-LAW*", the term "BUILDINGS" shall include the enlargement of BUILDINGS except as specified in section 4.30.2. The applicable zoning provision(s) shall only apply to the enlargement of the BUILDING if the enlargement is equal to or greater than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

4.30.2 Section 4.30.1 shall not apply to the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

## 4.31 REGULATIONS FOR FREEHOLD TOWNHOUSES

4.31.1 Where FREEHOLD TOWNHOUSES are proposed prior to the related lands being subdivided into LOTS for each FREEHOLD TOWNHOUSE BUILDING DWELLING UNIT, for the purposes of administering the BY-LAW, the LOT LINES for the proposed FREEHOLD TOWNHOUSES shall be interpreted as being the LOT LINES shown in the approved SITE PLAN.

## 4.32 DRIVEWAY, PRIVATE ROAD, AND COMMON ELEMENT ROAD

4.32.1 When determining the width of a DRIVEWAY, PRIVATE ROAD, or COMMON ELEMENT ROAD, the measurement shall exclude any required turning radii at intersections, provided the intent of the Zoning By-law is maintained.

## 4.33 APPLICABLE LAW

4.33.1 This BY-LAW does not exempt any PERSON or USE from compliance with all other applicable law.

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## SECTION 5 – ENFORCEMENT

### 5.1 ENFORCEMENT

This BY-LAW may be enforced by an ENFORCEMENT OFFICER.

### 5.2 CONFORMITY WITH ZONING BY-LAW

No PERSON shall erect, alter, enlarge, reconstruct, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, except in conformity with this BY-LAW.

*NOTE: Letter of Compliance*

*Prior to the erection, alteration, enlargement, reconstruction, or use of any BUILDING or STRUCTURE in whole or in part, or the use of any land in whole or in part, it is recommended that a letter of zoning compliance be obtained from the CITY confirming that the BUILDING, STRUCTURE, and or USE conforms to this BY-LAW. All requests for a letter of zoning compliance should be accompanied by detailed information on the existing and proposed use(s), BUILDING(S) and STRUCTURE(S) on the lands.*

### 5.3 LAND USE

In this BY-LAW, unless a context otherwise requires, the verb use or to use shall include anything done or permitted by the owner or occupant of any land, BUILDING or STRUCTURE, directly or indirectly, or by or through any trustee, tenant, servant, agent acting for or with the knowledge and consent of such owner or occupant for the purpose of making use of the said land, BUILDING or STRUCTURE.

### 5.4 OFFENSE – BEDROOMS

5.4.1 No PERSON shall use, in whole or in part, a den, study, living room, dining room, family room, recreation room, or similar HABITABLE FLOOR SPACE as a BEDROOM where such use would contravene the provisions of this BY-LAW including density.

5.4.2 No PERSON shall convert, in whole or in part, a den, study, living room, dining room, family room, recreation room, or similar HABITABLE FLOOR SPACE into a BEDROOM where such conversion would contravene the provisions of this BY-LAW including density.

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## 5.5 *ORDER OR DIRECTION*

An ENFORCEMENT OFFICER may order or direct any PERSON:

- a.) To discontinue or refrain from:
  - i. Proceeding with any work or activity that is in contravention of this BY-LAW.
  - ii. Using or occupying any land, BUILDING or STRUCTURE in whole or in part that is in contravention of this BY-LAW.
  - iii. Doing anything that is in contravention of this BY-LAW.
- b.) To carry out works required to bring the lands, BUILDING or STRUCTURE into conformity with this BY-LAW.
- c.) To obtain any PERMIT or letter of compliance required to bring the lands, BUILDING or STRUCTURE into conformity with this BY-LAW.

## 5.6 *INTERFERENCE - INVESTIGATION*

It is an offence for a PERSON to interfere with an ENFORCEMENT OFFICER who is lawfully conducting an investigation into an allegation that the regulations of this BY-LAW have been or are being contravened.

## 5.7 *INTERFERENCE - ENFORCEMENT*

It is an offence for a PERSON to interfere with an ENFORCEMENT OFFICER engaged in the enforcement of this BY-LAW.

## 5.8 *RIGHT OF ENTRY*

- 5.8.1 Where an ENFORCEMENT OFFICER believes on reasonable grounds that the regulations of this BY-LAW have been or are being contravened, the ENFORCEMENT OFFICER or any person acting under his or her instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he or she believes the contravention is occurring.
- 5.8.2 Except under the authority of a search warrant, an ENFORCEMENT OFFICER or any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant.

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## 5.9 *PENALTIES*

5.9.1 Contravention of the provisions of this BY-LAW shall be deemed an offence.

5.9.2 Every PERSON who contravenes any of the provisions of this BY-LAW or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this BY-LAW, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this BY-LAW, or who does any act which contravenes any of the provisions of this BY-LAW, or who fails to comply with any order or direction given under this BY-LAW, is guilty of an offence against this BY-LAW and, upon conviction, liable to the penalties prescribed in the PLANNING ACT and all other applicable law. Each day that a contravention exists shall constitute a separate offence.

## 5.10 *PROHIBITION ORDER*

In addition to all other remedies and penalties provided by law, the court in which a conviction has been entered for violating the provisions of this BY-LAW, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the PERSON convicted.

## SECTION 6 – PARKING, DRIVEWAYS, LOADING

### 6.1 PARKING REGULATIONS

#### 6.1.1 *LEGAL NON-CONFORMING PARKING*

For an EXISTING BUILDING, EXISTING STRUCTURE, or EXISTING USE, the minimum required PARKING SPACES and VISITOR PARKING SPACES under this BY-LAW shall be the lesser of:

- a.) the actual PARKING SPACES and VISITOR PARKING SPACES on the LOT that lawfully existed on the date of passing of this BY-LAW for the EXISTING BUILDING, EXISTING STRUCTURE, or EXISTING USE; or
- b.) the minimum PARKING SPACES and VISITOR PARKING SPACES required by the applicable regulations of this BY-LAW.

#### 6.1.2 *PARKING CALCULATIONS*

6.1.2.1 For a single unit BUILDING, calculations to determine required parking which result in a fraction shall be rounded to the next highest whole number.

6.1.2.2 For a multiple unit BUILDING:

6.1.2.2.1 Parking shall be calculated for non-residential uses as follows:

parking rate of the zone applied to the lands  
multiplied by  
total BUILDING FLOOR AREA

Calculations which result in a fraction shall be rounded to the next highest whole number.

6.1.2.2.2 Notwithstanding anything to the contrary, where a use specific parking rate applies, the floor area of the applicable unit shall be subtracted from the total BUILDING FLOOR AREA in Section 6.1.2.2.1, and parking for that non-residential unit shall be calculated as follows:

use specific parking rate  
multiplied by  
floor area of the unit

Calculations which result in a fraction shall be rounded to the next highest whole number.

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## 6.1.3 PARKING - USE SPECIFIC PARKING RATES

Notwithstanding anything to the contrary, the parking regulations in Table 6A shall apply to the associated uses:

| <b>TABLE 6A: PARKING - SPECIFIC USES</b>   |   |   |
|--|---|---|
| <b>Use</b>   | <b>PARKING SPACE Requirement<br/>(minimum)</b>  |   |
| AFFORDABLE DWELLING UNITS as defined in relation to Section 3.1.2 (inclusionary Zoning)  | Zero (0) PARKING SPACES shall be required for an Inclusionary Zoning AFFORDABLE DWELLING UNIT<br><br><i>NOTE: Parking requirements for market DWELLING UNITS and non-residential uses shall continue to apply, as applicable.</i> |   |
| ASSISTED LIVING FACILITY   | 0.30 PARKING SPACES per BEDROOM   |   |
| AUDITORIUM   | 5 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA   |   |
| AUTOMOBILE SERVICE CENTRE  | 3.5 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA   |   |
| BANQUET HALL   | 5 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA   |   |
| CHILD CARE CENTRE  | Where the total BUILDING FLOOR AREA on a LOT is less than 1,000 square metres, 4 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA  |   |
| Funeral Home   | 3 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA, but not less than 20 PARKING SPACES  |   |
| GROUP HOME   | 1 PARKING SPACE per employee in addition to the parking required for the residential BUILDING   |   |
| Hospital (Public and Private)  | 0.30 PARKING SPACES per hospital bedroom  |   |
| HOTEL  | 1 PARKING SPACE per guest room, plus 5 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA for commercial, conference and or convention space   |   |
| HOME OCCUPATIONS   | Operator +<br>Zero (0) Employees  | Operator +<br>One (1) Employee  |
| <ul style="list-style-type: none"> <li>• CLASS A ARTIST STUDIO</li> <li>• HOME OFFICE</li> </ul>   | 0 PARKING SPACES shall be provided on the LOT for the HOME OCCUPATION in addition to the PARKING SPACE(S) required for the DWELLING UNIT.   | 1 PARKING SPACE shall be provided on the LOT for the HOME OCCUPATION in addition to the PARKING SPACE(S) required for the DWELLING UNIT.  |
| <ul style="list-style-type: none"> <li>• HOME CHILD CARE</li> <li>• HOME PERSONAL SERVICE</li> <li>• HOME COMMERCIAL WELLNESS</li> <li>• LOW RISK FOOD KITCHEN</li> <li>• TEACHER</li> </ul> | 1 PARKING SPACE shall be provided on the LOT for the HOME OCCUPATION in addition to the PARKING SPACE(S) required for the DWELLING UNIT.  | 3 PARKING SPACES shall be provided on the LOT for the HOME OCCUPATION in addition to the PARKING SPACE(S) required for the DWELLING UNIT. |

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|                            |  |   |
|----------------------------|--|---|
| • HOME HEALTH PRACTITIONER | 3 PARKING SPACES shall be provided on the LOT for the HOME OCCUPATION in addition to the PARKING SPACE(S) required for the DWELLING UNIT.  | 4 PARKING SPACES shall be provided on the LOT for the HOME OCCUPATION in addition to the PARKING SPACE(S) required for the DWELLING UNIT. |
| LODGING HOUSE              | Refer to Section 3.L.2   |   |
| LONG TERM CARE FACILITY    | 0.30 PARKING SPACES per BEDROOM  |   |
| PRIVATE SCHOOL             | 2 PARKING SPACES per TEACHING AREA   |   |
| PUBLIC SCHOOL              | 2 PARKING SPACES per TEACHING AREA   |   |
| RESTAURANT                 | Where the total BUILDING FLOOR AREA on a LOT is less than 1,000 square metres, 1 PARKING SPACE per 4 seats in the RESTAURANT   |   |
| RESTAURANT (TAKE-OUT)      | Where the total BUILDING FLOOR AREA on a LOT is less than 1,000 square metres, 11 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA devoted to the TAKE-OUT RESTAURANT |   |
| SPIRITUAL USE              | 8 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA  |   |

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

#### 6.1.4 LEGAL NON-CONFORMING PARKING

PARKING SPACES shall have direct access to:

- a.) a STREET or LANE; or,
- b.) a DRIVEWAY or drive aisle has direct access to a STREET or LANE.

#### 6.1.5 PARKING SPACE DIMENSIONS

6.1.5.1 Each PARKING SPACE shall comply with the PARKING SPACE angles and the PARKING SPACE dimensions identified in Table 6B, except as specified in section 6.1.5.2:

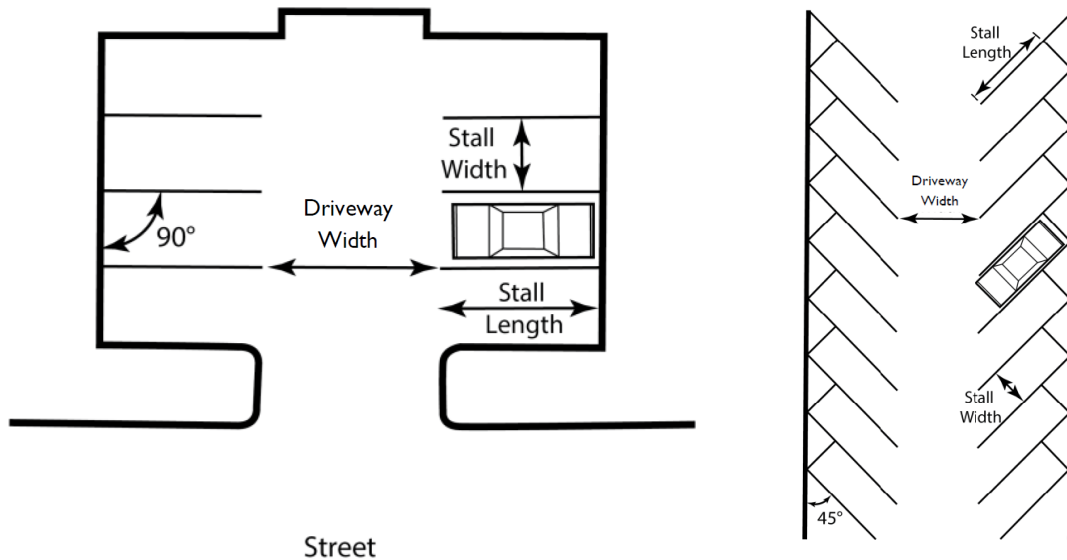
| <b>TABLE 6B: PARKING SPACE DIMENSIONS</b>                              |  |            |
|--|--|------------|
| <b>PARKING SPACE angle<br/>to the Driveway, Drive Aisle, or STREET</b> | <b>PARKING SPACE Dimension<br/>(minimum)</b> |            |
| Parallel Parking   | Width  | 2.8 metres |
|  | Length                                       | 6.5 metres |
| 45° and TANDEM PARKING   | Width  | 2.8 metres |
|  | Length                                       | 6.0 metres |
| 90°  | Width  | 2.8 metres |
|  | Length                                       | 5.5 metres |

6.1.5.2 a) Notwithstanding Table 6B, where a wall, column, or physical obstruction abuts a PARKING SPACE and the wall, column or physical obstruction (or combination thereof) is 1.0 metre or more in length measured along the side of the PARKING SPACE from the front or rear of the PARKING SPACE, the minimum width of the PARKING SPACE shall be increased by 0.20 metres for each side which is obstructed by a wall, column, or physical obstruction;

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6.1.5.2 b) Notwithstanding anything to the contrary, the additional width required in 6.1.5.2 a) shall not apply to a PRIVATE GARAGE or carport of a:

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



## 6.1.6 LOCATION OF PARKING

- 6.1.6.1 Parking requirements shall be satisfied on the same LOT as the related USE, BUILDING or STRUCTURE.
- 6.1.6.2 In residential zones, or for a BUILDING used in whole or in part for residential purposes, all PARKING SPACES shall be located behind the FRONT YARD BUILDING LINE and the FLANKAGE YARD BUILDING LINE.
- 6.1.6.3 No PERSON shall park a motor vehicle on LANDSCAPED OPEN SPACE.
- 6.1.6.4 No PERSON shall permit a motor vehicle to be parked on LANDSCAPED OPEN SPACE.
- 6.1.6.5 Notwithstanding anything to the contrary, where a SURFACE PARKING SPACE is located in a SIDE YARD, the minimum width of the SIDE YARD shall be three metres (3.0m).
- 6.1.6.6 A motor vehicle may be parked on a lawful DRIVEWAY between the STREET LINE and the BUILDING LINE, but shall not be used for determining compliance with the parking requirements of this BY-LAW unless expressly stated otherwise in this BY-LAW.

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## 6.2 STRUCTURED PARKING

- 6.2.1 Notwithstanding anything to the contrary, UNDERGROUND PARKING shall comply with the FRONT YARD BUILDING LINE setback and FLANKAGE YARD BUILDING LINE setback in the zoning category applied to the LOT.
- 6.2.2 Notwithstanding anything to the contrary, UNDERGROUND PARKING shall be permitted to extend to the SIDE LOT LINE and the REAR LOT LINE.
- 6.2.3 Where UNDERGROUND PARKING in Section 6.2.2 is located below a required LANDSCAPED BUFFER, there shall be a minimum one-point-two metres (1.2m) between GRADE and the UNDERGROUND PARKING.
- 6.2.4 STRUCTURED PARKING (including UNDERGROUND PARKING) and BUILDING FLOOR AREA devoted to BICYCLE PARKING shall be exempt from the parking rate provisions of this BY-LAW.
- 6.2.5 Notwithstanding anything to the contrary, UNDERGROUND PARKING shall be subject to the impervious coverage regulations applied to the LOT.
- 6.2.6 STRUCTURED PARKING shall be screened from exterior view from the STREET and or LANE.

## 6.3 ELECTRIC VEHICLE PARKING, HYDRAULIC LIFT PARKING

### 6.3.1 Electric Vehicle Parking

6.3.1.1 All STRUCTURED PARKING SPACES for:

- APARTMENT BUILDING
- MULTI-UNIT RESIDENTIAL BUILDING
- MIXED USE BUILDING
- Non-Residential BUILDINGS

constructed on or after January 1, 2021 shall be Designed Electric Vehicle Parking Spaces. "Designed Electric Vehicle Parking Space" means a PARKING SPACE designed and constructed to be electric vehicle ready, allowing for the future installation of electronic vehicle supply equipment that conforms to Section 86 of the Electrical Safety Code.

6.3.1.2 For the USES specified in Section 6.3.1.1., SURFACE PARKING SPACES constructed after the effective date of this BY-LAW shall comply with Table 6C:

| <b>TABLE 6C: ELECTRIC VEHICLE PARKING –SURFACE PARKING SPACES</b> |  |
|---|--|
| <b>SURFACE PARKING SPACES</b>                                     | <b>Electric Vehicle Parking Spaces<br/>(minimum)</b> |
| 0 – 19  | 0  |
| 20 – 49   | 1  |
| 50 – 84   | 2  |
| 85 – 119  | 3  |
| 120 – 149   | 4  |
| 150 or more   | 3% of total required parking                         |

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“Electric Vehicle Parking Space” means a PARKING SPACE constructed with a minimum Level 2 Electric Vehicle Charging Device.

6.3.1.3 Where Electric Vehicle Parking is required in Table 6C for a residential USE, a minimum of 50% of the required spaces shall be VISITOR PARKING SPACES.

## 6.3.2 HYDRAULIC LIFT PARKING SPACES

6.3.2.1 Notwithstanding anything to the contrary, a hydraulic lift PARKING SPACE shall not be used for determining compliance with the parking requirements of this BY-LAW unless expressly stated otherwise in this BY-LAW.

## 6.4 ACCESSIBLE PARKING

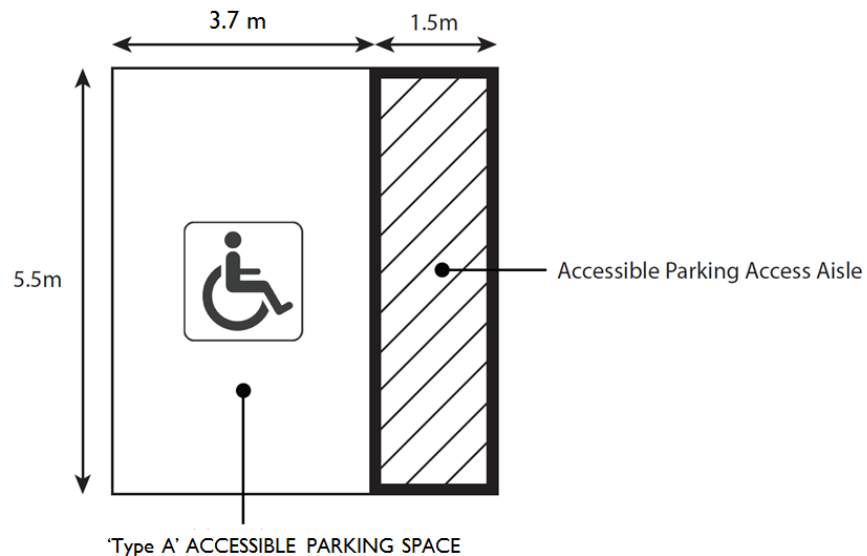
6.4.1 ACCESSIBLE PARKING SPACES shall be provided in accordance with Table 6D. ACCESSIBLE PARKING SPACES comprise part of the provided PARKING SPACES in Table 6D.

| <b>Number of PARKING SPACES provided</b> | <b>Type A ACCESSIBLE PARKING SPACES (minimum)</b> | <b>Type B ACCESSIBLE PARKING SPACES (minimum)</b> |
|--|---|---|
| 1-25                                     | 1   | 0   |
| 26 - 50                                  | 1   | 1   |
| 51 - 75                                  | 1   | 2   |
| 76 - 100                                 | 2   | 2   |
| 101 - 133                                | 2   | 3   |
| 134-166                                  | 3   | 3   |
| 167-250                                  | 3   | 4   |
| 251-300                                  | 4   | 4   |
| 301-350                                  | 4   | 5   |
| 351-400                                  | 5   | 5   |
| 401-450                                  | 5   | 6   |
| 451-500                                  | 6   | 6   |
| 501 - 550                                | 6   | 7   |
| 551 - 600                                | 7   | 7   |
| 601 - 650                                | 7   | 8   |
| 651 - 700                                | 8   | 8   |
| 701 - 750                                | 8   | 9   |
| 751 - 800                                | 9   | 9   |
| 801 - 850                                | 9   | 10  |
| 851 - 900                                | 10  | 10  |
| 900 - 950                                | 10  | 11  |
| 951 - 1000                               | 11  | 11  |
| 1001+                                    | 11 plus 1% of the total number of PARKING SPACES  |   |

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- 6.4.2 Notwithstanding anything to the contrary, a required Type B ACCESSIBLE PARKING SPACE may be satisfied as a Type A ACCESSIBLE PARKING SPACE.
- 6.4.3 Section 6.4.1 shall not apply to a DETACHED BUILDING, FREEHOLD SEMI-DETACHED BUILDING, or FREEHOLD TOWNHOUSE BUILDING.
- 6.4.4 ACCESSIBLE PARKING SPACES and ACCESSIBLE PARKING ACCESS AISLES shall comply with the dimensions in Table 6E:

| TABLE 6E: ACCESSIBLE PARKING SPACE AND DRIVE AISLE DIMENSIONS |                                 |                 |
|---|---------------------------------|-----------------|
|   | Dimension                       |                 |
|   | Type A ACCESSIBLE PARKING SPACE | Width (minimum) |
| Length (minimum)  |                                 | 5.5 metres      |
| Type B ACCESSIBLE PARKING SPACE                               | Width (minimum)                 | 2.4 metres      |
|   | Length (minimum)                | 5.5 metres      |
| ACCESSIBLE PARKING ACCESS AISLE                               | Width (minimum)                 | 1.5 metres      |
|   | Length (minimum)                | 5.5 metres      |



- 6.4.5 ACCESSIBLE PARKING ACCESS AISLES may be shared between ACCESSIBLE PARKING SPACES for the purposes of determining compliance with the provisions of this BY-LAW.

## 6.5 VISITOR PARKING SPACES

- 6.5.1 The following regulations shall apply to all VISITOR PARKING SPACES:
- a.) VISITOR PARKING SPACES shall be clearly identified and signed.

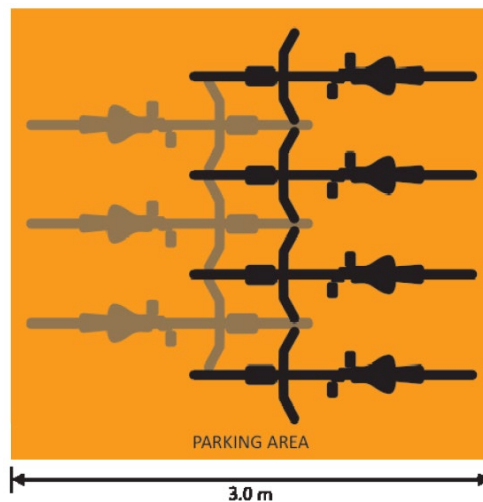
# CITY OF WATERLOO

- b.) Where VISITOR PARKING SPACES are provided within STRUCTURED PARKING, the drive aisle that leads to the VISITOR PARKING SPACES shall be clearly identified and marked.
- c.) VISITOR PARKING SPACES shall be common elements to the BUILDING.

## 6.6 BICYCLE PARKING SPACES

6.6.1 BICYCLE PARKING spaces (TYPE A BICYCLE PARKING and TYPE B BICYCLE PARKING) shall comply with the dimensions in Table 6F:

| TABLE 6F: BICYCLE PARKING SPACE DIMENSIONS |  |             |
|--|--|-------------|
|  | Dimension                              |             |
| Horizontal BICYCLE PARKING Space           | Width (minimum)                        | 0.6 metres  |
|  | Length – Single Side Rack (minimum)    | 2.0 metres  |
|  | Length – Double Side Rack (minimum)    | 3.0 metres  |
|  | Vertical Clearance (minimum)           | 2.0 metres  |
|  | Access Aisle Width (minimum)           | 1.75 metres |
| Vertical Mounted BICYCLE PARKING Space     | Width (minimum)                        | 0.6 metres  |
|  | Length (minimum)                       | 1.25 metres |
|  | Vertical Clearance (minimum)           | 2.0 metres  |
|  | Access Aisle Width (minimum)           | 1.75 metres |
| BICYCLE PARKING (STACKED) Space            | Width (minimum)                        | 0.6 metres  |
|  | Length (minimum)                       | 2.0 metres  |
|  | Vertical Clearance (minimum, combined) | 3.8 metres  |
|  | Access Aisle Width (minimum)           | 2.5 metres  |



(Source: Transport Canada, April 2010)

6.6.2 The following BICYCLE PARKING regulations shall apply to BUILDINGS constructed after the effective date of this BY-LAW:

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- a.) Where a LOT contains less than twenty (20) DWELLING UNITS, a minimum zero-point-six (0.6) TYPE A BICYCLE PARKING and or TYPE B BICYCLE PARKING spaces shall be provided for each DWELLING UNIT.
- b.) Where a LOT contains twenty (20) or more DWELLING UNITS:
  - i.) a minimum zero-point-three (0.3) TYPE A BICYCLE PARKING spaces shall be provided for each DWELLING UNIT; and
  - ii.) a minimum zero-point-three (0.3) TYPE B BICYCLE PARKING spaces shall be provided for each DWELLING UNIT.
- c.) For non-residential USES, the following minimum BICYCLE PARKING requirements shall apply:
  - i.) Within Area A on Schedule A1:
    - A.) BICYCLE PARKING spaces shall be provided at a minimum rate of 0.8 BICYCLE PARKING SPACES per 100 square metres of non-residential BUILDING FLOOR AREA excluding STRUCTURED PARKING. This requirement may be satisfied as TYPE A BICYCLE PARKING and or TYPE B BICYCLE PARKING, except as specified in section 6.6.2.c.)i.)B.).
    - B.) where non-residential BUILDING FLOOR AREA exceeds 2,400 square metres, a minimum fifty percent (50%) of the required BICYCLE PARKING shall be provided as TYPE A BICYCLE PARKING.
  - ii.) Within Area B on Schedule A1:
    - A.) BICYCLE PARKING spaces shall be provided at a minimum rate of fifty percent (50%) of the required motor vehicle PARKING SPACES. This requirement may be satisfied as TYPE A BICYCLE PARKING and or TYPE B BICYCLE PARKING, except as specified in section 6.6.2.c.)ii.)B.).
    - B.) where non-residential BUILDING FLOOR AREA exceeds 2,400 square metres, a minimum fifty percent (50%) of the required BICYCLE PARKING shall be provided as TYPE A BICYCLE PARKING.
  - iii.) For all areas other than Areas A and B on Schedule A1:
    - A.) BICYCLE PARKING spaces shall be provided at a minimum rate of twenty percent (20%) of the required motor vehicle PARKING SPACES. This requirement may be satisfied as TYPE A BICYCLE PARKING and or TYPE B BICYCLE PARKING, except as specified in section 6.6.2.c.)iv.)B.).
    - B.) where non-residential BUILDING FLOOR AREA exceeds 4,650 square metres, a minimum fifty percent (50%) of the required BICYCLE PARKING shall be provided as TYPE A BICYCLE PARKING.
- d.) Notwithstanding section 6.6.2.c.), for PUBLIC SCHOOLS and PRIVATE SCHOOLS, two (2) BICYCLE PARKING spaces shall be provided for each TEACHING AREA. This requirement may be satisfied as TYPE A BICYCLE PARKING and or TYPE B BICYCLE PARKING.

6.6.3 Section 6.6.2 shall not apply to the follow USES:

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- DETACHED BUILDING
- FREEHOLD SEMI-DETACHED BUILDING
- TOWNHOUSE BUILDING and FREEHOLD TOWNHOUSE BUILDING
- MAISONETTE BUILDING

6.6.4 Notwithstanding anything to the contrary, the requirement for a TYPE B BICYCLE PARKING space may be satisfied by a TYPE A BICYCLE PARKING space.

6.6.5 BICYCLE PARKING (STACKED) shall only be permitted as TYPE A BICYCLE PARKING

6.6.6 Notwithstanding anything to the contrary, a minimum of 10% of the required TYPE A BICYCLE PARKING SPACES shall be oversized BICYCLE PARKING SPACES having a minimum width of 1.0 metre.

## 6.7 THREE-CAR PRIVATE GARAGES

6.7.1 Notwithstanding anything to the contrary, a three-car PRIVATE GARAGE shall be permitted on a LOT containing a DETACHED BUILDING that:

- a.) is zoned Residential Three (R3); and
- b.) has a minimum LOT FRONTAGE of eighteen-point-nine metres (18.9m).

6.7.2 Where the three-car PRIVATE GARAGE doors face the FRONT LOT LINE, the maximum width of the DRIVEWAY shall not exceed:

- a.) fifty eight percent (58%) of the FRONT YARD BUILDING FAÇADE LENGTH of the SINGLE DETACHED BUILDING; and
  - b.) the maximum DRIVEWAY WIDTH in Table 6G,
- whichever is more restrictive.

6.7.3 Where the three-car PRIVATE GARAGE doors face the FLANKAGE LOT LINE, the maximum width of the DRIVEWAY shall not exceed:

- a.) fifty eight percent (58%) of the FLANKAGE YARD BUILDING FAÇADE LENGTH of the DETACHED BUILDING; and
  - b.) the maximum DRIVEWAY WIDTH in Table 6G,
- whichever is more restrictive.

6.7.4 The width of the DRIVEWAY shall not exceed the width of the three-car PRIVATE GARAGE.

6.7.5 The following method shall be used to measure the width of the three-car PRIVATE GARAGE:

- a.) For a three-car PRIVATE GARAGE attached to the DETACHED BUILDING, the width of the openings (doors) plus the width of any dividing walls between the openings (doors) plus zero-point-three-five metres (0.35m) on each side.

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b.) For a detached three-car PRIVATE GARAGE, the distance between the outside walls.

6.7.6 The DRIVEWAY leading to the three-car PRIVATE GARAGE shall comply with the dimensions in Table 6G:

| <b>Table 6G: DRIVEWAY WIDTH - THREE-CAR PRIVATE GARAGE</b> |                                     |                                 |
|--|-------------------------------------|---------------------------------|
| <b>LOT FRONTAGE</b>  | <b>DRIVEWAY Width (maximum)</b>     |                                 |
|  | <b>Abutting the BUILDING Facade</b> | <b>Abutting the STREET LINE</b> |
| 21.4 metres or greater                                     | 10.24 metres                        | 7.0 metres                      |
| 20.7 metres to less than 21.4 metres                       | 9.9 metres                          | 7.0 metres                      |
| 19.5 metres to less than 20.7 metres                       | 9.2 metres                          | 7.0 metres                      |
| 18.9 metres to less than 19.5 metres                       | 8.9 metres                          | 7.0 metres                      |

## 6.8 DRIVEWAY REGULATIONS

6.8.1 Notwithstanding anything to the contrary, the entire DRIVEWAY shall be located on the same LOT as the related PARKING SPACE(S).

6.8.2 The DRIVEWAY shall lead directly to the PARKING SPACE(S).

6.8.3 A DRIVEWAY shall comply with the driveway dimensions in Table 6H:

| <b>TABLE 6H: DRIVEWAY DIMENSIONS</b>             |                           |  |
|--|---------------------------|--|
| <b>Driveway Type</b>                             | <b>Driveway Dimension</b> |  |
| LOT containing less than ten (10) PARKING SPACES | Width (minimum)           | 3.0 metres   |
|  | Width (maximum)           | 7.6 metres where a DRIVEWAY is to/from a REGIONAL HIGHWAY, and 7.0 metres in all other instances |
| LOT containing ten (10) or more PARKING SPACES   | Width (minimum)           | 6.1 metres   |
|  | Width (maximum)           | 7.6 metres where a DRIVEWAY is to/from a REGIONAL HIGHWAY, and 7.0 metres in all other instances |

Table 6H shall not apply to:

- i. Section 6.7 of this BY-LAW;
- ii. Non-residential USES subject to Site Plan Control; and,
- iii. MIXED USE BUILDINGS subject to Site Plan Control

6.8.4 Repealed by by-law 2020-060

6.8.5 Notwithstanding anything to the contrary, when calculating the width of a DRIVEWAY, any median dividing the DRIVEWAY shall be excluded.

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- 6.8.6 Notwithstanding anything to the contrary, on a CORNER LOT, the DRIVEWAY shall be located a minimum six metres (6m) from the STREET LINE tangent point of intersection.
- 6.8.7 No DRIVEWAY or portion thereof shall be located in front of any HABITABLE FLOOR SPACE on the FIRST STOREY of the BUILDING, except for:
- a.) TOWNHOUSE BUILDINGS without PRIVATE GARAGES, provided the PARKING SPACE(S) are located behind the BUILDING LINE.
  - b.) EXISTING APARTMENT BUILDING, provided the PARKING SPACE(S) are located behind the BUILDING LINE.
  - c.) EXISTING MULTI-UNIT RESIDENTIAL BUILDING, provided the PARKING SPACE(S) are located behind the BUILDING LINE.
  - d.) A recessed area of the BUILDING provided that:
    - i. the required PARKING SPACE(S) are behind the BUILDING LINE;
    - ii. no PRIVATE GARAGE exists on the LOT; and
    - iii. both SIDE YARDS are less than three metres (3m) in width.
- 6.8.8 Notwithstanding anything to the contrary, for a LOT containing ten (10) or more PARKING SPACES per Table 6H, secondary one-way DRIVEWAYS shall be permitted with a minimum width of three-point-five metres (3.5m), provided the principal DRIVEWAY complies with Table 6H.

## 6.9 LOADING REGULATIONS

### 6.9.1 *LEGAL NON-CONFORMING LOADING*

For an EXISTING BUILDING, EXISTING STRUCTURE, or EXISTING USE, the minimum required LOADING SPACES under this BY-LAW shall be the lesser of:

- a.) the actual LOADING SPACES on the LOT that lawfully existed on the date of passing of this BY-LAW for the EXISTING BUILDING, EXISTING STRUCTURE, or EXISTING USE; or
- b.) the minimum LOADING SPACES required by the applicable regulations of this BY-LAW.

### 6.9.2 *LOADING – DRIVEWAYS*

Notwithstanding anything to the contrary, the LOADING SPACE(S) shall be located on the same LOT as the related BUILDING, STRUCTURE or USE.

### 6.9.3 *LOADING SPACE DIMENSIONS*

6.9.3.1 LOADING SPACES shall comply with the dimensions in Table 6I:

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| <b>TABLE 6I: LOADING SPACE DIMENSIONS</b> |                              |             |
|---|------------------------------|-------------|
| <b>LOADING SPACE Type</b>                 | <b>Dimension</b>             |             |
| Type A LOADING SPACE                      | Width (minimum)              | 3.0 metres  |
|   | Length (minimum)             | 7.0 metres  |
|   | Vertical Clearance (minimum) | 3.0 metres  |
| Type B LOADING SPACE                      | Width (minimum)              | 3.0 metres  |
|   | Length (minimum)             | 12 metres   |
|   | Vertical Clearance (minimum) | 4.5 metres  |
| Type C LOADING SPACE                      | Width (minimum)              | 3.0 metres  |
|   | Length (minimum)             | 23.5 metres |
|   | Vertical Clearance (minimum) | 4.5 metres  |

**NOTES:**

- *Type A Spaces accommodate smaller vehicles such as delivery vans*
- *Type B Spaces accommodate traditional vehicles such as cube vans and small transport trucks*
- *Type C Spaces accommodate larger vehicles, such as standard transport trucks*

#### 6.9.4 LOADING SPACE REQUIREMENTS

6.9.4.1 For non-residential USES in Section 8 and 9 of this BY-LAW, LOADING SPACES shall be provided in accordance with Table 6J, except as specified in Table 6K:

| <b>Table 6J: LOADING SPACES – Non-Residential USES</b> |                           |   |
|--|---------------------------|---|
| <b>BUILDING FLOOR AREA</b><br>(square metres)          | <b>LOADING SPACE TYPE</b> | <b>LOADING SPACES REQUIRED</b><br>(minimum) |
| 0 – 249  |                           | (none required)                             |
| 250 – 2,500  | Type B                    | 1   |
| 2,501 – 4,000  | Type B                    | 2   |
| 4,001 – 10,000   | Type B                    | 3   |
| 10,001 – 28,000  | Type B                    | 4   |
| 28,001 or more   | Type B                    | 5   |

6.9.4.2 LOADING SPACES shall be provided in accordance with Table 6K for the following non-residential USES:

- FOOD STORES
- FOOD AND BEVERAGE MANUFACTURING INDUSTRY
- INDUSTRIAL ASSEMBLY
- INDUSTRIAL MANUFACTURING
- INDUSTRIAL PROCESSING
- PHARMACEUTICAL INDUSTRY
- WAREHOUSE (no retail)
- WHOLESALER (no retail)

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| <b>Table 6K: LOADING SPACES – Loading Intensive Non-Residential USES</b> |                           |   |
|--|---------------------------|---|
| <b>BUILDING FLOOR AREA</b><br>(square metres)                            | <b>LOADING SPACE TYPE</b> | <b>LOADING SPACES REQUIRED</b><br>(minimum) |
| 0 – 249  |                           | (none required)                             |
| 250 – 2,500  | Type B                    | 1   |
| 2,501 – 4,000  | Type B                    | 2   |
| 4,001 – 10,000   | Type B                    | 2   |
|  | Type C                    | 1   |
| 10,001 or more   | Type B                    | 2   |
|  | Type C                    | 2   |

6.9.4.3 For an INDUSTRIAL MALL, the LOADING SPACE calculation shall be based upon the interior floor area of each unit.

6.9.4.4 For residential USES, LOADING SPACES shall be provided in accordance with Table 6L:

| <b>Table 6L: LOADING SPACES – Residential USES</b> |              |                           |   |
|--|--------------|---------------------------|---|
| <b>LOCATION</b>                                    | <b>UNITS</b> | <b>LOADING SPACE TYPE</b> | <b>LOADING SPACES REQUIRED</b><br>(minimum) |
| Area A<br>(Schedule A1)                            | 0 - 4        |                           | (none required)                             |
|  | 5 - 300      | Type A                    | 1   |
|  | 301 or more  | Type A                    | 2   |
| All Other Areas                                    | 0 - 25       |                           | (none required)                             |
|  | 26 - 300     | Type A                    | 1   |
|  | 301 or more  | Type A                    | 2   |

## 6.9.5 LOADING SPACES - GENERAL REGULATIONS

6.9.5.1 LOADING SPACES shall have direct access to a DRIVEWAY, STREET or LANE with:

- a.) a minimum width of three-point-five metres (3.5m); and
- b.) a minimum vertical clearance equal to the minimum vertical clearance required in Table 6H for the entire length of the DRIVEWAY.

6.9.5.2 For BUILDINGS containing both residential and non-residential uses, LOADING SPACES shall be calculated as the sum of the following:

- a.) For non-residential uses, the total BUILDING FLOOR AREA of all non-residential uses within the BUILDING.
- b.) For residential uses, the total number of BEDROOMS within BUILDING.

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- 6.9.5.3 Notwithstanding anything to the contrary, in BUILDINGS containing both residential and non-residential uses, the provision of a non-residential LOADING SPACE shall be deemed to satisfy the requirement for a residential LOADING SPACE provided the LOADING SPACE is accessible to both the non-residential and residential uses.
- 6.9.5.4 A LOADING SPACE shall not be permitted in a FRONT YARD or FLANKAGE YARD.
- 6.9.5.5 If a demolition permit is issued for the partial or complete demolition of an EXISTING BUILDING, the LOADING SPACES that lawfully existed for the EXISTING BUILDING shall be deemed to satisfy the LOADING SPACE requirements for a replacement BUILDING provided that:
- a.) the BUILDING FLOOR AREA of the replacement BUILDING does not exceed the BUILDING FLOOR AREA of the EXISTING BUILDING; and
  - b.) a complete building permit application for the replacement BUILDING is received within two (2) years of the date of the demolition permit.

## SECTION 7 – RESIDENTIAL ZONING CATEGORIES

### *LIST OF ZONES*

- R1 – Residential One Zone
- R2 – Residential Two Zone
- R3 – Residential Three Zone
- R4 – Residential Four Zone
- R5 – Residential Five Zone
- R6 – Residential Six Zone
- R7 – Residential Seven Zone
- R8 – Residential Eight Zone
- R9 – Residential Nine Zone
- RMU – Residential Mixed-Use Zone
- RN-6 – Residential Northdale Six Zone
- RN-8 – Residential Northdale Eight Zone
- RN-12 – Residential Northdale Twelve Zone
- RN-25 – Residential Northdale Twenty Five Zone
- RC1 – Residential Conservation One Zone
- RBC1 – Residential Beaver Creek One Zone
- RBC2 – Residential Beaver Creek Two Zone
- RBC3 – Residential Beaver Creek Three Zone
- RBC4 – Residential Beaver Creek Four Zone
- RBC5 – Residential Beaver Creek Five Zone

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## RESIDENTIAL ONE (R1)

### Zone

7.1 Residential One (R1) Zone

### Permitted Uses

7.1.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential One (R1) zone for any purpose other than one or more of the following permitted uses:

7.1.1.1 **Primary Uses:**

a.) DETACHED BUILDING

7.1.1.2 **Complementary Uses:**

- a.) CLASS A GROUP HOME (see section 3.G.2 and Table 6A)
- b.) SPIRITUAL USE (see section 3.S.4)

7.1.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a Primary Use specified in section 7.1.1.1:

- a.) COACH HOUSE (see section 3.C.2)
- b.) HOME OCCUPATION (see section 3.H.3 and Table 6A)
- c.) ADDITIONAL RESIDENTIAL UNIT (see section 3.A.1B)

### Performance Standards

7.1.2 The following regulations in Table 7A shall apply to every LOT, BUILDING and STRUCTURE in the Residential One (R1) zone:

| <b>Table 7A: Regulations – RESIDENTIAL ONE ZONE (R1)</b> |  |
|--|--|
| LOT AREA (minimum)                                       | INTERIOR LOT: 405 square metres  |
|  | CORNER LOT: 540 square metres  |
| LOT FRONTAGE (minimum)                                   | INTERIOR LOT: 13.5 metres  |
|  | CORNER LOT: 18 metres  |
| FRONT YARD setback (minimum)                             | 7.5 metres   |
| FLANKAGE YARD setback (minimum)                          | 6.0 metres   |
| SIDE YARD setback (minimum)                              | 1.8 metres   |
| REAR YARD setback (minimum)                              | 7.5 metres   |
| BUILDING HEIGHT (maximum)                                | 13.5 metres for a BUILDING containing 4 DWELLING UNITS, and 10 metres in all other instances |
| LOT COVERAGE, all BUILDINGS (maximum)                    | 45%  |
| PARKING SPACES (minimum)                                 | One (1) DWELLING UNIT:<br>One (1) PARKING SPACE  |

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| <b>Table 7A: Regulations – RESIDENTIAL ONE ZONE (R1)</b> |  |
|--|--|
|  | Two (2) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Three (3) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Four (4) DWELLING UNITS:<br>Three (3) PARKING SPACES |
| Number of main BUILDINGS per LOT (maximum)               | 1  |
| Number of COACH HOUSES per LOT (maximum)                 | 1  |
| Number of DWELLING UNITS per LOT (maximum)               | 4  |

- 7.1.3 Notwithstanding anything to the contrary, the regulations in section 3.5.4 shall apply to SPIRITUAL USES.
- 7.1.4 Notwithstanding anything to the contrary, BUILDINGS exceeding 10 metres in HEIGHT shall have a flat roof.

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## RESIDENTIAL TWO (R2)

### Zone

7.2 Residential Two (R2) Zone

### Permitted Uses

7.2.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Two (R2) zone for any purpose other than one or more of the following permitted uses:

7.2.1.1 **Primary Uses:**

a.) DETACHED BUILDING

7.2.1.2 **Complementary Uses:**

a.) CLASS A GROUP HOME (see section 3.G.2 and Table 6A)

7.2.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a Primary Use specified in section 7.2.1.1:

a.) COACH HOUSE (see section 3.C.2)

b.) HOME OCCUPATION (see section 3.H.3 and Table 6A)

c.) ADDITIONAL RESIDENTIAL UNIT (see section 3.A.1B)

### Performance Standards

7.2.2 The following regulations in Table 7B shall apply to every LOT, BUILDING and STRUCTURE in the Residential Two (R2) zone:

|                                       |  |
|---------------------------------------|--|
| LOT AREA (minimum)                    | INTERIOR LOT: 360 square metres  |
|                                       | CORNER LOT: 495 square metres  |
| LOT FRONTAGE (minimum)                | INTERIOR LOT: 12 metres  |
|                                       | CORNER LOT: 16.5 metres  |
| FRONT YARD setback (minimum)          | 6 metres   |
| FLANKAGE YARD setback (minimum)       | 4.5 metres   |
| SIDE YARD setback (minimum)           | 1.5 metres   |
| REAR YARD setback (minimum)           | 9 metres   |
| BUILDING HEIGHT (maximum)             | 13.5 metres for a BUILDING containing 4 DWELLING UNITS, and 10 metres in all other instances |
| LOT COVERAGE, all BUILDINGS (maximum) | 45%  |
| PARKING SPACES (minimum)              | One (1) DWELLING UNIT:<br>One (1) PARKING SPACE  |

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| <b>Table 7B: Regulations – RESIDENTIAL TWO ZONE (R2)</b> |  |
|--|--|
|  | Two (2) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Three (3) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Four (4) DWELLING UNITS:<br>Three (3) PARKING SPACES |
| Number of main BUILDINGS per LOT (maximum)               | 1  |
| Number of COACH HOUSES per LOT (maximum)                 | 1  |
| Number of DWELLING UNITS per LOT (maximum)               | 4  |

- 7.2.3 Notwithstanding anything to the contrary, there shall be a minimum FRONT YARD setback of seven point five metres (7.5m) for PRIVATE GARAGES and carports.
- 7.2.4 Notwithstanding anything to the contrary, BUILDINGS exceeding 10 metres in HEIGHT shall have a flat roof.

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## RESIDENTIAL THREE (R3)

### Zone

7.3 Residential Three (R3) Zone

### Permitted Uses

7.3.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Three (R3) zone for any purpose other than one or more of the following permitted uses:

7.3.1.1 **Primary Uses:**

a.) DETACHED BUILDING

7.3.1.2 **Complementary Uses:**

a.) CLASS A GROUP HOME (see section 3.G.2 and Table 6A)

7.3.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a Primary Use specified in section 7.3.1.1:

a.) COACH HOUSE (see section 3.C.2)

b.) HOME OCCUPATION (see section 3.H.3 and Table 6A)

c.) ADDITIONAL RESIDENTIAL UNIT (see section 3.A.1B)

### Performance Standards

7.3.2 The following regulations in Table 7C shall apply to every LOT, BUILDING and STRUCTURE in the Residential Three (R3) zone:

|                                       |   |
|---------------------------------------|---|
| FRONT YARD setback (minimum)          | 13.5 metres   |
| FLANKAGE YARD setback (minimum)       | 7.5 metres  |
| SIDE YARD setback (minimum)           | 3 metres  |
| REAR YARD setback (minimum)           | 13.5 metres   |
| BUILDING HEIGHT (maximum)             | 13.5 metres for a BUILDING containing 4 DWELLING UNITS, and 10 metres in all other instances  |
| LOT COVERAGE, all BUILDINGS (maximum) | 45%   |
| PARKING SPACES (minimum)              | One (1) DWELLING UNIT:<br>One (1) PARKING SPACE<br><br>Two (2) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Three (3) DWELLING UNITS: |

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| <b>Table 7C: Regulations – RESIDENTIAL THREE ZONE (R3)</b> |  |
|--|--|
|  | Two (2) PARKING SPACES<br>Four (4) DWELLING UNITS:<br>Three (3) PARKING SPACES |
| Number of main BUILDINGS per LOT (maximum)                 | 1  |
| Number of COACH HOUSES per LOT (maximum)                   | 1  |
| Number of DWELLING UNITS per LOT (maximum)                 | 4  |

7.3.3

Notwithstanding anything to the contrary, BUILDINGS exceeding 10 metres in HEIGHT shall have a flat roof.

7.3.4

The following regulations in Table 7D shall apply to every LOT, BUILDING and STRUCTURE in the Residential Three (R3) zone where the LOT is serviced by a municipal sanitary service and a municipal water service:

| <b>Table 7D: Regulations – RESIDENTIAL THREE ZONE (R3) – SERVICED LOT</b> |                           |
|---|---------------------------|
| LOT AREA (minimum)  | 750 square metres         |
| LOT FRONTAGE (minimum)  | INTERIOR LOT: 19.5 metres |
|   | CORNER LOT: 22.5 metres   |

7.3.5

The following regulations in Table 7E shall apply to every LOT, BUILDING and STRUCTURE in the Residential Three (R3) zone where the LOT is serviced by a municipal water service but not serviced by a municipal sanitary service:

| <b>Table 7E: Regulations – RESIDENTIAL THREE ZONE (R3) – PARTIAL SERVICED LOT (WATER)</b> |                         |
|---|-------------------------|
| LOT AREA (minimum)  | 900 square metres       |
| LOT FRONTAGE (minimum)  | INTERIOR LOT: 35 metres |
|   | CORNER LOT: 55 metres   |

7.3.6

The following regulations in Table 7F shall apply to every LOT, BUILDING and STRUCTURE in the Residential Three (R3) zone where the LOT is not serviced by a municipal sanitary service or a municipal water service:

| <b>Table 7F: Regulations – RESIDENTIAL THREE ZONE (R3) – UNSERVICED LOT</b> |                         |
|---|-------------------------|
| LOT AREA (minimum)  | 1,400 square metres     |
| LOT FRONTAGE (minimum)  | INTERIOR LOT: 50 metres |
|   | CORNER LOT: 55 metres   |

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7.3.7 Notwithstanding anything to the contrary, for a LOT zoned, in whole or in part, Residential Three (R3) that ABUTS:

- Conservation Drive
- Erbsville Road, north of Schnarr Street
- Schnarr Street
- Snowcrest Place
- Wideman Road,

the following regulations in Table 7G shall apply:

| <b>Table 7G: Regulations – RESIDENTIAL THREE ZONE (R3) – STREET SPECIFIC</b> |  |
|--|--|
| LOT AREA (minimum)   | Equals the LOT AREA existing on the effective date of this BY-LAW.     |
| LOT FRONTAGE (minimum)   | Equals the LOT FRONTAGE existing on the effective date of this BY-LAW. |

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## RESIDENTIAL FOUR (R4)

### Zone

7.4 Residential Four (R4) Zone

### Permitted Uses

7.4.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Four (R4) zone for any purpose other than one or more of the following permitted uses:

7.4.1.1 **Primary Uses:**

- a.) DETACHED BUILDING
- b.) FREEHOLD SEMI-DETACHED BUILDING

7.4.1.2 **Complementary Uses:**

- a.) CLASS A GROUP HOME (see section 3.G.2 and Table 6A)
- b.) CLASS B GROUP HOME (see section 3.G.2 and Table 6A)
- c.) SPIRITUAL USE (see section 3.S.4)

7.4.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a Primary Use specified in section 7.4.1.1:

- a.) COACH HOUSE (see section 3.C.2)
- b.) HOME OCCUPATION (see section 3.H.3 and Table 6A)
- c.) ADDITIONAL RESIDENTIAL UNIT (see section 3.A.1B)

### Performance Standards

7.4.2 The following regulations in Table 7H shall apply to every LOT, BUILDING and STRUCTURE in the Residential Four (R4) zone:

|                                 |              | <b>DETACHED</b>   | <b>FREEHOLD SEMI-DETACHED</b> |
|---------------------------------|--------------|-------------------|-------------------------------|
| LOT AREA (minimum)              | INTERIOR LOT | 245 square metres | 245 square metres             |
|                                 | CORNER LOT   | 340 square metres | 340 square metres             |
| LOT FRONTAGE (minimum)          | INTERIOR LOT | 9 metres          | 7.5 metres                    |
|                                 | CORNER LOT   | 12.5 metres       | 10 metres                     |
| FRONT YARD setback (minimum)    |              | 7 metres          | 7 metres                      |
| FLANKAGE YARD setback (minimum) |              | 6 metres          | 6 metres                      |
| SIDE YARD setback (minimum)     |              | 1.2 metres        | 1.2 metres                    |
| REAR YARD setback (minimum)     |              | 7.5 metres        | 7.5 metres                    |

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|  |   |   |
|--|---|---|
| BUILDING HEIGHT (maximum)                  | 13.5 metres for a BUILDING containing 4 DWELLING UNITS, and 10 metres in all other instances  | 13.5 metres for a BUILDING containing 4 DWELLING UNITS, and 10 metres in all other instances  |
| LOT COVERAGE, all BUILDINGS (maximum)      | 45%   | 45%   |
| PARKING SPACES (minimum)                   | One (1) DWELLING UNIT:<br>One (1) PARKING SPACE<br><br>Two (2) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Three (3) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Four (4) DWELLING UNITS:<br>Three (3) PARKING SPACES | One (1) DWELLING UNIT:<br>One (1) PARKING SPACE<br><br>Two (2) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Three (3) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Four (4) DWELLING UNITS:<br>Three (3) PARKING SPACES |
| Number of main BUILDINGS per LOT (maximum) | 1   | 1   |
| Number of COACH HOUSES per LOT (maximum)   | 1   | 1   |
| Number of DWELLING UNITS per LOT (maximum) | 4   | 4   |

7.4.3 Notwithstanding anything to the contrary, the regulations in section 3.5.4 shall apply to SPIRITUAL USES.

7.4.4 Notwithstanding anything to the contrary, BUILDINGS exceeding 10 metres in HEIGHT shall have a flat roof.

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## RESIDENTIAL FIVE (R5)

### Zone

7.5 Residential Five (R5) Zone

### Permitted Uses

7.5.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Five (R5) zone for any purpose other than one or more of the following permitted uses:

7.5.1.1 **Primary Uses:**

- a.) DETACHED BUILDING
- b.) FREEHOLD SEMI-DETACHED BUILDING

7.5.1.2 **Complementary Uses:**

- a.) CLASS A GROUP HOME (see section 3.G.2 and Table 6A)

7.5.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a Primary Use specified in section 7.5.1.1:

- a.) COACH HOUSE (see section 3.C.2)
- b.) HOME OCCUPATION (see section 3.H.3 and Table 6A)
- c.) c.) ADDITIONAL RESIDENTIAL UNIT (see section 3.A.1B)

7.5.1.5 For the purposes of this BY-LAW, more than one main BUILDING may be permitted on a LOT subject to the other provisions of this zone.

### Performance Standards

7.5.2 The following regulations in Table 71 shall apply to every LOT, BUILDING and STRUCTURE in the Residential Five (R5) zone:

| <b>Table 71: Regulations – RESIDENTIAL FIVE ZONE (R5)</b> |              |                   |                               |
|---|--------------|-------------------|-------------------------------|
|   |              | <b>DETACHED</b>   | <b>FREEHOLD SEMI-DETACHED</b> |
| LOT AREA (minimum)  | INTERIOR LOT | 255 square metres | 225 square metres             |
|   | CORNER LOT   | 330 square metres | 252 square metres             |
| LOT FRONTAGE (minimum)                                    | INTERIOR LOT | 8.5 metres        | 7.5 metres                    |
|   | CORNER LOT   | 11.0 metres       | 8.4 metres                    |
| Average LOT DEPTH (minimum)                               |              | 30.0 metres       |                               |
| FRONT YARD setback (minimum)                              |              | 6.0 metres *      |                               |
| FLANKAGE YARD setback (minimum)                           |              | 3.0 metres        |                               |
| SIDE YARD setback (minimum)                               |              | 1.2 metres * **   |                               |

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| <b>Table 7I: Regulations – RESIDENTIAL FIVE ZONE (R5)</b> |   |
|---|---|
| REAR YARD setback (minimum)                               | 7.5 metres  |
| BUILDING HEIGHT (maximum)                                 | 13.5 metres for a BUILDING containing 4 DWELLING UNITS, and 10 metres in all other instances  |
| IMPERVIOUS COVERAGE (maximum)                             | (see section 3.1.1)   |
| LOT COVERAGE, all BUILDINGS (maximum)                     | 45%                      45%  |
| PARKING SPACES (minimum)                                  | One (1) DWELLING UNIT: One (1) PARKING SPACE<br>Two (2) DWELLING UNITS: Two (2) PARKING SPACES<br>Three (3) DWELLING UNITS: Two (2) PARKING SPACES<br>Four (4) DWELLING UNITS: Three (3) PARKING SPACES |
| Number of main BUILDINGS per LOT (maximum)                | 1   |
| Number of COACH HOUSES per LOT (maximum)                  | 1   |
| Number of DWELLING UNITS per LOT (maximum)                | 4   |

\* EXISTING FRONT and SIDE YARDS will be deemed to conform with this BY-LAW

\*\* The minimum SIDE YARD setback for FREEHOLD SEMI-DETACHED DWELLINGS on one side of the LOT shall be 0.0m.

7.5.3 Notwithstanding anything to the contrary, BUILDINGS exceeding 10 metres in HEIGHT shall have a flat roof.

7.5.4 Notwithstanding anything to the contrary:

- a.) For a DETACHED BUILDING on a LOT with a minimum LOT FRONTAGE of thirteen-point-five metres (13.5m), the minimum average LOT DEPTH shall be twenty-four metres (24m).
- b.) For a FREEHOLD SEMI-DETACHED BUILDING with a minimum LOT FRONTAGE of thirteen-point-five metres (13.5m), the minimum average LOT DEPTH shall be twenty four metres (24m).

7.5.5 Notwithstanding anything to the contrary, where a minimum STREET LINE setback of seven metres (7m) is provided to an EXISTING PRIVATE GARAGE, the minimum FRONT YARD setback to the habitable portion of the EXISTING main STRUCTURE shall be five metres (5m).

7.5.6 Notwithstanding anything to the contrary, a one (1) STOREY unenclosed PORCH may encroach into the FRONT YARD by a maximum zero-point-six metres (0.6m).

### Private GARAGE and Driveway Regulations

7.5.7 Notwithstanding anything to the contrary, there shall be a maximum one (1) PRIVATE GARAGE per LOT, with the exception of SEMI DETACHED BUILDINGS where a maximum one (1) PRIVATE GARAGE per DWELLING UNIT shall be permitted.

7.5.8 Notwithstanding anything to the contrary, the width of a PRIVATE GARAGE attached to the main BUILDING and the associated DRIVEWAY shall not exceed fifty five percent (55%) of the FRONT BUILDING FAÇADE LENGTH.

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- 7.5.9 The following method shall be used to measure the width of a PRIVATE GARAGE in section 7.5.8:
- a.) For a PRIVATE GARAGE attached to the main BUILDING, the width of the openings (doors), or for an open structure the distance between the supporting columns.
  - b.) For a detached PRIVATE GARAGE, the distance between the outside walls.
- 7.5.10 Notwithstanding section 7.5.8, the associated DRIVEWAY may extend zero-point-three metres (0.3m) past either side of the PRIVATE GARAGE opening (door), provided no portion of the DRIVEWAY is located in front of any HABITABLE FLOOR SPACE on the FIRST STOREY.
- 7.5.11 The following regulations in Table 7J shall apply to every detached PRIVATE GARAGE in the Residential Five (R5) zone which faces the FRONT YARD LOT LINE, SIDE LOT LINE, or FLANKAGE LOT LINE:

| <b>Table 7J: Regulations – RESIDENTIAL FIVE ZONE (R5) – Detached PRIVATE GARAGES</b> |   |
|--|---|
| FRONT YARD setback (minimum)   | 6.0 metres  |
| FLANKAGE YARD setback (minimum)  | 6.0 metres  |
| SIDE YARD setback (minimum)  | 0.6 metres  |
| REAR YARD setback (minimum)  | 0.6 metres  |
| Setback from main BUILDING (minimum)   | 6.0 metres  |
| Detached PRIVATE GARAGE BUILDING HEIGHT (maximum) (see section 7.5.11)               | 4.0 metres  |
| LOT COVERAGE (maximum)   | 17% or a maximum of 48 square metres, whichever is more restrictive |
| Width of detached PRIVATE GARAGE (maximum)   | 6.86 metres   |

- 7.5.12 Notwithstanding anything to the contrary, in no case shall the BUILDING HEIGHT of a detached PRIVATE GARAGE exceed the BUILDING HEIGHT of the main BUILDING.

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## RESIDENTIAL SIX (R6)

### Zone

7.6 Residential Six (R6) Zone

### Permitted Uses

7.6.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Six (R6) zone for any purpose other than one or more of the following permitted uses:

7.6.1.1 **Primary Uses:**

- a.) DETACHED BUILDING
- b.) FREEHOLD SEMI-DETACHED BUILDING
- c.) TOWNHOUSE BUILDING (see section 7.6.3)
- d.) FREEHOLD TOWNHOUSE BUILDING (see section 7.6.4)

7.6.1.2 **Complementary Uses:**

- a.) CLASS A GROUP HOME (see section 3.G.2 and Table 6A)

7.6.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a Primary Use specified in section 7.6.1.1:

- a.) COACH HOUSE (see section 3.C.2)
- b.) HOME OCCUPATION (see section 3.H.3 and Table 6A)
- c.) ADDITIONAL RESIDENTIAL UNIT (see section 3.A.1B)

7.6.2 Where the letter "S" is applied as a suffix, the regulations in Table 7K for "DETACHED-S" shall apply to a DETACHED BUILDING.

7.6.3 Where the letter "T" is applied as a suffix, uses are restricted to TOWNHOUSE BUILDINGS.

7.6.4 Where the letters "FT" are applied as a suffix, uses are restricted to FREEHOLD TOWNHOUSE BUILDINGS.

7.6.5 Notwithstanding anything to the contrary, a GROUP HOME is prohibited where the suffix "S" is applied.

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## Performance Standards

7.6.6 The following regulations in Table 7K shall apply to every LOT, BUILDING and STRUCTURE in the Residential Six (R6) zone:

| <b>Table 7K: Regulations – RESIDENTIAL SIX ZONE (R6)</b> |              |   |   |
|--|--------------|---|---|
|  |              | <b>DETACHED</b>   | <b>DETACHED "S"</b>   |
| LOT AREA (minimum)                                       | INTERIOR LOT | 330 square metres   | 292 square metres   |
|  | CORNER LOT   | 405 square metres   | 360 square metres   |
| LOT FRONTAGE (minimum)                                   | INTERIOR LOT | 11 metres   | 9.75 metres   |
|  | CORNER LOT   | 13.5 metres   | 12 metres   |
| Average LOT DEPTH (minimum) (see 7.6.7)                  |              | 30 metres   |   |
| FRONT YARD setback (minimum)                             |              | 6 metres  |   |
| FLANKAGE YARD setback (minimum)                          |              | 3 metres  |   |
| SIDE YARD setback (minimum)                              |              | 1.2 metres  |   |
| REAR YARD setback (minimum)                              |              | 7.5 metres  |   |
| BUILDING HEIGHT (maximum)                                |              | 13.5 metres for a BUILDING containing 4 DWELLING UNITS, and 10 metres in all other instances  |   |
| LANDSCAPED OPEN SPACE (minimum)                          |              | 30%   |   |
| IMPERVIOUS COVERAGE (maximum)                            |              | N/A   |   |
| PARKING SPACES (minimum)                                 |              | One (1) DWELLING UNIT:<br>One (1) PARKING SPACE<br><br>Two (2) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Two (3) DWELLING UNITS:<br>Three (2) PARKING SPACES<br><br>Four (4) DWELLING UNITS:<br>Three (3) PARKING SPACES | One (1) DWELLING UNIT:<br>One (1) PARKING SPACE<br><br>Two (2) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Three (3) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Four (4) DWELLING UNITS:<br>Three (3) PARKING SPACES |
| PRIVATE GARAGE Width (minimum)                           |              | 5.7 metres  | 4.28 metres   |
| PRIVATE GARAGE Depth (minimum)                           |              | 6.25 metres   |   |
| PRIVATE GARAGE Area (minimum)                            |              | 35.50 square metres   | 26.75 square metres   |
| Driveway Width (minimum)                                 |              | 5.48 metres   | 5.07 metres   |
| Number of main BUILDINGS per LOT (maximum)               |              | 1   |   |
| Number of COACH HOUSES per LOT (maximum)                 |              | 1   |   |
| Number of DWELLING UNITS per LOT (maximum)               |              | 4   |   |

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**Table 7K: Regulations – RESIDENTIAL SIX ZONE (R6) – CONTINUED**

|  |              | <b>FREEHOLD SEMI-DETACHED</b>   |
|--|--------------|---|
| LOT AREA (minimum)                         | INTERIOR LOT | 262 square metres   |
|  | CORNER LOT   | 377 square metres   |
| LOT FRONTAGE (minimum)                     | INTERIOR LOT | 8.75 metres   |
|  | CORNER LOT   | 11.25 metres  |
| Average LOT DEPTH (minimum) (see 7.6.7)    |              | 30 metres   |
| FRONT YARD setback (minimum)               |              | 6 metres  |
| FLANKAGE YARD setback (minimum)            |              | 3 metres  |
| SIDE YARD setback (minimum)                |              | 1.2 metres  |
| REAR YARD setback (minimum)                |              | 7.5 metres  |
| BUILDING HEIGHT (maximum)                  |              | 13.5 metres for a BUILDING containing 4 DWELLING UNITS, and 10 metres in all other instances  |
| LANDSCAPED OPEN SPACE (minimum)            |              | 30%   |
| IMPERVIOUS COVERAGE (maximum)              |              | N/A   |
| PARKING SPACES (minimum)                   |              | One (1) DWELLING UNIT:<br>One (1) PARKING SPACE<br><br>Two (2) DWELLING UNITS:<br>Two (2) PARKING SPACES<br><br>Two (3) DWELLING UNITS:<br>Three (2) PARKING SPACES<br><br>Four (4) DWELLING UNITS:<br>Three (3) PARKING SPACES |
| PRIVATE GARAGE Width (minimum)             |              | 4.28 metres   |
| PRIVATE GARAGE Depth (minimum)             |              | 6.25 metres   |
| PRIVATE GARAGE Area (minimum)              |              | 26.75 square metres   |
| Driveway Width (minimum)                   |              | 5.07 metres   |
| Number of main BUILDINGS per LOT (maximum) |              | 1   |
| Number of COACH HOUSES per LOT (maximum)   |              | 1   |
| Number of DWELLING UNITS per LOT (maximum) |              | 4   |

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**Table 7K: Regulations – RESIDENTIAL SIX ZONE (R6) - CONTINUED**

|  |                             | <b>TOWNHOUSE</b>   | <b>FREEHOLD<br/>TOWNHOUSE</b> |
|--|-----------------------------|--|-------------------------------|
| LOT AREA (minimum)                         | INTERIOR LOT: Internal Unit | (none)   | 225 square metres             |
|  | INTERIOR LOT                | (none)   | 262 square metres             |
|  | CORNER LOT                  | (none)   | 322 square metres             |
| LOT FRONTAGE (minimum)                     | INTERIOR LOT: Internal Unit | (none)   | 7.5 metres                    |
|  | INTERIOR LOT                | (none)   | 8.75 metres                   |
|  | CORNER LOT                  | (none)   | 10.75 metres                  |
| Average LOT DEPTH (minimum) (see 7.6.7)    |                             | (none)   | 30 metres                     |
| FRONT YARD setback (minimum)               |                             | 6 metres   |                               |
| FLANKAGE YARD setback (minimum)            |                             | 3 metres   | 6 metres                      |
| SIDE YARD setback (minimum)                |                             | 1.2 metres   |                               |
| REAR YARD setback (minimum)                |                             | 7.5 metres   |                               |
| Setback between Main BUILDINGS (minimum)   |                             | 2.4 metres   | (none)                        |
| BUILDING HEIGHT (maximum)                  |                             | 13.5 metres for a BUILDING containing 4 DWELLING UNITS, and 10 metres in all other instances |                               |
| Density (maximum)                          |                             | 150 BEDROOMS per hectare   | (none)                        |
| LANDSCAPED OPEN SPACE (minimum)            |                             | 30%  |                               |
| IMPERVIOUS COVERAGE (maximum)              |                             | N/A  |                               |
| PARKING SPACES (minimum)                   |                             | 0.90 per DWELLING UNIT   | 1 per DWELLING UNIT           |
| VISITOR PARKING SPACES (minimum)           |                             | 0.10 per DWELLING UNIT   | N/A                           |
| PRIVATE GARAGE Width (minimum)             |                             | 3.55 metres  | 4.28 metres                   |
| PRIVATE GARAGE Depth (minimum)             |                             | 6.25 metres  |                               |
| PRIVATE GARAGE Area (minimum)              |                             | 22 square metres   | 26.75 square metres           |
| Driveway Width (minimum)                   |                             | (none)   | 5.07 metres                   |
| Number of main BUILDINGS per LOT (maximum) |                             | More than one (1) permitted  | 1                             |
| Number of COACH HOUSES per LOT (maximum)   |                             | 1  | 1                             |
| Number of DWELLING UNITS per LOT (maximum) |                             | N/A  | 4                             |

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

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- 7.6.7 Notwithstanding anything to the contrary, BUILDINGS exceeding 10 metres in HEIGHT shall have a flat roof.
- 7.6.8 Notwithstanding anything to the contrary:
- a.) For a DETACHED BUILDING on a LOT (with or without the suffix "S") with a minimum LOT FRONTAGE of thirteen-point-five metres (13.5m), the minimum average LOT DEPTH shall be twenty four metres (24m).
  - b.) For FREEHOLD SEMI-DETACHED DWELLING on a LOT with a minimum LOT FRONTAGE of thirteen-point-five metres (13.5m), the minimum average LOT DEPTH shall be twenty four metres (24m).
  - c.) For a FREEHOLD TOWNHOUSE BUILDING on a LOT with a minimum LOT FRONTAGE of thirteen-point-five metres (13.5m), the minimum average LOT DEPTH shall be twenty four metres (24m).

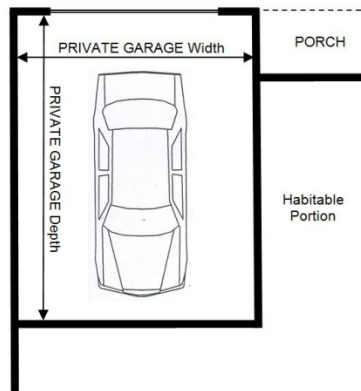
## Private Garage Regulations

- 7.6.9 Notwithstanding anything to the contrary, there shall be a maximum one (1) PRIVATE GARAGE per LOT, with the exception of:
- a.) SEMI DETACHED BUILDINGS where a maximum one (1) PRIVATE GARAGE per DWELLING UNIT shall be permitted.
  - b.) TOWNHOUSE BUILDINGS where a maximum one (1) PRIVATE GARAGE per DWELLING UNIT shall be permitted.
- 7.6.10 Notwithstanding anything to the contrary, the width of a PRIVATE GARAGE attached to the main BUILDING shall not exceed fifty eight percent (58%) of the FRONT YARD BUILDING FAÇADE LENGTH.
- 7.6.11 The following method shall be used to measure the width of a PRIVATE GARAGE in section 7.6.10:
- a.) For a PRIVATE GARAGE attached to the main BUILDING, the width of the openings (doors), or for an open structure the distance between the supporting columns.
  - b.) For a detached PRIVATE GARAGE, the distance between the outside walls.
- 7.6.12 Notwithstanding anything to the contrary, the following regulations shall apply to a PRIVATE GARAGE attached to the main BUILDING:
- a.) The PRIVATE GARAGE may extend beyond the HABITABLE FLOOR SPACE on the FIRST STOREY by a maximum of one-point-eight metres (1.8m) provided that a covered front PORCH is constructed with a minimum depth of one-point-two metres (1.2m). In no case shall the PORCH extend more than zero-point-six metres (0.6m) beyond the PRIVATE GARAGE.
  - b.) Stairs within the PRIVATE GARAGE may encroach a maximum zero-point-five metres (0.5m) into the minimum PRIVATE GARAGE Depth specified in Table7K.

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- c.) Stairs within the PRIVATE GARAGE are prohibited within the minimum PRIVATE GARAGE Width specified in Table 7K, except as specified in section 7.6.12.b.).
  - d.) Wall and duct projections may encroach a maximum zero-point-seven-five metres (0.75m) into the minimum PRIVATE GARAGE Depth in Table 7K provided that the total BUILDING FLOOR AREA of the projections (combined) does not exceed zero-point-two-eight square metres (0.28sqm).
- 7.6.13 Notwithstanding anything to the contrary, in no case shall the BUILDING HEIGHT of a detached PRIVATE GARAGE exceed the BUILDING HEIGHT of the main BUILDING.
- 7.6.14 For the purposes of Residential Six (R6) zone, "PRIVATE GARAGE Width" in Table 7K means the interior width of the PRIVATE GARAGE excluding the walls, measured between the two nearest points within the PRIVATE GARAGE.
- 7.6.15 For the purposes of Residential Six (R6) zone, "PRIVATE GARAGE Depth" in Table 7K means the interior depth or length of the PRIVATE GARAGE excluding the walls, measured between the two nearest points within the PRIVATE GARAGE.



## Driveway Regulations

- 7.6.16 Notwithstanding anything to the contrary, the DRIVEWAY shall not exceed the width of the PRIVATE GARAGE measured from the outer edge of the PRIVATE GARAGE walls adjacent to the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE as the case may be.
- 7.6.17 Notwithstanding section 7.6.16, the DRIVEWAY may extend zero-point-three metres (0.3m) past the PRIVATE GARAGE towards the SIDE LOT LINE, provided no portion of the DRIVEWAY is located in front of the HABITABLE FLOOR SPACE on the FIRST STOREY.

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## RESIDENTIAL SEVEN (R7)

### Zone

7.7 Residential Seven (R7) Zone

### Permitted Uses

7.7.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Seven (R7) zone for any purpose other than one or more of the following permitted uses:

#### 7.7.1.1 Primary Uses:

- a.) TOWNHOUSE BUILDING
- b.) FREEHOLD TOWNHOUSE BUILDING

#### 7.7.1.2 Ancillary Uses, meaning the uses are subordinate and incidental to a Primary Use specified in section 7.7.1.1:

- a.) COACH HOUSE (see section 3.C.2)
- b.) HOME OCCUPATION (see section 3.H.3 and Table 6A)
- c.) ADDITIONAL RESIDENTIAL UNIT (see section 3.A.1B)

### Performance Standards

7.7.2 The following regulations in Table 7L shall apply to every LOT, BUILDING and STRUCTURE in the Residential Seven (R7) zone:

| <b>Table 7L: Regulations – RESIDENTIAL SEVEN ZONE (R7)</b> |              |   |                           |
|--|--------------|---|---------------------------|
|  |              | <b>TOWNHOUSE</b>  | <b>FREEHOLD TOWNHOUSE</b> |
| LOT AREA (minimum)   | INTERIOR LOT | (none)  | 185 square metres         |
|  | CORNER LOT   | (none)  | 400 square metres         |
| LOT FRONTAGE (minimum)                                     | INTERIOR LOT | (none)  | 5.5 metres                |
|  | CORNER LOT   | (none)  | 11.5 metres               |
| Average LOT DEPTH (minimum) (see 7.7.3)                    |              | 30 metres   |                           |
| STREET LINE setback (minimum)                              |              | 6 metres  |                           |
| INTERIOR LOT LINE setback (minimum)                        |              | 7.5 metres  | (none)                    |
| SIDE YARD setback (minimum)                                |              | 1.2 metres  | 1.8 metres                |
| REAR YARD setback (minimum)                                |              | (none)  | 7.5 metres                |
| Setback between Main BUILDINGS (minimum)                   |              | 2.4 metres  | (none)                    |
| BUILDING HEIGHT (maximum)                                  |              | 13.5 metres for a BUILDING containing 4 DWELLING UNITS, and 10 metres in all other instances. |                           |
| Density (maximum)  |              | 150 BEDROOMS per hectare  | (none)                    |

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| <b>Table 7L: Regulations – RESIDENTIAL SEVEN ZONE (R7)</b> |                                |                     |
|--|--------------------------------|---------------------|
| LOT COVERAGE, all BUILDINGS (maximum)                      | 50%                            | 40%                 |
| PARKING SPACES (minimum)                                   | 0.90 per DWELLING UNIT         | 1 per DWELLING UNIT |
| VISITOR PARKING SPACES (minimum)                           | 0.10 per DWELLING UNIT         | N/A                 |
| Number of main BUILDINGS per LOT (maximum)                 | More than one (1)<br>permitted | 1                   |
| Number of COACH HOUSES per LOT (maximum)                   | 1                              | 1                   |
| Number of DWELLING UNITS per LOT (maximum)                 | N/A                            | 4                   |

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

- 7.7.3 For a FREEHOLD TOWNHOUSE BUILDING on a LOT with a minimum LOT FRONTAGE of thirteen-point-five metres (13.5m), the minimum average LOT DEPTH shall be twenty four metres (24m).
- 7.7.4 Notwithstanding anything to the contrary, BUILDINGS exceeding 10 metres in HEIGHT shall have a flat roof.
- 7.7.5 Notwithstanding anything to the contrary, a detached PRIVATE GARAGE is prohibited.

# CITY OF WATERLOO

## RESIDENTIAL EIGHT (R8)

### Zone

7.8 Residential Eight (R8) Zone

### Permitted Uses

7.8.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Eight (R8) zone for any purpose other than one or more of the following permitted uses:

7.8.1.1 **Primary Uses:**

- a.) TOWNHOUSE BUILDING
- b.) FREEHOLD TOWNHOUSE BUILDING
- c.) STACKED TOWNHOUSE BUILDING
- d.) TRIPLEX BUILDING

7.8.1.2 **Ancillary Uses**, meaning the uses are subordinate and incidental to a Primary Use specified in section 7.8.1.1:

- a.) HOME OCCUPATION (see section 3.H.3 and Table 6A)

7.8.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a TOWNHOUSE BUILDING or FREEHOLD TOWNHOUSE BUILDING:

- a.) COACH HOUSE (see section 3.C.2)
- b.) ADDITIONAL RESIDENTIAL UNIT (see section 3.A.1B)

7.8.1.4 Notwithstanding anything to the contrary, the provisions in the Residential Four (R4) zone shall apply to all SINGLE DETACHED BUILDINGS which lawfully and actually existed on the date of the passing of this BY-LAW.

### Performance Standards

7.8.2 The following regulations in Table 7M shall apply to every LOT, BUILDING and STRUCTURE in the Residential Eight (R8) zone:

|                                     |              | <b>TOWNHOUSE</b> | <b>STACKED TOWNHOUSE</b> | <b>FREEHOLD TOWNHOUSE</b> | <b>TRIPLEX</b> |
|-------------------------------------|--------------|------------------|--------------------------|---------------------------|----------------|
| LOT AREA (minimum)                  |              | (none)           | (none)                   | 165 sq. m.                | 540 sq. m.     |
| LOT FRONTAGE (minimum)              | INTERIOR LOT | (none)           | (none)                   | 5.5 metres                | 15 metres      |
|                                     | CORNER LOT   | (none)           | (none)                   | 11.5 metres               | 18 metres      |
| STREET LINE setback (minimum)       |              | 6 metres         |                          |                           |                |
| INTERIOR LOT LINE setback (minimum) |              | 7.5 metres       | (none)                   | (none)                    | (none)         |

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| <b>Table 7M: Regulations – RESIDENTIAL EIGHT ZONE (R8)</b> |  |                             |                     |                  |
|--|--|-----------------------------|---------------------|------------------|
| SIDE YARD setback (minimum)                                | (none)   | 1.8 metres                  | 1.8 metres          | 1.8 metres       |
| REAR YARD setback (minimum)                                | 7.5 metres   |                             |                     |                  |
| BUILDING HEIGHT (maximum)                                  | 13.5 metres for a BUILDING containing 4 DWELLING UNITS, and 10 metres in all other instances |                             |                     |                  |
| Density (maximum)  | 150 BEDROOMS per hectare   | 150 BEDROOMS per hectare    | (none)              | (none)           |
| LOT COVERAGE (maximum)                                     | 45%  | 45%                         | 45%                 | 45%              |
| LANDSCAPED OPEN SPACE (minimum)                            | 30%  |                             |                     |                  |
| PARKING SPACES (minimum)                                   | 0.90 per DWELLING UNIT   | 0.90 per DWELLING UNIT      | 1 per DWELLING UNIT | 2 PARKING SPACES |
| VISITOR PARKING SPACES (minimum)                           | 0.10 per DWELLING UNIT   | 0.10 per DWELLING UNIT      | None                | None             |
| Number of main BUILDINGS per LOT (maximum)                 | More than one (1) permitted  | More than one (1) permitted | 1                   | 1                |
| Number of COACH HOUSES per LOT (maximum)                   | 1  | 1                           | 1                   | 1                |
| Number of DWELLING UNITS per LOT (maximum)                 | N/A  | N/A                         | 4                   | 4                |

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

7.8.3 Notwithstanding anything to the contrary, BUILDINGS exceeding 10 metres in HEIGHT shall have a flat roof.

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## RESIDENTIAL NINE (R9)

### Zone

7.9 Residential Nine (R9) Zone

### Permitted Uses

7.9.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Nine (R9) zone for any purpose other than one or more of the following permitted uses:

7.9.1.1 **Primary Uses:**

- a.) APARTMENT BUILDING
- b.) TOWNHOUSE BUILDING
- c.) FREEHOLD TOWNHOUSE BUILDING
- d.) STACKED TOWNHOUSE BUILDING
- e.) TRIPLEX BUILDING
- f.) LONG TERM CARE FACILITY
- g.) ASSISTED LIVING FACILITY

7.9.1.2 **Complementary Uses:**

- a.) GOVERNMENT USE
- b.) MUNICIPAL RECREATIONAL FACILITY

7.9.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a Primary Use specified in section 7.9.1.1:

- a.) HOME OCCUPATION (see section 3.H.3 and Table 6A)

7.9.1.4 **Ancillary Uses**, meaning the uses are subordinate and incidental to a TRIPLEX BUILDING, TOWNHOUSE BUILDING or FREEHOLD TOWNHOUSE BUILDING:

- a.) COACH HOUSE (see section 3.C.2)
- b.) ADDITIONAL RESIDENTIAL UNIT (see section 3.A.1B)

### Performance Standards

7.9.2 The following regulations in Table 7N shall apply to every LOT, BUILDING and STRUCTURE in the Residential Nine (R9) zone:

|                               | <b>APARTMENT BUILDING</b> | <b>Complementary Use</b> |
|-------------------------------|---------------------------|--------------------------|
| LOT FRONTAGE (minimum)        | 15 metres                 | (none)                   |
| STREET LINE setback (minimum) | 5 metres                  |                          |
| SIDE YARD setback (minimum)   | 3 metres                  | 3 metres                 |

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| <b>Table 7N: Regulations – RESIDENTIAL NINE ZONE (R9)</b> |  |  |
|---|--|--|
| REAR YARD setback (minimum)                               | 7.5 metres   |  |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)           | 7.5 metres   |  |
| BUILDING HEIGHT (maximum)                                 | 13.5 metres  | 13.5 metres for a BUILDING containing 4 DWELLING UNITS, and 10 metres in all other instances |
| Density (maximum)   | 150 BEDROOMS per hectare   | (none)   |
| LANDSCAPED OPEN SPACE (minimum)                           | 30%  |  |
| AMENITY AREA (minimum)                                    | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT | 0  |
| Number of main BUILDINGS per LOT (maximum)                | More than one (1) permitted  | More than one (1) permitted  |
| Number of COACH HOUSES per LOT (maximum)                  | N/A  | 1  |
| Number of DWELLING UNITS per LOT (maximum)                | N/A  | 4  |

7.9.3 The following minimum PARKING SPACE regulations shall apply to every LOT, BUILDING and STRUCTURE in the Residential Nine (R9) zone:

| <b>Minimum Parking Rate</b> |         | <b>Area A</b><br>on<br>Schedule A1 | <b>Area B</b><br>on<br>Schedule A1 | <b>All Other</b> |             |
|-----------------------------|---------|------------------------------------|------------------------------------|------------------|-------------|
| APARTMENT BUILDING          | Use     | (see note)                         | 0.80                               | 0.90             | PDU*        |
|                             | Visitor |                                    | 0.10                               | 0.10             | PDU*        |
|                             |         |                                    | <b>0.90</b>                        | <b>1.00</b>      | <b>PDU*</b> |
| Non-Residential Uses        |         |                                    | 2.40                               | 2.70             | /100m2*     |

\* PDU = Per Dwelling Unit  
/100m2 = Per 100 square metres of BUILDING FLOOR AREA

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

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- 7.9.4 A LONG TERM CARE FACILITY shall comply with the regulations for an APARTMENT BUILDING in Table 7N, except for parking which shall comply with Table 6A.
- 7.9.5 An ASSISTED LIVING FACILITY shall comply with the regulations for an APARTMENT BUILDING in Table 7N, except for parking which shall comply with Table 6A.
- 7.9.6 Notwithstanding anything to the contrary, every BUILDING shall have a front entrance at GRADE on the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.
- 7.9.7 Notwithstanding anything to the contrary, the regulations of the Residential Eight (R8) zone shall apply to TRIPLEX BUILDINGS, TOWNHOUSE BUILDINGS, FREEHOLD TOWNHOUSE BUILDINGS, and STACKED TOWNHOUSE BUILDINGS.

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## RESIDENTIAL MIXED-USE (RMU)

### Zone

7.10 Residential Mixed-Use (RMU) Zone

### Permitted Uses

7.10.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Mixed-Use (RMU) zone for any purpose other than one or more of the following permitted uses:

#### 7.10.1.1 Primary Uses:

- MULTI-UNIT RESIDENTIAL BUILDING (including APARTMENT BUILDING)
- MIXED USE BUILDING with DWELLING UNITS above the FIRST STOREY
- TOWNHOUSE BUILDING, for lands zoned RMU-20 and RMU-30 only
- FREEHOLD TOWNHOUSE BUILDING, for lands zoned RMU-20 and RMU-30 only
- STACKED TOWNHOUSE BUILDING, for lands zoned RMU-20 and RMU-30 only
- TRIPLEX BUILDING, for lands zoned RMU-20 only
- LONG TERM CARE FACILITY
- ASSISTED LIVING FACILITY

#### 7.10.1.2 Complementary Uses:

- GOVERNMENT USE
- MUNICIPAL RECREATIONAL FACILITY
- SPIRITUAL USE, for lands zoned RMU-20 only (see section 3.S.4)

#### 7.10.1.3 Ancillary Uses, meaning the uses are subordinate and incidental to a permitted DWELLING UNIT:

- HOME OCCUPATION (see section 3.H.3 and Table 6A)

#### 7.10.1.4 Ancillary Uses, meaning the uses are subordinate and incidental to a TOWNHOUSE BUILDING or FREEHOLD TOWNHOUSE BUILDING:

- COACH HOUSE (see section 3.C.2)
- ADDITIONAL RESIDENTIAL UNIT (see section 3.A.1B)

#### 7.10.1.5 Ancillary Uses, meaning the uses are subordinate and incidental to a:

- MULTI-UNIT RESIDENTIAL BUILDING
  - MIXED USE BUILDING with DWELLING UNITS above the FIRST STOREY
  - LONG TERM CARE FACILITY
  - ASSISTED LIVING FACILITY
- CAFE
  - CHILD CARE CENTRE
  - COMMERCIAL RECREATION
  - COMMERCIAL WELLNESS
  - DRUG STORE
  - FOOD STORE
  - MEDICAL CLINIC

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- OFFICE
- PERSONAL SERVICE SHOP
- RESTAURANT and TAKE-OUT RESTAURANT
- SPIRITUAL USE for lands zoned RMU-30, RMU-40, RMU-60, RMU-81 (see section 3.S.4)
- VARIETY STORE

7.10.1.6 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall be prohibited.

7.10.1.7 Notwithstanding anything to the contrary, the provisions in the Residential Four (R4) Zone shall apply to the following USES which lawfully and actually existed on the date of the passing of this BY-LAW:

- a.) DETACHED BUILDING
- b.) (deleted)
- c.) FREEHOLD SEMI-DETACHED BUILDING
- d.) (deleted)

7.10.1.8 repealed by By-law 2022-053

## Performance Standards

7.10.2 The following regulations in Table 7O shall apply to every LOT, BUILDING and STRUCTURE in the Residential Mixed-Use (RMU) zone:

# CITY OF WATERLOO

| <b>Table 7O: Regulations - RESIDENTIAL MIXED-USE ZONE (RMU)</b> |   |   |   |   |   |
|---|---|---|---|---|---|
|   | <b>RMU-20</b>   | <b>RMU-30</b>   | <b>RMU-40</b>   | <b>RMU-60</b>   | <b>RMU-81</b>   |
| LOT FRONTAGE (minimum)  | 20 metres   |   |   |   |   |
| STREET LINE setback (minimum)                                   | 5 metres  |   |   |   |   |
| STREET LINE setback (maximum)                                   | At least 75% of the STREET LINE FRONT BUILDING FAÇADE shall be within 7.5 metres of the STREET LINE   | At least 75% of the STREET LINE FRONT BUILDING FAÇADE shall be within 7.5 metres of the STREET LINE | At least 75% of the STREET LINE FRONT BUILDING FAÇADE shall be within 7.5 metres of the STREET LINE | At least 75% of the STREET LINE FRONT BUILDING FAÇADE shall be within 6.0 metres of the STREET LINE | At least 75% of the STREET LINE FRONT BUILDING FAÇADE shall be within 6.0 metres of the STREET LINE |
| SIDE YARD setback (minimum)                                     | 3 metres  |   |   |   |   |
| REAR YARD setback (minimum)                                     | 7.5 metres  | 7.5 metres  | 7.5 metres  | 5.0 metres  | 5.0 metres  |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)                 | 7.5 metres or half the height of the BUILDING, whichever is greater, except for TOWNHOUSE BUILDINGS and FREEHOLD TOWNHOUSE BUILDINGS where no LOW RISE RESIDENTIAL LOT LINE setback shall apply |   |   |   |   |
| BUILDING HEIGHT (minimum)                                       | 7.5 metres  | 7.5 metres  | 10.5 metres   | 13.5 metres   | 13.5 metres   |
| BUILDING HEIGHT (maximum)                                       | 20 metres and 6 storeys   | 30 metres and 9 storeys   | 40 metres and 12 storeys  | 60 metres and 18 storeys  | 81 metres and 25 storeys  |
| Density (minimum)   | (none)  | (none)  | 150 BEDROOMS per hectare  | 150 BEDROOMS per hectare  | 150 BEDROOMS per hectare  |
| Density (maximum)   | 450 BEDROOMS per hectare  | 525 BEDROOMS per hectare  | 600 BEDROOMS per hectare  | 675 BEDROOMS per hectare  | 750 BEDROOMS per hectare  |
| LANDSCAPED OPEN SPACE (minimum)                                 | 30%   |   |   |   |   |
| Number of main BUILDINGS per LOT (maximum)                      | More than one (1) permitted   |   |   |   |   |

7.10.3 The following additional regulations in Table 7P shall apply to every BUILDING in the Residential Mixed-Use (RMU) zone constructed after the effective date of this BY-LAW:

# CITY OF WATERLOO

| <b>Table 7P: Regulations - RESIDENTIAL MIXED-USE ZONE (RMU)</b>   |  |   |                           |                         |                         |
|---|--|---|---------------------------|-------------------------|-------------------------|
|   | <b>RMU-20</b>  | <b>RMU-30</b>   | <b>RMU-40</b>             | <b>RMU-60</b>           | <b>RMU-81</b>           |
| Height of FIRST STOREY (minimum)  | 4.0 metres   | 4.0 metres  | 4.0 metres                | 4.0 metres              | 4.0 metres              |
| PODIUM Height (minimum)   | (none)   | 10.5 metres   | 10.5 metres               | 10.5 metres             | 10.5 metres             |
| PODIUM Height (maximum)   | (none)   | 14.3 metres and 4 storeys   | 14.8 metres and 4 storeys | 21 metres and 6 storeys | 21 metres and 6 storeys |
| TOWER Separation measured from exterior face of the BUILDING, including balconies (minimum) (see 7.10.4)              | (none)   | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.2) |                           |                         |                         |
| Horizontal TOWER Dimension (maximum)  | (none)   | 40 metres   | 40 metres                 | 40 metres               | 40 metres               |
| TOWER Footprint (maximum)   | (none)   | 1,000 square metres   | 1,000 square metres       | 1,000 square metres     | 1,000 square metres     |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | (none)   | 3 metres (see 3.T.5.1)  | 3 metres (see 3.T.5.1)    | 3 metres (see 3.T.5.1)  | 3 metres (see 3.T.5.1)  |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT |   |                           |                         |                         |

7.10.4 Repealed by by-law 2022-052.

7.10.5 Notwithstanding anything to the contrary, every BUILDING shall have a front entrance at GRADE on the FRONT BUILDING FAÇADE and or FLANKAGE BUILDING FAÇADE.

7.10.6 Notwithstanding anything to the contrary, the following regulations shall apply to the Ancillary Uses in section 7.10.1.5:

a.) Ancillary Uses specified in section 7.10.1.5 shall abut the FRONT BUILDING FAÇADE and or FLANKAGE BUILDING FAÇADE.

b.) Ancillary Uses specified in section 7.10.1.5 shall only be permitted on the FIRST STOREY of a:

- MULTI-UNIT RESIDENTIAL BUILDING
- MIXED USE BUILDING with DWELLING UNITS above the FIRST STOREY
- LONG TERM CARE FACILITY
- ASSISTED LIVING FACILITY

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- c.) Notwithstanding section 7.10.6.b.), the uses identified below as 'A' to 'E' inclusive below shall be permitted on the second STOREY of a:
- MULTI-UNIT RESIDENTIAL BUILDING
  - MIXED USE BUILDING with DWELLING UNITS above the FIRST STOREY
  - LONG TERM CARE FACILITY
  - ASSISTED LIVING FACILITY
- A. COMMERCIAL RECREATION  
B. COMMERCIAL WELLNESS  
C. OFFICE  
D. PERSONAL SERVICE SHOP  
E. SPIRITUAL USE
- d.) Ancillary Uses specified in section 7.10.1.5 shall not collectively exceed fifteen percent (15%) of the BUILDING FLOOR AREA of the BUILDING in which the Ancillary Uses are located or 5,000 square metres, whichever is more restrictive.
- e.) For the Ancillary Uses specified in section 7.10.1.5, the maximum floor area of each commercial unit shall be 465 square metres.
- f.) Notwithstanding section 7.10.6.e.), the maximum floor area of a FOOD STORE shall be 1,115 square metres. A maximum one (1) FOOD STORE shall be permitted on a LOT.
- g.) Notwithstanding section 7.10.6.e.), the maximum floor area of a DRUG STORE shall be 1,115 square metres. A maximum one (1) DRUG STORE shall be permitted on a LOT.

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7.10.7 The following minimum PARKING SPACE regulations shall apply to:

- Primary Uses in section 7.10.1.1, except as specified in Table 6A
- Complementary Uses in section 7.10.1.2, except SPIRITUAL USES as specified in Table 6A
- Ancillary Uses in section 7.10.1.5, except as specified in Table 6A

| Minimum Parking Rate |         | Area A<br>on<br>Schedule A1 | Area B<br>on<br>Schedule A1 | All Other   |             |
|----------------------|---------|-----------------------------|-----------------------------|-------------|-------------|
| RMU-20               | Use     |                             | 0.80                        | 0.90        | PDU*        |
|                      | Visitor |                             | 0.10                        | 0.10        | PDU*        |
|                      |         |                             | <b>0.90</b>                 | <b>1.00</b> | <b>PDU*</b> |
| RMU-30               | Use     |                             | 0.70                        | 0.80        | PDU*        |
|                      | Visitor |                             | 0.10                        | 0.10        | PDU*        |
|                      |         |                             | <b>0.80</b>                 | <b>0.90</b> | <b>PDU*</b> |
| RMU-40               | Use     | (see note)                  | 0.70                        | 0.80        | PDU*        |
|                      | Visitor |                             | 0.10                        | 0.10        | PDU*        |
|                      |         |                             | <b>0.80</b>                 | <b>0.90</b> | <b>PDU*</b> |
| RMU-60               | Use     |                             | 0.60                        | 0.70        | PDU*        |
|                      | Visitor |                             | 0.10                        | 0.10        | PDU*        |
|                      |         |                             | <b>0.70</b>                 | <b>0.80</b> | <b>PDU*</b> |
| RMU-81               | Use     |                             | 0.60                        | 0.70        | PDU*        |
|                      | Visitor |                             | 0.10                        | 0.10        | PDU*        |
|                      |         |                             | <b>0.70</b>                 | <b>0.80</b> | <b>PDU*</b> |
| Non-Residential Uses | Use     |                             | 1.80                        | 2.50        | /100m2*     |

\* PDU = Per Dwelling Unit  
/100m2 = Per 100 square metres of BUILDING FLOOR AREA

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

7.10.8 A LONG TERM CARE FACILITY shall comply with the parking regulations in Table 6A.

7.10.9 An ASSISTED LIVING FACILITY shall comply with the parking regulations in Table 6A.

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7.10.10 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:
  - HABITABLE FLOOR SPACE
  - circulation spaces, such as hallways, elevators, and the like
  - common indoor AMENITY AREA
  - DWELLING UNIT
  - commercial uses specified in sections 7.10.1.2 and 7.10.1.5
  - institutional uses specified in sections 7.10.1.2 and 7.10.1.5
  - entrance / foyers
  - hydro transformer room
  - management office
  - lobby, reception area, seating area, and the like
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 7.10.10.a.).
- c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 7.10.10.a.) shall abut the entire FRONT BUILDING FAÇADE.
- d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 7.10.10.a.) shall abut the entire FRONT BUILDING FAÇADE and or the entire FLANKAGE BUILDING FAÇADE, provided further that:
  - i.) where the BUILDING FLOOR AREA devoted to the uses specified in section 7.10.10.a.) only abuts the FRONT BUILDING FAÇADE, the STRUCTURED PARKING abutting the FLANKAGE BUILDING FAÇADE shall be visibly screened from view from the STREET;
  - ii.) where the BUILDING FLOOR AREA devoted to the uses specified in section 7.10.10.a.) only abuts the FLANKAGE BUILDING FAÇADE, the STRUCTURED PARKING abutting the FRONT BUILDING FAÇADE shall be visibly screened from view from the STREET.
- e.) Notwithstanding anything to the contrary, where the FIRST STOREY is partially comprised of STRUCTURED PARKING, the principal BUILDING entrance shall be located on the STREET LINE BUILDING FAÇADE containing the BUILDING FLOOR AREA required in section 7.10.10.a.).

7.10.11 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

7.10.12 Notwithstanding anything to the contrary, the regulations of the Residential Eight (R8) zone, including parking, shall apply to TRIPLEX BUILDINGS, TOWNHOUSE BUILDINGS, FREEHOLD TOWNHOUSE BUILDINGS, and STACKED TOWNHOUSE BUILDINGS.

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## RESIDENTIAL NORTHDALÉ SIX (RN-6)

### Zone

7.11 Residential Northdale Six (RN-6) Zone

### Permitted Uses

7.11.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Northdale Six (RN-6) zone for any purpose other than one or more of the following permitted uses:

7.11.1.1 **Primary Uses:**

- a.) MULTI-UNIT RESIDENTIAL BUILDING (including APARTMENT BUILDING)
- b.) MIXED USE BUILDING with DWELLING UNITS above the FIRST STOREY

7.11.1.2 **Primary Uses:**

- a.) TOWNHOUSE BUILDING
- b.) FREEHOLD TOWNHOUSE BUILDING
- c.) STACKED TOWNHOUSE BUILDING

7.11.1.3 **Complementary Uses:**

- a.) MUNICIPAL RECREATIONAL FACILITY
- b.) PRIVATE SCHOOL ◇
- c.) SPIRITUAL USE ◇ (see section 3.S.4)

7.11.1.4 **Ancillary Uses**, meaning the uses are subordinate and incidental to a permitted DWELLING UNIT:

- a.) HOME OCCUPATION (see section 3.H.3 and Table 6A)

7.11.1.5 **Ancillary Uses**, meaning the uses are subordinate and incidental to a:

- MULTI-UNIT RESIDENTIAL BUILDING
- MIXED USE BUILDING with DWELLING UNITS above the FIRST STOREY
- STACKED TOWNHOUSE BUILDING
- a.) BAKE SHOP ◇
- b.) CAFE ◇
- c.) CHILD CARE CENTRE ◇
- d.) MEDICAL CLINIC ◇
- e.) OFFICE ◇
- f.) PERSONAL SERVICE SHOP ◇
- g.) PHARMACEUTICAL DISPENSARY ◇
- h.) RETAIL STORE (excluding DEPARTMENT STORES, Home Improvement Store, Automotive Supply Stores) ◇
- i.) VARIETY STORE ◇

7.11.1.6 **Ancillary Uses**, meaning the uses are subordinate and incidental to a BUILDING:

- a.) Hydro Transformer Room

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7.11.2 Notwithstanding anything to the contrary, the symbol “◆” means that the Complementary Use or Ancillary Use is not permitted on a LOT that ABUTS Batavia Place, or Hemlock Street on the north side of Hickory Street West, excluding THROUGH LOTS where the symbol “◆” means that the Complementary Use or Ancillary Use is not permitted within 40 metres of Batavia Place, or 30 metres of Hemlock Street on the north side of Hickory Street West.

### Front Lot Line and Flankage Lot Line Interpretation

7.11.3 Notwithstanding anything to the contrary, for the purposes of this zone, on a CORNER LOT the longer STREET LINE shall be deemed to be the FRONT LOT LINE, and the shorter STREET LINE shall be deemed to be the FLANKAGE LOT LINE.

### Performance Standards

7.11.4 The following regulations in Table 7Q shall apply to every LOT, BUILDING and STRUCTURE in the Residential Northdale Six (RN-6) zone:

| <b>Table 7Q: Regulations – RESIDENTIAL NORTHDAL SIX ZONE (RN-6)</b> |  |   |   |
|---|--|---|---|
|   |  | <b>Primary Uses specified in 7.11.1.1 and Complementary Uses specified in 7.11.1.3</b>      | <b>Primary Uses specified in 7.11.1.2</b>   |
| LOT AREA (minimum)  |  | 1,000 square metres   | (none)  |
| LOT FRONTAGE (minimum)  |  | 20 metres   | 5.5 metres  |
| STREET LINE setback (minimum)                                       | Active Frontage  | 1 metre   | 1 metre   |
|   | Convertible Frontage   | 1 metre   | 1 metre   |
|   | Neighbourhood Frontage   | 3 metres  | 3 metres  |
| STREET LINE setback (maximum)                                       | Active Frontage  | 3 metres  | 3 metres  |
|   | Convertible Frontage   | At least 75% of the STREET LINE BUILDING FAÇADE shall be within 5 metres of the STREET LINE | At least 75% of the STREET LINE BUILDING FAÇADE shall be within 5 metres of the STREET LINE |
|   | Neighbourhood Frontage   | 6 metres  | 6 metres  |
| SIDE YARD setback (minimum)   | Active Frontage, applicable to BUILDINGS constructed after the effective date of this BY-LAW | 3 metres  | 3 metres  |
|   | Convertible Frontage   | 3 metres  | 3 metres  |
|   | Neighbourhood Frontage   | 3 metres  | 3 metres  |
| REAR YARD setback (minimum)   |  | 7.5 metres  | 7.5 metres  |

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| <b>Table 7Q: Regulations – RESIDENTIAL NORTHDALÉ SIX ZONE (RN-6)</b>                                |   |  |  |
|---|---|--|--|
| Height of FIRST STOREY (minimum)  | Active Frontage   | 4.0 metres   | 4.0 metres   |
|   | Convertible Frontage  | 4.0 metres   | 4.0 metres   |
|   | Neighbourhood Frontage, applicable to BUILDINGS constructed after the effective date of this BY-LAW | 4.0 metres   | 4.0 metres   |
| BUILDING HEIGHT (maximum)   | Active Frontage   | 21.5 metres  | 21.5 metres  |
|   | Convertible Frontage  | 21.5 metres  | 21.5 metres  |
|   | Neighbourhood Frontage  | 21.5 metres  | 21.5 metres  |
| Density (maximum)   |   | 250 BEDROOMS per hectare   | 250 BEDROOMS per hectare   |
| Number of FIRST STOREY Entrances to the BUILDING (minimum)  | Active Frontage   | 1 per 25 metres of STREET LINE BUILDING FAÇADE   | 1 per DWELLING UNIT  |
|   | Convertible Frontage  | 1 per 15 metres of STREET LINE BUILDING FAÇADE   | 1 per DWELLING UNIT  |
|   | Neighbourhood Frontage  | 1 per 15 metres of STREET LINE BUILDING FAÇADE   | 1 per DWELLING UNIT  |
| AMENITY AREA, applicable to BUILDINGS constructed after the effective date of this BY-LAW (minimum) |   | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT |
| LANDSCAPED OPEN SPACE (minimum)   |   | 30%  | 30%  |
| Residential PARKING SPACES (minimum)  |   | (see Note)   | (see Note)   |
| VISITOR PARKING SPACES (minimum)  |   | (see Note)   | (see Note)   |
| PARKING SPACES for Non-Residential Uses (minimum)   |   | (see Note)   | (see Note)   |
| BICYCLE PARKING Spaces (minimum) (section 6.6.2 shall not apply)                                    | Residential   | 0.50 per BEDROOM   | 1 per DWELLING UNIT, applicable to BUILDINGS constructed after the effective date of this BY-LAW           |
|   | Non-Residential Uses, applicable to BUILDINGS constructed after the effective date of this BY-LAW   | 1 per 100 square metres of BUILDING FLOOR AREA   | 1 per 100 square metres of BUILDING FLOOR AREA   |
| Number of DRIVEWAYS per LOT (maximum)   |   | 1  | 1  |

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| <b>Table 7Q: Regulations – RESIDENTIAL NORTHDALÉ SIX ZONE (RN-6)</b> |  |   |
|--|--|---|
| Ancillary Uses specified in sections 7.11.1.5 and 7.11.1.6           | Ancillary Uses shall not collectively exceed 15% of the BUILDING FLOOR AREA on the LOT or 5,000 square metres, whichever is more restrictive |   |
|  | The maximum BUILDING FLOOR AREA of each RETAIL STORE, CAFE or BAKE SHOP shall not exceed 465 square metres                                   |   |
|  | Ancillary Uses shall be located on the FIRST STOREY of a MIXED USE BUILDING  | Ancillary Uses shall be located on the FIRST STOREY of a STACKED TOWNHOUSE BUILDING |
|  | Ancillary Uses shall abut the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE  |   |
| Number of main BUILDINGS per LOT (maximum)                           | More than one (1) permitted  | More than one (1) permitted   |

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

7.11.5 In the case of multiple BUILDINGS on a LOT, only the BUILDING located nearest the STREET shall comply with the STREET LINE setback regulations in Table 7Q.

7.11.6 Notwithstanding Table 7Q, part of the BUILDING may be set back from the STREET LINE up to six metres (6m) to accommodate an OUTDOOR CAFE PATIO or OUTDOOR BAKE SHOP PATIO.

7.11.7 Notwithstanding anything to the contrary, every BUILDING shall have a main entrance at GRADE on the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE. For the purposes of calculating the number of FIRST STOREY entrances to a BUILDING, any fraction shall be rounded to the next highest whole number.

### Street Frontages

7.11.8 For the purposes of this zone:

- a.) "Active Frontage" shall mean the Active Frontage illustrated in section 3.S.7.
- b.) "Convertible Frontage" shall mean the Convertible Frontage illustrated in section 3.S.7.
- c.) "Neighbourhood Frontage" shall mean the Neighbourhood Frontage illustrated in section 3.S.7.

7.11.9 Where multiple Frontages in section 7.11.8 apply to a LOT, the applicable STREET LINE setback specified in Table 7Q shall apply to the associated Frontage.

7.11.10 Notwithstanding anything to the contrary, on a LOT with an Active Frontage, the following additional regulations shall apply:

7.11.10.1 DWELLING UNITS shall not be permitted on the FIRST STOREY of the BUILDING.

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## 7.11.10.2 BUILDING FLOOR AREA devoted to:

- circulation spaces, such as hallways, elevators, and the like
- common indoor AMENITY AREA
- entrance / foyers for DWELLING UNITS in storeys above the FIRST STOREY
- hydro transformer room
- lobby, reception area, seating area, and the like

shall not exceed thirty percent (30%) of the entire BUILDING FLOOR AREA of the FIRST STOREY, excluding STRUCTURED PARKING.

## 7.11.10.3 Notwithstanding anything to the contrary, where a LOT abuts King Street North, University Avenue West, Phillip Street, or Columbia Street West, common indoor AMENITY AREA shall not be permitted on the FIRST STOREY.

## 7.11.11 Notwithstanding anything to the contrary, on a LOT with a Convertible Frontage, DWELLING UNITS and Non-Residential Uses shall be permitted on the FIRST STOREY.

## 7.11.12 Notwithstanding anything to the contrary, on a LOT with a Neighbourhood Frontage:

- a.) DWELLING UNITS shall be permitted on the FIRST STOREY.
- b.) Ancillary Uses specified in section 7.11.1.5 shall be permitted on the FIRST STOREY.
- c.) Each DWELLING UNIT located on the FIRST STOREY that abuts a STREET LINE BUILDING FAÇADE shall have an independent primary entrance to the DWELLING UNIT from the FRONT BUILDING FACADE or FLANKAGE BUILDING FACADE as the case may be.

## Parking and Parking Structures

### 7.11.13 Notwithstanding anything to the contrary in Table 7Q, for the following uses:

- PERSONAL SERVICE SHOP
- OFFICE
- CAFÉ

the minimum parking rate shall be two (2) PARKING SPACES per 100 square metres of BUILDING FLOOR AREA.

### 7.11.14 Notwithstanding anything to the contrary, PARKING SPACES shall be prohibited in the FRONT YARD and FLANKAGE YARD.

### 7.11.15 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:
  - HABITABLE FLOOR SPACE
  - circulation spaces, such as hallways, elevators, and the like
  - common indoor AMENITY AREA
  - DWELLING UNIT
  - commercial uses specified in section 7.11.1.5

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- institutional uses specified in section 7.11.1.3
  - entrance / foyers
  - hydro transformer room
  - management office
  - lobby, reception area, seating area, and the like
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 7.11.15.a.).
- c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 7.11.15.a.) shall abut the entire FRONT BUILDING FAÇADE.
- d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 7.11.15.a.) shall abut the entire FRONT BUILDING FAÇADE and or the entire FLANKAGE BUILDING FAÇADE, provided further that:
- i.) where the BUILDING FLOOR AREA devoted to the uses specified in section 7.11.15.a.) only abuts the FRONT BUILDING FAÇADE, the STRUCTURED PARKING abutting the FLANKAGE BUILDING FAÇADE shall be visibly screened from view from the STREET;
  - ii.) where the BUILDING FLOOR AREA devoted to the uses specified in section 7.11.15.a.) only abuts the FLANKAGE BUILDING FAÇADE, the STRUCTURED PARKING abutting the FRONT BUILDING FAÇADE shall be visibly screened from view from the STREET.
- e.) Notwithstanding anything to the contrary, where the FIRST STOREY is partially comprised of STRUCTURED PARKING, the principal BUILDING entrance shall be located on the STREET LINE BUILDING FAÇADE containing the BUILDING FLOOR AREA required in section 7.11.15.a.).

7.11.16 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

## Holding Symbol

7.11.17 Notwithstanding anything to the contrary, where the holding symbol (H) is applied, only those uses which lawfully and actually existed on the date of passing of this BY-LAW shall be permitted to continue until such time as the holding symbol (H) is removed. The holding symbol (H) shall not be removed until the following criteria are satisfied:

- a.) Verification of sufficient servicing capacity (water, sanitary, and stormwater) to fully service the LOT and development thereon.
- b.) Verification of sufficient transportation capacity and transportation infrastructure within the surrounding road network affected by the development and or use of the LOT.
- c.) For known or suspected contaminated sites as identified by the REGION, verification from the REGION and or the Province of Ontario that the owner has completed a Record of Site Condition.

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- d.) Where an increase in BUILDING density is proposed pursuant to Section 37 of the PLANNING ACT, the completion and registration of an agreement pursuant to subsections 37.3 and 37.4 of the PLANNING ACT between the owner and the CITY.
- e.) A Block Plan has been prepared in accordance with the Block Plan policies of the OFFICIAL PLAN for the Northdale Neighbourhood Specific Provision Area, where applicable.
- f.) Verification through an urban design brief that the LOT and development thereon will conform to: (i.) the OFFICIAL PLAN; (ii.) the REGION'S Official Plan; and (iii.) the CITY'S Urban Design Manual in effect, including the Northdale Urban Design Guidelines.
- g.) Demonstrate compliance with the Provincial D-6 Guideline "Compatibility Between Industrial Facilities and Sensitive Land Uses" where there are potential land use compatibility issues associated with existing and or planned industrial uses operating in proximity to residential or other sensitive land uses.

7.11.18 Notwithstanding section 7.11.17, the holding symbol (H) shall not apply to the establishment of a DUPLEX BUILDING in accordance with section 7.11.20.

## Detached Buildings

7.11.19 Notwithstanding anything to the contrary, the regulations in section 7.1.2 of the Residential One (R1) zone shall apply to an EXISTING DETACHED BUILDING.

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## RESIDENTIAL NORTHDAL EIGHT (RN-8)

### Zone

7.12 Residential Northdale Eight (RN-8) Zone

### Permitted Uses

7.12.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Northdale Eight (RN-8) zone for any purpose other than one or more of the following permitted uses:

7.12.1.1 **Primary Uses:**

- a.) MULTI-UNIT RESIDENTIAL BUILDING (including APARTMENT BUILDING)
- b.) MIXED USE BUILDING with DWELLING UNITS above the FIRST STOREY
- c.) ASSISTED LIVING FACILITY
- d.) LONG TERM CARE FACILITY

7.12.1.2 **Complementary Uses:**

- a.) GOVERNMENT USE
- b.) MUNICIPAL RECREATIONAL FACILITY
- c.) PRIVATE SCHOOL
- d.) SPIRITUAL USE (see section 3.S.4)
- e.) Library
- f.) Post Office

7.12.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a permitted DWELLING UNIT:

- a.) HOME OCCUPATION (see section 3.H.3 and Table 6A)

7.12.1.4 **Ancillary Uses**, meaning the uses are subordinate and incidental to a use permitted in section 7.12.1.1 and or section 7.12.1.2:

- a.) Art Gallery
- b.) ARTIST STUDIO (CLASS A)
- c.) BAKE SHOP
- d.) CAFE
- e.) CHILD CARE CENTRE
- f.) COMMERCIAL RECREATION
- g.) COMMERCIAL WELLNESS
- h.) ELECTRONIC GAMING CENTRE
- i.) MEDICAL CLINIC
- j.) OFFICE
- k.) PERSONAL SERVICE SHOP
- l.) PHARMACEUTICAL DISPENSARY
- m.) RESTAURANT
- n.) RESTAURANT, TAKE-OUT
- o.) RETAIL STORE (excluding DEPARTMENT STORES, Home Improvement Store, Automotive Supply Stores)
- p.) VARIETY STORE

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7.12.1.5 **Ancillary Uses**, meaning the uses are subordinate and incidental to a BUILDING:

- a.) Hydro Transformer Room

## Front Lot Line and Flankage Lot Line Interpretation

7.12.2 Notwithstanding anything to the contrary, for the purposes of this zone, on a CORNER LOT the longer STREET LINE shall be deemed to be the FRONT LOT LINE, and the shorter STREET LINE shall be deemed to be the FLANKAGE LOT LINE.

## Performance Standards

7.12.3 The following regulations in Table 7R shall apply to every LOT, BUILDING and STRUCTURE in the Residential Northdale Eight (RN-8) zone:

|                                  |   |   |
|----------------------------------|---|---|
| LOT AREA (minimum)               |   | 1,000 square metres   |
| LOT FRONTAGE (minimum)           |   | 20 metres   |
| STREET LINE setback (minimum)    | Active Frontage   | 1 metre   |
|                                  | Convertible Frontage  | 1 metre   |
|                                  | Neighbourhood Frontage  | 3 metres  |
| STREET LINE setback (maximum)    | Active Frontage   | 3 metres  |
|                                  | Convertible Frontage  | At least 75% of the STREET LINE BUILDING FAÇADE shall be within 5 metres of the STREET LINE |
|                                  | Neighbourhood Frontage  | 6 metres  |
| SIDE YARD setback (minimum)      | Active Frontage, applicable to BUILDINGS constructed after the effective date of this BY-LAW        | 3 metres  |
|                                  | Convertible Frontage  | 3 metres  |
|                                  | Neighbourhood Frontage  | 3 metres  |
| REAR YARD setback (minimum)      |   | 7.5 metres  |
| Height of FIRST STOREY (minimum) | Active Frontage   | 4.0 metres  |
|                                  | Convertible Frontage  | 4.0 metres  |
|                                  | Neighbourhood Frontage, applicable to BUILDINGS constructed after the effective date of this BY-LAW | 4.0 metres  |
| BUILDING HEIGHT (minimum)        |   | 10.5 metres   |
| BUILDING HEIGHT (maximum)        | Active Frontage   | 27.5 metres   |
|                                  | Convertible Frontage  | 27.5 metres   |
|                                  | Neighbourhood Frontage  | 27.5 metres   |

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| <b>Table 7R: Regulations – RESIDENTIAL NORTHDAL EIGHT ZONE (RN-8)</b>                               |   |  |
|---|---|--|
| PODIUM Height (minimum)   |   | 10.5 metres  |
| PODIUM Height (maximum)   |   | 20 metres  |
| BUILDING STEPBACK above PODIUM (minimum)  |   | 3 metres   |
| Density (maximum)   |   | 450 BEDROOMS per hectare   |
| Number of FIRST STOREY Entrances to the BUILDING (minimum)  | Active Frontage   | 1 per 25 metres of STREET LINE BUILDING FAÇADE   |
|   | Convertible Frontage  | 1 per 15 metres of STREET LINE BUILDING FAÇADE   |
|   | Neighbourhood Frontage  | 1 per 15 metres of STREET LINE BUILDING FAÇADE   |
| AMENITY AREA, applicable to BUILDINGS constructed after the effective date of this BY-LAW (minimum) |   | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT   |
| LANDSCAPED OPEN SPACE (minimum)   |   | 30%  |
| Residential PARKING SPACES (minimum)  |   | (see Note)   |
| VISITOR PARKING SPACES (minimum)  |   | (see Note)   |
| PARKING SPACES for Non-Residential Uses (minimum)   |   | (see Note)   |
| BICYCLE PARKING Spaces (minimum) (section 6.6.2 shall not apply)                                    | Residential   | 0.50 per BEDROOM   |
|   | Non-Residential Uses, applicable to BUILDINGS constructed after the effective date of this BY-LAW | 1 per 100 square metres of BUILDING FLOOR AREA   |
| Number of DRIVEWAYS per LOT (maximum)   |   | 1  |
| Ancillary Uses specified in sections 7.12.1.4 and 7.12.1.5  |   | Ancillary Uses shall not collectively exceed 15% of the BUILDING FLOOR AREA on the LOT or 5,000 square metres, whichever is more restrictive           |
|   |   | The maximum BUILDING FLOOR AREA of each RETAIL STORE, CAFÉ, BAKE SHOP or RESTAURANT (including TAKE-OUT RESTAURANT) shall not exceed 465 square metres |
| Ancillary Uses specified in sections 7.12.1.4 and 7.12.1.5  |   | Ancillary Uses shall be located on the FIRST STOREY of a MIXED USE BUILDING  |
|   |   | Ancillary Uses shall abut the FRONT BUILDING FACADE or FLANKAGE BUILDING FACADE  |
| Number of main BUILDINGS per LOT (maximum)  |   | More than one (1) permitted  |

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*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

- 7.12.4 In the case of multiple BUILDINGS on a LOT, only the BUILDING located nearest the STREET shall comply with the STREET LINE setback regulations in Table 7R.
- 7.12.5 Notwithstanding Table 7R, part of the BUILDING may be set back from the STREET LINE up to six metres (6m) to accommodate an OUTDOOR CAFE PATIO, OUTDOOR RESTAURANT PATIO, or OUTDOOR BAKE SHOP PATIO.
- 7.12.6 Notwithstanding anything to the contrary, every BUILDING shall have a main entrance at GRADE on the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE. For the purposes of calculating the number of FIRST STOREY entrances to a BUILDING, any fraction shall be rounded to the next highest whole number.

## Street Frontages

- 7.12.7 For the purposes of this zone:
- a.) "Active Frontage" shall mean the Active Frontage illustrated in section 3.S.7.
  - b.) "Convertible Frontage" shall mean the Convertible Frontage illustrated in section 3.S.7.
  - c.) "Neighbourhood Frontage" shall mean the Neighbourhood Frontage illustrated in section 3.S.7.
- 7.12.8 Where multiple Frontages in section 7.12.7 apply to a LOT, the applicable STREET LINE setback specified in Table 7R shall apply to the associated Frontage.
- 7.12.9 Notwithstanding anything to the contrary, on a LOT with an Active Frontage, the following additional regulations shall apply:
- 7.12.9.1 DWELLING UNITS shall not be permitted on the FIRST STOREY of the BUILDING.
- 7.12.9.2 BUILDING FLOOR AREA devoted to:
- circulation spaces, such as hallways, elevators, and the like
  - common indoor AMENITY AREA
  - entrance / foyers for DWELLING UNITS in storeys above the FIRST STOREY
  - hydro transformer room
  - lobby, reception area, seating area, and the like
- shall not exceed thirty percent (30%) of the entire BUILDING FLOOR AREA of the FIRST STOREY, excluding STRUCTURED PARKING.
- 7.12.9.3 Notwithstanding anything to the contrary, where a LOT abuts King Street North, University Avenue West, Phillip Street, or Columbia Street West, common indoor AMENITY AREA shall not be permitted on the FIRST STOREY.

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7.12.10 Notwithstanding anything to the contrary, on a LOT with a Convertible Frontage, DWELLING UNITS and Non-Residential Uses shall be permitted on the FIRST STOREY.

7.12.11 Notwithstanding anything to the contrary, on a LOT with a Neighbourhood Frontage:

- a.) DWELLING UNITS shall be permitted on the FIRST STOREY.
- b.) Ancillary Uses specified in section 7.12.1.4 shall be permitted on the FIRST STOREY.
- c.) Each DWELLING UNIT located on the FIRST STOREY that abuts a STREET LINE BUILDING FAÇADE shall have an independent primary entrance to the DWELLING UNIT from the FRONT BUILDING FACADE or FLANKAGE BUILDING FACADE as the case may be.

## Parking and Parking Structures

7.12.12 (deleted – Planning Act eliminates parking minimums in MTSAs)

7.12.13 Notwithstanding anything to the contrary, PARKING SPACES shall be prohibited in the FRONT YARD and FLANKAGE YARD.

7.12.14 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:
  - HABITABLE FLOOR SPACE
  - circulation spaces, such as hallways, elevators, and the like
  - common indoor AMENITY AREA
  - DWELLING UNIT
  - commercial uses specified in section 7.12.1.4
  - institutional uses specified in section 7.12.1.2
  - entrance / foyers
  - hydro transformer room
  - management office
  - lobby, reception area, seating area, and the like
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 7.12.14.a.).
- c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 7.12.14.a.) shall abut the entire FRONT BUILDING FAÇADE.
- d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 7.12.14.a.) shall abut the entire FRONT BUILDING FAÇADE and or the entire FLANKAGE BUILDING FAÇADE, provided further that:
  - i.) where the BUILDING FLOOR AREA devoted to the uses specified in section 7.12.14.a.) only abuts the FRONT BUILDING FAÇADE, the STRUCTURED PARKING abutting the FLANKAGE BUILDING FAÇADE shall be visibly screened from view from the STREET;

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- ii.) where the BUILDING FLOOR AREA devoted to the uses specified in section 7.12.14.a.) only abuts the FLANKAGE BUILDING FAÇADE, the STRUCTURED PARKING abutting the FRONT BUILDING FAÇADE shall be visibly screened from view from the STREET.
  - e.) Notwithstanding anything to the contrary, where the FIRST STOREY is partially comprised of STRUCTURED PARKING, the principal BUILDING entrance shall be located on the STREET LINE BUILDING FAÇADE containing the BUILDING FLOOR AREA required in section 7.12.14.a.).
- 7.12.15 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

## Holding Symbol

- 7.12.16 Notwithstanding anything to the contrary, where the holding symbol (H) is applied, only those uses which lawfully and actually existed on the date of passing of this BY-LAW shall be permitted to continue until such time as the holding symbol (H) is removed. The holding symbol (H) shall not be removed until the following criteria are satisfied:
- a.) Verification of sufficient servicing capacity (water, sanitary, and stormwater) to fully service the LOT and development thereon.
  - b.) Verification of sufficient transportation capacity and transportation infrastructure within the surrounding road network affected by the development and or use of the LOT.
  - c.) For known or suspected contaminated sites as identified by the REGION, verification from the REGION and or the Province of Ontario that the owner has completed a Record of Site Condition.
  - d.) Where an increase in BUILDING density is proposed pursuant to Section 37 of the PLANNING ACT, the completion and registration of an agreement pursuant to subsections 37.3 and 37.4 of the PLANNING ACT between the owner and the CITY.
  - e.) A Block Plan has been prepared in accordance with the Block Plan policies of the OFFICIAL PLAN for the Northdale Neighbourhood Specific Provision Area, where applicable.
  - f.) Verification through an urban design brief that the LOT and development thereon will conform to: (i.) the OFFICIAL PLAN; (ii.) the REGION'S Official Plan; and (iii.) the CITY'S Urban Design Manual in effect, including the Northdale Urban Design Guidelines.
  - g.) Demonstrate compliance with the Provincial D-6 Guideline "Compatibility Between Industrial Facilities and Sensitive Land Uses" where there are potential land use compatibility issues associated with existing and or planned industrial uses operating in proximity to residential or other sensitive land uses.

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7.12.17 Notwithstanding section 7.12.16, the holding symbol (H) shall not apply to an EXISTING DETACHED BUILDING.

## Detached Buildings

7.12.18 Notwithstanding anything to the contrary, the regulations in section 7.1.2 of the Residential One (R1) zone shall apply to an EXISTING DETACHED BUILDING.

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## RESIDENTIAL NORTHDALÉ TWELVE (RN-12)

### Zone

7.13 Residential Northdale Twelve (RN-12) Zone

### Permitted Uses

7.13.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Northdale Twelve (RN-12) zone for any purpose other than one or more of the following permitted uses:

7.13.1.1 **Primary Uses:**

- a.) MULTI-UNIT RESIDENTIAL BUILDING (including APARTMENT BUILDING)
- b.) MIXED USE BUILDING with DWELLING UNITS above the FIRST STOREY
- c.) ASSISTED LIVING FACILITY
- d.) LONG TERM CARE FACILITY

7.13.1.2 **Complementary Uses:**

- a.) GOVERNMENT USE
- b.) COMMUNITY CENTRE
- c.) MUNICIPAL RECREATIONAL FACILITY
- d.) PRIVATE SCHOOL
- e.) SPIRITUAL USE (see section 3.S.4)
- f.) Library
- g.) Post Office

7.13.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a permitted DWELLING UNIT:

- a.) HOME OCCUPATION (see section 3.H.3 and Table 6A)

7.13.1.4 **Ancillary Uses**, meaning the uses are subordinate and incidental to a use permitted in section 7.13.1.1 and or section 7.13.1.2:

- a.) Art Gallery
- b.) ARTIST STUDIO (CLASS A)
- c.) BAKE SHOP
- d.) CAFE
- e.) CHILD CARE CENTRE
- f.) COMMERCIAL RECREATION
- g.) COMMERCIAL WELLNESS
- h.) COMMERCIAL SCHOOL
- i.) DRUG STORE
- j.) ELECTRONIC GAMING CENTRE
- k.) FINANCIAL INSTITUTION
- l.) MEDICAL CLINIC
- m.) OFFICE
- n.) PERSONAL SERVICE SHOP

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- o.) PHARMACEUTICAL DISPENSARY
- p.) RESTAURANT
- q.) RESTAURANT, TAKE-OUT
- r.) RETAIL STORE (excluding DEPARTMENT STORES, Home Improvement Store, Automotive Supply Stores)
- s.) VARIETY STORE

7.13.1.5 **Ancillary Uses**, meaning the uses are subordinate and incidental to a BUILDING:

- a.) Hydro Transformer Room

## Front Lot Line and Flankage Lot Line Interpretation

7.13.2 Notwithstanding anything to the contrary, for the purposes of this zone, on a CORNER LOT the longer STREET LINE shall be deemed to be the FRONT LOT LINE, and the shorter STREET LINE shall be deemed to be the FLANKAGE LOT LINE.

## Performance Standards

7.13.3 The following regulations in Table 7S shall apply to every LOT, BUILDING and STRUCTURE in the Residential Northdale Twelve (RN-12) zone:

| <b>Table 7S: Regulations – RESIDENTIAL NORTHDAL TWELVE ZONE (RN-12)</b> |  |   |
|---|--|---|
| LOT AREA (minimum)  |  | 1,000 square metres   |
| LOT FRONTAGE (minimum)  |  | 20 metres   |
| STREET LINE setback (minimum)   | Active Frontage  | 1 metre   |
|   | Convertible Frontage   | 1 metre   |
|   | Neighbourhood Frontage   | 3 metres  |
| STREET LINE setback (maximum)   | Active Frontage  | 3 metres  |
|   | Convertible Frontage   | At least 75% of the STREET LINE BUILDING FAÇADE shall be within 5 metres of the STREET LINE |
|   | Neighbourhood Frontage   | 6 metres  |
| SIDE YARD setback (minimum)   | Active Frontage, applicable to BUILDINGS constructed after the effective date of this BY-LAW | 3 metres  |
|   | Convertible Frontage   | 3 metres  |
|   | Neighbourhood Frontage   | 3 metres  |
| REAR YARD setback (minimum)   |  | 7.5 metres  |
| Height of FIRST STOREY (minimum)  | Active Frontage  | 4.0 metres  |
|   | Convertible Frontage   | 4.0 metres  |

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| <b>Table 7S: Regulations – RESIDENTIAL NORTHDALÉ TWELVE ZONE (RN-12)</b>                            |   |  |
|---|---|--|
|   | Neighbourhood Frontage, applicable to BUILDINGS constructed after the effective date of this BY-LAW | 4.0 metres   |
| BUILDING HEIGHT (minimum)   |   | 10.5 metres  |
| BUILDING HEIGHT (maximum)   | Active Frontage   | 41.5 metres  |
|   | Convertible Frontage  | 41.5 metres  |
|   | Neighbourhood Frontage  | 41.5 metres  |
| PODIUM Height (minimum)   |   | 10.5 metres  |
| PODIUM Height (maximum)   |   | 20 metres  |
| BUILDING STEPBACK above PODIUM (minimum)  |   | 3 metres   |
| TOWER Footprint above the Eighth (8 <sup>th</sup> ) STOREY (maximum)                                |   | 800 square metres  |
| TOWER Separation measured from exterior face of the BUILDING, including balconies (minimum)         |   | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE                      |
| Horizontal TOWER Dimension (maximum)  |   | 35 metres  |
| Density (minimum)   |   | 250 BEDROOMS per hectare   |
| Density (maximum)   |   | 600 BEDROOMS per hectare   |
| Number of FIRST STOREY Entrances to the BUILDING (minimum)  | Active Frontage   | 1 per 25 metres of STREET LINE BUILDING FAÇADE   |
|   | Convertible Frontage  | 1 per 15 metres of STREET LINE BUILDING FAÇADE   |
|   | Neighbourhood Frontage  | 1 per 15 metres of STREET LINE BUILDING FAÇADE   |
| AMENITY AREA, applicable to BUILDINGS constructed after the effective date of this BY-LAW (minimum) |   | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT |
| LANDSCAPED OPEN SPACE (minimum)   |   | 30%  |
| Residential PARKING SPACES (minimum)  |   | (see Note)   |
| VISITOR PARKING SPACES (minimum)  |   | (see Note)   |
| PARKING SPACES for Non-Residential Uses (minimum)   |   | (see Note)   |
| BICYCLE PARKING Spaces (minimum) (section 6.6.2 shall not apply)                                    | Residential   | 0.5 per BEDROOM  |
|   | Non-Residential Uses, applicable to BUILDINGS constructed after the effective date of this BY-LAW   | 1 per 100 square metres of BUILDING FLOOR AREA   |

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| <b>Table 7S: Regulations – RESIDENTIAL NORTHDALÉ TWELVE ZONE (RN-12)</b> |  |
|--|--|
| Number of DRIVEWAYS per LOT (maximum)                                    | 1  |
| Ancillary Uses specified in sections 7.13.1.4 and 7.13.1.5               | Ancillary Uses shall not collectively exceed 15% of the BUILDING FLOOR AREA on the LOT or 5,000 square metres, whichever is more restrictive           |
|  | The maximum BUILDING FLOOR AREA of each RETAIL STORE, CAFÉ, BAKE SHOP or RESTAURANT (including TAKE-OUT RESTAURANT) shall not exceed 465 square metres |
|  | Ancillary Uses shall be located on the FIRST STOREY of a MIXED USE BUILDING  |
|  | Ancillary Uses shall abut the FRONT BUILDING FACADE or FLANKAGE BUILDING FACADE  |
| Number of main BUILDINGS per LOT (maximum)                               | More than one (1) permitted  |

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

- 7.13.4 Pursuant to Table 7S, a balcony shall be considered part of the exterior face of the BUILDING for the purposes of measuring TOWER Separation.
- 7.13.5 In the case of multiple BUILDINGS on a LOT, only the BUILDING located nearest the STREET shall comply with the STREET LINE setback regulations in Table 7S.
- 7.13.6 Notwithstanding Table 7S, part of the BUILDING may be set back from the STREET LINE up to six metres (6m) to accommodate an OUTDOOR CAFE PATIO, OUTDOOR RESTAURANT PATIO, or OUTDOOR BAKE SHOP PATIO.
- 7.13.7 Notwithstanding anything to the contrary, every BUILDING shall have a main entrance at GRADE on the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE. For the purposes of calculating the number of FIRST STOREY entrances to a BUILDING, any fraction shall be rounded to the next highest whole number.

### Street Frontages

- 7.13.8 For the purposes of this zone:
  - a.) "Active Frontage" shall mean the Active Frontage illustrated in section 3.S.7.
  - b.) "Convertible Frontage" shall mean the Convertible Frontage illustrated in section 3.S.7.
  - c.) "Neighbourhood Frontage" shall mean the Neighbourhood Frontage illustrated in section 3.S.7.

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7.13.9 Where multiple Frontages in section 7.13.8 apply to a LOT, the applicable STREET LINE setback specified in Table 7S shall apply to the associated Frontage.

7.13.10 Notwithstanding anything to the contrary, on a LOT with an Active Frontage, the following additional regulations shall apply:

7.13.10.1 DWELLING UNITS shall not be permitted on the FIRST STOREY of the BUILDING.

7.13.10.2 BUILDING FLOOR AREA devoted to:

- circulation spaces, such as hallways, elevators, and the like
- common indoor AMENITY AREA
- entrance / foyers for DWELLING UNITS in storeys above the FIRST STOREY
- hydro transformer room
- lobby, reception area, seating area, and the like

shall not exceed thirty percent (30%) of the entire BUILDING FLOOR AREA of the FIRST STOREY, excluding STRUCTURED PARKING.

7.13.10.3 Notwithstanding anything to the contrary, where a LOT abuts King Street North, University Avenue West, Phillip Street, or Columbia Street West, common indoor AMENITY AREA shall not be permitted on the FIRST STOREY.

7.13.11 Notwithstanding anything to the contrary, on a LOT with a Convertible Frontage, DWELLING UNITS and Non-Residential Uses shall be permitted on the FIRST STOREY.

7.13.12 Notwithstanding anything to the contrary, on a LOT with a Neighbourhood Frontage:

- a.) DWELLING UNITS shall be permitted on the FIRST STOREY.
- b.) Ancillary Uses specified in section 7.13.1.4 shall be permitted on the FIRST STOREY.
- c.) Each DWELLING UNIT located on the FIRST STOREY that abuts a STREET LINE BUILDING FAÇADE shall have an independent primary entrance to the DWELLING UNIT from the FRONT BUILDING FACADE or FLANKAGE BUILDING FACADE as the case may be.

## Parking and Parking Structures

7.13.13 (deleted – Planning Act eliminates parking minimums in MTSAs)

7.13.14 Notwithstanding anything to the contrary, PARKING SPACES shall be prohibited in the FRONT YARD and FLANKAGE YARD.

7.13.15 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:
  - HABITABLE FLOOR SPACE
  - circulation spaces, such as hallways, elevators, and the like
  - common indoor AMENITY AREA

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- DWELLING UNIT
  - commercial uses specified in section 7.13.1.4
  - institutional uses specified in section 7.13.1.2
  - entrance / foyers
  - hydro transformer room
  - management office
  - lobby, reception area, seating area, and the like
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 7.13.15.a.).
- c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 7.13.15.a.) shall abut the entire FRONT BUILDING FAÇADE.
- d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 7.13.15.a.) shall abut the entire FRONT BUILDING FAÇADE and or the entire FLANKAGE BUILDING FAÇADE, provided further that:
- i.) where the BUILDING FLOOR AREA devoted to the uses specified in section 7.13.15.a.) only abuts the FRONT BUILDING FAÇADE, the STRUCTURED PARKING abutting the FLANKAGE BUILDING FAÇADE shall be visibly screened from view from the STREET;
  - ii.) where the BUILDING FLOOR AREA devoted to the uses specified in section 7.13.15.a.) only abuts the FLANKAGE BUILDING FAÇADE, the STRUCTURED PARKING abutting the FRONT BUILDING FAÇADE shall be visibly screened from view from the STREET.
- e.) Notwithstanding anything to the contrary, where the FIRST STOREY is partially comprised of STRUCTURED PARKING, the principal BUILDING entrance shall be located on the STREET LINE BUILDING FAÇADE containing the BUILDING FLOOR AREA required in section 7.13.15.a.).

7.13.16 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

## Holding Symbol

7.13.17 Notwithstanding anything to the contrary, where the holding symbol (H) is applied, only those uses which lawfully and actually existed on the date of passing of this BY-LAW shall be permitted to continue until such time as the holding symbol (H) is removed. The holding symbol (H) shall not be removed until the following criteria are satisfied:

- a.) Verification of sufficient servicing capacity (water, sanitary, and stormwater) to fully service the LOT and development thereon.
- b.) Verification of sufficient transportation capacity and transportation infrastructure within the surrounding road network affected by the development and or use of the LOT.
- c.) For known or suspected contaminated sites as identified by the REGION, verification from the REGION and or the Province of Ontario that the owner has completed a Record of Site Condition.

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- d.) Where an increase in BUILDING density is proposed pursuant to Section 37 of the PLANNING ACT, the completion and registration of an agreement pursuant to subsections 37.3 and 37.4 of the PLANNING ACT between the owner and the CITY.
- e.) A Block Plan has been prepared in accordance with the Block Plan policies of the OFFICIAL PLAN for the Northdale Neighbourhood Specific Provision Area, where applicable.
- f.) Verification through an urban design brief that the LOT and development thereon will conform to: (i.) the OFFICIAL PLAN; (ii.) the REGION'S Official Plan; and (iii.) the CITY'S Urban Design Manual in effect, including the Northdale Urban Design Guidelines.
- g.) Demonstrate compliance with the Provincial D-6 Guideline "Compatibility Between Industrial Facilities and Sensitive Land Uses" where there are potential land use compatibility issues associated with existing and or planned industrial uses operating in proximity to residential or other sensitive land uses.

7.13.18 Notwithstanding section 7.13.17, the holding symbol (H) shall not apply to an EXISTING DETACHED BUILDING.

## Detached Buildings

7.13.19 Notwithstanding anything to the contrary, the regulations in section 7.1.2 of the Residential One (R1) zone shall apply to an EXISTING DETACHED BUILDING.

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## RESIDENTIAL NORTHDALÉ TWENTY FIVE (RN-25)

### Zone

7.14 Residential Northdale Twenty Five (RN-25) Zone

### Permitted Uses

7.14.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Northdale Twenty Five (RN-25) zone for any purpose other than one or more of the following permitted uses:

7.14.1.1 **Primary Uses:**

- a.) MULTI-UNIT RESIDENTIAL BUILDING (including APARTMENT BUILDING)
- b.) MIXED USE BUILDING with DWELLING UNITS above the FIRST STOREY
- c.) ASSISTED LIVING FACILITY
- d.) LONG TERM CARE FACILITY

7.14.1.2 **Complementary Uses:**

- a.) GOVERNMENT USE
- b.) COMMUNITY CENTRE
- c.) MUNICIPAL RECREATIONAL FACILITY
- d.) PRIVATE SCHOOL
- e.) SPIRITUAL USE (see section 3.S.4)
- f.) Library
- g.) Post Office

7.14.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a permitted DWELLING UNIT:

- a.) HOME OCCUPATION (see section 3.H.3 and Table 6A)

7.14.1.4 **Ancillary Uses**, meaning the uses are subordinate and incidental to a use permitted in section 7.14.1.1 and or section 7.14.1.2:

- a.) Art Gallery
- b.) ARTIST STUDIO (CLASS A)
- c.) BAKE SHOP
- d.) CAFE
- e.) CHILD CARE CENTRE
- f.) COMMERCIAL RECREATION
- g.) COMMERCIAL WELLNESS
- h.) COMMERCIAL SCHOOL
- i.) DRUG STORE
- j.) ELECTRONIC GAMING CENTRE
- k.) FINANCIAL INSTITUTION
- l.) MEDICAL CLINIC
- m.) OFFICE
- n.) PERSONAL SERVICE SHOP

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- o.) PHARMACEUTICAL DISPENSARY
- p.) RESTAURANT
- q.) RESTAURANT, TAKE-OUT
- r.) RETAIL STORE (excluding DEPARTMENT STORES, Home Improvement Store, Automotive Supply Stores)
- s.) VARIETY STORE

7.14.1.5 **Ancillary Uses**, meaning the uses are subordinate and incidental to a BUILDING:

- a.) Hydro Transformer Room

## Front Lot Line and Flankage Lot Line Interpretation

7.14.2 Notwithstanding anything to the contrary, for the purposes of this zone, on a CORNER LOT the longer STREET LINE shall be deemed to be the FRONT LOT LINE, and the shorter STREET LINE shall be deemed to be the FLANKAGE LOT LINE.

## Performance Standards

7.14.3 The following regulations in Table 7T shall apply to every LOT, BUILDING and STRUCTURE in the Residential Northdale Twenty Five (RN-25) zone:

|                                  |  |   |
|----------------------------------|--|---|
| LOT AREA (minimum)               |  | 1,000 square metres   |
| LOT FRONTAGE (minimum)           |  | 20 metres   |
| STREET LINE setback (minimum)    | Active Frontage  | 1 metre   |
|                                  | Convertible Frontage   | 1 metre   |
|                                  | Neighbourhood Frontage   | 3 metres  |
| STREET LINE setback (maximum)    | Active Frontage  | 3 metres  |
|                                  | Convertible Frontage   | At least 75% of the STREET LINE BUILDING FAÇADE shall be within 5 metres of the STREET LINE |
|                                  | Neighbourhood Frontage   | 6 metres  |
| SIDE YARD setback (minimum)      | Active Frontage, applicable to BUILDINGS constructed after the effective date of this BY-LAW | 3 metres  |
|                                  | Convertible Frontage   | 3 metres  |
|                                  | Neighbourhood Frontage   | 3 metres  |
| REAR YARD setback (minimum)      |  | 7.5 metres  |
| Height of FIRST STOREY (minimum) | Active Frontage  | 4.0 metres  |
|                                  | Convertible Frontage   | 4.0 metres  |

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| <b>Table 7T: Regulations – RESIDENTIAL NORTHDALÉ TWENTY FIVE ZONE (RN-25)</b>                       |   |  |
|---|---|--|
|   | Neighbourhood Frontage, applicable to BUILDINGS constructed after the effective date of this BY-LAW | 4.0 metres   |
| BUILDING HEIGHT (minimum)   |   | 10.5 metres  |
| BUILDING HEIGHT (maximum)   | Active Frontage   | 82.5 metres  |
|   | Convertible Frontage  | 82.5 metres  |
|   | Neighbourhood Frontage  | 82.5 metres  |
| PODIUM Height (minimum)   |   | 10.5 metres  |
| PODIUM Height (maximum)   |   | 20 metres  |
| BUILDING STEPBACK above PODIUM (minimum)  |   | 3 metres   |
| TOWER Footprint above the Eighth (8 <sup>th</sup> ) STOREY (maximum)                                |   | 800 square metres  |
| TOWER Separation measured from exterior face of the BUILDING, including balconies (minimum)         |   | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE                      |
| Horizontal TOWER Dimension (maximum)  |   | 35 metres  |
| Density (minimum)   |   | 250 BEDROOMS per hectare   |
| Density (maximum)   |   | 750 BEDROOMS per hectare   |
| Number of FIRST STOREY Entrances to the BUILDING (minimum)  | Active Frontage   | 1 per 25 metres of STREET LINE BUILDING FAÇADE   |
|   | Convertible Frontage  | 1 per 15 metres of STREET LINE BUILDING FAÇADE   |
|   | Neighbourhood Frontage  | 1 per 15 metres of STREET LINE BUILDING FAÇADE   |
| AMENITY AREA, applicable to BUILDINGS constructed after the effective date of this BY-LAW (minimum) |   | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT |
| LANDSCAPED OPEN SPACE (minimum)   |   | 30%  |
| Residential PARKING SPACES (minimum)  |   | (see Note)   |
| VISITOR PARKING SPACES (minimum)  |   | (see Note)   |
| PARKING SPACES for Non-Residential Uses (minimum)   |   | (see Note)   |

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|--|---|--|
| BICYCLE PARKING Spaces (minimum) (section 6.6.2 shall not apply) | Residential   | 0.50 per BEDROOM   |
|  | Non-Residential Uses, applicable to BUILDINGS constructed after the effective date of this BY-LAW | 1 per 100 square metres of BUILDING FLOOR AREA   |
| Number of DRIVEWAYS per LOT (maximum)                            |   | 1  |
| Ancillary Uses specified in sections 7.14.1.4 and 7.14.1.5       |   | Ancillary Uses shall not collectively exceed 15% of the BUILDING FLOOR AREA on the LOT or 5,000 square metres, whichever is more restrictive           |
|  |   | The maximum BUILDING FLOOR AREA of each RETAIL STORE, CAFÉ, BAKE SHOP or RESTAURANT (including TAKE-OUT RESTAURANT) shall not exceed 465 square metres |
|  |   | Ancillary Uses shall be located on the FIRST STOREY of a MIXED USE BUILDING  |
|  |   | Ancillary Uses shall abut the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE  |
| Number of main BUILDINGS per LOT (maximum)                       |   | More than one (1) permitted  |

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

- 7.14.4 Pursuant to Table 7S, a balcony shall be considered part of the exterior face of the BUILDING for the purposes of measuring TOWER Separation.
- 7.14.5 In the case of multiple BUILDINGS on a LOT, only the BUILDING located nearest the STREET shall comply with the STREET LINE setback regulations in Table 7T.
- 7.14.6 Notwithstanding Table 7T, part of the BUILDING may be set back from the STREET LINE up to six metres (6m) to accommodate an OUTDOOR CAFE PATIO, OUTDOOR RESTAURANT PATIO, or OUTDOOR BAKE SHOP PATIO.
- 7.14.7 Notwithstanding anything to the contrary, every BUILDING shall have a main entrance at GRADE on the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE. For the purposes of calculating the number of FIRST STOREY entrances to a BUILDING, any fraction shall be rounded to the next highest whole number.

### Street Frontages

- 7.14.8 For the purposes of this zone:
- a.) "Active Frontage" shall mean the Active Frontage illustrated in section 3.S.7.
  - b.) "Convertible Frontage" shall mean the Convertible Frontage illustrated in section 3.S.7.

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c.) "Neighbourhood Frontage" shall mean the Neighbourhood Frontage illustrated in section 3.S.7.

7.14.9 Where multiple Frontages in section 7.14.8 apply to a LOT, the applicable STREET LINE setback specified in Table 7T shall apply to the associated Frontage.

7.14.10 Notwithstanding anything to the contrary, on a LOT with an Active Frontage, the following additional regulations shall apply:

7.14.10.1 DWELLING UNITS shall not be permitted on the FIRST STOREY of the BUILDING.

7.14.10.2 BUILDING FLOOR AREA devoted to:

- circulation spaces, such as hallways, elevators, and the like
- common indoor AMENITY AREA
- entrance / foyers for DWELLING UNITS in storeys above the FIRST STOREY
- hydro transformer room
- lobby, reception area, seating area, and the like

shall not exceed thirty percent (30%) of the entire BUILDING FLOOR AREA of the FIRST STOREY, excluding STRUCTURED PARKING.

7.14.10.3 Notwithstanding anything to the contrary, where a LOT abuts King Street North, University Avenue West, Phillip Street, or Columbia Street West, common indoor AMENITY AREA shall not be permitted on the FIRST STOREY.

7.14.11 Notwithstanding anything to the contrary, on a LOT with a Convertible Frontage, DWELLING UNITS and Non-Residential Uses shall be permitted on the FIRST STOREY.

7.14.12 Notwithstanding anything to the contrary, on a LOT with a Neighbourhood Frontage:

- a.) DWELLING UNITS shall be permitted on the FIRST STOREY.
- b.) Ancillary Uses specified in section 7.14.1.4 shall be permitted on the FIRST STOREY.
- c.) Each DWELLING UNIT located on the FIRST STOREY that abuts a STREET LINE BUILDING FAÇADE shall have an independent primary entrance to the DWELLING UNIT from the FRONT BUILDING FACADE or FLANKAGE BUILDING FACADE as the case may be.

## Parking and Parking Structures

7.14.13 (deleted – Planning Act eliminates parking minimums in MTSAs)

7.14.14 Notwithstanding anything to the contrary, PARKING SPACES shall be prohibited in the FRONT YARD and FLANKAGE YARD.

7.14.15 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:

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- HABITABLE FLOOR SPACE
  - circulation spaces, such as hallways, elevators, and the like
  - common indoor AMENITY AREA
  - DWELLING UNIT
  - commercial uses specified in section 7.14.1.4
  - institutional uses specified in section 7.14.1.2
  - entrance / foyers
  - hydro transformer room
  - management office
  - lobby, reception area, seating area, and the like
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 7.14.15.a.).
- c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 7.14.15.a.) shall abut the entire FRONT BUILDING FAÇADE.
- d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 7.14.15.a.) shall abut the entire FRONT BUILDING FAÇADE and or the entire FLANKAGE BUILDING FAÇADE, provided further that:
- i.) where the BUILDING FLOOR AREA devoted to the uses specified in section 7.14.15.a.) only abuts the FRONT BUILDING FAÇADE, the STRUCTURED PARKING abutting the FLANKAGE BUILDING FAÇADE shall be visibly screened from view from the STREET;
  - ii.) where the BUILDING FLOOR AREA devoted to the uses specified in section 7.14.15.a.) only abuts the FLANKAGE BUILDING FAÇADE, the STRUCTURED PARKING abutting the FRONT BUILDING FAÇADE shall be visibly screened from view from the STREET.
- e.) Notwithstanding anything to the contrary, where the FIRST STOREY is partially comprised of STRUCTURED PARKING, the principal BUILDING entrance shall be located on the STREET LINE BUILDING FAÇADE containing the BUILDING FLOOR AREA required in section 7.14.15.a.).
- 7.14.16 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

## Holding Symbol

- 7.14.17 Notwithstanding anything to the contrary, where the holding symbol (H) is applied, only those uses which lawfully and actually existed on the date of passing of this BY-LAW shall be permitted to continue until such time as the holding symbol (H) is removed. The holding symbol (H) shall not be removed until the following criteria are satisfied:
- a.) Verification of sufficient servicing capacity (water, sanitary, and stormwater) to fully service the LOT and development thereon.

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- b.) Verification of sufficient transportation capacity and transportation infrastructure within the surrounding road network affected by the development and or use of the LOT.
- c.) For known or suspected contaminated sites as identified by the REGION, verification from the REGION and or the Province of Ontario that the owner has completed a Record of Site Condition.
- d.) Where an increase in BUILDING density is proposed pursuant to Section 37 of the PLANNING ACT, the completion and registration of an agreement pursuant to subsections 37.3 and 37.4 of the PLANNING ACT between the owner and the CITY.
- e.) A Block Plan has been prepared in accordance with the Block Plan policies of the OFFICIAL PLAN for the Northdale Neighbourhood Specific Provision Area, where applicable.
- f.) Verification through an urban design brief that the LOT and development thereon will conform to: (i.) the OFFICIAL PLAN; (ii.) the REGION'S Official Plan; and (iii.) the CITY'S Urban Design Manual in effect, including the Northdale Urban Design Guidelines.
- g.) Demonstrate compliance with the Provincial D-6 Guideline "Compatibility Between Industrial Facilities and Sensitive Land Uses" where there are potential land use compatibility issues associated with existing and or planned industrial uses operating in proximity to residential or other sensitive land uses.

7.14.18 Notwithstanding section 7.14.17, the holding symbol (H) shall not apply to an EXISTING DETACHED BUILDING.

## Detached Buildings

7.14.19 Notwithstanding anything to the contrary, the regulations in section 7.1.2 of the Residential One (R1) zone shall apply to an EXISTING DETACHED BUILDING.

# CITY OF WATERLOO

## RESIDENTIAL CONSERVATION ONE (RC1)

### Zone

7.15 Residential Conservation One (RC1) Zone

### Permitted Uses

7.15.1 No PERSON shall erect, alter, enlarge, reconstruct, locate, or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Conservation One (RC1) zone for any purpose other than one or more of the following permitted uses:

#### 7.15.1.1 Primary Uses:

- a.) DETACHED BUILDING
- b.) Parks operated by the CITY

7.15.1.2 **Ancillary Uses**, meaning the uses are subordinate and incidental to a Primary Use specified in section 7.15.1.1:

- a.) COACH HOUSE (see section 3.C.2)
- b.) HOME OCCUPATION (see section 3.H.3 and Table 6A)
- c.) ADDITIONAL RESIDENTIAL UNIT (see section 3.A.1B)

### Performance Standards

7.15.2 The following regulations in Table 7U shall apply to every BUILDING, STRUCTURE and LOT in the Residential Conservation One (RC1) zone:

|                                    |   |
|------------------------------------|---|
| LOT AREA<br>(minimum)              | The LOT AREA that existed on the date of passing of this BY-LAW   |
| LOT FRONTAGE<br>(minimum)          | The LOT FRONTAGE that existing on the date of passing of this BY-LAW  |
| FRONT YARD setback<br>(minimum)    | The FRONT YARD setback of the “Existing Building”   |
| FLANKAGE YARD setback<br>(minimum) | The FLANKAGE YARD setback of the “Existing Building”  |
| SIDE YARD setback<br>(minimum)     | The SIDE YARD setback of the “Existing Building”  |
| REAR YARD setback<br>(minimum)     | The REAR YARD setback of the “Existing Building”  |
| BUILDING HEIGHT<br>(maximum)       | The BUILDING HEIGHT of the “Existing Building”<br><br>The BUILDING HEIGHT of a COACH HOUSE shall not exceed the lesser of 6.0 metres or the BUILDING HEIGHT of the “Existing Building”. |
| PARKING SPACES<br>(minimum)        | The number of EXISTING PARKING SPACES on the LOT  |

# CITY OF WATERLOO

| <b>Table 7U: Regulations – Residential Conservation One Zone (RC1)</b> |   |
|--|---|
| Number of main BUILDINGS per LOT (maximum)                             | 1 |
| Number of COACH HOUSES per LOT (maximum)                               | 1 |
| Number of DWELLING UNITS per LOT (maximum)                             | 4 |

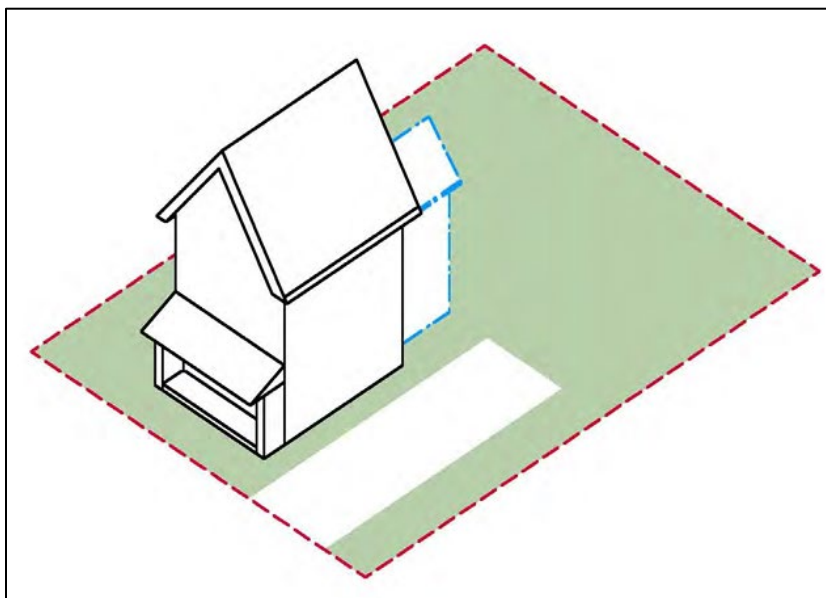
7.15.3 For the purpose of this zone, “**Existing Building**” means the main BUILDING that existed on November 16, 2007 on the LOT, being the date that the MacGregor/Albert Neighbourhood Heritage Conservation District Plan was approved by the Ontario Municipal Board.

### Additions to an Existing Building

7.15.4 Notwithstanding anything to the contrary in Table 7U, an addition to an “Existing Building” is permitted provided that:

- a.) the addition is located entirely within the REAR YARD of the “Existing Building”;
- b.) the minimum REAR YARD setback of the addition shall be seven-point-five metres (7.5m);
- c.) the addition complies with the SIDE YARD setback of the “Existing Building”;
- d.) the addition complies with the FLANKAGE YARD setback of the “Existing Building”, on a CORNER LOT;
- e.) the maximum BUILDING HEIGHT of the addition does not exceed the height of the “Existing Building”;
- f.) the maximum LOT COVERAGE of the main BUILDING with the addition shall be thirty-five percent (35%).

*NOTE: Prior to grading, land clearing, and construction on the LOT, both a Heritage Permit and a Building Permit must be obtained.*



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## Area "A"

7.15.5 For the lands identified with the letter "A" on Image A to this zone, the following regulations shall apply:

- a.) Notwithstanding anything to the contrary, the following additional USES shall be permitted within the "Existing Building" and any permitted additions thereto:
  - i. UNIVERSITY / COLLEGE

## Area "B"

7.15.6 For the lands identified with the letter "B" on Image A to this zone, the following regulations shall apply:

- a.) Notwithstanding anything to the contrary, the following additional USES shall be permitted within the "Existing Building" and any permitted additions thereto:
  - i. Art Gallery
  - ii. ARTIST STUDIO (CLASS A)
  - iii. CHILD CARE CENTRE
  - iv. COMMERCIAL SCHOOL
  - v. MEDICAL CLINIC
  - vi. OFFICE
  - vii. PERSONAL SERVICE SHOP
  - viii. RETAIL STORE

## Area "C"

7.15.7 For the lands identified with the letter "C" on Image A to this zone, the following regulations shall apply:

- a.) Notwithstanding anything to the contrary, the following additional USES shall be permitted within the "Existing Building" and any permitted additions thereto:
  - i. Art Gallery, which may include the ancillary retailing of artistic works on display
  - ii. ALTERNATIVE EDUCATION CENTRE
  - iii. ARTIST STUDIO (CLASS A)
  - iv. CHILD CARE CENTRE
  - v. GOVERNMENT USE
  - vi. Museum
  - vii. PRIVATE SCHOOL
  - viii. PUBLIC SCHOOL
  - ix. SPIRITUAL USE

## Area "D"

7.15.8 For the lands identified with the letter "D" on Image A to this zone, the following regulations shall apply:

# CITY OF WATERLOO

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- a.) Notwithstanding anything to the contrary, the following additional USES shall be permitted within the "Existing Building" and any permitted additions thereto:
- i. Art Gallery, which may include the ancillary retailing of artistic works on display
  - ii. ARTIST STUDIO (CLASS A)
  - iii. BUSINESS INCUBATOR
  - iv. EDUCATIONAL INSTITUTION
  - v. INSTITUTION
  - vi. Library
  - vii. MAKERSPACE (CLASS A)
  - viii. MULTI-UNIT RESIDENTIAL BUILDING, provided that parking at a rate of one (1) PARKING SPACE per DWELLING UNIT is provided
  - ix. Museum
  - x. OFFICE, excluding HEALTH PRACTITIONER and MEDICAL CLINIC
  - xi. TECH OFFICE
- b.) Notwithstanding anything to the contrary, the following shall be prohibited:
- i. Any USE or activity that ordinarily results in emissions from the unit or BUILDING of odours, fumes, noise, dust, vibrations, heat, glare (lighting), electrical interference, or the like.
  - ii. Any USE or activity that produces or creates chemical by-products.
  - iii. OUTDOOR STORAGE of materials or equipment.
- c.) Notwithstanding anything to the contrary, the following setbacks shall apply to the EXISTING BUILDING:
- i. Minimum FRONT YARD Setback (Dorset Street): 0.97 metres
  - ii. Minimum SIDE YARD Setback: 3.35 metres
  - iii. Minimum FLANKAGE YARD Setback (Albert Street): 0.30 metres, excluding an addition to the EXISTING BUILDING for an elevator which shall be setback zero metres (0m) from the Albert Street STREET LINE
- d.) Notwithstanding anything to the contrary, TECH OFFICE includes the incidental prototyping and assembly of related advanced technology hardware and products, to a maximum thirty-five percent (35%) of the BUILDING FLOOR AREA.
- e.) (deleted – Planning Act eliminates parking minimums in MTSAs)
- NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*
- NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*
- f.) Notwithstanding e.), a maximum of ten (10) PARKING SPACES shall be required for the EXISTING BUILDING and any addition(s) thereto.

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## Area 'E'

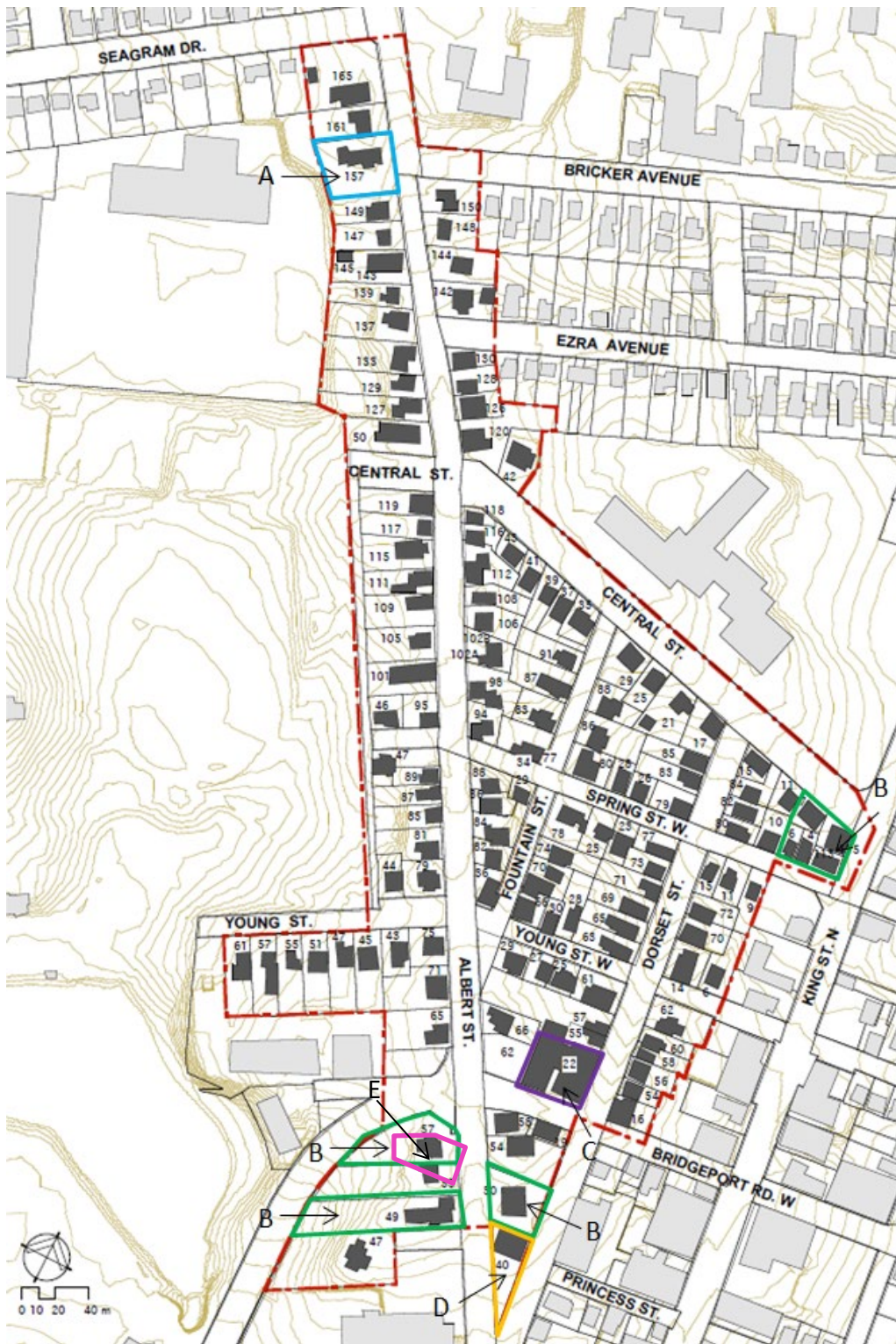
7.15.9 For the lands identified with the letter "E" on Image A to this zone, the following regulations shall apply:

- a.) Notwithstanding anything to the contrary, the following USES shall be permitted on the FIRST STOREY:
  - i. OFFICE, including a HEALTH PRACTITIONER OFFICE
  - ii. DWELLING UNIT
- b.) Notwithstanding anything to the contrary, the following USES shall be permitted in the SECOND and THIRD STOREY:
  - i. DWELLING UNIT
- c.) Notwithstanding anything to the contrary, the following regulations shall apply:
  - i. (deleted – Planning Act eliminates parking minimum in MTSAs)
  - ii. (deleted – Planning Act eliminates parking minimum in MTSAs)
  - iii. The maximum number of HEALTH PRACTITIONERS shall be one (1).
  - iv. The BASEMENT of the BUILDING may be used in whole or in part for storage and or mechanical equipment for an OFFICE.
  - v. The BUILDING FLOOR AREA devoted to storage and or mechanical equipment within the BASEMENT of the existing building shall be excluded from the parking calculation for an OFFICE.
  - vi. A LOADING SPACE shall not be required for an OFFICE.

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

# CITY OF WATERLOO

Image A: Property Specific Regulations



# CITY OF WATERLOO

## RESIDENTIAL BEAVER CREEK ONE (RBC1)

### Zone

7.16 Residential Beaver Creek One (RBC1)

### Permitted Uses

7.16.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Beaver Creek One (RBC1) zone for any purpose other than one or more of the following permitted uses:

7.16.1.1 Primary Uses:

a.) SINGLE DETACHED BUILDING

7.16.1.2 Complementary Uses:

a.) CLASS A GROUP HOME (see section 3.G.2 and Table 6A)

7.16.1.3 Ancillary Uses, meaning the uses are subordinate and incidental to a Primary Use:

a.) HOME OCCUPATION (see section 3.H.3 and Table 6A)

b.) SECOND RESIDENTIAL UNIT (see section 3.S.1)

### Performance Standards

7.16.2 The following regulations in Table 1 shall apply to every LOT, BUILDING and STRUCTURE in the Residential Beaver Creek One (RBC1)

|                                       |   |
|---------------------------------------|---|
| LOT AREA (minimum)                    | INTERIOR LOT: 360 square metres                   |
|                                       | CORNER LOT: 495 square metres                     |
| LOT FRONTAGE (minimum)                | INTERIOR LOT: 12.0 metres                         |
|                                       | CORNER LOT: 16.5 metres                           |
| FRONT YARD setback (minimum)          | 7.5 metres  |
| FLANKAGE YARD setback (minimum)       | 6.0 metres  |
| SIDE YARD setback (minimum)           | 1.8 metres  |
| REAR YARD setback (minimum)           | 7.5 metres  |
| BUILDING HEIGHT (maximum)             | 10 metres   |
| LOT COVERAGE, all BUILDINGS (maximum) | 45%   |
| PARKING SPACES (minimum)              | 1 per DWELLING UNIT                               |
| Number of BUILDINGS (maximum)         | One (1) main BUILDING shall be permitted on a LOT |

7.16.3 Where the zone boundary is indicated as approximately following the edge of a COMMON ELEMENT ROAD, the centre line of the COMMON ELEMENT ROAD shall be deemed to be the zone boundary.

# CITY OF WATERLOO

## RESIDENTIAL BEAVER CREEK TWO (RBC2)

### Zone

7.17 Residential Beaver Creek Two (RBC2)

### Permitted Uses

7.17.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Beaver Creek Two (RBC2) zone for any purpose other than one or more of the following permitted uses:

7.17.1.1 Primary Uses:

- a.) SINGLE DETACHED BUILDING
- b.) SEMI-DETACHED BUILDING
- c.) FREEHOLD SEMI-DETACHED BUILDING
- d.) FREEHOLD TOWNHOUSE BUILDING

7.17.1.2 Complementary Uses:

- a.) CLASS A GROUP HOME (see section 3.G.2 and Table 6A)

7.17.1.3 Ancillary Uses, meaning the uses are subordinate and incidental to a Primary Use:

- a.) HOME OCCUPATION (see section 3.H.3 and Table 6A)

7.17.1.4 Ancillary Uses, meaning the uses are subordinate and incidental to a SINGLE DETACHED BUILDING, FREEHOLD SEMI-DETACHED BUILDING, or FREEHOLD TOWNHOUSE BUILDING:

- a) SECOND RESIDENTIAL UNIT (see section 3.S.1)

### Performance Standards

7.17.2 The following regulations in Table 1 shall apply to every LOT, BUILDING and STRUCTURE in the Residential Beaver Creek Two (RBC2) Zone:

| <b>Table 1: Regulations – RESIDENTIAL BEAVER CREEK TWO (RBC2)</b> |              |                         |                      |                               |
|---|--------------|-------------------------|----------------------|-------------------------------|
|   |              | <b>SINGLE DETACHED</b>  | <b>SEMI-DETACHED</b> | <b>FREEHOLD SEMI-DETACHED</b> |
| LOT AREA (min)  | Interior Lot | 225 square metres       | 450 square metres    | 204 square metres             |
|   | Corner Lot   | 330 square metres       | 504 square metres    | 252 square metres             |
| LOT FRONTAGE (min)  | Interior Lot | 8.5 square metres       | 15.0 metres          | 6.8 metres                    |
|   | Corner Lot   | 11.0 metres             | 16.8 metres          | 8.4 metres                    |
| Average LOT DEPTH (minimum)                                       |              | 30.0 metres             |                      |                               |
| FRONT YARD Setback (minimum)                                      |              | 6.0 metres              |                      |                               |
| FLANKAGE YARD Setback (minimum)                                   |              | 3.0 metres              |                      |                               |
| SIDE YARD setback (minimum)                                       |              | 1.2 metres (see 7.17.3) |                      |                               |
| REAR YARD setback (minimum)                                       |              | 7.5 metres              |                      |                               |

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| <b>Table 1: Regulations – RESIDENTIAL BEAVER CREEK TWO (RBC2)</b> |                           |
|---|---------------------------|
| BUILDING HEIGHT (maximum)   | 10.0 metres and 3 STOREYS |
| LOT COVERAGE (maximum)  | 55%                       |
| LANDSCAPED OPEN SPACE (minimum)                                   | 30%                       |
| PARKING SPACES (minimum)  | 1 per DWELLING UNIT       |

- 7.17.3 Notwithstanding anything to the contrary, for a FREEHOLD SEMI-DETACHED DWELLING, the minimum Side Yard Setback on one side of the LOT shall be 0.0 metres.
- 7.17.4 Notwithstanding anything to the contrary, where a minimum STREET LINE setback of seven metres (7.0 m) is provided to a PRIVATE GARAGE, the minimum FRONT YARD setback to the habitable portion of the main STRUCTURE shall be five metres (5m).
- 7.17.5 Notwithstanding anything to the contrary, a PRIVATE GARAGE shall not be located any closer to the FRONT LOT LINE than the HABITABLE FLOOR SPACE of the dwelling.
- 7.17.6 Notwithstanding anything to the contrary, a one (1) STOREY unenclosed PORCH may encroach into the FRONT YARD and/or FLANKAGE YARD by a maximum of zero-point-six metres (0.6 m).
- 7.17.7 Notwithstanding anything to the contrary, the maximum width of a PRIVATE GARAGE attached to the main BUILDING shall not exceed fifty eight percent (58%) of the FRONT BUILDING FAÇADE LENGTH.
- 7.17.8 For the purposes of Section 7.17.7, the width of a PRIVATE GARAGE shall be determined by the width of the PRIVATE GARAGE opening (garage door(s)).
- 7.17.9 A DRIVEWAY may extend 0.3 metres beyond either side of the PRIVATE GARAGE opening (garage door(s)), provided no portion of the DRIVEWAY is located in front of any HABITABLE FLOOR SPACE on the FIRST STOREY.
- 7.17.10 Where a LOT LINE abuts a RESERVE, the LOT LINE shall be considered a STREET LINE for the purposes of applying setbacks.
- 7.17.11 For the purposes of this BY-LAW, more than one main BUILDING may be permitted on a LOT subject to the other provisions of this zone.
- 7.17.12 The regulations of the Residential Beaver Creek 3 Zone (RBC3) Zone shall apply to a FREEHOLD TOWNHOUSE BUILDING.

# CITY OF WATERLOO

## RESIDENTIAL BEAVER CREEK THREE (RBC3)

### Zone

7.18 Residential Beaver Creek Three (RBC3)

### Permitted Uses

7.18.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Beaver Creek Three (RBC3) zone for any purpose other than one or more of the following permitted uses:

7.18.1.1 Primary Uses:

- a.) FREEHOLD TOWNHOUSE BUILDING
- b.) TOWNHOUSE BUILDING
- c.) STACKED TOWNHOUSE BUILDING
- d.) TRIPLEX BUILDING

7.18.1.2 Ancillary Uses, meaning the uses are subordinate and incidental to a Primary Use:

- a.) HOME OCCUPATION (see section 3.H.3 and Table 6A)

7.18.1.3 Ancillary Uses, meaning the uses are subordinate and incidental to a FREEHOLD TOWNHOUSE BUILDING:

- a.) SECOND RESIDENTIAL UNIT (see section 3.S.1)

### Performance Standards

7.18.2 The following regulations in Table 1 shall apply to every LOT, BUILDING and STRUCTURE in the Residential Beaver Creek Three (RBC3) Zone:

|                                 |              | <b>TOWNHOUSE</b>                     | <b>STACKED TOWNHOUSE</b>  | <b>FREEHOLD TOWNHOUSE</b> | <b>TRIPLEX</b>            |
|---------------------------------|--------------|--------------------------------------|---------------------------|---------------------------|---------------------------|
| LOT AREA (minimum)              | Interior Lot | (none)                               | (none)                    | 165 square metres         | 450 square metres         |
|                                 | Corner Lot   |                                      |                           | 285 square metres         | 540 square metres         |
| LOT FRONTAGE (minimum)          | Interior Lot | (none)                               | (none)                    | 5.5 metres                | 15 metres                 |
|                                 | Corner Lot   |                                      |                           | 9.5 metres                | 18 metres                 |
| FRONT YARD Setback (minimum)    |              | 6.0 metres                           |                           |                           |                           |
| FLANKAGE YARD Setback (minimum) |              | 3.0 metres                           |                           |                           |                           |
| SIDE YARD setback (minimum)     |              | 7.5 metres from an INTERIOR LOT LINE | 1.8 metres                | 1.8 metres                | 1.8 metres                |
| REAR YARD setback (minimum)     |              |                                      | 7.5 metres                |                           |                           |
| BUILDING HEIGHT (maximum)       |              | 10.0 metres and 3 STOREYS            | 10.0 metres and 3 STOREYS | 10.0 metres and 3 STOREYS | 10.0 metres and 3 STOREYS |

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**Table 1: Regulations – RESIDENTIAL BEAVER CREEK THREE (RBC3)**

|  |                             |                             |                     |                  |
|--|-----------------------------|-----------------------------|---------------------|------------------|
| Density (maximum)                          | 150 BEDROOMS                | 150<br>BEDROOMS             | (none)              | (none)           |
| LOT COVERAGE (maximum)                     | 55%                         | 55%                         | 55% (see 7.18.3)    | 55%              |
| LANDSCAPED OPEN SPACE (minimum)            | 30%                         |                             |                     |                  |
| PARKING SPACES (minimum)                   | 1 per DWELLING UNIT         |                             | 1 per DWELLING UNIT | 2 PARKING SPACES |
| VISITOR PARKING SPACES (minimum)           | 0.10 per DWELLING UNIT      | 0.10 per DWELLING UNIT      | (None)              | (None)           |
| Number of main BUILDINGS per LOT (maximum) | More than one (1) permitted | More than one (1) permitted | 1                   | 1                |

- 7.18.3 Notwithstanding anything to the contrary, an interior FREEHOLD TOWNHOUSE BUILDING that has a DWELLING UNIT on both sides shall be permitted an additional six percent (6%) LOT COVERAGE for ACCESSORY STRUCTURES.
- 7.18.4 Notwithstanding anything to the contrary, for a FREEHOLD TOWNHOUSE, the maximum width of a PRIVATE GARAGE attached to the main BUILDING shall not exceed sixty percent (60%) of the FRONT BUILDING FAÇADE LENGTH.
- 7.18.5 For the purposes of Section 7.18.4, the width of a PRIVATE GARAGE shall be determined by the width of the PRIVATE GARAGE opening (garage door(s)).
- 7.18.6 A DRIVEWAY may extend 0.3 metres beyond either side of the PRIVATE GARAGE opening (garage door(s)), provided no portion of the DRIVEWAY is located in front of any HABITABLE FLOOR SPACE on the FIRST STOREY.
- 7.18.7 Notwithstanding anything to the contrary, for a TOWNHOUSE or FREEHOLD TOWNHOUSE, a one (1) STOREY unenclosed PORCH may encroach into the FRONT YARD and/or FLANKAGE YARD by a maximum of zero-point-six metres (0.6 m).

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## RESIDENTIAL BEAVER CREEK FOUR (RBC4)

### Zone

7.19 Residential Beaver Creek Four (RBC4)

### Permitted Uses

7.19.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Beaver Creek Four (RBC4) zone for any purpose other than one or more of the following permitted uses:

7.19.1.1 Primary Uses:

- a.) ASSISTED LIVING FACILITY
- b.) LONG TERM CARE FACILITY
- c.) MULTI-UNIT RESIDENTIAL BUILDING
- d.) TOWNHOUSE BUILDING

7.19.1.2 Ancillary Uses, meaning the uses are subordinate and incidental to a Primary Use:

- a.) HOME OCCUPATION (see section 3.H.3 and Table 6A)

### Performance Standards

7.19.2 The following regulations in Table 1 shall apply to every LOT, BUILDING and STRUCTURE in the Residential Beaver Creek Four (RBC4) Zone:

| <b>Table 1: Regulations-RESIDENTIAL BEAVER CREEK FOUR (RBC4)</b> |  |
|--|--|
|  | <b>MULTI-UNIT RESIDENTIAL BUILDING</b>   |
| LOT FRONTAGE (min)   | 15.0 metres  |
| STREET LINE Setback (min)  | 5.0 metres   |
| SIDE YARD Setback (min)  | 3.0 metres   |
| REAR YARD Setback (min)  | 7.5 metres   |
| LOW RISE RESIDENTIAL LOT LINE Setback (min)                      | Half the height of the BUILDING or 4.5 metres whichever is greater   |
| BUILDING HEIGHT (max)  | 12.0 metres and 4 STOREYS  |
| Density (max)  | 150 BEDROOMS per hectare   |
| PARKING SPACES (min)   | 1 per DWELLING UNIT  |
| VISITOR PARKING SPACES (min)                                     | 0.1 per DWELLING UNIT  |
| Number of Main BUILDINGS per LOT                                 | More than One (1)  |
| LANDSCAPED OPEN SPACE (min)                                      | 30 %   |
| AMENITY AREA (min)   | 3 square metres per BEDROOM for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT |

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- 7.19.3 A LONG TERM CARE FACILITY shall comply with the regulations for a MULTI-UNIT RESIDENTIAL BUILDING in Table 1 of Section 7.19.2, except for PARKING SPACES and VISITOR PARKING SPACES, which shall comply with Table 6A in By-law 2018-050.
- 7.19.4 An ASSISTED LIVING FACILITY shall comply with the regulations for a MULTI-UNIT RESIDENTIAL BUILDING in Table 1 of Section 7.19.2, except for PARKING SPACES and VISITOR PARKING SPACES, which shall comply with Table 6A in By-law 2018-050.
- 7.19.5 Notwithstanding anything to the contrary, for MULTI-UNIT RESIDENTIAL BUILDINGS, Section 3.A.4.2 shall only apply to an APARTMENT BUILDING.
- 7.19.6 Notwithstanding anything to the contrary, every BUILDING that faces a STREET shall have at least one (1) BUILDING entrance to GRADE on the BUILDING FAÇADE oriented to the nearest STREET.
- 7.19.7 Where a LOT LINE abuts a RESERVE, the LOT LINE shall be considered a STREET LINE for the purposes of applying setbacks and BUILDING entrance regulations.
- 7.19.8 Notwithstanding anything to the contrary, the INTERIOR LOT LINE regulation in Section 3.C.10 shall not apply, whereas the SIDE YARD setback and REAR YARD setback regulations in Table 1 of Section 7.19.2 shall apply to CLUSTER DEVELOPMENT.
- 7.19.9 Notwithstanding anything to the contrary, the regulations of the Residential Beaver Creek Three (RBC3) Zone shall apply to a TOWNHOUSE BUILDING

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## RESIDENTIAL BEAVER CREEK FIVE (RBC5)

### Zone

7.20 Residential Beaver Creek Five (RBC5)

### Permitted Uses

7.20.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Residential Beaver Creek Five (RBC5) zone for any purpose other than one or more of the following permitted uses:

7.20.1.1 Primary Uses:

- a.) ASSISTED LIVING FACILITY
- b.) LONG TERM CARE FACILITY
- c.) MULTI-UNIT RESIDENTIAL BUILDING
- d.) MIXED-USE BUILDING with DWELLING UNITS above the FIRST STOREY

7.20.1.2 Complementary Uses:

- a.) GOVERNMENT USE
- b.) MUNICIPAL RECREATION FACILITY
- c.) SPIRITUAL USE

7.20.1.3 Ancillary Uses, meaning the uses are subordinate and incidental to a Primary Use:

- a.) HOME OCCUPATION (see section 3.H.3 and Table 6A)
- b.) CAFÉ
- c.) CHILD CARE CENTRE
- d.) COMMERCIAL RECREATION
- e.) COMMERCIAL WELLNESS
- f.) DRUG STORE
- g.) SPECIALITY FOOD STORE
- h.) MEDICAL CLINIC
- i.) OFFICE
- j.) PERSONAL SERVICE SHOP
- k.) RESTAURANT
- l.) RETAIL STORE
- m.) TAKE-OUT RESTAURANT
- n.) VARIETY STORE

### Performance Standards

7.20.2 The following regulations in Table 1 shall apply to every LOT, BUILDING and STRUCTURE in the Residential Beaver Creek Five (RBC5) Zone:

| <b>Table 1: Regulations-RESIDENTIAL BEAVER CREEK FIVE (RBC5)</b> |   |
|--|---|
|  | <b>MULTI-UNIT RESIDENTIAL BUILDING and MIXED-USE BUILDING</b> |
| LOT FRONTAGE (min)   | 20.0 metres   |
| STREET LINE Setback (min)  | 5.0 metres  |

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|                                      |  |
|--------------------------------------|--|
| STREET LINE Setback (max)            | Half the height of the BUILDING or 4.5 metres whichever is greater   |
| BUILDING HEIGHT (min)                | 9.0 metres   |
| BUILDING HEIGHT (max)                | 20 metres and 6 STOREYS  |
| Height of FIRST STOREY (min)         | 4.5 metres   |
| Density (max)                        | 300 BEDROOMS per hectare   |
| PARKING SPACES Residential (min)     | 1 per DWELLING UNIT  |
| VISITOR PARKING SPACES (min)         | 0.1 per DWELLING UNIT  |
| PARKING SPACES Non-Residential (min) | 2.4 spaces as per 100 square metres of BUILDING FLOOR AREA, except as provided for in Table 6A of By-law 2018-050      |
| AMENITY AREA (min)                   | 3 square metres per BEDROOM for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT |
| LANDSCAPED OPEN SPACE (min)          | 30%  |
| Number of Main BUILDINGS per LOT     | More than One (1)  |

- 7.20.3 Where more than one (1) BUILDING exists, only the BUILDING located nearest to the STREET shall be required to comply with the maximum STREET LINE setback in Table 1 of Section 7.20.2. For the purposes of Section 7.20.3 in relation to the maximum STREET LINE setback in Table 1 of Section 7.20.2, the STREET LINE FRONT BUILDING FAÇADE shall mean the BUILDING façade facing the STREET where the principal residential entrance is located.
- 7.20.4 Notwithstanding anything to the contrary, only an APARTMENT BUILDING and a MIXED-USE BUILDING shall require a minimum FIRST STOREY height of 4.5 metres.
- 7.20.5 A LONG TERM CARE FACILITY shall comply with the regulations for a MULTI-UNIT RESIDENTIAL BUILDING in Table 1 of Section 7.20.2, except for PARKING SPACES and VISITOR PARKING SPACES, which shall comply with Table 6A in By-law 2018-050.
- 7.20.6 An ASSISTED LIVING FACILITY shall comply with the regulations for a MULTI-UNIT RESIDENTIAL BUILDING in Table 1 of Section 7.20.2, except for PARKING SPACES and VISITOR PARKING SPACES, which shall comply with Table 6A in By-law 2018-050.
- 7.20.7 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall be prohibited.
- 7.20.8 Notwithstanding anything to the contrary, every BUILDING shall have a front entrance to GRADE on the FRONT BUILDING FAÇADE and/or the FLANKAGE BUILDING FAÇADE.
- 7.20.9 Where more than one (1) BUILDING is proposed on a LOT, only the BUILDING nearest to the STREET, or BUILDINGS that abut a STREET, shall be required to comply with Section 7.20.8.

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7.20.10 Notwithstanding anything to the contrary, the following regulations shall apply to the Ancillary Uses in Section 7.20.1.3:

- a) Ancillary Uses shall abut the FRONT BUILDING FAÇADE and/or the FLANKAGE BUILDING FAÇADE.
- b) Ancillary Uses shall not collectively exceed fifteen percent (15%) of the BUILDING FLOOR AREA of the BUILDING in which the Ancillary Uses are located, or 5,000 square metres, whichever is more restrictive.
- c) The maximum floor area of each Ancillary Use shall be 300 square metres. Excluding a HOME OCCUPATION, which shall be subject to Section 3.H.3.

7.20.11 STRUCTURED PARKING shall be permitted on the FIRST STOREY of a MIXED-USE BUILDING or a MULTI-UNIT RESIDENTIAL BUILDING, provided that:

- a) A minimum of 25% of the FIRST STOREY shall be comprised of one or more of the following:
  - HABITABLE FLOOR SPACE
  - Circulation spaces, such as hallways, elevators and the like
  - Common indoor AMENITY AREA
  - DWELLING UNIT
  - Commercial uses specified in Section 7.20.1.3
  - Entrance/foyers
  - Hydro transformer room
  - Management office
  - Lobby, reception area, seating area and the like
- b) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the USES specified in Section 7.20.11.a).
- c) For a CORNER LOT, or a LOT with FRONTAGE on more than two STREETS, the BUILDING FLOOR AREA devoted to the USES specified in Section 7.20.11.a) shall abut the entire FRONT BUILDING FAÇADE and/or the entire FLANKAGE BUILDING FAÇADE, provided further that for the BUILDING FAÇADE(S) that do not contain the uses specified in Section 7.20.11.a), parking shall be visibly screened from the STREET.
- d) A DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or the FLANKAGE BUILDING FAÇADE.

7.20.12 STRUCTURED PARKING within BUILDINGS that do not face a STREET shall be permitted on the FIRST STOREY, without restriction.

7.20.13 Notwithstanding anything to the contrary, the INTERIOR LOT LINE regulation in Section 3.C.10 shall not apply, whereas the SIDE YARD setback, REAR YARD setback and LOW RISE RESIDENTIAL LOT LINE setback regulations in Table 1 of Section 7.20.2 shall apply to CLUSTER DEVELOPMENT.

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7.20.14 Where a LOT LINE abuts a RESERVE, the LOT LINE shall be considered a STREET LINE for the purposes of applying setbacks and BUILDING entrance regulations.

## SECTION 8 – COMMERCIAL ZONING CATEGORIES

### LIST OF ZONES

- U1 – Uptown Commercial Core
- U2 – Uptown Mixed-Use
- C1 – Mixed Use Community Commercial
- C2 – Mixed Use Neighbourhood Commercial
- C3 – Convenience Commercial
- C4 – Mixed-Use Office
- C5 – Corridor Commercial
- C6 – West Side Mixed-Use Commercial Centre
- C7 – Conestoga Commercial Centre

### LIST OF STATION AREA ZONES

- C1A – Station Area Mixed Use Community Commercial
- C2A – Station Area Mixed Use Neighbourhood Commercial
- C2B – Station Area Mixed Use Neighbourhood Commercial
- C4A – Station Area Mixed-Use Office

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## UPTOWN COMMERCIAL CORE (U1)

### Zone

8.1 Uptown Commercial Core (U1) Zone

### Permitted Uses

8.1.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Uptown Commercial Core (U1) zone for any purpose other than one or more of the following permitted uses:

#### 8.1.1.1 Primary Uses:

- ARTIST STUDIO (CLASS A)
- AUDITORIUM
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BANQUET HALL
- BUSINESS INCUBATOR
- CAFE, including OUTDOOR CAFE PATIO
- Catering Establishment
- CHILD CARE CENTRE
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL SERVICE
- COMMERCIAL WELLNESS
- COMMUNICATION PRODUCTION
- CULTURAL FACILITIES
- EDUCATIONAL INSTITUTION
- ELECTRONIC GAMING CENTRE
- FINANCIAL SERVICES
- Funeral Home
- HOTEL
- INSTITUTION
- MAJOR OFFICE
- MAKERSPACE (CLASS A)
- MEDICAL CLINIC
- NANOBREWERY
- NIGHTCLUB (see section 8.1.4)
- OFFICE
- OLD GOLD SHOP
- PERSONAL BREWING ESTABLISHMENT
- PERSONAL SERVICE SHOP
- PET SERVICES (CLASS A)
- PHARMACEUTICAL DISPENSARY
- PRIVATE CLUB
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE OUT), including OUTDOOR RESTAURANT PATIO
- RETAIL STORE (includes DRUG STORE, FOOD STORE, SPECIALTY FOOD STORE, VARIETY STORE)

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- TECH OFFICE
- TRAINING FACILITY
- TRANSPORTATION SERVICE
- VETERINARY CLINIC

## 8.1.1.2 **Primary Uses:**

- ASSISTED LIVING FACILITY above the FIRST STOREY in a MIXED USE BUILDING
- DWELLING UNITS above the FIRST STOREY in a MIXED USE BUILDING
- LONG TERM CARE FACILITY above the FIRST STOREY in a MIXED USE BUILDING

## 8.1.1.3 **Complementary Uses:**

- ALTERNATIVE EDUCATION CENTRE
- COMMUNITY CENTRE
- DATA CENTRE
- GOVERNMENT USE
- MUNICIPAL RECREATIONAL FACILITY
- PARKING FACILITY
- Post Office
- PRIVATE SCHOOL
- PUBLIC SCHOOL
- PUBLIC MARKET
- SPIRITUAL USE
- TEMPORARY FARMERS MARKET
- UNIVERSITY / COLLEGE (excluding a university or college residence)

## 8.1.1.4 **Ancillary Uses**, meaning the uses are subordinate and incidental to a permitted DWELLING UNIT:

- HOME OCCUPATION (see section 3.H.3 and Table 6A)

## 8.1.1.5 **Ancillary Uses**, meaning the uses are subordinate and incidental to a BUILDING:

- Hydro Transformer Room

8.1.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall be prohibited.

8.1.3 Section 8.1.2 shall not apply to an EXISTING DRIVE-THROUGH.

8.1.4 Notwithstanding anything to the contrary, the following provisions shall apply to NIGHTCLUBS:

8.1.4.1 A NIGHTCLUB shall be located at least 200 metres from any other NIGHTCLUB.

8.1.4.2 The maximum BUILDING FLOOR AREA of a NIGHTCLUB shall not exceed 550 square metres.

8.1.4.3 A maximum one (1) NIGHTCLUB shall be permitted on a LOT.

8.1.4.4 A NIGHTCLUB shall be prohibited on a LOT that ABUTS:

- a.) a LOT zoned for residential purposes; or
- b.) a LOT with BUILDING(S) containing one or more DWELLING UNITS.

8.1.4.5 A NIGHTCLUB shall be prohibited except on a LOT the ABUTS King Street.

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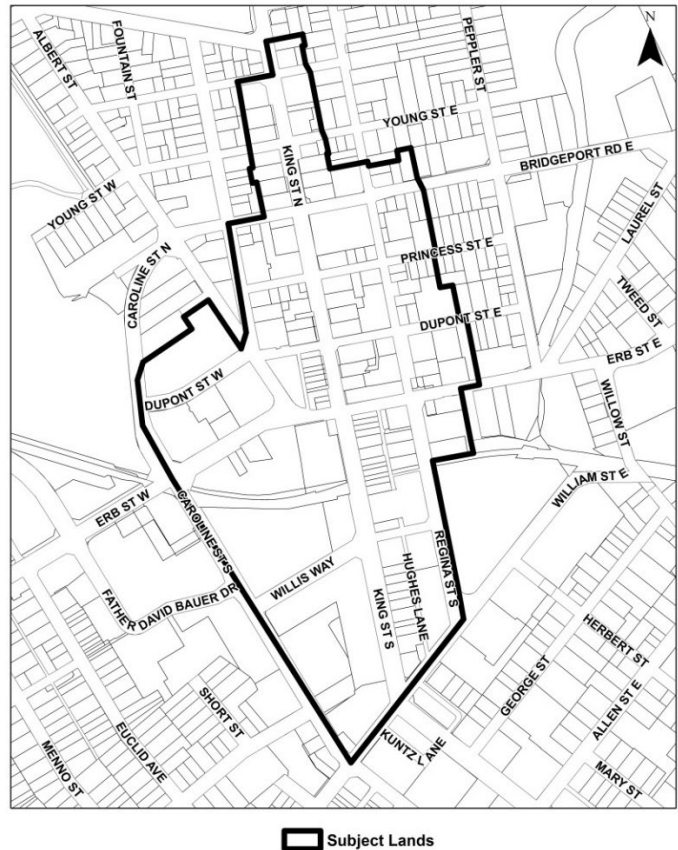
8.1.5 Section 8.1.4.1 shall not apply to an EXISTING NIGHTCLUB.

**Performance Standards**

8.1.6 The following regulations in Table 8A shall apply to every LOT, BUILDING and STRUCTURE in the Uptown Commercial Core (U1) zone:

| <b>Table 8A: Regulations – UPTOWN COMMERCIAL CORE (U1)</b> |   |
|--|---|
| STREET LINE setback (minimum)                              | 4.0 metres  |
| STREET LINE setback (maximum)                              | 75% of the STREET LINE BUILDING FAÇADE within 6.0 metres of the STREET LINE |
| SIDE YARD setback (minimum)                                | 1.5 metres  |
| REAR YARD setback (minimum)                                | 4.5 metres  |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)            | 7.5 metres or half the height of the BUILDING, whichever is greater         |
| Number of BUILDINGS on a LOT (maximum)                     | More than one (1) main BUILDING permitted                                   |

Image 1: Uptown Commercial Core (U1) Zone



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- 8.1.7 Notwithstanding anything to the contrary, for the **Subject Lands** specified on Image 1 to the Uptown Commercial Core (U1) zone, the minimum STREET LINE setback shall be zero metres (0 m).
- 8.1.8 Notwithstanding anything to the contrary, for the **Subject Lands** specified on Image 1 to the Uptown Commercial Core (U1) zone, the minimum SIDE YARD setback shall be zero (0) metres, except where the SIDE LOT LINE abuts lands zoned Parks & Recreation (OS1) where the minimum SIDE YARD setback shall be 3 metres.
- 8.1.9 In the case of multiple BUILDINGS per LOT, only the BUILDING located nearest the STREET shall comply with the maximum STREET LINE setback in Table 8A.
- 8.1.10 Notwithstanding anything to the contrary, the SIDE YARD setback in the U1-16 zone shall be zero metres (0m).
- 8.1.11 Notwithstanding anything to the contrary, where a LOT LINE abuts a LANE, the minimum LOT LINE setback shall be two-point-five metres (2.5m).
- 8.1.12 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.
- 8.1.13 The LANDSCAPED BUFFER in section 8.1.12 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).
- 8.1.14 The LANDSCAPED BUFFER in section 8.1.12 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.
- 8.1.15 The following regulations in Table 8B shall apply to every BUILDING in the Uptown Commercial Core (U1) zone constructed after the effective date of this BY-LAW:

| <b>Table 8B: Regulations – UPTOWN COMMERCIAL CORE ZONE (U1)</b> |                                |                                |                                |                                |                                |
|---|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
|   | <b>U1-10</b>                   | <b>U1-16</b>                   | <b>U1-20</b>                   | <b>U1-30</b>                   | <b>U1-40</b>                   |
| Density (minimum)   | (none)                         | (none)                         | (none)                         | (none)                         | 150<br>BEDROOMS<br>per hectare |
| Density (maximum)   | 150<br>BEDROOMS<br>per hectare | 300<br>BEDROOMS<br>per hectare | 450<br>BEDROOMS<br>per hectare | 525<br>BEDROOMS<br>per hectare | 600<br>BEDROOMS<br>per hectare |
| BUILDING HEIGHT (minimum)                                       | (none)                         | 6 metres                       | 6 metres                       | 7.5 metres                     | 10.5 metres                    |
| BUILDING HEIGHT (maximum)                                       | 10 metres and<br>3 STOREYS     | 16 metres and<br>4 STOREYS     | 20 metres<br>and<br>6 STOREYS  | 30 metres<br>and<br>9 STOREYS  | 40 metres<br>and<br>12 STOREYS |
| Height of FIRST STOREY (minimum)                                | N/A                            |                                |                                | 4.0<br>metres                  | 4.0<br>metres                  |
| PODIUM Height (minimum)   | N/A                            |                                |                                | 10.7<br>metres                 | 10.7 metres                    |

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|   |  |   |                     |
|---|--|---|---------------------|
| PODIUM Height (maximum)   | N/A  | 14.3 metres   | 14.8 metres         |
| TOWER Separation measured from exterior face of the BUILDING, including balconies (minimum) (see 8.1.16)              | N/A  | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                     |
| Horizontal TOWER Dimension (maximum)  | N/A  | 40 metres   | 40 metres           |
| TOWER Footprint (maximum)   | N/A  | 1,000 square metres   | 1,000 square metres |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A  | 3 metres  | 3 metres            |
| COMMON OUTDOOR AREA (minimum)   | For LOTS with an area of 2,000 square metres or more, three percent (3%) of the LOT AREA shall be COMMON OUTDOOR AREA located at GRADE                                 |   |                     |
| COMMON OUTDOOR AREA dimensions (minimum, each dimension)  | Not less than 6.0 metres, except where the COMMON OUTDOOR AREA is located in the FRONT YARD or FLANKAGE YARD where one (1) dimension shall not be less than 4.0 metres |   |                     |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT   |   |                     |

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| <b>Table 8B: Regulations – UPTOWN COMMERCIAL CORE ZONE (U1) - CONTINUED</b>   |   |                             |
|---|---|-----------------------------|
|   | <b>U1-60</b>  | <b>U1-81</b>                |
| Density (minimum)   | 150 BEDROOMS per hectare  | 150 BEDROOMS per hectare    |
| Density (maximum)   | 675 BEDROOMS per hectare  | 750 BEDROOMS per hectare    |
| BUILDING HEIGHT (minimum)   | 13.5 metres   | 13.5 metres                 |
| BUILDING HEIGHT (maximum)   | 60 metres and<br>18 STOREYS   | 81 metres and<br>25 STOREYS |
| Height of FIRST STOREY (minimum)  | 4.0 metres  | 4.0 metres                  |
| PODIUM Height (minimum)   | 10.7 metres   | 10.7 metres                 |
| PODIUM Height (maximum)   | 21 metres   | 21 metres                   |
| TOWER Separation measured from exterior face of the BUILDING, including balconies (minimum) (see 8.1.16)              | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                             |
| Horizontal TOWER Dimension (maximum)  | 40 metres   | 40 metres                   |
| TOWER Footprint (maximum)   | 1,000 square metres   | 1,000 square metres         |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | 3 metres  | 3 metres                    |
| COMMON OUTDOOR AREA (minimum)   | For LOTS with an area of 2,000 square metres or more, three percent (3%) of the LOT AREA shall be COMMON OUTDOOR AREA located at GRADE                                    |                             |
| COMMON OUTDOOR AREA dimensions (minimum, each dimension)  | Not less than 6.0 metres, except where the COMMON OUTDOOR AREA is located in the FRONT YARD or FLANKAGE YARD where one (1) dimension shall not be less than 4.0 metres    |                             |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT  |                             |

8.1.16 Pursuant to Table 8B, a balcony shall be considered part of the exterior face of the BUILDING for the purposes of measuring TOWER Separation.

8.1.17 (deleted – Planning Act eliminates parking minimums in MTSAs)

*NOTE: BICYCLE PARKING requirements are contained in section 6.6.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

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- 8.1.18 Notwithstanding anything to the contrary, the EXISTING PARKING SPACES on a LOT shall be deemed to satisfy the parking requirements for the EXISTING BUILDING FLOOR AREA on the LOT. BUILDING FLOOR AREA exceeding the amount in existence on the effective date of this BY-LAW shall be subject to the parking requirement in section 8.1.17.
- 8.1.19 Notwithstanding anything to the contrary, should a partial or complete demolition occur of an EXISTING BUILDING on a LOT, the parking requirement for the replacement BUILDING FLOOR AREA shall be equal to the parking requirement for the EXISTING BUILDING FLOOR AREA removed, provided that:
- a.) the replacement BUILDING FLOOR AREA is equal to or less than the EXISTING BUILDING FLOOR AREA removed; and
  - b.) a building permit for the replacement BUILDING FLOOR AREA is issued within three (3) years of the date of the associated demolition permit.
- 8.1.20 Notwithstanding anything to the contrary, STRUCTURED PARKING above GRADE is prohibited within fifteen metres (15m) of King Street.
- 8.1.21 Notwithstanding anything to the contrary, SURFACE PARKING shall not comprise more than twenty five percent (25%) of the LOT FRONTAGE within fifteen metres (15m) of King Street.
- 8.1.22 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:
- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:
    - commercial uses specified in sections 8.1.1.1, 8.1.1.3 and 8.1.1.5
    - institutional uses specified in sections 8.1.1.1, 8.1.1.3 and 8.1.1.5
    - common indoor AMENITY AREA
    - management office
    - entrance / foyers
    - lobby, reception area, seating area, and the like
    - circulation spaces, such as hallways, elevators, and the like
    - hydro transformer room
  - b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 8.1.22.a.).
  - c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 8.1.22.a.) shall abut the entire FRONT BUILDING FAÇADE.
  - d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 8.1.22.a.) shall abut the entire FRONT BUILDING FAÇADE and or the entire FLANKAGE BUILDING FAÇADE, provided further that:
    - i.) where the BUILDING FLOOR AREA devoted to the uses specified in section 8.1.22.a.) only abuts the FRONT BUILDING FAÇADE, the STRUCTURED PARKING abutting the FLANKAGE BUILDING FAÇADE shall be visibly screened from view from the STREET;

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- ii.) where the BUILDING FLOOR AREA devoted to the uses specified in section 8.1.22.a.) only abuts the FLANKAGE BUILDING FAÇADE, the STRUCTURED PARKING abutting the FRONT BUILDING FAÇADE shall be visibly screened from view from the STREET.
  - e.) Notwithstanding anything to the contrary, where the FIRST STOREY is partially comprised of STRUCTURED PARKING, the principal BUILDING entrance shall be located on the STREET LINE BUILDING FAÇADE containing the BUILDING FLOOR AREA required in section 8.1.22.a.).
- 8.1.23 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.
- 8.1.24 Notwithstanding anything to the contrary, section 6.9 (Loading) shall not apply within the area shown on Image 1 of the U1 zone.
- 8.1.25 Repealed by by-law 2019-032
- 8.1.26 Notwithstanding anything to the contrary, the regulations of the Residential Four (R4) zone shall apply to EXISTING DETACHED BUILDINGS.

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## UPTOWN MIXED-USE (U2)

### Zone

8.2 Uptown Mixed-Use (U2) Zone

### Permitted Uses

8.2.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Uptown Mixed-Use (U2) zone for any purpose other than one or more of the following permitted uses:

8.2.1.1 **Primary Uses:**

- BUSINESS INCUBATOR
- CHILD CARE CENTRE
- COMMERCIAL SCHOOL
- EDUCATIONAL INSTITUTION
- FINANCIAL SERVICES
- GOVERNMENT USES
- MAJOR OFFICE
- MEDICAL CLINIC
- OFFICE
- PERSONAL SERVICE SHOP
- TECH OFFICE
- UNIVERSITY / COLLEGE (excluding a university or college residence)

8.2.1.2 **Primary Uses:**

- MULTI-UNIT RESIDENTIAL BUILDING (including an APARTMENT BUILDING)
- ASSISTED LIVING FACILITY
- DWELLING UNITS above the FIRST STOREY in a MIXED USE BUILDING
- LONG TERM CARE FACILITY in a MIXED USE BUILDING

8.2.1.3 **Complementary Uses:**

- ALTERNATIVE EDUCATION CENTRE
- ARTIST STUDIO (CLASS A)
- AUDITORIUM
- BANQUET HALL
- COMMERCIAL RECREATION
- COMMERCIAL WELLNESS
- COMMUNITY CENTRE
- CULTURAL FACILITIES
- INSTITUTION
- MAKERSPACE (CLASS A)
- MUNICIPAL RECREATIONAL FACILITY
- PARKING FACILITY
- PRIVATE SCHOOL
- PUBLIC SCHOOL
- PUBLIC MARKET

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- SPIRITUAL USE
- TEMPORARY FARMERS MARKET
- VETERINARY CLINIC

8.2.1.4 **Ancillary Uses**, meaning the uses are subordinate and incidental to a USE permitted in section 8.2.1.1 and or section 8.2.1.2:

- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- CAFE, including OUTDOOR CAFE PATIO
- Catering Establishment
- COMMERCIAL SERVICE
- COMMUNICATION PRODUCTION
- DATA CENTRE
- ELECTRONIC GAMING CENTRE
- NANOBREWERY
- OLD GOLD SHOP
- PET SERVICES (CLASS A)
- Post Office
- PRIVATE CLUB
- PERSONAL BREWING ESTABLISHMENT
- PHARMACEUTICAL DISPENSARY
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE OUT), including OUTDOOR RESTAURANT PATIO
- RETAIL STORE (includes DRUG STORE, FOOD STORE, SPECIALTY FOOD STORE, VARIETY STORE)
- TAKE-OUT RESTAURANT
- TRAINING FACILITY
- TRANSPORTATION SERVICE

8.2.1.5 **Ancillary Uses**, meaning the uses are subordinate and incidental to a permitted DWELLING UNIT:

- HOME OCCUPATION (see section 3.H.3 and Table 6A)

8.2.1.6 **Ancillary Uses**, meaning the uses are subordinate and incidental to a BUILDING:

- Hydro Transformer Room

8.2.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall be prohibited.

8.2.3 Notwithstanding anything to the contrary, an EXISTING Funeral Home shall be permitted.

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## Performance Standards

8.2.6 The following regulations in Table 8C shall apply to every LOT, BUILDING and STRUCTURE in the Uptown Mixed-Use (U2) zone:

| <b>Table 8C: Regulations – UPTOWN MIXED-USE (U2)</b> |  |
|--|--|
| STREET LINE setback (minimum)                        | 5.0 metres   |
| STREET LINE setback (maximum)                        | 75% of the STREET LINE BUILDING FAÇADE within 6.0 metres of the STREET LINE  |
| SIDE YARD setback (minimum)                          | 1.5 metres   |
| REAR YARD setback (minimum)                          | 4.5 metres   |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)      | 7.5 metres or half the height of the BUILDING, whichever is greater  |
| Complementary Uses (maximum)                         | Complementary Uses specified in section 8.2.1.3 shall not collectively exceed 50% of the BUILDING FLOOR AREA on the LOT  |
| Ancillary Uses (maximum)                             | Ancillary Uses specified in section 8.2.1.4 shall not collectively exceed 20% of the BUILDING FLOOR AREA on the LOT  |
|  | BUILDING FLOOR AREA devoted to all BAKE SHOPS, CAFES and RESTAURANTS (including TAKE-OUT RESTAURANTS) combined shall not collectively exceed 10% of the BUILDING FLOOR AREA on the LOT |
| Ancillary Uses                                       | Ancillary Uses specified in section 8.2.1.4 shall be located on the FIRST STOREY of a BUILDING containing one or more of the permitted uses specified in sections 8.2.1.1 and 8.2.1.2  |
|  | Ancillary Uses specified in section 8.2.1.4 shall abut a STREET LINE BUILDING FACADE   |
| Number of BUILDINGS on a LOT (maximum)               | More than one (1) main BUILDING permitted  |

8.2.7 Notwithstanding anything to the contrary, where a LOT LINE abuts King Street between William Street and Union Street, the minimum STREET LINE setback from King Street shall be four metres (4m).

8.2.8 In the case of multiple BUILDINGS per LOT, only the BUILDING located nearest the STREET shall comply with the maximum STREET LINE setback in Table 8C.

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- 8.2.9 Notwithstanding anything to the contrary, where a LOT LINE abuts a LANE, the minimum LOT LINE setback shall be two-point-five metres (2.5m).
- 8.2.10 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.
- 8.2.11 The LANDSCAPED BUFFER in section 8.2.10 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).
- 8.2.12 The LANDSCAPED BUFFER in section 8.2.10 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.
- 8.2.13 The following regulations in Table 8D shall apply to every BUILDING in the Uptown Mixed-Use (U2) zone constructed after the effective date of this BY-LAW:

| <b>Table 8D: Regulations – UPTOWN MIXED-USE ZONE (U2)</b>  |                                |   |                                |                                |                                |
|--|--------------------------------|---|--------------------------------|--------------------------------|--------------------------------|
|  | <b>U2-20</b>                   | <b>U2-30</b>  | <b>U2-40</b>                   | <b>U2-60</b>                   | <b>U2-81</b>                   |
| Density (minimum)  | (none)                         | (none)  | 150<br>BEDROOMS per<br>hectare | 150<br>BEDROOMS per<br>hectare | 150<br>BEDROOMS<br>per hectare |
| Density (maximum)  | 450<br>BEDROOMS<br>per hectare | 525<br>BEDROOMS<br>per hectare  | 600<br>BEDROOMS<br>per hectare | 675<br>BEDROOMS<br>per hectare | 750<br>BEDROOMS<br>per hectare |
| BUILDING HEIGHT (minimum)  | (none)                         | 7.5 metres  | 10.5 metres                    | 13.5 metres                    | 13.5 metres                    |
| BUILDING HEIGHT (maximum)  | 20 metres and<br>6 STOREYS     | 30 metres and<br>9 STOREYS  | 40 metres and<br>12 STOREYS    | 60 metres and<br>18 STOREYS    | 81 metres and<br>25 STOREYS    |
| Height of FIRST STOREY (minimum)   | 4.0 metres                     | 4.0<br>metres   | 4.0 metres                     | 4.0 metres                     | 4.0 metres                     |
| PODIUM Height (minimum)  | 10.5 metres                    | 10.7 metres   | 10.7 metres                    | 10.7 metres                    | 10.7 metres                    |
| PODIUM Height (maximum)  | 14 metres                      | 14.3 metres   | 14.8 metres                    | 21 metres                      | 21 metres                      |
| TOWER Separation measured from exterior face of the BUILDING, including balconies (minimum) (see 8.2.14) | N/A                            | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                                |                                |                                |
| Horizontal TOWER Dimension (maximum)   | N/A                            | 40 metres   | 40 metres                      | 40 metres                      | 40 metres                      |
| TOWER Footprint (maximum)  | N/A                            | 1,000 square<br>metres  | 1,000 square<br>metres         | 1,000 square<br>metres         | 1,000 square<br>metres         |

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|   |  |          |          |          |          |
|---|--|----------|----------|----------|----------|
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A  | 3 metres | 3 metres | 3 metres | 3 metres |
| COMMON OUTDOOR AREA (minimum)   | For LOTS with an area of 2,000 square metres or more, three percent (3%) of the LOT AREA shall be COMMON OUTDOOR AREA located at GRADE                                 |          |          |          |          |
| COMMON OUTDOOR AREA dimensions (minimum, each dimension)  | Not less than 6.0 metres, except where the COMMON OUTDOOR AREA is located in the FRONT YARD or FLANKAGE YARD where one (1) dimension shall not be less than 4.0 metres |          |          |          |          |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT   |          |          |          |          |

8.2.14 Pursuant to Table 8D, a balcony shall be considered part of the exterior face of the BUILDING for the purposes of measuring TOWER Separation.

*NOTE: BICYCLE PARKING requirements are contained in section 6.6.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

8.2.15 (deleted – Planning Act eliminates parking minimum in MTSAs)

8.2.16 Notwithstanding anything to the contrary, STRUCTURED PARKING above GRADE is prohibited within fifteen metres (15m) of King Street.

8.2.17 Notwithstanding anything to the contrary, SURFACE PARKING shall not comprise more than twenty five percent (25%) of the LOT FRONTAGE within fifteen metres (15m) of King Street.

8.2.18 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:
  - commercial uses specified in sections 8.2.1.1, 8.2.1.3, 8.2.1.4 and 8.2.1.6
  - institutional uses specified in sections 8.2.1.1, 8.2.1.3, 8.2.1.4 and 8.2.1.6
  - common indoor AMENITY AREA
  - management office
  - entrance / foyers
  - lobby, reception area, seating area, and the like
  - circulation spaces, such as hallways, elevators, and the like
  - hydro transformer room
  
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 8.2.18.a.).

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- c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 8.2.18.a.) shall abut the entire FRONT BUILDING FAÇADE.
  - d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 8.2.18.a.) shall abut the entire FRONT BUILDING FAÇADE and or the entire FLANKAGE BUILDING FAÇADE, provided further that:
    - i.) where the BUILDING FLOOR AREA devoted to the uses specified in section 8.2.18.a.) only abuts the FRONT BUILDING FAÇADE, the STRUCTURED PARKING abutting the FLANKAGE BUILDING FAÇADE shall be visibly screened from view from the STREET;
    - ii.) where the BUILDING FLOOR AREA devoted to the uses specified in section 8.2.18.a.) only abuts the FLANKAGE BUILDING FAÇADE, the STRUCTURED PARKING abutting the FRONT BUILDING FAÇADE shall be visibly screened from view from the STREET.
  - e.) Notwithstanding anything to the contrary, where the FIRST STOREY is partially comprised of STRUCTURED PARKING, the principal BUILDING entrance shall be located on the STREET LINE BUILDING FAÇADE containing the BUILDING FLOOR AREA required in section 8.2.18.a.).
- 8.2.19 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.
- 8.2.20 Notwithstanding anything to the contrary, section 6.9 (Loading) shall apply.
- Repealed by by-law 2019-032.
- 8.2.21 Notwithstanding anything to the contrary, the EXISTING FREEHOLD TOWNHOUSE BUILDINGS bounded by Park Street, Allen Street, Caroline Street, and William Street shall be permitted.
- 8.2.22 Notwithstanding anything to the contrary, the regulations in section 7.8.2 of the Residential Eight (R8) zone shall apply to the EXISTING FREEHOLD TOWNHOUSE BUILDINGS specified in section 8.2.21.
- 8.2.23 Notwithstanding anything to the contrary, the regulations of the Residential Four (R4) zone shall apply to EXISTING DETACHED BUILDINGS.

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## MIXED-USE COMMUNITY COMMERCIAL (C1)

### Zone

8.3 Mixed-Use Community Commercial (C1) Zone

### Permitted Uses

8.3.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Mixed-Use Community Commercial (C1) zone for any purpose other than one or more of the following permitted uses:

#### 8.3.1.1 Primary Uses:

- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BUSINESS INCUBATOR
- CAFÉ, including OUTDOOR CAFÉ PATIO
- COMMERCIAL SERVICE
- FINANCIAL SERVICE
- MAJOR OFFICE
- MEDICAL CLINIC
- NANOBREWERY
- OFFICE
- OLD GOLD SHOP
- PERSONAL SERVICE SHOP
- PET SERVICES (CLASS A)
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- RETAIL STORE (includes DRUG STORE, FOOD STORE, SPECIALTY FOOD STORE, VARIETY STORE)
- TECH OFFICE
- TRAINING FACILITY
- VETERINARY CLINIC

#### 8.3.1.2 Primary Uses:

- ASSISTED LIVING FACILITY above the FIRST STOREY in a MIXED USE BUILDING
- DWELLING UNITS above the FIRST STOREY in a MIXED USE BUILDING
- LONG TERM CARE FACILITY above the FIRST STOREY in a MIXED USE BUILDING

#### 8.3.1.3 Complementary Uses:

- ALTERNATIVE EDUCATION CENTRE
- ARTIST STUDIO (CLASS A)
- AUDITORIUM
- AUTOMOBILE GAS STATION
- AUTOMOBILE SERVICE CENTRE
- BANQUET HALL
- CAR WASH
- CHILD CARE CENTRE
- COMMERCIAL RECREATION

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- COMMERCIAL SCHOOL
- COMMERCIAL WELLNESS
- COMMUNICATION PRODUCTION
- CULTURAL FACILITIES
- DATA CENTRE
- ELECTRONIC GAMING CENTRE
- GOVERNMENT USES
- HOTEL
- INSTITUTION
- MAKERSPACE (CLASS A)
- MUNICIPAL RECREATION FACILITY
- NIGHTCLUB
- PERSONAL BREWING ESTABLISHMENT
- PRIVATE CLUB
- PRIVATE SCHOOL
- PUBLIC MARKET
- PUBLIC SCHOOL
- SPIRITUAL USE
- TEMPORARY FARMERS MARKET
- TRANSPORTATION SERVICE

8.3.1.4 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall be permitted.

## Performance Standards

8.3.2 The following regulations in Table 8E shall apply to every LOT, BUILDING and STRUCTURE in the Mixed-Use Community Commercial (C1) zone:

| <b>Table 8E: Regulations – MIXED-USE COMMUNITY COMMERCIAL (C1)</b> |   |
|--|---|
| STREET LINE setback (minimum)                                      | 5.0 metres  |
| SIDE YARD setback (minimum)  | 5.0 metres  |
| REAR YARD setback (minimum)  | 5.0 metres  |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)                    | 7.5 metres or half the height of the BUILDING, whichever is greater   |
| Complementary Uses (maximum)                                       | Complementary uses specified in section 8.3.1.3 shall not collectively exceed 50% of the BUILDING FLOOR AREA on the LOT |
| Number of BUILDINGS on a LOT (maximum)                             | More than one (1) main BUILDING permitted   |

8.3.3 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.

8.3.4 The LANDSCAPED BUFFER in section 8.3.3 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).

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8.3.5 The LANDSCAPED BUFFER in section 8.3.3 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.

8.3.6 The following regulations in Table 8F shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Mixed-Use Community Commercial (C1) zone constructed after the effective date of this BY-LAW:

| <b>Table 8F: Regulation – MIXED-USE COMMUNITY COMMERCIAL (C1)</b>   |  |   |                          |                          |                          |
|---|--|---|--------------------------|--------------------------|--------------------------|
|   | <b>C1-20</b>   | <b>C1-30</b>  | <b>C1-40</b>             | <b>C1-60</b>             | <b>C1-81</b>             |
| Density (minimum)   | (none)   | (none)  | 150 BEDROOMS per hectare | 150 BEDROOMS per hectare | 150 BEDROOMS per hectare |
| Density (maximum)   | 450 BEDROOMS per hectare   | 525 BEDROOMS per hectare  | 600 BEDROOMS per hectare | 675 BEDROOMS per hectare | 750 BEDROOMS per hectare |
| BUILDING HEIGHT (maximum)   | 20 metres and 6 STOREYS  | 30 metres and 9 STOREYS   | 40 metres and 12 STOREYS | 60 metres and 18 STOREYS | 81 metres and 25 STOREYS |
| PODIUM Height (maximum)   | 14 metres  | 14.3 metres   | 14.8 metres              | 21 metres                | 21 metres                |
| TOWER Separation (minimum)  | (none)   | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                          |                          |                          |
| Horizontal TOWER Dimension (maximum)  | N/A  | 40 metres   | 40 metres                | 40 metres                | 40 metres                |
| TOWER Footprint (maximum)   | N/A  | 1,000 square metres   | 1,000 square metres      | 1,000 square metres      | 1,000 square metres      |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A  | 3 metres  | 3 metres                 | 3 metres                 | 3 metres                 |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT |   |                          |                          |                          |

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8.3.7 For any LOT zoned Mixed-Use Community Commercial (C1) within 450 metres of a STREET intersection specified in Table 8G, the maximum BUILDING FLOOR AREA permitted on the LOT shall be determined by the FLOOR AREA RATIO specified in Table 8G:

| <b>Table 8G: MAXIMUM COMMERCIAL BUILDING FLOOR AREA</b> |  |
|---|--|
| <b>Intersection</b>                                     | <b>FLOOR AREA RATIO</b><br>(maximum) (see 8.3.8) |
| King Street North and Weber Street North                | 0.40   |
| University Avenue West and Phillip Street               | 0.80   |
| Bridgeport Road East and Weber Street                   | 0.33   |
| Westmount Road and Erb Street West                      | 0.50   |

8.3.8 Notwithstanding anything to the contrary, the FLOOR AREA RATIO in Table 8G shall exclude BUILDING FLOOR AREA for:

- ASSISTED LIVING FACILITY
- DWELLING UNIT
- LONG TERM CARE FACILITY
- MAJOR OFFICE
- MEDICAL CLINIC
- OFFICE
- TECH OFFICE

8.3.9 The following minimum PARKING SPACE regulations shall apply to every LOT, BUILDING and STRUCTURE in the Mixed-Use Community Commercial (C1) zone, except as specified in Table 6A:

| <b>Minimum Parking Rate</b> |         | <b>Area A</b><br>on<br>Schedule A1 | <b>Area B</b><br>on<br>Schedule A1 | <b>All Other</b> |             |
|-----------------------------|---------|------------------------------------|------------------------------------|------------------|-------------|
| Residential                 | Use     | (See Note)                         | 0.75                               | 0.90             | PDU*        |
| Residential                 | Visitor |                                    | 0.10                               | 0.10             | PDU*        |
|                             |         |                                    | <b>0.85</b>                        | <b>1.00</b>      | <b>PDU*</b> |
| Non-Residential             | Use     |                                    | 2.40                               | 3.50             | /100m2*     |

\* PDU = Per Dwelling Unit  
/100m2 = Per 100 square metres of BUILDING FLOOR AREA

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

8.3.10 Notwithstanding anything to the contrary, PARKING SPACES required for DWELLING UNITS shall be located within STRUCTURED PARKING.

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8.3.11 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:
- commercial uses specified in sections 8.3.1.1 and 8.3.1.3
  - institutional uses specified in sections 8.3.1.1 and 8.3.1.3
  - entrance / foyers
  - lobby, reception area, seating area, and the like
  - circulation spaces, such as hallways, elevators, and the like
  - hydro transformer room
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 8.3.11.a.).
- c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 8.3.11.a.) shall abut the entire FRONT BUILDING FAÇADE.
- d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 8.3.11.a.) shall abut the entire FRONT BUILDING FAÇADE and the entire FLANKAGE BUILDING FAÇADE.

8.3.12 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

8.3.13 Repealed by by-law 2019-032.

8.3.14 Notwithstanding anything to the contrary, the regulations of the Residential Four (R4) zone shall apply to EXISTING DETACHED BUILDINGS.

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## MIXED-USE NEIGHBOURHOOD COMMERCIAL (C2)

### Zone

8.4 Mixed-Use Neighbourhood Commercial (C2) Zone

### Permitted Uses

8.4.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Mixed-Use Neighbourhood Commercial (C2) zone for any purpose other than one or more of the following permitted uses:

#### 8.4.1.1 Primary Uses:

- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BUSINESS INCUBATOR
- CAFÉ, including OUTDOOR CAFÉ PATIO
- COMMERCIAL SERVICE
- FINANCIAL SERVICE
- MAJOR OFFICE
- MEDICAL CLINIC
- NANOBREWERY
- OFFICE
- OLD GOLD SHOP
- PERSONAL BREWING ESTABLISHMENT
- PERSONAL SERVICE SHOP
- PET SERVICES (CLASS A)
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- RETAIL STORE (includes DRUG STORE, FOOD STORE, SPECIALTY FOOD STORE, VARIETY STORE)
- TECH OFFICE
- VETERINARY CLINIC

#### 8.4.1.2 Primary Uses:

- ASSISTED LIVING FACILITY above the FIRST STOREY in a MIXED USE BUILDING
- DWELLING UNITS above the FIRST STOREY in a MIXED USE BUILDING
- LONG TERM CARE FACILITY above the FIRST STOREY in a MIXED USE BUILDING

#### 8.4.1.3 Complementary Uses:

- ALTERNATIVE EDUCATION CENTRE
- ARTIST STUDIO (CLASS A)
- AUTOMOBILE GAS STATION
- AUTOMOBILE SERVICE CENTRE
- CAR WASH
- CHILD CARE CENTRE
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL WELLNESS
- COMMUNICATION PRODUCTION

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- CULTURAL FACILITIES
- DATA CENTRE
- ELECTRONIC GAMING CENTRE
- GOVERNMENT USES
- INSTITUTION
- MAKERSPACE (CLASS A)
- MUNICIPAL RECREATION FACILITY
- PRIVATE SCHOOL
- PUBLIC MARKET
- PUBLIC SCHOOL
- SPIRITUAL USE
- TEMPORARY FARMERS MARKET
- TRAINING FACILITY
- TRANSPORTATION SERVICE

8.4.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall be permitted.

### Performance Standards

8.4.3 The following regulations in Table 8H shall apply to every LOT, BUILDING and STRUCTURE in the Mixed-Use Neighbourhood Commercial (C2) zone:

|   |   |
|---|---|
| STREET LINE setback (minimum)                   | 5.0 metres  |
| SIDE YARD setback (minimum)                     | 3.0 metres  |
| REAR YARD setback (minimum)                     | 7.5 metres  |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum) | 7.5 metres or half the height of the BUILDING, whichever is greater   |
| BUILDING FLOOR AREA (minimum)                   | 2,000 square metres   |
| BUILDING FLOOR AREA (maximum)                   | 10,000 square metres  |
| Complementary Uses (maximum)                    | Complementary uses specified in section 8.4.1.3 shall not collectively exceed 50% of the BUILDING FLOOR AREA on the LOT |
| Number of BUILDINGS on a LOT (maximum)          | More than one (1) main BUILDING permitted   |

8.4.4 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.

8.4.5 The LANDSCAPED BUFFER in section 8.4.4 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).

8.4.6 The LANDSCAPED BUFFER in section 8.4.4 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.

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8.4.7 Notwithstanding anything to the contrary, the BUILDING FLOOR AREA regulations in Table 8H shall exclude BUILDING FLOOR AREA for:

- ASSISTED LIVING FACILITY
- DWELLING UNIT
- LONG TERM CARE FACILITY
- MAJOR OFFICE
- MEDICAL CLINIC
- OFFICE
- TECH OFFICE

8.4.8 Notwithstanding anything to the contrary, the BUILDING FLOOR AREA of an individual RETAIL unit shall not exceed 1,000 square metres, except for:

- a.) one (1) FOOD STORE shall be permitted to a maximum BUILDING FLOOR AREA of 8,000 square metres; and
- b.) one (1) DRUG STORE shall be permitted to a maximum BUILDING FLOOR AREA of 2,500 square metres.

8.4.9 Notwithstanding Table 8H, the maximum BUILDING FLOOR AREA shall be 10,000 square metres for the lands zoned Mixed-Use Neighbourhood Commercial (C2) within 425 metres of:

- a.) the Union Street East and Moore Avenue South intersection
- b.) the Albert Street and Bearinger Road intersection

8.4.10 The following regulations in Table 8I shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Mixed-Use Neighbourhood Commercial (C2) zone constructed after the effective date of this BY-LAW:

| <b>Table 8I: Regulations – MIXED-USE NEIGHBOURHOOD COMMERCIAL (C2)</b> |                          |   |                          |                          |                          |
|--|--------------------------|---|--------------------------|--------------------------|--------------------------|
|  | <b>C2-20</b>             | <b>C2-30</b>  | <b>C2-40</b>             | <b>C2-60</b>             | <b>C2-81</b>             |
| Density (minimum)  | (none)                   | (none)  | 150 BEDROOMS per hectare | 150 BEDROOMS per hectare | 150 BEDROOMS per hectare |
| Density (maximum)  | 450 BEDROOMS per hectare | 525 BEDROOMS per hectare  | 600 BEDROOMS per hectare | 675 BEDROOMS per hectare | 750 BEDROOMS per hectare |
| BUILDING HEIGHT (maximum)  | 20 metres and 6 STOREYS  | 30 metres and 9 STOREYS   | 40 metres and 12 STOREYS | 60 metres and 18 STOREYS | 81 metres and 25 STOREYS |
| PODIUM Height (maximum)  | 14 metres                | 14.3 metres   | 14.8 metres              | 21 metres                | 21 metres                |
| TOWER Separation (minimum)   | (none)                   | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                          |                          |                          |

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| <b>Table 8I: Regulations – MIXED-USE NEIGHBOURHOOD COMMERCIAL (C2)</b>  |  |                     |                     |                     |                     |
|---|--|---------------------|---------------------|---------------------|---------------------|
| Horizontal TOWER Dimension (maximum)  | N/A  | 40 metres           | 40 metres           | 40 metres           | 40 metres           |
| TOWER Footprint (maximum)   | N/A  | 1,000 square metres | 1,000 square metres | 1,000 square metres | 1,000 square metres |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A  | 3 metres            | 3 metres            | 3 metres            | 3 metres            |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT |                     |                     |                     |                     |

8.4.11 The following minimum PARKING SPACE regulations shall apply to every LOT, BUILDING and STRUCTURE in the Mixed-Use Neighbourhood Commercial (C2) zone, except as specified in Table 6A:

| <b>Minimum Parking Rate</b> |         | <b>Area A</b> | <b>Area B</b> | <b>All Other</b> |                      |
|-----------------------------|---------|---------------|---------------|------------------|----------------------|
| Residential                 | Use     | (See Note)    | 0.80          | 0.90             | PDU*                 |
| Residential                 | Visitor |               | 0.10          | 0.10             | PDU*                 |
|                             |         |               | <b>0.90</b>   | <b>1.00</b>      | <b>PDU*</b>          |
| Non-Residential             | Use     |               | 2.80          | 3.50             | /100m <sup>2</sup> * |

\* PDU = Per Dwelling Unit

/100m<sup>2</sup> = Per 100 square metres of BUILDING FLOOR AREA

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

8.4.12 Notwithstanding anything to the contrary, PARKING SPACES required for DWELLING UNITS shall be located within STRUCTURED PARKING.

8.4.13 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:
  - commercial uses specified in sections 8.4.1.1 and 8.4.1.3

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- institutional uses specified in sections 8.4.1.1 and 8.4.1.3
  - entrance / foyers
  - lobby, reception area, seating area, and the like
  - circulation spaces, such as hallways, elevators, and the like
  - hydro transformer room
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 8.4.13.a.).
- c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 8.4.13.a.) shall abut the entire FRONT BUILDING FAÇADE.
- d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 8.4.13.a.) shall abut the entire FRONT BUILDING FAÇADE and the entire FLANKAGE BUILDING FAÇADE.
- 8.4.14 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.
- 8.4.15 Repealed by by-law 2019-032.
- 8.4.16 Notwithstanding anything to the contrary, the regulations of the Residential Four (R4) zone shall apply to EXISTING DETACHED BUILDINGS.

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## CONVENIENCE COMMERCIAL (C3)

### Zone

8.5 Convenience Commercial (C3) Zone

### Permitted Uses

8.5.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Convenience Commercial (C3) zone for any purpose other than one or more of the following permitted uses:

#### 8.5.1.1 Primary Uses:

- AUTOMOBILE GAS STATION
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- CAFÉ, including OUTDOOR CAFÉ PATIO
- CHILD CARE CENTRE
- COMMERCIAL SCHOOL
- COMMERCIAL RECREATION
- COMMERCIAL SERVICE
- COMMERCIAL WELLNESS
- ELECTRONIC GAMING CENTRE
- FINANCIAL SERVICE
- MEDICAL CLINIC
- NANOBREWERY
- OFFICE
- OLD GOLD SHOP
- PERSONAL BREWING ESTABLISHMENT
- PERSONAL SERVICE SHOP
- PET SERVICES (CLASS A)
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- RETAIL STORE (includes VARIETY STORE)
- VETERINARY CLINIC

#### 8.5.1.2 Primary Uses:

- ASSISTED LIVING FACILITY above the FIRST STOREY in a MIXED USE BUILDING
- DWELLING UNITS above the FIRST STOREY in a MIXED USE BUILDING
- LONG TERM CARE FACILITY above the FIRST STOREY in a MIXED USE BUILDING

#### 8.5.1.3 Complementary Uses:

- ALTERNATIVE EDUCATION CENTRE
- ARTIST STUDIO (CLASS A)
- CULTURAL FACILITIES
- GOVERNMENT USES
- INSTITUTION
- MAKERSPACE (CLASS A)
- MUNICIPAL RECREATION FACILITY

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- PUBLIC MARKET
- TEMPORARY FARMERS MARKET
- TRAINING FACILITY
- TRANSPORTATION SERVICE

## Performance Standards

8.5.2 The following regulations in Table 8J shall apply to every LOT, BUILDING and STRUCTURE in the Convenience Commercial (C3) zone:

| <b>Table 8J: Regulations - CONVENIENCE COMMERCIAL (C3)</b> |   |
|--|---|
| STREET LINE setback (minimum)                              | 5.0 metres  |
| SIDE YARD setback (minimum)                                | 3.0 metres  |
| REAR YARD setback (minimum)                                | 7.5 metres  |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)            | 7.5 metres or half the height of the BUILDING, whichever is greater   |
| GROUND FLOOR AREA (maximum)                                | 2,000 square metres   |
| Complementary Uses (maximum)                               | Complementary uses specified in section 8.4.1.3 shall not collectively exceed 50% of the BUILDING FLOOR AREA on the LOT |
| Number of BUILDINGS on a LOT (maximum)                     | More than one (1) main BUILDING permitted   |

- 8.5.3 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.
- 8.5.4 The LANDSCAPED BUFFER in section 8.5.3 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).
- 8.5.5 The LANDSCAPED BUFFER in section 8.5.3 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.
- 8.5.6 Notwithstanding anything to the contrary, the BUILDING FLOOR AREA regulations in Table 8J shall exclude BUILDING FLOOR AREA for:
- ASSISTED LIVING FACILITY
  - DWELLING UNIT
  - LONG TERM CARE FACILITY
- 8.5.7 Notwithstanding anything to the contrary, the maximum BUILDING FLOOR AREA of an individual non-residential unit of a use permitted in sections 8.5.1.1 and 8.5.1.3 shall not exceed 500 square metres, excluding RETAIL STORES which shall not exceed 300 square metres.
- 8.5.8 Notwithstanding anything to the contrary, for LOTS that abut the intersection of:
- Erb Street West and Ira Needles Boulevard; or

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- Erb Street West and Erbsville Road,  
the minimum STREET LINE setback shall be two metres (2.0m) and the maximum STREET LINE setback shall be five metres (5.0m) for a minimum fifty percent (50%) of the STREET LINE BUILDING FAÇADE.

8.5.9 The following regulations in Table 8K shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Convenience Commercial (C3) zone constructed after the effective date of this BY-LAW:

| <b>Table 8K: Regulations – CONVENIENCE COMMERCIAL (C3)</b>  |   |                          |   |                          |                          |                          |
|---|---|--------------------------|---|--------------------------|--------------------------|--------------------------|
|   | <b>C3-10</b>  | <b>C3-20</b>             | <b>C3-30</b>  | <b>C3-40</b>             | <b>C3-60</b>             | <b>C3-81</b>             |
| Density (minimum)   | (none)  | (none)                   | (none)  | 150 BEDROOMS per hectare | 150 BEDROOMS per hectare | 150 BEDROOMS per hectare |
| Density (maximum)   | 150 BEDROOMS per hectare  | 450 BEDROOMS per hectare | 525 BEDROOMS per hectare  | 600 BEDROOMS per hectare | 675 BEDROOMS per hectare | 750 BEDROOMS per hectare |
| BUILDING HEIGHT (maximum)   | 10 metres and 3 STOREYS   | 20 metres and 6 STOREYS  | 30 metres and 9 STOREYS   | 40 metres and 12 STOREYS | 60 metres and 18 STOREYS | 81 metres and 25 STOREYS |
| PODIUM Height (maximum)   | (none)  | 14 metres                | 14.3 metres   | 14.8 metres              | 21 metres                | 21 metres                |
| TOWER Separation (minimum)  | (none)  | (none)                   | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                          |                          |                          |
| Horizontal TOWER Dimension (maximum)  | N/A   | N/A                      | 40 metres   | 40 metres                | 40 metres                | 40 metres                |
| TOWER Footprint (maximum)   | N/A   | N/A                      | 1,000 square metres   | 1,000 square metres      | 1,000 square metres      | 1,000 square metres      |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A   | N/A                      | 3 metres  | 3 metres                 | 3 metres                 | 3 metres                 |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and<br>2 square metres for each additional BEDROOM in the DWELLING UNIT |                          |   |                          |                          |                          |

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8.5.10 The following minimum PARKING SPACE regulations shall apply to every LOT, BUILDING and STRUCTURE in the Convenience Commercial (C3) zone, except as specified in Table 6A:

| Minimum Parking Rate |         | Area A     | Area B      | All Other   |             |
|----------------------|---------|------------|-------------|-------------|-------------|
| Residential          | Use     | (See Note) | 0.80        | 0.90        | PDU*        |
| Residential          | Visitor |            | 0.10        | 0.10        | PDU*        |
|                      |         |            | <b>0.90</b> | <b>1.00</b> | <b>PDU*</b> |
| Non-Residential      | Use     |            | 2.80        | 3.50        | /100m2*     |

\* PDU = Per Dwelling Unit  
 /100m2 = Per 100 square metres of BUILDING FLOOR AREA

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

8.5.11 STRUCTURED PARKING shall not be permitted on the FIRST STOREY.

8.5.12 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

8.5.13 Repealed by by-law 2019-032.

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## MIXED-USE OFFICE (C4)

### Zone

8.6 Mixed-Use Office (C4) Zone

### Permitted Uses

8.6.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Mixed-Use Office (C4) zone for any purpose other than one or more of the following permitted uses:

8.6.1.1 **Primary Uses:**

- BUSINESS INCUBATOR
- COMMERCIAL SCHOOL
- COMMERCIAL SERVICE
- FINANCIAL SERVICE
- MAJOR OFFICE
- MEDICAL CLINIC
- OFFICE
- Office Equipment and Supplies (Sales and Service)
- PERSONAL SERVICE SHOP
- PET SERVICES (CLASS A)
- TECH OFFICE
- TRAINING FACILITY
- VETERINARY CLINIC

8.6.1.2 **Complementary Uses:**

- ALTERNATIVE EDUCATION CENTRE
- CHILD CARE CENTRE
- COMMERCIAL RECREATION
- COMMERCIAL WELLNESS
- CULTURAL FACILITIES
- GOVERNMENT USES
- INSTITUTION
- MAKERSPACE (CLASS A)
- MUNICIPAL RECREATION FACILITY
- PARKING FACILITY
- PUBLIC MARKET
- TEMPORARY FARMERS MARKET
- TRANSPORTATION SERVICE

8.6.1.3 **Ancillary Uses** to a BUILDING containing an OFFICE, MAJOR OFFICE, TECH OFFICE, and or MEDICAL CLINIC:

- ASSISTED LIVING FACILITY above the FIRST STOREY
- DWELLING UNITS above the FIRST STOREY
- LONG TERM CARE FACILITY above the FIRST STOREY

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8.6.1.4 **Ancillary Uses** to a BUILDING containing an OFFICE, MAJOR OFFICE, TECH OFFICE, and or MEDICAL CLINIC:

- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- CAFÉ, including OUTDOOR CAFÉ PATIO
- NANOBREWERY
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO

## Performance Standards

8.6.2 The following regulations in Table 8L shall apply to every LOT, BUILDING and STRUCTURE in the Mixed-Use Office (C4) zone:

| <b>Table 8L: Regulations – MIXED-USE OFFICE (C4)</b> |   |
|--|---|
| STREET LINE setback (minimum)                        | 5.0 metres  |
| SIDE YARD setback (minimum)                          | 3.0 metres  |
| REAR YARD setback (minimum)                          | 7.5 metres  |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)      | 7.5 metres or half the height of the BUILDING, whichever is greater   |
| Complementary Uses (maximum)                         | Complementary uses specified in section 8.6.1.2 shall not collectively exceed 50% of the BUILDING FLOOR AREA on the LOT |
| Number of BUILDINGS on a LOT (maximum)               | More than one (1) main BUILDING permitted   |

8.6.3 Notwithstanding anything to the contrary, the following additional regulations shall apply to the Ancillary Uses specified in section 8.6.1.3:

- a.) For a BUILDING that is four (4) STOREYS or less, the residential uses specified in section 8.6.1.3 combined shall not exceed fifty percent (50%) of the entire BUILDING FLOOR AREA of the BUILDING, excluding STRUCTURED PARKING.
- b.) For a BUILDING that is five (5) STOREYS or more, the residential uses specified in section 8.6.1.3 shall be located in STOREYS above the third STOREY.

8.6.4 Notwithstanding anything to the contrary, the following additional regulations shall apply to the Ancillary Uses specified in section 8.6.1.4:

- a.) The uses specified in section 8.6.1.4 combined shall not exceed ten percent (10%) of the entire BUILDING FLOOR AREA of the BUILDING, excluding STRUCTURED PARKING.
- b.) The Ancillary Uses specified in section 8.6.1.4 shall abut a STREET LINE BUILDING FAÇADE on the FIRST STOREY.

8.6.5 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.

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- 8.6.6 The LANDSCAPED BUFFER in section 8.6.5 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).
- 8.6.7 The LANDSCAPED BUFFER in section 8.6.5 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.
- 8.6.8 The following regulations in Table 8M shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Mixed-Use Office (C4) zone constructed after the effective date of this BY-LAW:

| <b>Table 8M: Regulations – MIXED-USE OFFICE (C4)</b>  |  |   |                          |                          |                          |
|---|--|---|--------------------------|--------------------------|--------------------------|
|   | <b>C4-20</b>   | <b>C4-30</b>  | <b>C4-40</b>             | <b>C4-60</b>             | <b>C4-81</b>             |
| Density (minimum)   | (none)   | (none)  | 150 BEDROOMS per hectare | 150 BEDROOMS per hectare | 150 BEDROOMS per hectare |
| Density (maximum)   | 450 BEDROOMS per hectare   | 525 BEDROOMS per hectare  | 600 BEDROOMS per hectare | 675 BEDROOMS per hectare | 750 BEDROOMS per hectare |
| BUILDING HEIGHT (maximum)   | 20 metres and 6 STOREYS  | 30 metres and 9 STOREYS   | 40 metres and 12 STOREYS | 60 metres and 18 STOREYS | 81 metres and 25 STOREYS |
| PODIUM Height (maximum)   | 14 metres  | 14.3 metres   | 14.8 metres              | 21 metres                | 21 metres                |
| TOWER Separation (minimum)  | (none)   | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                          |                          |                          |
| Horizontal TOWER Dimension (maximum)  | N/A  | 40 metres   | 40 metres                | 40 metres                | 40 metres                |
| TOWER Footprint (maximum)   | N/A  | 1,000 square metres   | 1,000 square metres      | 1,000 square metres      | 1,000 square metres      |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A  | 3 metres  | 3 metres                 | 3 metres                 | 3 metres                 |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT |   |                          |                          |                          |

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8.6.9 The following minimum PARKING SPACE regulations shall apply to every LOT, BUILDING and STRUCTURE in the Mixed-Use Office (C4) zone, except as specified in Table 6A:

| Minimum Parking Rate |         | Area A     | Area B      | All Other   |             |
|----------------------|---------|------------|-------------|-------------|-------------|
| Residential          | Use     | (See Note) | 0.75        | 0.90        | PDU*        |
| Residential          | Visitor |            | 0.10        | 0.10        | PDU*        |
|                      |         |            | <b>0.85</b> | <b>1.00</b> | <b>PDU*</b> |
| Non-Residential      | Use     |            | 1.80        | 3.00        | /100m2*     |

\* PDU = Per Dwelling Unit  
 /100m2 = Per 100 square metres of BUILDING FLOOR AREA

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

8.6.10 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:
  - commercial uses specified in sections 8.6.1.1, 8.6.1.2 and 8.6.1.4
  - institutional uses specified in sections 8.6.1.1, 8.6.1.2 and 8.6.1.4
  - entrance / foyers
  - lobby, reception area, seating area, and the like
  - circulation spaces, such as hallways, elevators, and the like
  - hydro transformer room
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 8.6.10.a.).
- c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 8.6.10.a.) shall abut the entire FRONT BUILDING FAÇADE.
- d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 8.6.10.a.) shall abut the entire FRONT BUILDING FAÇADE and the entire FLANKAGE BUILDING FAÇADE.

8.6.11 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

8.6.12 Repealed by by-law 2019-032.

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## CORRIDOR COMMERCIAL (C5)

### Zone

8.7 Corridor Commercial (C5) Zone

### Permitted Uses

8.7.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Corridor Commercial (C5) zone for any purpose other than one or more of the following permitted uses:

#### 8.7.1.1 Primary Uses:

- AUDITORIUM
- AUTOMOBILE GAS STATION
- AUTOMOBILE SERVICE CENTRE
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BANQUET HALL
- BUSINESS INCUBATOR
- CAFÉ, including OUTDOOR CAFÉ PATIO
- CAR WASH
- Catering Establishment
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL SERVICE
- COMMERCIAL WELLNESS
- COMMUNICATION PRODUCTION
- CUSTOM SERVICE SHOP (excluding Ornamental Metal Craftsperson)
- ELECTRONIC GAMING CENTRE
- FINANCIAL SERVICE
- Funeral Home
- HOTEL
- MEDICAL CLINIC
- NANOBREWERY
- NIGHTCLUB
- OFFICE
- PAYDAY LOAN STORE
- PERSONAL BREWING ESTABLISHMENT
- PET SERVICES (CLASS A)
- PRINTING ESTABLISHMENT
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- TECH OFFICE
- TRAINING FACILITY
- TRANSPORTATION SERVICE
- VETERINARY CLINIC
- WHOLESALER which may include ancillary retailing and display of goods, merchandise and wares that are wholesaled from the premises, to a maximum of

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twenty percent (20%) of the BUILDING FLOOR AREA of the BUILDING or unit containing the WHOLESALER

**8.7.1.2 Primary Uses:**

- Building Material Supplies and Sales, excluding OUTDOOR STORAGE of Building Materials
- Carpet / Flooring, Wall Coverings, Textiles, Draperies (Sales and Service)
- Equipment Rental and Service
- LARGE MERCHANDISE STORE
- MOTOR VEHICLE RETAILER
- OLD GOLD SHOP
- Optician / Optometrist

**8.7.1.3 Complementary Uses:**

- ALTERNATIVE EDUCATION CENTRE
- CULTURAL FACILITIES
- GOVERNMENT USES
- INSTITUTION
- MAKERSPACE (CLASS A)
- MUNICIPAL RECREATION FACILITY
- PARKING FACILITY
- PUBLIC MARKET
- TEMPORARY FARMERS MARKET

8.7.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall be permitted.

8.7.3 Notwithstanding anything to the contrary, the following USES shall not be permitted in the Corridor Commercial (C5) zone:

- a.) DEPARTMENT STORE
- b.) DRUG STORE
- c.) FOOD STORE (including SPECIALTY FOOD STORE)

**Performance Standards**

8.7.4 The following regulations in Table 8N shall apply to every LOT, BUILDING and STRUCTURE in the Corridor Commercial (C5) zone:

| <b>Table 8N: Regulations – CORRIDOR COMMERCIAL (C5)</b> |   |
|---|---|
| STREET LINE setback<br>(minimum)                        | 5.0 metres  |
| SIDE YARD setback (minimum)                             | 3.0 metres  |
| REAR YARD setback<br>(minimum)                          | 7.5 metres  |
| LOW RISE RESIDENTIAL LOT LINE setback<br>(minimum)      | 7.5 metres or half the height of the BUILDING,<br>whichever is greater  |
| Complementary Uses (maximum)                            | Complementary uses specified in section<br>8.7.1.3 shall not collectively exceed 50% of the<br>BUILDING FLOOR AREA on the LOT |

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| <b>Table 8N: Regulations – CORRIDOR COMMERCIAL (C5)</b> |   |
|---|---|
| Number of BUILDINGS on a LOT (maximum)                  | More than one (1) main BUILDING permitted |

- 8.7.5 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.
- 8.7.6 The LANDSCAPED BUFFER in section 8.7.5 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).
- 8.7.7 The LANDSCAPED BUFFER in section 8.7.5 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.
- 8.7.8 The following regulations in Table 8O shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Corridor Commercial (C5) zone constructed after the effective date of this BY-LAW:

| <b>Table 8O: Regulations – CORRIDOR COMMERCIAL (C5)</b>   |                         |   |                          |                          |
|---|-------------------------|---|--------------------------|--------------------------|
|   | <b>C5-20</b>            | <b>C5-27</b>  | <b>C5-40</b>             | <b>C5-81</b>             |
| BUILDING HEIGHT (maximum)   | 20 metres and 6 STOREYS | 27 metres and 9 STOREYS   | 40 metres and 12 STOREYS | 81 metres and 25 STOREYS |
| PODIUM Height (maximum)   | 14 metres               | 14.3 metres   | 14.8 metres              | 21 metres                |
| TOWER Separation (minimum)  | (none)                  | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                          |                          |
| Horizontal TOWER Dimension (maximum)  | N/A                     | 40 metres   | 40 metres                | 40 metres                |
| TOWER Footprint (maximum)   | N/A                     | 1,000 square metres   | 1,000 square metres      | 1,000 square metres      |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A                     | 3 metres  | 3 metres                 | 3 metres                 |

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8.7.9 The following minimum PARKING SPACE regulations shall apply to every LOT, BUILDING and STRUCTURE in the Corridor Commercial (C5) zone, except as specified in Table 6A:

| <b>Minimum<br/>Parking Rate</b> |     | <b>Area A</b> | <b>Area B</b> | <b>All<br/>Other</b> |         |
|---------------------------------|-----|---------------|---------------|----------------------|---------|
| Non-<br>Residential             | Use | (See Note)    | 3.00          | 3.25                 | /100m2* |

\* /100m2 = Per 100 square metres of BUILDING FLOOR AREA

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

8.7.10 STRUCTURED PARKING shall not be permitted on the FIRST STOREY. This regulation shall not apply to a PARKING FACILITY.

8.7.11 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

8.7.12 Repealed by by-law 2019-032

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## WEST SIDE MIXED-USE COMMERCIAL CENTRE (C6)

### Zone

8.8 West Side Mixed-Use Commercial Centre (C6) Zone

### Definitions

8.8.1 For the purposes of the West Side Mixed-Use Commercial Centre (C6) zone, the following definitions shall apply:

- a. **"Apparel and Accessory Store"** means a retail store specializing in any or all of the following merchandise categories: clothing, clothing accessories, shoes, jewellery, luggage and leather.
- b. **"Complementary Use"** means a PERSONAL SERVICE SHOP, CAFÉ, RESTAURANT, TAKE-OUT RESTAURANT, FINANCIAL SERVICE, BUSINESS INCUBATOR, and PHARMACEUTICAL DISPENSARY located on the FIRST STOREY of a multi-storey OFFICE BUILDING.
- c. **"Home Improvement Store"** means a retail store specializing in products and services used primarily for the renovation, repair and or improvement of the interiors and or exteriors of BUILDINGS, including without limitation, paint, wallpaper, carpets, floor covering, lighting fixtures, draperies, blinds, plumbing fixtures, furniture, appliances, building materials, lumber, and a garden centre.
- d. **"Mixed-Use Building"** means a multi-storey commercial building with a minimum height of seven metres (7m) and a maximum height of twelve metres (12m), where:
  - a. The following uses shall be permitted on the FIRST STOREY of the building:
    - all uses permitted in the C6 zone
  - b. The following uses shall be permitted in STOREYS above the FIRST STOREY:
    - ALTERNATIVE EDUCATION CENTRE
    - BUSINESS INCUBATOR
    - COMMERCIAL SCHOOL
    - COMMUNICATION PRODUCTION
    - CULTURAL FACILITIES
    - GOVERNMENT USE
    - MEDICAL CLINIC
    - OFFICE
    - TECH OFFICE
    - TRAINING FACILITY

For purposes of clarity, a "Mixed-Use Building" shall not include an OFFICE BUILDING with Complementary Uses. A minimum of one required "Mixed-Use Building" shall be located as shown on Image 1 to this zone.

- e. **"Small Retail Store"** means a RETAIL STORE pursuant to section 8.8.2.1 that is less than 465 square metres in BUILDING FLOOR AREA and includes a "Specialty Food Store" and an "Apparel and Accessories Store" as herein defined.
- f. **"Specialty Food Store"** means a Small Retail Store specializing in a specific and limited type or class of foods such as an appetizer store, bakery, butcher, candy, delicatessen, fish,

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frozen food merchandise, gourmet, spices and similar foods but does not include a grocery store, supermarket or FOOD STORE.

## Permitted Uses

8.8.2 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the West Side Mixed-Use Commercial Centre (C6) zone for any purpose other than one or more of the following permitted uses:

8.8.2.1 The following USES shall be permitted within "Area A" and "Area C" as shown on Image 1 to this zone:

- ALTERNATIVE EDUCATION CENTRE
- BAKE SHOP – no OUTDOOR BAKE SHOP PATIO
- BUSINESS INCUBATOR
- CAFÉ – no OUTDOOR CAFE PATIO
- COMMERCIAL SCHOOL
- COMMERCIAL SERVICE
- COMMERCIAL WELLNESS
- COMMUNICATION PRODUCTION
- CULTURAL FACILITIES
- DATA CENTRE
- ELECTRONIC GAMING CENTRE
- GOVERNMENT USE
- INSTITUTION
- MAJOR OFFICE
- MAKERSPACE (CLASS A)
- MEDICAL CLINIC
- MUNICIPAL RECREATION FACILITY
- NANOBREWERY
- OFFICE, which may contain Complementary Uses specified in section 8.8.1.b.
- PARKING FACILITY
- PERSONAL BREWING ESTABLISHMENT
- PRIVATE CLUB
- PUBLIC MARKET
- RESTAURANT – no new OUTDOOR RESTAURANT PATIO after the effective date of this BY-LAW
- RESTAURANT (TAKE-OUT) – no OUTDOOR RESTAURANT PATIO
- RETAIL STORE, excluding:
  - FOOD STORE
  - DEPARTMENT STORE
  - Automotive Supply Store
  - WAREHOUSE MEMBERSHIP CLUB
- Small Retail Store
- TECH OFFICE
- TEMPORARY FARMERS MARKET
- TRAINING FACILITY
- TRANSPORTATION FACILITY

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## Area A

8.8.2.2 The following additional USES shall be permitted within "Area A" as shown on Image 1 to this zone:

- AUDITORIUM provided the AUDITORIUM is set back a minimum of 220 metres from any residential use
- BANQUET HALL
- COMMERCIAL RECREATION
- Home Improvement Store (with or without an ancillary garden centre)

## Area B

8.8.2.3 The following USES shall be permitted within "Area B" as shown on Image 1 to this zone:

- ALTERNATIVE EDUCATION CENTRE
- BUSINESS INCUBATOR
- GOVERNMENT USE
- MAJOR OFFICE
- MAKERSPACE (CLASS A)
- MEDICAL CLINIC
- OFFICE, which may contain Complementary Uses specified in section 8.8.1.b.
- TECH OFFICE
- TRAINING FACILITY

## Area C

8.8.2.4 The following additional USES shall be permitted within "Area C" as shown on Image 1 to this zone:

- FINANCIAL SERVICE
- Mixed-Use Building
- PAYDAY LOAN STORE
- PERSONAL SERVICE SHOP
- Photography Studio
- Picture Framing

## **Performance Standards**

8.8.3 The following regulations in Table 8P shall apply to every LOT, BUILDING, and STRUCTURE in the West Side Mixed-Use Commercial Centre (C6) zone:

| <b>Table 8P: Regulations – WEST SIDE MIXED-USE COMMERCIAL CENTRE (C6)</b> |            |
|---|------------|
| STREET LINE setback (minimum)   | 6.0 metres |
| COMMON ELEMENT ROAD setback (minimum)                                     | 0 metres   |
| SIDE YARD setback (minimum)   | 3.0 metres |
| REAR YARD setback (minimum)   | 3.0 metres |
| Municipal Boundary setback (minimum)                                      | 0 metres   |
| BUILDING HEIGHT (maximum) (see 8.8.4)                                     | 36 metres  |

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| <b>Table 8P: Regulations – WEST SIDE MIXED-USE COMMERCIAL CENTRE (C6)</b>   |   |
|---|---|
| LANDSCAPED OPEN SPACE (minimum) – includes: <ul style="list-style-type: none"> <li>• LANDSCAPED BUFFER</li> <li>• landscaped parking islands</li> <li>• landscaped walkways</li> <li>• communal courtyards and plazas</li> <li>• GREEN ROOF (maximum of 5% of LOT AREA)</li> <li>• common rooftop AMENITY AREA (maximum of 5% of LOT AREA)</li> </ul> | 20%                                       |
| Number of BUILDINGS on a LOT (maximum)  | More than one (1) main BUILDING permitted |

Area B

8.8.4 Notwithstanding anything to the contrary, the minimum BUILDING HEIGHT shall be 15 metres for BUILDINGS located in “Area B” as shown on Image 1 to this zone, except one (1) BUILDING which shall be permitted with a minimum BUILDING HEIGHT of 4.5 metres provided said BUILDING contains less than 1,500 square metres of BUILDING FLOOR AREA.

Area C

8.8.5 Notwithstanding anything to the contrary, the following additional performance standards shall apply to “Area C” as shown on Image 1 to this zone:

- a.) A LANDSCAPED BUFFER shall be required between Ira Needles Boulevard and the Ira Needles Boulevard BUILDING LINE.
- b.) PARKING SPACES, loading facilities, drive aisles, and OUTDOOR STORAGE shall be prohibited within the LANDSCAPED BUFFER required in section 8.8.5.a.).

Areas A, B and C

8.8.6 Notwithstanding anything to the contrary, the following additional regulations shall apply to the lands described as Area 'A', 'B' and 'C' on Image 1 to this zone:

- a.) The lands comprising Area 'A', 'B' and 'C' shall be deemed to be one (1) LOT for the purpose of calculating BUILDING FLOOR AREA, LANDSCAPED OPEN SPACE, parking requirements, and the performance requirements within Table 8P and Table 8Q.
- b.) The maximum BUILDING FLOOR AREA of all BUILDINGS and STRUCTURES in Area 'A' and 'C' combined shall be 51,100 square metres.
- c.) The maximum BUILDING FLOOR AREA devoted to all RETAIL STORES combined, including Home Improvement Stores, Small Retail Stores, and Apparel and Accessory Stores, shall be 22,406 square metres.
- d.) The maximum BUILDING FLOOR AREA devoted to all Small Retail Stores combined shall be 4,181 square metres.

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- e.) The maximum BUILDING FLOOR AREA devoted to all Apparel and Accessory Stores combined shall be 2,787 square metres.
- f.) The maximum BUILDING FLOOR AREA for an AUDITORIUM shall be 4,645 square metres.
- g.) The maximum BUILDING FLOOR AREA for a COMMERCIAL RECREATION USE shall be 6,100 square metres.
- h.) The maximum BUILDING FLOOR AREA devoted to all BAKE SHOPS, CAFES, RESTAURANTS and TAKE-OUT RESTAURANTS combined shall be 3,720 square metres.
- i.) The maximum BUILDING FLOOR AREA for a Home Improvement Store shall be 12,550 square metres, excluding an accessory garden centre. The maximum BUILDING FLOOR AREA for the garden centre shall be 3,700 square metres.
- j.) The maximum BUILDING FLOOR AREA devoted to all PERSONAL SERVICE SHOPS combined shall be 929 square metres.
- k.) The minimum BUILDING FLOOR AREA devoted to OFFICE USES combined, including ground floor Complementary Uses, shall be 18,209 square metres.
- l.) Development on the lands described as Areas 'A', 'B' and 'C' on Image 1 to this zone shall be permitted on LOTS having frontage on a COMMON ELEMENT ROAD.
- m.) OUTDOOR STORAGE shall only be permitted within a REAR YARD provided the OUTDOOR STORAGE area is fenced and screened.
- n.) Notwithstanding anything to the contrary, OUTDOOR STORAGE shall exclude temporary OUTDOOR DISPLAY AREAS.

## Parking

8.8.7 Notwithstanding anything to the contrary, the parking regulations in Table 8Q shall apply to lands zoned West Side Mixed-Use Commercial Centre (C6):

| <b>Table 8Q: Parking Regulations – WEST SIDE MIXED-USE COMMERCIAL CENTRE (C6)</b>                                       |   |
|---|---|
| <b>Permitted Use</b>  | <b>Minimum Parking Spaces Required</b> (minimum)                |
| <ul style="list-style-type: none"> <li>• AUDITORIUM</li> <li>• BANQUET HALL</li> <li>• COMMERCIAL RECREATION</li> </ul> | 4.5 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA |

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| <b>Table 8Q: Parking Regulations – WEST SIDE MIXED-USE COMMERCIAL CENTRE (C6)</b>  |   |
|--|---|
| <ul style="list-style-type: none"> <li>• Mixed-Use Building</li> </ul>   | <p>2.5 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA where an OFFICE use comprises more than 50% of the total BUILDING FLOOR AREA</p> <p>1.0 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA where an OFFICE use comprises between 10% and 50% of the total BUILDING FLOOR AREA</p> |
| <ul style="list-style-type: none"> <li>• BUSINESS INCUBATOR</li> <li>• DATA CENTRE</li> <li>• GOVERNMENT USE</li> <li>• INSTITUTION</li> <li>• MAJOR OFFICE</li> <li>• MEDICAL CLINIC</li> <li>• OFFICE</li> <li>• TECH OFFICE</li> <li>• TRAINING FACILITY</li> </ul> | 3.0 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA   |
| <ul style="list-style-type: none"> <li>• BAKE SHOP</li> <li>• CAFE</li> <li>• RESTAURANT</li> <li>• TAKE-OUT RESTAURANT</li> </ul>   | 1.0 PARKING SPACES for every 4 seats of the DESIGNED MAXIMUM CAPACITY   |
| All Other Permitted Uses   | 4.0 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA   |

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

- 8.8.8 Notwithstanding anything to the contrary, the following additional parking regulations shall apply:
- a.) PARKING SPACES and drive aisles shall be prohibited between Ira Needles Boulevard and the Ira Needles Boulevard BUILDING LINE within "Area C" as shown on Image 1 to this zone.
  - b.) Any PARKING SPACE located across the Municipal Boundary may be USED to satisfy the parking requirement of this BY-LAW provided that more than half (50%) of the PARKING SPACE is located in WATERLOO.
  - c.) PARKING SPACES shall be permitted in the FRONT YARD, SIDE YARD and REAR YARD abutting a COMMON ELEMENT ROAD.

### Drive-Through

- 8.8.9 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall not contain an intercom order station.

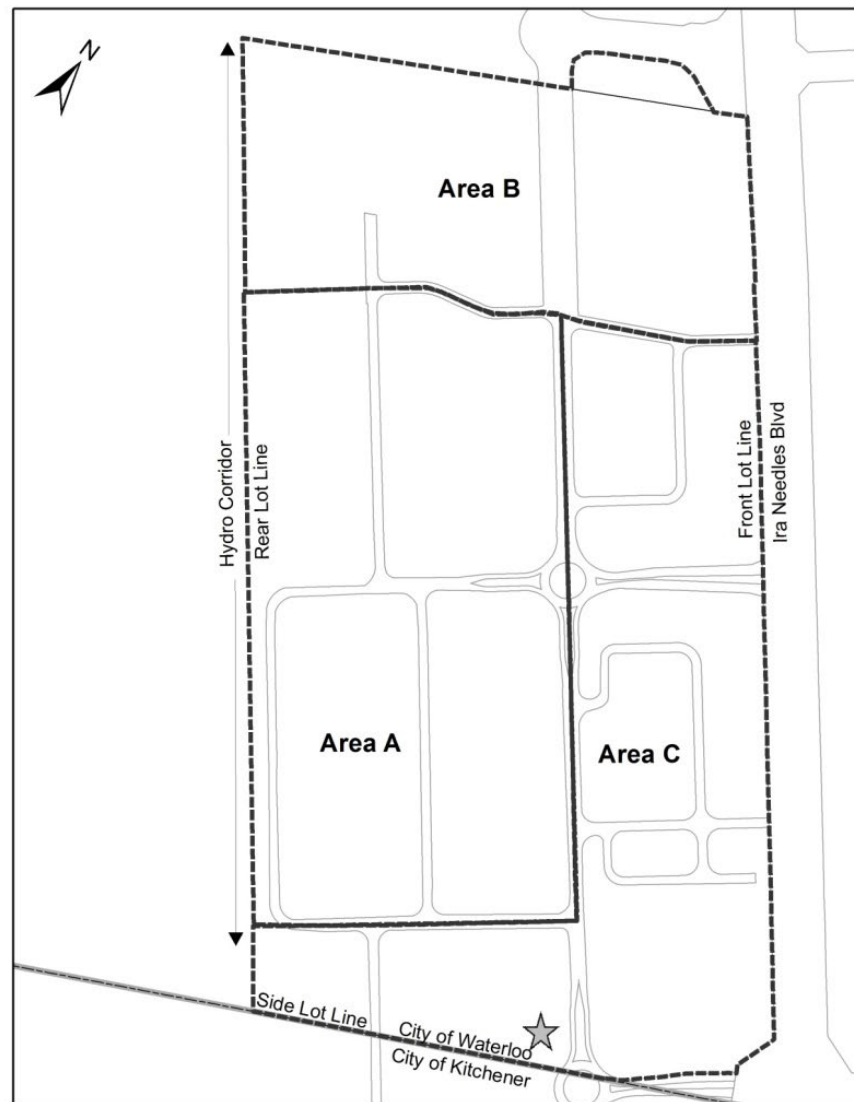
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8.8.10 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall be prohibited in:

- Area 'A'
- Area 'B'
- Area 'C' except in accordance with section 8.8.11.

8.8.11 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall be permitted for a maximum two (2) FINANCIAL SERVICES in Area 'C' as shown on Image 1 to this zone.

**Image 1** to the West Side Mixed-Use Commercial Centre (C6) Zone



★ Location of the one minimum required mixed-use commercial building as per zoning.

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## CONESTOGA COMMERCIAL CENTRE (C7)

### Zone

8.9 Conestoga Commercial Centre (C7) Zone

### Permitted Uses

8.9.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Conestoga Commercial Centre (C7) zone for any purpose other than one or more of the following permitted uses:

#### 8.9.1.1 Primary Uses:

- AUDITORIUM
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BANQUET HALL
- BUSINESS INCUBATOR
- CAFÉ, including OUTDOOR CAFÉ PATIO
- COMMERCIAL SERVICE
- COMMUNICATION PRODUCTION
- ELECTRONIC GAMING CENTRE
- FINANCIAL SERVICE
- Garden Centre
- MAJOR OFFICE
- MEDICAL CLINIC
- NANOBREWERY
- OFFICE
- OLD GOLD SHOP
- PAYDAY LOAN STORE
- PERSONAL BREWING ESTABLISHMENT
- PERSONAL SERVICE SHOP
- PET SERVICES (CLASS A)
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- RETAIL STORE (including DRUG STORE, FOOD STORE, SPECIALTY FOOD STORE, VARIETY STORE)
- TECH OFFICE
- TRAINING FACILITY
- TRANSPORTATION SERVICE
- VETERINARY CLINIC

#### 8.9.1.2 Primary Uses:

- ASSISTED LIVING FACILITY above the FIRST STOREY in a MIXED USE BUILDING
- DWELLING UNITS above the FIRST STOREY in a MIXED USE BUILDING
- LONG TERM CARE FACILITY above the FIRST STOREY in a MIXED USE BUILDING
- MULTI-UNIT RESIDENTIAL BUILDING (including an APARTMENT BUILDING)

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## 8.9.1.3 Complementary Uses:

- ALTERNATIVE EDUCATION CENTRE
- ARTIST STUDIO (CLASS A)
- AUTOMOBILE GAS STATION
- AUTOMOBILE SERVICE CENTRE
- CHILD CARE CENTRE
- COMMERCIAL SCHOOL
- COMMERCIAL RECREATION
- COMMERCIAL WELLNESS
- CULTURAL FACILITY
- DATA CENTRE
- GOVERNMENT USES
- HOTEL
- INSTITUTION
- MAKERSPACE (CLASS A)
- MUNICIPAL RECREATION FACILITY
- PARKING FACILITY
- PUBLIC MARKET
- TEMPORARY FARMERS MARKET

## Performance Standards

8.9.2 The following regulations in Table 8R shall apply to every LOT, BUILDING and STRUCTURE in the Conestoga Commercial Centre (C7) zone:

| <b>Table 8R: Regulations – CONESTOGA COMMERCIAL CENTRE (C7)</b> |   |
|---|---|
| STREET LINE setback (minimum)                                   | 5.0 metres  |
| SIDE YARD setback (minimum)                                     | 5.0 metres  |
| REAR YARD setback (minimum)                                     | 7.5 metres  |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)                 | 7.5 metres or half the height of the BUILDING, whichever is greater   |
| BUILDING FLOOR AREA (maximum)                                   | 62,000 square metres  |
| Density (minimum)   | 150 BEDROOMS per hectare  |
| Density (maximum)   | 750 BEDROOMS per hectare  |
| BUILDING HEIGHT (maximum)                                       | C-7-81 = 81 metres and 25 STOREYS<br>C7-60 = 60 metres and 18 STOREYS   |
| PODIUM Height (maximum)   | 21 metres   |
| TOWER Separation (minimum)                                      | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |
| Horizontal TOWER Dimension (maximum)                            | 40 metres   |
| TOWER Footprint (maximum)                                       | 1,000 square metres   |

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| <b>Table 8R: Regulations – CONESTOGA COMMERCIAL CENTRE (C7)</b>   |   |
|---|---|
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | 3 metres  |
| PARKING SPACES (minimum)  | (see Note)  |
| Complementary Uses (maximum)  | Complementary uses specified in section 8.9.1.3 shall not collectively exceed 30% of the BUILDING FLOOR AREA on the LOT |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT              |
| Number of BUILDINGS on a LOT (maximum)  | More than one (1) main BUILDING permitted   |

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

- 8.9.3 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.
- 8.9.4 The LANDSCAPED BUFFER in section 8.9.3 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).
- 8.9.5 The LANDSCAPED BUFFER in section 8.9.3 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.
- 8.9.6 Notwithstanding anything to the contrary, the maximum BUILDING FLOOR AREA regulation in Table 8R shall exclude BUILDING FLOOR AREA devoted to the following USES:
- ASSISTED LIVING FACILITY above the FIRST STOREY
  - AUDITORIUM (including Cinema / Movie Theatre)
  - AUTOMOBILE SERVICE CENTRE
  - AUTOMOBILE GAS STATION
  - BANQUET HALL
  - CAR WASH
  - COMMERCIAL RECREATION
  - CULTURAL FACILITIES
  - DWELLING UNITS above the FIRST STOREY
  - Garden Centre
  - HOTEL
  - LONG TERM CARE FACILITY above the FIRST STOREY
  - MAJOR OFFICE
  - MEDICAL CLINIC
  - MULTI-UNIT RESIDENTIAL BUILDING (including an APARTMENT BUILDING)
  - OFFICE

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- Shoe Repair Establishment
- STRUCTURED PARKING
- TECH OFFICE

8.9.7 (deleted – Planning Act eliminates parking minimums in MTSAs)

8.9.8 (deleted – Planning Act eliminates parking minimums in MTSAs)

8.9.9 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:
- commercial uses specified in sections 8.9.1.1 and 8.9.1.3
  - institutional uses specified in sections 8.9.1.1 and 8.9.1.3
  - entrance / foyers
  - lobby, reception area, seating area, and the like
  - circulation spaces, such as hallways, elevators, and the like
  - hydro transformer room
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 8.9.9.a.).
- c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 8.9.9.a.) shall abut the entire FRONT BUILDING FAÇADE.
- d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 8.9.9.a.) shall abut the entire FRONT BUILDING FAÇADE and the entire FLANKAGE BUILDING FAÇADE.

8.9.10 Notwithstanding anything to the contrary, PARKING SPACES required for DWELLING UNITS shall be located within STRUCTURED PARKING.

8.9.11 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

8.9.12 Repealed by By-law 2019-032.

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## STATION AREA MIXED-USE COMMUNITY COMMERCIAL (CIA)

### Zone

8S.1 Station Area Mixed-Use Community Commercial (C1A) Zone

### Permitted Uses

8S.1.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Station Area Mixed-Use Community Commercial (C1A) zone for any purpose other than one or more of the following permitted uses:

#### 8S.1.1.1 Primary Uses:

- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BUSINESS INCUBATOR
- CAFÉ, including OUTDOOR CAFÉ PATIO
- COMMERCIAL SERVICE
- FINANCIAL SERVICE
- MAJOR OFFICE
- MEDICAL CLINIC
- NANOBREWERY
- OFFICE
- OLD GOLD SHOP
- PERSONAL SERVICE SHOP
- PET SERVICES (CLASS A)
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- RETAIL STORE (includes DRUG STORE, FOOD STORE, SPECIALTY FOOD STORE, VARIETY STORE)
- TECH OFFICE
- TRAINING FACILITY
- VETERINARY CLINIC

#### 8S.1.1.2 Primary Uses:

- ASSISTED LIVING FACILITY above the FIRST STOREY in a MIXED USE BUILDING
- DWELLING UNITS above the FIRST STOREY in a MIXED USE BUILDING
- LONG TERM CARE FACILITY above the FIRST STOREY in a MIXED USE BUILDING

#### 8S.1.1.3 Complementary Uses:

- ALTERNATIVE EDUCATION CENTRE
- ARTIST STUDIO (CLASS A)
- AUDITORIUM
- BANQUET HALL
- CHILD CARE CENTRE
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL WELLNESS
- COMMUNICATION PRODUCTION
- CULTURAL FACILITIES

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- DATA CENTRE
- ELECTRONIC GAMING CENTRE
- GOVERNMENT USES
- HOTEL
- INSTITUTION
- MAKERSPACE (CLASS A)
- MUNICIPAL RECREATION FACILITY
- NIGHTCLUB
- PERSONAL BREWING ESTABLISHMENT
- PRIVATE CLUB
- PRIVATE SCHOOL
- PUBLIC MARKET
- PUBLIC SCHOOL
- SPIRITUAL USE
- TEMPORARY FARMERS MARKET
- TRANSPORTATION SERVICE

8S.1.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall not be permitted.

## Performance Standards

8S.1.3 The following regulations in Table 8S-A shall apply to every LOT, BUILDING and STRUCTURE in the Station Area Mixed-Use Community Commercial (C1A) zone:

| <b>Table 8S-A: Regulations – STATION AREA MIXED-USE COMMUNITY COMMERCIAL (C1A)</b> |  |
|--|--|
| STREET LINE setback (minimum)  | 4.0 metres   |
| STREET LINE setback (maximum)  | 75% of the STREET LINE BUILDING FAÇADE shall be within 6.0 metres of the STREET LINE                                     |
| SIDE YARD setback (minimum)  | 3.0 metres   |
| REAR YARD setback (minimum)  | 3.0 metres   |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)                                    | 7.5 metres or half the height of the BUILDING, whichever is greater  |
| Complementary Uses (maximum)   | Complementary uses specified in section 8S.1.1.3 shall not collectively exceed 50% of the BUILDING FLOOR AREA on the LOT |
| Number of BUILDINGS on a LOT (maximum)   | More than one (1) main BUILDING permitted  |

8S.1.4 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting a LOW RISE RESIDENTIAL LOT LINE.

8S.1.5 The LANDSCAPED BUFFER in section 8S.1.4 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).

8S.1.6 The LANDSCAPED BUFFER in section 8S.1.4 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.

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## Active Frontage

8S.1.7 For the purposes of the Station Area Mixed-Use Community Commercial (C1A) zone, “Active Use” means one or more of the following USES:

- ALTERNATIVE EDUCATION CENTRE
- ARTIST STUDIO (CLASS A)
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BUSINESS INCUBATOR
- CHILD CARE CENTRE
- CAFÉ, including OUTDOOR CAFÉ PATIO
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL WELLNESS
- CULTURAL FACILITIES
- DRUG STORE
- ELECTRONIC GAMING CENTRE
- FINANCIAL SERVICES
- FOOD STORE
- GOVERNMENT USE
- INSTITUTION
- MAKERSPACE (CLASS A)
- MEDICAL CLINIC
- OFFICE (including Travel Agency)
- PERSONAL SERVICE SHOP
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- RETAIL STORE
- TECH OFFICE
- TRAINING FACILITY
- VARIETY STORE

8S.1.8 Notwithstanding anything to the contrary, on a LOT zoned Station Area Mixed-Use Community Commercial (C1A) on Schedule ‘A’ and “Active Frontage” on Schedule ‘A2’, it shall be a requirement of this BY-LAW that one or more Active Uses shall abut the entire STREET LINE BUILDING FAÇADE on the FIRST STOREY, except for a lobby with elevator / stairs providing access to STOREYS above the FIRST STOREY, provided further that:

- a.) the BUILDING FLOOR AREA of the lobby with elevator / stairs shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and
- b.) the lobby with elevator / stairs shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FAÇADE on the FIRST STOREY.

8S.1.9 Notwithstanding anything to the contrary, on a LOT zoned Station Area Mixed-Use Community Commercial (C1A) on Schedule ‘A’ and “Active Frontage” on Schedule ‘A2’, the following additional regulations shall apply to Active Uses in section 8S.1.8:

- a.) Each Active Use in section 8S.1.8 shall have an independent primary customer entrance from the STREET LINE BUILDING FAÇADE.

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- b.) Notwithstanding section 8S.1.9.a.), a minimum of one (1) independent primary customer entrance shall be provided for every twenty five metres (25m) of STREET LINE BUILDING FAÇADE.
- c.) The BUILDING FLOOR AREA devoted to each Active Use specified in section 8S.1.8 shall not exceed 465 square metres.
- d.) Notwithstanding section 8S.1.9.c.), the BUILDING FLOOR AREA of a FOOD STORE shall not exceed 1,115 square metres.
- e.) Notwithstanding section 8S.1.9.c.), the BUILDING FLOOR AREA of a DRUG STORE shall not exceed 1,115 square metres.

8S.1.10 The following regulations in Table 8S-B shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Station Area Mixed-Use Community Commercial (C1A) zone constructed after the effective date of this BY-LAW:

| <b>Table 8S-B: Regulation – STATION AREA MIXED-USE COMMUNITY COMMERCIAL (C1A)</b> |                           |   |                           |                           |                           |
|---|---------------------------|---|---------------------------|---------------------------|---------------------------|
|   | <b>C1A-20</b>             | <b>C1A-30</b>   | <b>C1A-40</b>             | <b>C1A-60</b>             | <b>C1A-81</b>             |
| Density (minimum)   | (none)                    | (none)  | 150 BEDROOMS per hectare  | 150 BEDROOMS per hectare  | 150 BEDROOMS per hectare  |
| Density (maximum)   | 450 BEDROOMS per hectare  | 525 BEDROOMS per hectare  | 600 BEDROOMS per hectare  | 675 BEDROOMS per hectare  | 750 BEDROOMS per hectare  |
| FLOOR AREA RATIO (maximum)  | 0.80                      | 0.80  | 0.80                      | 0.80                      | 0.80                      |
| Height of FIRST STOREY (minimum)  | 4.0 metres                | 4.0 metres  | 4.0 metres                | 4.0 metres                | 4.0 metres                |
| BUILDING HEIGHT (minimum)   | 10.5 metres and 3 STOREYS | 10.5 metres and 3 STOREYS   | 10.5 metres and 3 STOREYS | 10.5 metres and 3 STOREYS | 10.5 metres and 3 STOREYS |
| BUILDING HEIGHT (maximum)   | 20 metres and 6 STOREYS   | 30 metres and 9 STOREYS   | 40 metres and 12 STOREYS  | 60 metres and 18 STOREYS  | 81 metres and 25 STOREYS  |
| PODIUM Height (maximum)   | 14 metres                 | 14.3 metres   | 14.8 metres               | 21 metres                 | 21 metres                 |
| TOWER Separation (minimum)  | (none)                    | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                           |                           |                           |
| Horizontal TOWER Dimension (maximum)  | N/A                       | 40 metres   | 40 metres                 | 40 metres                 | 40 metres                 |
| TOWER Footprint (maximum)   | N/A                       | 1,000 square metres   | 1,000 square metres       | 1,000 square metres       | 1,000 square metres       |

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| <b>Table 8S-B: Regulation – STATION AREA MIXED-USE COMMUNITY COMMERCIAL (C1A)</b>                                     |   |          |          |          |          |
|---|---|----------|----------|----------|----------|
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A   | 3 metres | 3 metres | 3 metres | 3 metres |
| COMMON OUTDOOR AREA (minimum)   | For LOTS with an area of 2,000 square metres or more, three percent (3%) of the LOT AREA shall be COMMON OUTDOOR AREA located at GRADE  |          |          |          |          |
| COMMON OUTDOOR AREA dimensions (minimum, each dimension)  | Not less than 6.0 metres, except where the COMMON OUTDOOR AREA is located in the FRONT YARD or FLANKAGE YARD where one (1) dimension shall not be less than 4.0 metres  |          |          |          |          |
| LANDSCAPED OPEN SPACE (minimum)   | 15%   |          |          |          |          |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT  |          |          |          |          |
| PARKING SPACES (maximum)  | a.) Residential: 1.50 PARKING SPACES per DWELLING UNIT<br>b.) Visitor (Residential): 0.15 PARKING SPACES per DWELLING UNIT<br>c.) Non-Residential (SURFACE PARKING): 3.00 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA on the LOT<br>d.) Non-Residential (STRUCTURED PARKING): 4.00 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA on the LOT |          |          |          |          |

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

8S.1.11 Notwithstanding anything to the contrary, the FLOOR AREA RATIO in Table 8S-B shall exclude BUILDING FLOOR AREA for:

- ASSISTED LIVING FACILITY
- DWELLING UNIT
- LONG TERM CARE FACILITY
- MAJOR OFFICE
- MEDICAL CLINIC
- OFFICE
- TECH OFFICE

8S.1.12 Notwithstanding anything to the contrary, the provisions in Table 8S-B shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

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8S.1.13 (deleted – Planning Act eliminates parking minimums in MTSAs)

8S.1.14 (deleted – Planning Act eliminates parking minimums in MTSAs)

8S.1.15 (deleted – Planning Act eliminates parking minimums in MTSAs)

8S.1.16 The BICYCLE PARKING regulations in section 6.6 shall apply.

8S.1.17 Notwithstanding anything to the contrary, the provisions in sections 8S.1.15 and 8S.1.16 shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

8S.1.18 Notwithstanding anything to the contrary, a minimum eighty-five percent (85%) of PARKING SPACES required for DWELLING UNITS shall be located within STRUCTURED PARKING.

8S.1.19 STRUCTURED PARKING shall not be permitted on the FIRST STOREY.

8S.1.20 Notwithstanding anything to the contrary including section 8S.1.8, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

8S.1.21 Repealed by by-law 2019-032.

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## STATION AREA MIXED-USE NEIGHBOURHOOD COMMERCIAL A (C2A)

### Zone

8S.2 Station Area Mixed-Use Neighbourhood Commercial A (C2A) Zone

### Permitted Uses

8S.2.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Station Area Mixed-Use Neighbourhood Commercial A (C2A) zone for any purpose other than one or more of the following permitted uses:

#### 8S.2.1.1 Primary Uses:

- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BUSINESS INCUBATOR
- CAFÉ, including OUTDOOR CAFÉ PATIO
- COMMERCIAL SERVICE
- FINANCIAL SERVICE
- MAJOR OFFICE
- MEDICAL CLINIC
- NANOBREWERY
- OFFICE
- PERSONAL BREWING ESTABLISHMENT
- PERSONAL SERVICE SHOP
- PET SERVICES (CLASS A)
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- RETAIL STORE (includes DRUG STORE, FOOD STORE, SPECIALTY FOOD STORE, VARIETY STORE)
- TECH OFFICE
- VETERINARY CLINIC

#### 8S.2.1.2 Primary Uses:

- ASSISTED LIVING FACILITY above the FIRST STOREY in a MIXED USE BUILDING
- DWELLING UNITS above the FIRST STOREY in a MIXED USE BUILDING
- LONG TERM CARE FACILITY above the FIRST STOREY in a MIXED USE BUILDING

#### 8S.2.1.3 Complementary Uses:

- ALTERNATIVE EDUCATION CENTRE
- ARTIST STUDIO (CLASS A)
- CHILD CARE CENTRE
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL WELLNESS
- COMMUNICATION PRODUCTION
- CULTURAL FACILITIES
- DATA CENTRE
- ELECTRONIC GAMING CENTRE

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- GOVERNMENT USES
- INSTITUTION
- MAKERSPACE (CLASS A)
- MUNICIPAL RECREATION FACILITY
- PRIVATE SCHOOL
- PUBLIC MARKET
- PUBLIC SCHOOL
- SPIRITUAL USE
- TEMPORARY FARMERS MARKET
- TRAINING FACILITY
- TRANSPORTATION SERVICE

8S.2.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall not be permitted.

### Performance Standards

8S.2.3 The following regulations in Table 8S-C shall apply to every LOT, BUILDING and STRUCTURE in the Station Area Mixed-Use Neighbourhood Commercial A (C2A) zone:

| <b>Table 8S-C:<br/>Regulations – STATION AREA MIXED-USE NEIGHBOURHOOD COMMERCIAL A ZONE (C2A)</b> |  |
|---|--|
| STREET LINE setback (minimum)   | 4.0 metres   |
| STREET LINE setback (maximum)   | 75% of the STREET LINE BUILDING FAÇADE shall be within 6.0 metres of the STREET LINE                                     |
| SIDE YARD setback (minimum)   | 3.0 metres   |
| REAR YARD setback (minimum)   | 3.0 metres   |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)   | 7.5 metres or half the height of the BUILDING, whichever is greater  |
| BUILDING FLOOR AREA (minimum)   | 2,000 square metres  |
| BUILDING FLOOR AREA (maximum)   | 13,500 square metres   |
| Complementary Uses (maximum)  | Complementary uses specified in section 8S.2.1.3 shall not collectively exceed 50% of the BUILDING FLOOR AREA on the LOT |
| Number of BUILDINGS on a LOT (maximum)  | More than one (1) main BUILDING permitted  |

8S.2.4 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting a LOW RISE RESIDENTIAL LOT LINE.

8S.2.5 The LANDSCAPED BUFFER in section 8S.2.4 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).

8S.2.6 The LANDSCAPED BUFFER in section 8S.2.4 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.

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8S.2.7 Notwithstanding anything to the contrary, the BUILDING FLOOR AREA regulations in Table 8S-C shall exclude BUILDING FLOOR AREA for:

- ASSISTED LIVING FACILITY
- DWELLING UNIT
- LONG TERM CARE FACILITY
- MAJOR OFFICE
- MEDICAL CLINIC
- OFFICE
- TECH OFFICE

8S.2.8 Notwithstanding anything to the contrary, the BUILDING FLOOR AREA of an individual RETAIL unit shall not exceed 1,000 square metres, except as specified in section 8S.2.11.

## Active Frontage

8S.2.9 For the purposes of the Station Area Mixed-Use Neighbourhood Commercial A (C2A) zone, "Active Use" means one or more of the following USES:

- ALTERNATIVE EDUCATION CENTRE
- ARTIST STUDIO (CLASS A)
- BAKE SHOP
- BUSINESS INCUBATOR
- CHILD CARE CENTRE
- CAFÉ
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL WELLNESS
- CULTURAL FACILITIES
- DRUG STORE
- ELECTRONIC GAMING CENTRE
- FINANCIAL SERVICES
- FOOD STORE
- GOVERNMENT USE
- INSTITUTION
- MAKERSPACE (CLASS A)
- MEDICAL CLINIC
- OFFICE (including Travel Agency)
- PERSONAL SERVICE SHOP
- RESTAURANT
- RETAIL STORE
- TAKE-OUT RESTAURANT
- TECH OFFICE
- TRAINING FACILITY
- VARIETY STORE

8S.2.10 Notwithstanding anything to the contrary, on a LOT zoned Station Area Mixed-Use Neighbourhood Commercial A (C2A) on Schedule 'A' and "Active Frontage" on Schedule 'A2', it shall be a requirement of this BY-LAW that one or more Active Uses shall abut the entire STREET

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LINE BUILDING FAÇADE on the FIRST STOREY, except for a lobby with elevator / stairs providing access to STOREYS above the FIRST STOREY, provided further that:

- a.) the BUILDING FLOOR AREA of the lobby with elevator / stairs shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and
- b.) the lobby with elevator / stairs shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FAÇADE on the FIRST STOREY.

8S.2.11 Notwithstanding anything to the contrary, on a LOT zoned Station Area Mixed-Use Neighbourhood Commercial A (C2A) on Schedule 'A' and "Active Frontage" on Schedule 'A2', the following additional regulations shall apply to Active Uses in section 8S.2.10:

- a.) Each Active Use in section 8S.2.10 shall have an independent primary customer entrance from the STREET LINE BUILDING FACADE.
- b.) Notwithstanding section 8S.2.11.a.), a minimum of one (1) independent primary customer entrance shall be provided for every twenty five metres (25m) of STREET LINE BUILDING FAÇADE.
- c.) The BUILDING FLOOR AREA devoted to each Active Use specified in section 8S.2.10 shall not exceed 465 square metres.
- d.) Notwithstanding section 8S.2.11.c.), the BUILDING FLOOR AREA of a FOOD STORE shall not exceed 1,115 square metres.
- e.) Notwithstanding section 8S.2.11.c.), the BUILDING FLOOR AREA of a DRUG STORE shall not exceed 1,115 square metres.

8S.2.12 The following regulations in Table 8S-D shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Station Area Mixed-Use Neighbourhood Commercial A (C2A) zone constructed after the effective date of this BY-LAW:

| <b>Table 8S-D: Regulations – STATION AREA MIXED-USE NEIGHBOURHOOD COMMERCIAL A ZONE (C2A)</b> |                                 |                                 |                                 |                                 |                                 |
|---|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
|   | <b>C2A-20</b>                   | <b>C2A-30</b>                   | <b>C2A-40</b>                   | <b>C2A-60</b>                   | <b>C2A-81</b>                   |
| Density (minimum)   | (none)                          | (none)                          | 150<br>BEDROOMS<br>per hectare  | 150<br>BEDROOMS<br>per hectare  | 150<br>BEDROOMS<br>per hectare  |
| Density (maximum)   | 450<br>BEDROOMS<br>per hectare  | 525<br>BEDROOMS<br>per hectare  | 600<br>BEDROOMS<br>per hectare  | 675<br>BEDROOMS<br>per hectare  | 750<br>BEDROOMS<br>per hectare  |
| Height of FIRST STOREY (minimum)  | 4.0 metres                      | 4.0 metres                      | 4.0 metres                      | 4.0 metres                      | 4.0 metres                      |
| BUILDING HEIGHT (minimum)   | 10.5 metres<br>and<br>3 STOREYS | 10.5 metres<br>and<br>3 STOREYS | 10.5 metres<br>and<br>3 STOREYS | 10.5 metres<br>and<br>3 STOREYS | 10.5 metres<br>and<br>3 STOREYS |
| BUILDING HEIGHT (maximum)   | 20 metres<br>and<br>6 STOREYS   | 30 metres<br>and<br>9 STOREYS   | 40 metres<br>and<br>12 STOREYS  | 60 metres<br>and<br>18 STOREYS  | 81 metres<br>and<br>25 STOREYS  |

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| <b>Table 8S-D: Regulations – STATION AREA MIXED-USE NEIGHBOURHOOD COMMERCIAL A ZONE (C2A)</b>                         |   |   |                     |                     |                     |
|---|---|---|---------------------|---------------------|---------------------|
| PODIUM Height (maximum)   | 14 metres   | 14.3 metres   | 14.8 metres         | 21 metres           | 21 metres           |
| TOWER Separation (minimum)  | (none)  | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                     |                     |                     |
| Horizontal TOWER Dimension (maximum)  | N/A   | 40 metres   | 40 metres           | 40 metres           | 40 metres           |
| TOWER Footprint (maximum)   | N/A   | 1,000 square metres   | 1,000 square metres | 1,000 square metres | 1,000 square metres |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A   | 3 metres  | 3 metres            | 3 metres            | 3 metres            |
| COMMON OUTDOOR AREA (minimum)   | For LOTS with an area of 2,000 square metres or more, three percent (3%) of the LOT AREA shall be COMMON OUTDOOR AREA located at GRADE  |   |                     |                     |                     |
| COMMON OUTDOOR AREA dimensions (minimum, each dimension)  | Not less than 6.0 metres, except where the COMMON OUTDOOR AREA is located in the FRONT YARD or FLANKAGE YARD where one (1) dimension shall not be less than 4.0 metres  |   |                     |                     |                     |
| LANDSCAPED OPEN SPACE (minimum)   | 15%   |   |                     |                     |                     |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT  |   |                     |                     |                     |
| PARKING SPACES (maximum)  | a.) Residential: 1.50 PARKING SPACES per DWELLING UNIT<br>b.) Visitor (Residential): 0.15 PARKING SPACES per DWELLING UNIT<br>c.) Non-Residential (SURFACE PARKING): 3.00 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA on the LOT<br>d.) Non-Residential (STRUCTURED PARKING): 4.00 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA on the LOT |   |                     |                     |                     |

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

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- 8S.2.13 Notwithstanding anything to the contrary, the provisions in Table 8S-D shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.
- 8S.2.14 (deleted – Planning Act eliminates parking minimums in MTSAs)
- 8S.2.15 (deleted – Planning Act eliminates parking minimums in MTSAs)
- 8S.2.16 (deleted – Planning Act eliminates parking minimums in MTSAs)
- 8S.2.17 The BICYCLE PARKING regulations in section 6.6 shall apply.
- 8S.2.18 Notwithstanding anything to the contrary, the provisions in sections 8S.2.16 and 8S.2.17 shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.
- 8S.2.19 Notwithstanding anything to the contrary, a minimum eighty-five percent (85%) of PARKING SPACES required for DWELLING UNITS shall be located within STRUCTURED PARKING.
- 8S.2.20 STRUCTURED PARKING shall not be permitted on the FIRST STOREY.
- 8S.2.21 Notwithstanding anything to the contrary including section 8S.2.10, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.
- 8S.2.22 Repealed by by-law 2019-032.

## STATION AREA MIXED-USE NEIGHBOURHOOD COMMERCIAL B (C2B)

### Zone

8S.3 Station Area Mixed-Use Neighbourhood Commercial B (C2B) Zone

### Permitted Uses

8S.3.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Station Area Mixed-Use Neighbourhood Commercial B (C2B) zone for any purpose other than one or more of the following permitted uses:

#### 8S.3.1.1 Primary Uses:

- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BUSINESS INCUBATOR
- CAFÉ, including OUTDOOR CAFÉ PATIO
- COMMERCIAL SERVICE
- FINANCIAL SERVICE
- MAJOR OFFICE
- MEDICAL CLINIC
- NANOBREWERY
- OFFICE
- PERSONAL BREWING ESTABLISHMENT
- PERSONAL SERVICE SHOP
- PET SERVICES (CLASS A)
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- RETAIL STORE (includes DRUG STORE, FOOD STORE, SPECIALTY FOOD STORE, VARIETY STORE)
- TECH OFFICE
- VETERINARY CLINIC

#### 8S.3.1.2 Primary Uses:

- ASSISTED LIVING FACILITY above the FIRST STOREY in a MIXED USE BUILDING
- DWELLING UNITS above the FIRST STOREY in a MIXED USE BUILDING
- LONG TERM CARE FACILITY above the FIRST STOREY in a MIXED USE BUILDING

#### 8S.3.1.3 Complementary Uses:

- ALTERNATIVE EDUCATION CENTRE
- ARTIST STUDIO (CLASS A)
- CHILD CARE CENTRE
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL WELLNESS
- COMMUNICATION PRODUCTION
- CULTURAL FACILITIES
- DATA CENTRE
- ELECTRONIC GAMING CENTRE

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- GOVERNMENT USES
- INSTITUTION
- MAKERSPACE (CLASS A)
- MUNICIPAL RECREATION FACILITY
- PRIVATE SCHOOL
- PUBLIC MARKET
- PUBLIC SCHOOL
- SPIRITUAL USE
- TEMPORARY FARMERS MARKET
- TRAINING FACILITY
- TRANSPORTATION SERVICE

8S.3.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall not be permitted.

### Performance Standards

8S.3.3 The following regulations in Table 8S-E shall apply to every LOT, BUILDING and STRUCTURE in the Station Area Mixed-Use Neighbourhood Commercial B (C2B) zone:

| <b>Table 8S-E: Regulations – STATION AREA MIXED-USE NEIGHBOURHOOD COMMERCIAL B ZONE (C2B)</b> |  |
|---|--|
| STREET LINE setback (minimum)   | 4.0 metres   |
| STREET LINE setback (maximum)   | 75% of the STREET LINE BUILDING FAÇADE shall be within 6.0 metres of the STREET LINE                                     |
| SIDE YARD setback (minimum)   | 3.0 metres   |
| REAR YARD setback (minimum)   | 3.0 metres   |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)   | 7.5 metres or half the height of the BUILDING, whichever is greater  |
| BUILDING FLOOR AREA (minimum)   | 2,000 square metres  |
| BUILDING FLOOR AREA (maximum)   | 13,500 square metres   |
| Complementary Uses (maximum)  | Complementary uses specified in section 8S.3.1.3 shall not collectively exceed 50% of the BUILDING FLOOR AREA on the LOT |
| Number of BUILDINGS on a LOT (maximum)  | More than one (1) main BUILDING permitted  |

8S.3.4 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting a LOW RISE RESIDENTIAL LOT LINE.

8S.3.5 The LANDSCAPED BUFFER in section 8S.3.4 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).

8S.3.6 The LANDSCAPED BUFFER in section 8S.3.4 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.

8S.3.7 Notwithstanding anything to the contrary, the BUILDING FLOOR AREA regulations in Table 8S-E shall exclude BUILDING FLOOR AREA for:

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- ASSISTED LIVING FACILITY
- DWELLING UNIT
- LONG TERM CARE FACILITY
- MAJOR OFFICE
- MEDICAL CLINIC
- OFFICE
- TECH OFFICE

8S.3.8 Notwithstanding anything to the contrary, the BUILDING FLOOR AREA of an individual RETAIL unit shall not exceed 1,000 square metres, except as specified in section 8S.3.11.

## Active Frontage

8S.3.9 For the purposes of the Station Area Mixed-Use Neighbourhood Commercial B (C2B) zone, “Active Use” means one or more of the following USES:

- ALTERNATIVE EDUCATION CENTRE
- ARTIST STUDIO (CLASS A)
- BAKE SHOP
- BUSINESS INCUBATOR
- CHILD CARE CENTRE
- CAFÉ
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL WELLNESS
- CULTURAL FACILITIES
- DRUG STORE
- ELECTRONIC GAMING CENTRE
- FINANCIAL SERVICES
- FOOD STORE
- GOVERNMENT USE
- INSTITUTION
- MAKERSPACE (CLASS A)
- MEDICAL CLINIC
- OFFICE (including Travel Agency)
- PERSONAL SERVICE SHOP
- RESTAURANT
- RETAIL STORE
- TAKE-OUT RESTAURANT
- TECH OFFICE
- TRAINING FACILITY
- VARIETY STORE

8S.3.10 Notwithstanding anything to the contrary, on a LOT zoned Station Area Mixed-Use Neighbourhood Commercial B (C2B) on Schedule ‘A’ and “Active Frontage” on Schedule ‘A2’, it shall be a requirement of this BY-LAW that one or more Active Uses shall abut the entire STREET LINE BUILDING FAÇADE on the FIRST STOREY, except for a lobby with elevator / stairs providing access to STOREYS above the FIRST STOREY, provided further that:

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- a.) the BUILDING FLOOR AREA of the lobby with elevator / stairs shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and
- b.) the lobby with elevator / stairs shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FAÇADE on the FIRST STOREY.

8S.3.11 Notwithstanding anything to the contrary, on a LOT zoned Station Area Mixed-Use Neighbourhood Commercial B (C2B) on Schedule 'A' and "Active Frontage" on Schedule 'A2', the following additional regulations shall apply to Active Uses in section 8S.3.10:

- a.) Each Active Use in section 8S.3.10 shall have an independent primary customer entrance from the STREET LINE BUILDING FAÇADE.
- b.) Notwithstanding section 8S.3.11.a.), a minimum of one (1) independent primary customer entrance shall be provided for every twenty five metres (25m) of STREET LINE BUILDING FAÇADE.
- c.) The BUILDING FLOOR AREA devoted to each Active Use specified in section 8S.3.10 shall not exceed 465 square metres.
- d.) Notwithstanding section 8S.3.11.c.), the BUILDING FLOOR AREA of a FOOD STORE shall not exceed 1,115 square metres.
- e.) Notwithstanding section 8S.3.11.c.), the BUILDING FLOOR AREA of a DRUG STORE shall not exceed 1,115 square metres.

8S.3.12 The following regulations in Table 8S-F shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Station Area Mixed-Use Neighbourhood Commercial B (C2B) zone constructed after the effective date of this BY-LAW:

| <b>Table 8S-F: Regulations – STATION AREA MIXED-USE NEIGHBOURHOOD COMMERCIAL B ZONE (C2B)</b> |                          |  |                          |                          |                          |
|---|--------------------------|--|--------------------------|--------------------------|--------------------------|
|   | <b>C2B-20</b>            | <b>C2B-30</b>                              | <b>C2B-40</b>            | <b>C2B-60</b>            | <b>C2B-81</b>            |
| Density (minimum)   | (none)                   | (none)                                     | 150 BEDROOMS per hectare | 150 BEDROOMS per hectare | 150 BEDROOMS per hectare |
| Density (maximum)   | 450 BEDROOMS per hectare | 525 BEDROOMS per hectare                   | 600 BEDROOMS per hectare | 675 BEDROOMS per hectare | 750 BEDROOMS per hectare |
| Height of FIRST STOREY (minimum)  | 4.0 metres               | 4.0 metres                                 | 4.0 metres               | 4.0 metres               | 4.0 metres               |
| BUILDING HEIGHT (minimum)   | 7.5 metres and 2 STOREYS | 7.5 metres and 2 STOREYS                   | 7.5 metres and 2 STOREYS | 7.5 metres and 2 STOREYS | 7.5 metres and 2 STOREYS |
| BUILDING HEIGHT (maximum)   | 20 metres and 6 STOREYS  | 30 metres and 9 STOREYS                    | 40 metres and 12 STOREYS | 60 metres and 18 STOREYS | 81 metres and 25 STOREYS |
| PODIUM Height (maximum)   | 14 metres                | 14.3 metres                                | 14.8 metres              | 21 metres                | 21 metres                |
| TOWER Separation (minimum)  | (none)                   | a.) 22 metres from a TOWER on the same LOT |                          |                          |                          |

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| <b>Table 8S-F: Regulations – STATION AREA MIXED-USE NEIGHBOURHOOD COMMERCIAL B ZONE (C2B)</b>                         |   |   |                     |                     |                     |
|---|---|---|---------------------|---------------------|---------------------|
|   |   | b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                     |                     |                     |
| Horizontal TOWER Dimension (maximum)  | N/A   | 40 metres   | 40 metres           | 40 metres           | 40 metres           |
| TOWER Footprint (maximum)   | N/A   | 1,000 square metres   | 1,000 square metres | 1,000 square metres | 1,000 square metres |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A   | 3 metres  | 3 metres            | 3 metres            | 3 metres            |
| COMMON OUTDOOR AREA (minimum)   | For LOTS with an area of 2,000 square metres or more, three percent (3%) of the LOT AREA shall be COMMON OUTDOOR AREA located at GRADE  |   |                     |                     |                     |
| COMMON OUTDOOR AREA dimensions (minimum, each dimension)  | Not less than 6.0 metres, except where the COMMON OUTDOOR AREA is located in the FRONT YARD or FLANKAGE YARD where one (1) dimension shall not be less than 4.0 metres  |   |                     |                     |                     |
| LANDSCAPED OPEN SPACE (minimum)   | 15%   |   |                     |                     |                     |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT  |   |                     |                     |                     |
| PARKING SPACES (maximum)  | a.) Residential: 1.50 PARKING SPACES per DWELLING UNIT<br>b.) Visitor (Residential): 0.15 PARKING SPACES per DWELLING UNIT<br>c.) Non-Residential (SURFACE PARKING): 3.00 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA on the LOT<br>d.) Non-Residential (STRUCTURED PARKING): 4.00 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA on the LOT |   |                     |                     |                     |

8S.3.13 Notwithstanding anything to the contrary, the provisions in Table 8S-F shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

8S.3.14 (deleted - Planning Act eliminates parking minimums in MTSAs)

8S.3.15 (deleted - Planning Act eliminates parking minimums in MTSAs)

8S.3.16 (deleted - Planning Act eliminates parking minimums in MTSAs)

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8S.3.17 The BICYCLE PARKING regulations in section 6.6 shall apply.

8S.3.18 Notwithstanding anything to the contrary, the provisions in sections 8S.3.16 and 8S.3.17 shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

8S.3.19 Notwithstanding anything to the contrary, a minimum eighty-five percent (85%) of PARKING SPACES required for DWELLING UNITS shall be located within STRUCTURED PARKING.

8S.3.20 STRUCTURED PARKING shall not be permitted on the FIRST STOREY.

8S.3.21 Notwithstanding anything to the contrary including section 8S.3.10, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

8S.3.22 Repealed by by-law 2019-032.

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## STATION AREA MIXED-USE OFFICE (C4A)

### Zone

8S.4 Station Area Mixed-Use Office (C4A) Zone

### Permitted Uses

8S.4.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Station Area Mixed-Use Office (C4A) zone for any purpose other than one or more of the following permitted uses:

#### 8S.4.1.1 Primary Uses:

- BUSINESS INCUBATOR
- COMMERCIAL SCHOOL
- COMMERCIAL SERVICE
- FINANCIAL SERVICE
- MAJOR OFFICE
- MEDICAL CLINIC
- OFFICE
- Office Equipment and Supplies (Sales and Service)
- PERSONAL SERVICE SHOP
- PET SERVICES (CLASS A)
- TECH OFFICE
- TRAINING FACILITY
- VETERINARY CLINIC

#### 8S.4.1.2 Complementary Uses:

- ALTERNATIVE EDUCATION CENTRE
- CHILD CARE CENTRE
- COMMERCIAL RECREATION
- COMMERCIAL WELLNESS
- CULTURAL FACILITIES
- GOVERNMENT USES
- INSTITUTION
- MAKERSPACE (CLASS A)
- MUNICIPAL RECREATION FACILITY
- PARKING FACILITY
- PUBLIC MARKET
- TEMPORARY FARMERS MARKET
- TRANSPORTATION SERVICE

8S.4.1.3 **Ancillary Uses** to a BUILDING containing an OFFICE, MAJOR OFFICE, TECH OFFICE, and or MEDICAL CLINIC:

- ASSISTED LIVING FACILITY above the FIRST STOREY
- DWELLING UNITS above the FIRST STOREY
- LONG TERM CARE FACILITY above the FIRST STOREY

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8S.4.1.4 **Ancillary Uses** to a BUILDING containing an OFFICE, MAJOR OFFICE, TECH OFFICE, and or MEDICAL CLINIC:

- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- CAFÉ, including OUTDOOR CAFÉ PATIO
- NANOBREWERY
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO

8S.2.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall not be permitted.

### Performance Standards

8S.4.3 The following regulations in Table 8S-G shall apply to every LOT, BUILDING and STRUCTURE in the Station Area Mixed-Use Office (C4A) zone:

| <b>Table 8S-G: Regulations – STATION AREA MIXED-USE OFFICE (C4A)</b> |  |
|--|--|
| STREET LINE setback (minimum)  | 4.0 metres   |
| STREET LINE setback (maximum)  | 75% of the STREET LINE BUILDING FAÇADE shall be within 6.0 metres of the STREET LINE                                     |
| SIDE YARD setback (minimum)  | 3.0 metres   |
| REAR YARD setback (minimum)  | 3.0 metres   |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)                      | 7.5 metres or half the height of the BUILDING, whichever is greater  |
| Complementary Uses (maximum)   | Complementary uses specified in section 8S.4.1.2 shall not collectively exceed 50% of the BUILDING FLOOR AREA on the LOT |
| Number of BUILDINGS on a LOT (maximum)                               | More than one (1) main BUILDING permitted  |

8S.4.4 Notwithstanding anything to the contrary, the following additional regulations shall apply to the Ancillary Uses specified in section 8S.4.1.3:

- a.) For a BUILDING that is four (4) STOREYS or less, the residential uses specified in section 8S.4.1.3 combined shall not exceed fifty percent (50%) of the entire BUILDING FLOOR AREA of the BUILDING, excluding STRUCTURED PARKING.
- b.) For a BUILDING that is five (5) STOREYS or more, the residential uses specified in section 8S.4.1.3 shall be located in STOREYS above the third STOREY.

8S.4.5 Notwithstanding anything to the contrary, the following additional regulations shall apply to the Ancillary Uses specified in section 8S.4.1.4:

- a.) The uses specified in section 8S.4.1.4 combined shall not exceed ten percent (10%) of the entire BUILDING FLOOR AREA of the BUILDING, excluding STRUCTURED PARKING.
- b.) The Ancillary Uses specified in section 8S.4.1.4 shall abut a STREET LINE BUILDING FAÇADE on the FIRST STOREY.

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8S.4.6 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting a LOW RISE RESIDENTIAL LOT LINE.

8S.4.7 The LANDSCAPED BUFFER in section 8S.4.6 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).

8S.4.8 The LANDSCAPED BUFFER in section 8S.4.6 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.

## Active Frontage

8S.4.9 For the purposes of the Station Area Mixed-Use Office (C4A) zone, "Active Use" means one or more of the following USES:

- ALTERNATIVE EDUCATION CENTRE
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BUSINESS INCUBATOR
- CAFÉ, including OUTDOOR CAFÉ PATIO
- CHILD CARE CENTRE
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL WELLNESS
- CULTURAL FACILITIES
- FINANCIAL SERVICES
- GOVERNMENT USE
- INSTITUTION
- MAKERSPACE (CLASS A)
- MEDICAL CLINIC
- OFFICE (including Travel Agency)
- PERSONAL SERVICE SHOP
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- TECH OFFICE
- TRAINING FACILITY

and the following additional USES which shall be permitted in the Station Area Mixed-Use Office (C4A) zone as "Active Uses" only:

- ARTIST STUDIO (CLASS A)
- ELECTRONIC GAMING CENTRE
- RETAIL STORE (includes DRUG STORE, FOOD STORE, SPECIALTY FOOD STORE, VARIETY STORE)

8S.4.10 Notwithstanding anything to the contrary, on a LOT zoned Station Area Mixed-Use Office (C4A) on Schedule 'A' and "Active Frontage" on Schedule 'A2', it shall be a requirement of this BY-LAW that one or more Active Uses shall abut the entire STREET LINE BUILDING FAÇADE on the FIRST STOREY, except for a lobby with elevator / stairs providing access to STOREYS above the FIRST STOREY, provided further that:

- a.) the BUILDING FLOOR AREA of the lobby with elevator / stairs shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and

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b.) the lobby with elevator / stairs shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FAÇADE on the FIRST STOREY.

8S.4.11 Notwithstanding anything to the contrary, on a LOT zoned Station Area Mixed-Use Office (C4A) on Schedule 'A' and "Active Frontage" on Schedule 'A2', the following additional regulations shall apply to Active Uses in section 8S.4.10:

- a.) Each Active Use in section 8S.4.10 shall have an independent primary customer entrance from the STREET LINE BUILDING FAÇADE.
- b.) Notwithstanding section 8S.4.11.a.), a minimum of one (1) independent primary customer entrance shall be provided for every twenty five metres (25m) of STREET LINE BUILDING FAÇADE.
- c.) The BUILDING FLOOR AREA devoted to each Active Use specified in section 8S.4.10 shall not exceed 465 square metres.
- d.) Notwithstanding section 8S.4.11.c.), the BUILDING FLOOR AREA of a FOOD STORE shall not exceed 1,115 square metres.
- e.) Notwithstanding section 8S.4.11.c.), the BUILDING FLOOR AREA of a DRUG STORE shall not exceed 1,115 square metres.

8S.4.12 The following regulations in Table 8S-H shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Station Area Mixed-Use Office (C4A) zone constructed after the effective date of this BY-LAW:

| <b>Table 8S-H: Regulations – STATION AREA MIXED-USE OFFICE –A (C4A)</b> |                           |   |                           |                           |                           |
|---|---------------------------|---|---------------------------|---------------------------|---------------------------|
|   | <b>C4A-20</b>             | <b>C4A-30</b>   | <b>C4A-40</b>             | <b>C4A-60</b>             | <b>C4A-81</b>             |
| Density (minimum)   | (none)                    | (none)  | 150 BEDROOMS per hectare  | 150 BEDROOMS per hectare  | 150 BEDROOMS per hectare  |
| Density (maximum)   | 450 BEDROOMS per hectare  | 525 BEDROOMS per hectare  | 600 BEDROOMS per hectare  | 675 BEDROOMS per hectare  | 750 BEDROOMS per hectare  |
| Height of FIRST STOREY (minimum)  | 4.0 metres                | 4.0 metres  | 4.0 metres                | 4.0 metres                | 4.0 metres                |
| BUILDING HEIGHT (minimum)   | 10.5 metres and 3 STOREYS | 10.5 metres and 3 STOREYS   | 10.5 metres and 3 STOREYS | 10.5 metres and 3 STOREYS | 10.5 metres and 3 STOREYS |
| BUILDING HEIGHT (maximum)   | 20 metres and 6 STOREYS   | 30 metres and 9 STOREYS   | 40 metres and 12 STOREYS  | 60 metres and 18 STOREYS  | 81 metres and 25 STOREYS  |
| PODIUM Height (maximum)   | 14 metres                 | 14.3 metres   | 14.8 metres               | 21 metres                 | 21 metres                 |
| TOWER Separation (minimum)  | (none)                    | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                           |                           |                           |

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| <b>Table 8S-H: Regulations – STATION AREA MIXED-USE OFFICE –A (C4A)</b>   |   |                     |                     |                     |                     |
|---|---|---------------------|---------------------|---------------------|---------------------|
| Horizontal TOWER Dimension (maximum)  | N/A   | 40 metres           | 40 metres           | 40 metres           | 40 metres           |
| TOWER Footprint (maximum)   | N/A   | 1,000 square metres | 1,000 square metres | 1,000 square metres | 1,000 square metres |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A   | 3 metres            | 3 metres            | 3 metres            | 3 metres            |
| COMMON OUTDOOR AREA (minimum)   | For LOTS with an area of 2,000 square metres or more, three percent (3%) of the LOT AREA shall be COMMON OUTDOOR AREA located at GRADE  |                     |                     |                     |                     |
| COMMON OUTDOOR AREA dimensions (minimum, each dimension)  | Not less than 6.0 metres, except where the COMMON OUTDOOR AREA is located in the FRONT YARD or FLANKAGE YARD where one (1) dimension shall not be less than 4.0 metres  |                     |                     |                     |                     |
| LANDSCAPED OPEN SPACE (minimum)   | 15%   |                     |                     |                     |                     |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT  |                     |                     |                     |                     |
| PARKING SPACES (maximum)  | a.) Residential: 1.50 PARKING SPACES per DWELLING UNIT<br>b.) Visitor (Residential): 0.15 PARKING SPACES per DWELLING UNIT<br>c.) Non-Residential (SURFACE PARKING): 3.00 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA on the LOT<br>d.) Non-Residential (STRUCTURED PARKING): 4.00 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA on the LOT |                     |                     |                     |                     |

8S.4.13 Notwithstanding anything to the contrary, the provisions in Table 8S-H shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

8S.4.14 (deleted – Planning Act eliminates parking minimums in MTSAs)

8S.4.15 (deleted – Planning Act eliminates parking minimums in MTSAs)

8S.4.16 (deleted – Planning Act eliminates parking minimums in MTSAs)

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8S.4.17 The BICYCLE PARKING regulations in section 6.6 shall apply.

8S.4.18 Notwithstanding anything to the contrary, the provisions in sections 8S.4.16 and 8S.4.17 shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

8S.4.19 Notwithstanding anything to the contrary, a minimum eighty-five percent (85%) of PARKING SPACES required for DWELLING UNITS shall be located within STRUCTURED PARKING.

8S.4.20 STRUCTURED PARKING shall not be permitted on the FIRST STOREY.

8S.4.21 Notwithstanding anything to the contrary including section 8S.4.10, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

8S.4.22 Repealed by by-law 2019-032.

## SECTION 9 – EMPLOYMENT ZONES

### LIST OF ZONES

- E1 – Business Employment One (E1) Zone
- E2 – Business Employment Two (E2) Zone – Major Nodes
- E3 – Flexible Industrial (E3) Zone
- UC – University College (UC) Zone

### LIST OF STATION AREA ZONES

- E2A – Station Area Business Employment Two (E2A) Zone
- E2B – Station Area Business Employment Two (E2B) Zone
- SAMU – Station Area Mixed-Use (SAMU) Zone

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## BUSINESS EMPLOYMENT ONE (E1)

### Zone

9.1 Business Employment One (E1) Zone

### Permitted Uses

9.1.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Business Employment One (E1) zone for any purpose other than one or more of the following permitted uses:

9.1.1.1 **Primary Uses:**

- ADVANCED TECH
- BUSINESS INCUBATOR
- COMMUNICATION PRODUCTION
- DATA CENTRE
- GOVERNMENT USE
- 'LIGHT' INDUSTRIAL ASSEMBLY
- 'LIGHT' INDUSTRIAL MANUFACTURING
- 'LIGHT' INDUSTRIAL PROCESSING
- MAKERSPACE (CLASS A)
- MEDICAL CLINIC
- OFFICE
- PARKING FACILITY (restricted to STRUCTURED PARKING)
- PRINTING ESTABLISHMENT
- TECH OFFICE
- TRAINING FACILITY

9.1.1.2 **Complementary Uses:**

- Repair and Servicing Operations
- WAREHOUSE (no retail)

9.1.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a USE permitted in section 9.1.1.1 and or section 9.1.1.2:

- ALTERNATIVE EDUCATION CENTRE
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- CAFÉ, including OUTDOOR CAFÉ PATIO
- Catering Establishment
- CHILD CARE CENTRE (which shall be subject to a holding (H) symbol – see section 9.1.14)
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL SERVICE
- COMMERCIAL WELLNESS
- FINANCIAL SERVICE
- MICROBREWERY
- MUNICIPAL RECREATION FACILITY
- NANOBREWERY

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- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- TRANSPORTATION SERVICE

9.1.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall be permitted.

## Performance Standards

9.1.3 The following regulations in Table 9A shall apply to every LOT, BUILDING and STRUCTURE in the Business Employment One (E1) zone:

| <b>Table 9A: Regulations – BUSINESS EMPLOYMENT ONE ZONE (E1)</b> |   |
|--|---|
| LOT FRONTAGE (minimum)   | 20.0 metres   |
| STREET LINE setback (minimum)                                    | 5.0 metres  |
| SIDE YARD setback (minimum)                                      | 3.0 metres  |
| REAR YARD setback (minimum)                                      | 5.0 metres  |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)                  | 7.5 metres or half the height of the BUILDING, whichever is greater   |
| Complementary Uses (maximum)                                     | Complementary uses specified in section 9.1.1.2 collectively shall not exceed 25% of the BUILDING FLOOR AREA of the associated BUILDING, excluding STRUCTURED PARKING   |
| Ancillary Uses (maximum)   | Ancillary uses specified in section 9.1.1.3 collectively shall not exceed 15% of the BUILDING FLOOR AREA of the associated BUILDING, excluding STRUCTURED PARKING   |
|  | The maximum BUILDING FLOOR AREA of each Ancillary Use shall not exceed 1,858 square metres  |
| Ancillary Uses   | Ancillary Uses specified in section 9.1.1.3 shall be located on the FIRST STOREY of a BUILDING containing one or more of the permitted uses specified in section 9.1.1.1  |
|  | Ancillary Uses specified in section 9.1.1.3 shall abut a STREET LINE BUILDING FAÇADE  |
| Ancillary Retailing (maximum)                                    | For the following USES, twenty five percent (25%) of the BUILDING FLOOR AREA occupied by the USE may be used for the display and retailing of products manufactured, produced, assembled, or repaired in the associated unit: <ul style="list-style-type: none"> <li>• USES specified in section 9.1.1.1</li> <li>• Repair and Servicing Operations</li> <li>• MICROBREWERY</li> <li>• NANOBREWERY</li> </ul> |
| Number of BUILDINGS on a LOT (maximum)                           | More than one (1) main BUILDING permitted   |

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- 9.1.4 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.
- 9.1.5 The LANDSCAPED BUFFER in section 9.1.4 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).
- 9.1.6 The LANDSCAPED BUFFER in section 9.1.4 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.
- 9.1.7 The following regulations in Table 9B shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Business Employment One (E1) zone constructed after the effective date of this BY-LAW:

| <b>Table 9B: Regulation – BUSINESS EMPLOYMENT ONE ZONE (E1)</b>   |                            |   |                             |
|---|----------------------------|---|-----------------------------|
|   | <b>E1-27</b>               | <b>E1-40</b>  | <b>E1-81</b>                |
| BUILDING HEIGHT (maximum)   | 27 metres and<br>9 STOREYS | 40 metres and<br>12 STOREYS   | 81 metres and<br>25 STOREYS |
| PODIUM Height (maximum)   | 27 metres                  | 27 metres   | 27 metres                   |
| TOWER Separation (minimum)  | N/A                        | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                             |
| Horizontal TOWER Dimension (maximum)  | N/A                        | 40 metres   | 40 metres                   |
| TOWER Footprint (maximum)   | N/A                        | 1,000 square metres   | 1,000 square metres         |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A                        | 3 metres  | 3 metres                    |

- 9.1.8 The following parking regulations in Table 9C shall apply to every LOT, BUILDING and STRUCTURE in the Business Employment One (E1) zone, except as specified in Table 6A:

| <b>Table 9C: Parking Regulations – BUSINESS EMPLOYMENT ONE ZONE (E1)</b> |   |
|--|---|
| <b>Building</b>  | <b>Minimum Parking Spaces Required (minimum)</b>  |
| Single Occupancy Building  | A. For the first 1,000 square metres of BUILDING FLOOR AREA, 2.5 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA. |

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| <b>Table 9C: Parking Regulations – BUSINESS EMPLOYMENT ONE ZONE (E1)</b> |  |
|--|--|
|  | <p>For additional BUILDING FLOOR AREA over 1,000 square metres but less than 5,000 square metres, 1.0 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA.</p> <p>For additional BUILDING FLOOR AREA greater than 5,000 square metres, 0.50 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA.</p> <p>B. Notwithstanding A. above, a minimum parking rate of 1.5 spaces per 100 square metres of BUILDING FLOOR AREA shall apply to the following uses:</p> <ul style="list-style-type: none"> <li>• ADVANCED TECH</li> <li>• BUSINESS INCUBATOR</li> <li>• COMMERCIAL SERVICE</li> <li>• COMMUNICATION PRODUCTION</li> <li>• DATA CENTRE</li> <li>• GOVERNMENT USE</li> <li>• 'LIGHT' INDUSTRIAL ASSEMBLY</li> <li>• 'LIGHT' INDUSTRIAL MANUFACTURING</li> <li>• 'LIGHT' INDUSTRIAL PROCESSING</li> <li>• MAKERSPACE (CLASS A)</li> <li>• PRINTING ESTABLISHMENT</li> <li>• TRAINING FACILITY</li> <li>• WAREHOUSE (No Retail)</li> </ul> |
| INDUSTRIAL MALL  | <p>A. <b>Area A</b> on Schedule A1: (See Note)</p> <p>B. <b>Area B</b> on Schedule A1: 1.8 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA</p> <p>C. <b>All Other</b> lands on Schedule A1: 2.5 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA</p> <p>D. Notwithstanding B. and C. above, a minimum parking rate of 1.5 spaces per 100 square metres of BUILDING FLOOR AREA shall apply to the following uses:</p> <ul style="list-style-type: none"> <li>• ADVANCED TECH</li> <li>• BUSINESS INCUBATOR</li> <li>• COMMERCIAL SERVICE</li> <li>• COMMUNICATION PRODUCTION</li> <li>• DATA CENTRE</li> <li>• GOVERNMENT USE</li> <li>• 'LIGHT' INDUSTRIAL ASSEMBLY</li> <li>• 'LIGHT' INDUSTRIAL MANUFACTURING</li> <li>• 'LIGHT' INDUSTRIAL PROCESSING</li> <li>• MAKERSPACE (CLASS A)</li> <li>• PRINTING ESTABLISHMENT</li> <li>• TRAINING FACILITY</li> <li>• WAREHOUSE (No Retail)</li> </ul>                                   |

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*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan*

9.1.9 Notwithstanding anything to the contrary, a minimum of three (3) PARKING SPACES per 100 square metres of BUILDING FLOOR AREA shall be provided for:

- BAKE SHOP
- CAFÉ

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan*

9.1.10 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:
- USES specified in sections 9.1.1.1, 9.1.1.2 and 9.1.1.3
  - entrance / foyers
  - lobby, reception area, seating area, and the like
  - circulation spaces, such as hallways, elevators, and the like
  - hydro transformer room
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 9.1.10.a.).
- c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 9.1.10.a.) shall abut the entire FRONT BUILDING FAÇADE.
- d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 9.1.10.a.) shall abut the entire FRONT BUILDING FAÇADE and the entire FLANKAGE BUILDING FAÇADE.

9.1.11 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

9.1.12 A maximum of one (1) DRIVE-THROUGH shall be permitted on any LOT.

9.1.13 A holding symbol (H) is hereby applied to the use CHILD CARE CENTRE in the Business Employment One (E1) zone. The holding symbol (H) means the LOT is zoned as a holding provision area for which the following applies:

- a.) Notwithstanding anything to the contrary, the holding symbol shall not be removed until the following criteria are satisfied:
- i.) For known or suspected contaminated sites as identified by the REGION, verification from the REGION and or the Province of Ontario that the owner has completed a Record of Site Condition.

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- ii.) Verification through Site Plan Control endorsement that the LOT and development thereon will conform to: (i.) the CITY'S OFFICIAL PLAN; (ii.) the REGION'S Official Plan; and (iii.) the CITY'S Urban Design Manual in effect, including related Accessibility Guidelines.
  
- iii.) Demonstrate compliance with the Provincial D-6 Guideline "Compatibility Between Industrial Facilities and Sensitive Land Uses" where there are potential land use compatibility issues associated with existing, planned and or permitted industrial uses in proximity to the proposed CHILD CARE CENTRE.

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## BUSINESS EMPLOYMENT TWO (E2)

### Zone

9.2 Business Employment Two (E2) Zone

### Permitted Uses

9.2.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Business Employment Two (E2) zone for any purpose other than one or more of the following permitted uses:

#### 9.2.1.1 Primary Uses:

- ADVANCED TECH
- BUSINESS INCUBATOR
- COMMUNICATION PRODUCTION
- DATA CENTRE
- GOVERNMENT USE
- 'LIGHT' INDUSTRIAL ASSEMBLY
- 'LIGHT' INDUSTRIAL MANUFACTURING
- 'LIGHT' INDUSTRIAL PROCESSING
- MAKERSPACE (CLASS A)
- MAJOR OFFICE
- MEDICAL CLINIC
- OFFICE
- PARKING FACILITY (restricted to STRUCTURED PARKING)
- PRINTING ESTABLISHMENT
- TECH OFFICE
- TRAINING FACILITY

#### 9.2.1.2 Complementary Uses:

- Repair and Servicing Operations
- WAREHOUSE(no retail)

9.2.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a USE permitted in section 9.2.1.1 and or section 9.2.1.2:

- ALTERNATIVE EDUCATION CENTRE
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- CAFÉ, including OUTDOOR CAFÉ PATIO
- Catering Establishment
- CHILD CARE CENTRE (which shall be subject to a holding (H) symbol – see section 9.2.14)
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL SERVICE
- COMMERCIAL WELLNESS

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- Convenience Retail Establishment, restricted to:
  - Hardware Store
  - Office Equipment and Supplies (Sales and Service)
  - VARIETY STORE
- FINANCIAL SERVICE
- MICROBREWERY
- MUNICIPAL RECREATION FACILITY
- NANOBREWERY
- PERSONAL SERVICE SHOP
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- TRANSPORTATION SERVICE

9.2.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall be permitted.

### Performance Standards

9.2.3 The following regulations in Table 9D shall apply to every LOT, BUILDING and STRUCTURE in the Business Employment Two (E2) zone:

| <b>Table 9D: Regulations – BUSINESS EMPLOYMENT TWO ZONE (E2)</b> |  |
|--|--|
| LOT FRONTAGE (minimum)   | 20.0 metres  |
| STREET LINE setback (minimum)                                    | 5.0 metres   |
| SIDE YARD setback (minimum)                                      | 3.0 metres   |
| REAR YARD setback (minimum)                                      | 5.0 metres   |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)                  | 7.5 metres or half the height of the BUILDING, whichever is greater  |
| Complementary Uses (maximum)                                     | Complementary uses specified in section 9.2.1.2 collectively shall not exceed 25% of the BUILDING FLOOR AREA of the associated BUILDING, excluding STRUCTURED PARKING    |
| Ancillary Uses (maximum)   | Ancillary uses specified in section 9.2.1.3 collectively shall not exceed 15% of the BUILDING FLOOR AREA of the associated BUILDING, excluding STRUCTURED PARKING        |
|  | The maximum BUILDING FLOOR AREA of each Ancillary Use shall not exceed 1,858 square metres   |
| Ancillary Uses   | Ancillary Uses specified in section 9.2.1.3 shall be located on the FIRST STOREY of a BUILDING containing one or more of the permitted uses specified in section 9.2.1.1 |
|  | Ancillary Uses specified in section 9.2.1.3 shall abut a STREET LINE BUILDING FAÇADE   |

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| <b>Table 9D: Regulations – BUSINESS EMPLOYMENT TWO ZONE (E2)</b> |   |
|--|---|
| Ancillary Retailing (maximum)                                    | For the following USES, twenty five percent (25%) of the BUILDING FLOOR AREA occupied by the USE may be used for the display and retailing of products manufactured, produced, assembled, or repaired in the associated unit: <ul style="list-style-type: none"> <li>• USES specified in section 9.2.1.1</li> <li>• Repair and Servicing Operations</li> <li>• MICROBREWERY</li> <li>• NANOBREWERY</li> </ul> |
| Number of BUILDINGS on a LOT (maximum)                           | More than one (1) main BUILDING permitted   |

- 9.2.4 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.
- 9.2.5 The LANDSCAPED BUFFER in section 9.2.4 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).
- 9.2.6 The LANDSCAPED BUFFER in section 9.2.4 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.
- 9.2.7 The following regulations in Table 9E shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Business Employment Two (E2) zone constructed after the effective date of this BY-LAW:

| <b>Table 9E: Regulation – BUSINESS EMPLOYMENT TWO ZONE (E2)</b> |                         |   |                          |
|---|-------------------------|---|--------------------------|
|   | <b>E2-27</b>            | <b>E2-40</b>  | <b>E2-81</b>             |
| BUILDING HEIGHT (maximum)                                       | 27 metres and 9 STOREYS | 40 metres and 12 STOREYS  | 81 metres and 25 STOREYS |
| PODIUM Height (maximum)   | 27 metres               | 27 metres   | 27 metres                |
| TOWER Separation (minimum)                                      | N/A                     | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                          |
| Horizontal TOWER Dimension (maximum)                            | N/A                     | 40 metres   | 40 metres                |
| TOWER Footprint (maximum)                                       | N/A                     | 1,000 square metres   | 1,000 square metres      |

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| <b>Table 9E: Regulation – BUSINESS EMPLOYMENT TWO ZONE (E2)</b>   |     |          |          |
|---|-----|----------|----------|
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A | 3 metres | 3 metres |

9.2.8 The following parking regulations in Table 9F shall apply to every LOT, BUILDING and STRUCTURE in the Business Employment Two (E2) zone, except as specified in Table 6A:

| <b>Table 9F: Parking Regulations – BUSINESS EMPLOYMENT TWO ZONE (E2)</b> |   |
|--|---|
| <b>Building</b>  | <b>Minimum Parking Spaces Required (minimum)</b>  |
| Single Occupancy Building  | <p>A. For the first 1,000 square metres of BUILDING FLOOR AREA, 2.5 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA.</p> <p>For additional BUILDING FLOOR AREA over 1,000 square metres but less than 5,000 square metres, 1.0 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA.</p> <p>For additional BUILDING FLOOR AREA greater than 5,000 square metres, 0.50 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA.</p> <p>B. Notwithstanding A. above, a minimum parking rate of 1.5 spaces per 100 square metres of BUILDING FLOOR AREA shall apply to the following uses:</p> <ul style="list-style-type: none"> <li>• ADVANCED TECH</li> <li>• BUSINESS INCUBATOR</li> <li>• COMMERCIAL SERVICE</li> <li>• COMMUNICATION PRODUCTION</li> <li>• DATA CENTRE</li> <li>• GOVERNMENT USE</li> <li>• 'LIGHT' INDUSTRIAL ASSEMBLY</li> <li>• 'LIGHT' INDUSTRIAL MANUFACTURING</li> <li>• 'LIGHT' INDUSTRIAL PROCESSING</li> <li>• MAKERSPACE (CLASS A)</li> <li>• PRINTING ESTABLISHMENT</li> <li>• TRAINING FACILITY</li> <li>• WAREHOUSE (No Retail)</li> </ul> |
| INDUSTRIAL MALL  | <p>A. <b>Area A</b> on Schedule A1: See Note</p> <p>B. <b>Area B</b> on Schedule A1: 1.8 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA</p> <p>C. <b>All Other</b> lands on Schedule A1: 2.5 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA</p>   |

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| <b>Table 9F: Parking Regulations – BUSINESS EMPLOYMENT TWO ZONE (E2)</b> |  |
|--|--|
|  | <p>D. Notwithstanding B. and C. above, a minimum parking rate of 1.5 spaces per 100 square metres of BUILDING FLOOR AREA shall apply to the following uses:</p> <ul style="list-style-type: none"> <li>• ADVANCED TECH</li> <li>• BUSINESS INCUBATOR</li> <li>• COMMERCIAL SERVICE</li> <li>• COMMUNICATION PRODUCTION</li> <li>• DATA CENTRE</li> <li>• GOVERNMENT USE</li> <li>• 'LIGHT' INDUSTRIAL ASSEMBLY</li> <li>• 'LIGHT' INDUSTRIAL MANUFACTURING</li> <li>• 'LIGHT' INDUSTRIAL PROCESSING</li> <li>• MAKERSPACE (CLASS A)</li> <li>• PRINTING ESTABLISHMENT</li> <li>• TRAINING FACILITY</li> <li>• WAREHOUSE (No Retail)</li> </ul> |

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

- 9.2.9 Notwithstanding anything to the contrary, a minimum of three (3) PARKING SPACES per 100 square metres of BUILDING FLOOR AREA shall be provided for:
- BAKE SHOP
  - CAFE

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

9.2.10 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one or more of the following uses:
  - USES specified in sections 9.2.1.1, 9.2.1.2 and 9.2.1.3
  - entrance / foyers
  - lobby, reception area, seating area, and the like
  - circulation spaces, such as hallways, elevators, and the like
  - hydro transformer room
  
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in section 9.2.10.a.).
  
- c.) For an INTERIOR LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 9.2.10.a.) shall abut the entire FRONT BUILDING FAÇADE.

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- d.) For a CORNER LOT, the BUILDING FLOOR AREA devoted to the uses specified in section 9.2.10.a.) shall abut the entire FRONT BUILDING FAÇADE and the entire FLANKAGE BUILDING FAÇADE.
- 9.2.11 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.
- 9.2.12 A maximum of one (1) DRIVE-THROUGH shall be permitted on any LOT.
- 9.2.13 A holding symbol (H) is hereby applied to the use CHILD CARE CENTRE in the Business Employment Two (E2) zone. The holding symbol (H) means the LOT is zoned as a holding provision area for which the following applies:
- a.) Notwithstanding anything to the contrary, the holding symbol shall not be removed until the following criteria are satisfied:
- i.) For known or suspected contaminated sites as identified by the REGION, verification from the REGION and or the Province of Ontario that the owner has completed a Record of Site Condition.
  - ii.) Verification through Site Plan Control endorsement that the LOT and development thereon will conform to: (i.) the CITY'S OFFICIAL PLAN; (ii.) the REGION'S Official Plan; and (iii.) the CITY'S Urban Design Manual in effect, including related Accessibility Guidelines.
  - iii.) Demonstrate compliance with the Provincial D-6 Guideline "Compatibility Between Industrial Facilities and Sensitive Land Uses" where there are potential land use compatibility issues associated with existing, planned and or permitted industrial uses in proximity to the proposed CHILD CARE CENTRE.

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## FLEXIBLE INDUSTRIAL (E3)

### Zone

9.3 Flexible Industrial (E3) Zone

### Permitted Uses

9.3.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Flexible Industrial (E3) zone for any purpose other than one or more of the following permitted uses:

#### 9.3.1.1 Primary Uses:

- ADVANCED TECH
- ARTIST STUDIO (CLASS B)
- AUTOMOBILE SERVICE CENTRE
- BUSINESS INCUBATOR
- COMMUNICATION PRODUCTION
- CUSTOM SERVICE SHOP
- DATA CENTRE
- Dry Cleaning and Laundry Facility
- FOOD AND BEVERAGE MANUFACTURING INDUSTRY
- GOVERNMENT USE
- INDUSTRIAL ASSEMBLY
- INDUSTRIAL MANUFACTURING
- INDUSTRIAL PROCESSING
- Industrial or Construction Equipment Supplier (Sales or Rental)
- LABORATORY
- MICROBREWERY
- OFFICE
- PARKING FACILITY (restricted to STRUCTURED PARKING)
- PET SERVICES (CLASS B)
- PHARMACEUTICAL INDUSTRY
- PRINTING ESTABLISHMENT
- TECH OFFICE
- TRAINING FACILITY
- TRUCK DEPOT
- VETERINARY HOSPITAL
- WAREHOUSE (no retail)
- WHOLESALE (no retail)

#### 9.3.1.1 Complementary Uses:

- COMMERCIAL SERVICE
- MAKERSPACE (CLASS A and CLASS B)
- TRANSPORTATION SERVICE

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## Performance Standards

9.3.2 The following regulations in Table 9G shall apply to every LOT, BUILDING and STRUCTURE in the Flexible Industrial (E3) zone:

|  |   |
|--|---|
| LOT FRONTAGE (minimum)                 | 20.0 metres   |
| STREET LINE setback (minimum)          | 5.0 metres  |
| SIDE YARD setback (minimum)            | 3.0 metres  |
| REAR YARD setback (minimum)            | 5.0 metres  |
| Complementary Uses (maximum)           | Complementary uses specified in section 9.2.1.2 collectively shall not exceed 25% of the BUILDING FLOOR AREA of the associated BUILDING, excluding STRUCTURED PARKING   |
| Ancillary Retailing (maximum)          | <p>For the following USES, ten percent (10%) of the BUILDING FLOOR AREA occupied by the USE, to a maximum 464 square metres, may be used for the display and retailing of products manufactured, produced, assembled, or repaired in the associated unit:</p> <ul style="list-style-type: none"> <li>• ADVANCED TECH</li> <li>• ARTIST STUDIO (CLASS B)</li> <li>• FOOD AND BEVERAGE MANUFACTURING INDUSTRY</li> <li>• INDUSTRIAL ASSEMBLY</li> <li>• INDUSTRIAL MANUFACTURING</li> <li>• INDUSTRIAL PROCESSING</li> <li>• MICROBREWERY</li> </ul> <p>The BUILDING FLOOR AREA devoted to ancillary display and retailing shall be located on the FIRST STOREY of the BUILDING and shall abut a STREET LINE BUILDING FAÇADE.</p> |
| Number of BUILDINGS on a LOT (maximum) | More than one (1) main BUILDING permitted   |

9.3.3 The following regulations in Table 9H shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Flexible Industrial (E3) zone constructed after the effective date of this BY-LAW:

|                            | <b>E3-27</b>            | <b>E3-40</b>                               | <b>E3-81</b>             |
|----------------------------|-------------------------|--|--------------------------|
| BUILDING HEIGHT (maximum)  | 27 metres and 9 STOREYS | 40 metres and 12 STOREYS                   | 81 metres and 25 STOREYS |
| PODIUM Height (maximum)    | 27 metres               | 27 metres                                  | 27 metres                |
| TOWER Separation (minimum) | N/A                     | a.) 22 metres from a TOWER on the same LOT |                          |

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| <b>Table 9H: Regulations – FLEXIBLE INDUSTRIAL ZONE (E3)</b>  |     |   |                     |
|---|-----|---|---------------------|
|   |     | b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                     |
| Horizontal TOWER Dimension (maximum)  | N/A | 40 metres   | 40 metres           |
| TOWER Footprint (maximum)   | N/A | 1,000 square metres   | 1,000 square metres |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A | 3 metres  | 3 metres            |

9.3.4 The following parking regulations in Table 9I shall apply to every LOT, BUILDING and STRUCTURE in the Flexible Industrial (E3) zone, except as specified in Table 6A:

| <b>Table 9I: Parking Regulations – FLEXIBLE INDUSTRIAL ZONE (E3)</b> |   |
|--|---|
| <b>Building</b>  | <b>Minimum Parking Spaces Required (minimum)</b>  |
| Single Occupancy Building  | <p>A. For the first 1,000 square metres of BUILDING FLOOR AREA, 2.5 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA.</p> <p>For additional BUILDING FLOOR AREA over 1,000 square metres but less than 5,000 square metres, 1.0 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA.</p> <p>For additional BUILDING FLOOR AREA greater than 5,000 square metres, 0.50 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA.</p> <p>B. Notwithstanding A. above, a minimum parking rate of 1.5 spaces per 100 square metres of BUILDING FLOOR AREA shall apply to the following uses:</p> <ul style="list-style-type: none"> <li>• ADVANCED TECH</li> <li>• BUSINESS INCUBATOR</li> <li>• COMMERCIAL SERVICE</li> <li>• COMMUNICATION PRODUCTION</li> <li>• DATA CENTRE</li> <li>• GOVERNMENT USE</li> <li>• 'LIGHT' INDUSTRIAL ASSEMBLY</li> <li>• 'LIGHT' INDUSTRIAL MANUFACTURING</li> <li>• 'LIGHT' INDUSTRIAL PROCESSING</li> <li>• MAKERSPACE (CLASS A)</li> <li>• PRINTING ESTABLISHMENT</li> <li>• TRAINING FACILITY</li> <li>• WAREHOUSE (No Retail)</li> </ul> |

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| <b>Table 9I: Parking Regulations – FLEXIBLE INDUSTRIAL ZONE (E3)</b> |  |
|--|--|
| INDUSTRIAL MALL  | <p>A. <b>Area A</b> on Schedule A1: See Note</p> <p>B. <b>Area B</b> on Schedule A1: 1.8 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA</p> <p>C. <b>All Other</b> lands on Schedule A1: 2.5 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA</p> <p>D. Notwithstanding B. and C. above, a minimum parking rate of 1.5 spaces per 100 square metres of BUILDING FLOOR AREA shall apply to the following uses:</p> <ul style="list-style-type: none"> <li>• ADVANCED TECH</li> <li>• BUSINESS INCUBATOR</li> <li>• COMMERCIAL SERVICE</li> <li>• COMMUNICATION PRODUCTION</li> <li>• DATA CENTRE</li> <li>• GOVERNMENT USE</li> <li>• 'LIGHT' INDUSTRIAL ASSEMBLY</li> <li>• 'LIGHT' INDUSTRIAL MANUFACTURING</li> <li>• 'LIGHT' INDUSTRIAL PROCESSING</li> <li>• MAKERSPACE (CLASS A)</li> <li>• PRINTING ESTABLISHMENT</li> <li>• TRAINING FACILITY</li> <li>• WAREHOUSE (No Retail)</li> </ul> |

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

9.3.5 Repealed by by-law 2019-032.

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## UNIVERSITY COLLEGE (UC)

### Zone

9.4 University College (UC) Zone

### Permitted Uses

9.4.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the University College (UC) zone for any purpose other than one or more of the following permitted uses:

9.4.1.1 **Primary Uses:**

- UNIVERSITY / COLLEGE
- GOVERNMENT USE

9.4.1.2 **Complementary Uses:**

- ALTERNATIVE EDUCATION CENTRE
- BUSINESS INCUBATOR
- MAKERSPACE (CLASS A and CLASS B)
- OFFICE
- TECH OFFICE
- TRAINING FACILITY

9.4.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a USE permitted in section 9.4.1.1, and provided such uses primarily serve the faculty, employees and students of the University / College or Government Use:

- CAFÉ, including OUTDOOR CAFÉ PATIO
- CHILD CARE CENTRE
- COMMERCIAL RECREATION
- COMMERCIAL SERVICE
- COMMERCIAL WELLNESS
- CULTURAL FACILITIES
- Early Years Centre
- ELECTRONIC GAMING CENTRE
- FINANCIAL SERVICE
- OFFICE (including Travel Agency)
- NANOBREWERY
- PERSONAL SERVICE SHOP
- PUBLIC MARKET
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- RETAIL STORE
- SPIRITUAL USE
- TEMPORARY FARMERS MARKET
- TRANSPORTATION SERVICE

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## Definitions

- 9.4.2 For the purposes of the University College (UC) zone, “Main Campus” shall mean:
- a.) For Wilfrid Laurier University (hereinafter “Laurier”), the lands bounded by University Avenue, King Street, Bricker Avenue, and Albert Street.
  - b.) For the University of Waterloo (hereinafter “UW”), the lands bounded by University Avenue, Westmount Road, Columbia Street, and Phillip Street.
  - c.) For Conestoga College (hereinafter “Conestoga”), the lands known municipally as 108 University Avenue East.

## Performance Standards

- 9.4.3 The following regulations in Table 9J shall apply to every LOT, BUILDING and STRUCTURE in the University College (UC) zone on a Main Campus:

| <b>Table 9J: Regulations – UNIVERSITY COLLEGE (UC) – MAIN CAMPUS</b> |  |
|--|--|
| STREET LINE setback (minimum)  | 5.0 metres   |
| INTERIOR LOT LINE setback (minimum)                                  | Zero metres (0m) where an INTERIOR LOT LINE abuts a LOT zoned University College (UC)  |
|  | 5.0 metres where an INTERIOR LOT LINE abuts a LOT not zoned University College (UC)  |
| LANDSCAPED OPEN SPACE (minimum)                                      | 15%  |
| PARKING SPACES (minimum)   | <b>UNIVERSITY / COLLEGE:</b> (deleted – Section 62.0.2 of the Planning – zoning regulations do not apply to the objects of a post-secondary institution)   |
|  | <b>GOVERNMENT USE:</b> 3 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA   |
|  | <b>Complementary Uses</b> specified in section 9.4.1.2: 3 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA  |
|  | <b>Ancillary Uses</b> specified in section 9.4.1.3: zero (0) PARKING SPACES shall be required  |
| Complementary Uses (maximum)   | Complementary Uses specified in section 9.4.1.2 collectively shall not exceed 15% of the total BUILDING FLOOR AREA on the associated Main Campus   |
| Ancillary Uses (maximum)   | Ancillary Uses specified in section 9.4.1.3 collectively shall not exceed 15% of the total BUILDING FLOOR AREA on the associated Main Campus   |
| Complementary Uses & Ancillary Uses (maximum)                        | Complementary Uses specified in section 9.4.1.2 and Ancillary Uses specified in section 9.4.1.3 collectively shall not exceed 15% of the total BUILDING FLOOR AREA on the associated Main Campus |
| Number of BUILDINGS on a LOT (maximum)                               | More than one (1) main BUILDING permitted  |

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*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

*NOTE: This table and any other provision of this By-law does not apply to any Post Secondary institution who is engaged with an undertaking for the objects of the institution as set out in section 62.0.2 of the Planning Act.*

9.4.4 The following regulations in Table 9K shall apply to every LOT, BUILDING and STRUCTURE in the University College (UC) zone other than on a Main Campus:

| <b>Table 9K: Regulations – UNIVERSITY COLLEGE (UC) – BEYOND MAIN CAMPUS</b> |   |
|---|---|
| STREET LINE setback (minimum)   | 5.0 metres  |
| SIDE YARD setback (minimum)   | 5.0 metres  |
| REAR YARD setback (minimum)   | 7.5 metres  |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)                             | 7.5 metres or half the height of the BUILDING, whichever is greater   |
| LANDSCAPED OPEN SPACE (minimum)   | 15%   |
| PARKING SPACES (minimum)  | <b>UNIVERSITY / COLLEGE:</b> (deleted – Section 62.0.2 of the Planning – zoning regulations do not apply to the objects of a post-secondary institution)                      |
|   | <b>GOVERNMENT USE:</b> 3 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA  |
|   | <b>Complementary Uses</b> specified in section 9.4.1.2:<br>3 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA  |
|   | <b>Ancillary Uses</b> specified in section 9.4.1.3:<br>zero (0) PARKING SPACES shall be required  |
| Complementary Uses (maximum)  | Complementary Uses specified in section 9.4.1.2 collectively shall not exceed 25% of the total BUILDING FLOOR AREA on the LOT   |
| Ancillary Uses (maximum)  | Ancillary Uses specified in section 9.4.1.3 collectively shall not exceed 25% of the total BUILDING FLOOR AREA on the LOT   |
| Complementary Uses & Ancillary Uses (maximum)                               | Complementary Uses specified in section 9.4.1.2 and Ancillary Uses specified in section 9.4.1.3 collectively shall not exceed 25% of the total BUILDING FLOOR AREA on the LOT |
| Ancillary Uses  | Ancillary Uses specified in section 9.4.1.3 shall be located on the FIRST STOREY of a BUILDING containing one or more of the permitted USES specified in section 9.4.1.1.     |
| Number of BUILDINGS on a LOT (maximum)                                      | More than one (1) main BUILDING permitted   |

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*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

*NOTE: This table and any other provision of this By-law does not apply to any Post Secondary institution who is engaged with an undertaking for the objects of the institution as set out in section 62.0.2 of the Planning Act.*

- 9.4.5 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.
- 9.4.6 The LANDSCAPED BUFFER in section 9.4.5 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).
- 9.4.7 The LANDSCAPED BUFFER in section 9.4.5 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.
- 9.4.8 (deleted – Section 62.0.2 of the Planning Act – zoning regulations do not apply to the objects of a post-secondary institution)
- 9.4.9 (deleted – Section 62.0.2 of the Planning Act – zoning regulations do not apply to the objects of a post-secondary institution)
- 9.4.10 (deleted – Section 62.0.2 of the Planning Act – zoning regulations do not apply to the objects of a post-secondary institution)
- 9.4.11 (deleted – Section 62.0.2 of the Planning Act – zoning regulations do not apply to the objects of a post-secondary institution)
- 9.4.12 Notwithstanding anything to the contrary, the parking required in Table 9J and Table 9K for GOVERNMENT USES and Complementary Uses shall be satisfied on the same LOT as the GOVERNMENT USE or Complementary Use.
- NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*
- NOTE: This table and any other provision of this By-law does not apply to any Post Secondary institution who is engaged with an undertaking for the objects of the institution as set out in section 62.0.2 of the Planning Act.*
- 9.4.13 Notwithstanding anything to the contrary, PARKING SPACES shall not be permitted within five metres (5m) of the STREET LINE.
- 9.4.14 The following regulations in Table 9L shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the University College (UC) zone constructed after the effective date of this BY-LAW:

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| <b>Table 9L: Regulations – UNIVERSITY COLLEGE (UC)</b>   |                          |                           |                           |                          |                          |
|--|--------------------------|---------------------------|---------------------------|--------------------------|--------------------------|
|  | <b>UC-10</b>             | <b>UC-27</b>              | <b>UC-40</b>              | <b>UC-60</b>             | <b>UC-81</b>             |
| BUILDING HEIGHT (maximum)  | 10 metres and 3 STOREYS  | 27 metres and 9 STOREYS   | 40 metres and 12 STOREYS  | 60 metres and 18 STOREYS | 81 metres and 25 STOREYS |
| Density (maximum)  | 150 BEDROOMS per hectare | 525 BEDROOMS per hectare  | 600 BEDROOMS per hectare  | 675 BEDROOMS per hectare | 750 BEDROOMS per hectare |
| PODIUM Height (maximum)  | (none)                   | 14.3 metres and 4 STOREYS | 14.7 metres and 4 STOREYS | 21 metres and 6 STOREYS  | 21 metres and 6 STOREYS  |
| TOWER STEPBACK above PODIUM (including balconies), where a BUILDING FAÇADE or part of a BUILDING FAÇADE is within 15 metres from the STREET LINE (minimum) | (none)                   | 3 metres                  | 3 metres                  | 3 metres                 | 3 metres                 |

9.4.15 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall not be permitted.

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## STATION AREA BUSINESS EMPLOYMENT TWO (E2A)

### Zone

9S.1 Station Area Business Employment Two A (E2A) Zone

### Permitted Uses

9S.1.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Station Area Business Employment Two A (E2A) zone for any purpose other than one or more of the following permitted uses:

#### 9S.1.1.1 Primary Uses:

- ADVANCED TECH
- BUSINESS INCUBATOR
- COMMUNICATION PRODUCTION
- DATA CENTRE
- GOVERNMENT USE
- 'LIGHT' INDUSTRIAL ASSEMBLY
- 'LIGHT' INDUSTRIAL MANUFACTURING
- 'LIGHT' INDUSTRIAL PROCESSING
- MAKERSPACE (CLASS A)
- MAJOR OFFICE
- MEDICAL CLINIC
- OFFICE
- PARKING FACILITY (restricted to STRUCTURED PARKING)
- PRINTING ESTABLISHMENT
- TECH OFFICE
- TRAINING FACILITY

#### 9S.1.1.2 Complementary Uses:

- Repair and Servicing Operations
- WAREHOUSE(no retail)

9S.1.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a USE permitted in section 9S.1.1.1 and or section 9S.1.1.2:

- ALTERNATIVE EDUCATION CENTRE
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- CAFÉ, including OUTDOOR CAFÉ PATIO
- Catering Establishment
- CHILD CARE CENTRE (which shall be subject to a holding (H) symbol – see section 9S.1.14)
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL SERVICE
- COMMERCIAL WELLNESS
- Convenience Retail Establishment, restricted to:
  - Hardware Store
  - Office Equipment and Supplies (Sales and Service)
  - VARIETY STORE

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- FINANCIAL SERVICE
- MICROBREWERY
- MUNICIPAL RECREATION FACILITY
- NANOBREWERY
- PERSONAL SERVICE SHOP
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- TRANSPORTATION SERVICE

9S.1.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall not be permitted.

### Performance Standards

9S.1.3 The following regulations in Table 9S-A shall apply to every LOT, BUILDING and STRUCTURE in the Station Area Business Employment Two A (E2A) zone:

| <b>Table 9S-A: Regulations – STATION AREA BUSINESS EMPLOYMENT TWO A ZONE (E2A)</b> |  |
|--|--|
| LOT FRONTAGE (minimum)   | 20.0 metres  |
| STREET LINE setback (minimum)  | 4.0 metres   |
| STREET LINE setback (maximum)  | 75% of the STREET LINE BUILDING FAÇADE shall be within 6.0 metres of the STREET LINE   |
| SIDE YARD setback (minimum)  | 3.0 metres   |
| REAR YARD setback (minimum)  | 3.0 metres   |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)                                    | 7.5 metres or half the height of the BUILDING, whichever is greater  |
| Complementary Uses (maximum)   | Complementary uses specified in section 9S.1.1.2 collectively shall not exceed 25% of the BUILDING FLOOR AREA of the associated BUILDING, excluding STRUCTURED PARKING     |
| Ancillary Uses (maximum)   | Ancillary uses specified in section 9S.1.1.3 collectively shall not exceed 15% of the BUILDING FLOOR AREA of the associated BUILDING, excluding STRUCTURED PARKING         |
|  | The maximum BUILDING FLOOR AREA of each Ancillary Use shall not exceed 1,858 square metres   |
| Ancillary Uses   | Ancillary Uses specified in section 9S.1.1.3 shall be located on the FIRST STOREY of a BUILDING containing one or more of the permitted uses specified in section 9S.1.1.1 |
|  | In BUILDINGS constructed after the effective date of this BY-LAW. Ancillary Uses specified in section 9S.1.1.3 shall abut a STREET LINE BUILDING FAÇADE                    |

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| <b>Table 9S-A: Regulations – STATION AREA BUSINESS EMPLOYMENT TWO A ZONE (E2A)</b> |  |
|--|--|
| Ancillary Retailing (maximum)  | For the following USES, twenty-five percent (25%) of the BUILDING FLOOR AREA occupied by the USE may be used for the display and retailing of products manufactured, produced, assembled, or repaired in the associated unit: <ul style="list-style-type: none"> <li>• USES specified in section 9S.1.1.1</li> <li>• Repair and Servicing Operations</li> <li>• MICROBREWERY</li> <li>• NANOBREWERY</li> </ul> |
| Number of BUILDINGS on a LOT (maximum)   | More than one (1) main BUILDING permitted  |

9S.1.4 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting a LOW RISE RESIDENTIAL LOT LINE.

9S.1.5 The LANDSCAPED BUFFER in section 9S.1.4 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).

9S.1.6 The LANDSCAPED BUFFER in section 9S.1.4 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.

### Active Frontage

9S.1.7 For the purposes of the Station Area Business Employment Two A (E2A) zone, “Active Use” means one or more of the following USES:

- ALTERNATIVE EDUCATION CENTRE
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BUSINESS INCUBATOR
- CHILD CARE CENTRE
- CAFÉ, including OUTDOOR CAFÉ PATIO
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL WELLNESS
- FINANCIAL SERVICES
- GOVERNMENT USE
- MAKERSPACE (CLASS A)
- MEDICAL CLINIC
- OFFICE (including Travel Agency)
- PERSONAL SERVICE SHOP
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- TECH OFFICE
- TRAINING FACILITY

and the following additional USES which shall be permitted in the Station Area Business Employment Two A (E2A) zone as “Active Uses” only:

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- ARTIST STUDIO (CLASS A)
- ELECTRONIC GAMING CENTRE
- RETAIL STORE (includes DRUG STORE, FOOD STORE, SPECIALTY FOOD STORE, VARIETY STORE)

9S.1.8 Notwithstanding anything to the contrary, on a LOT zoned Station Area Business Employment Two A (E2A) on Schedule 'A' and "Active Frontage" on Schedule 'A2', in BUILDINGS constructed after the effective date of this BY-LAW, it shall be a requirement of this BY-LAW that one or more Active Uses shall abut the entire STREET LINE BUILDING FAÇADE on the FIRST STOREY, except for a lobby for the BUILDING with or without an elevator / stairs providing access to STOREYS above the FIRST STOREY, provided further that:

- a.) the BUILDING FLOOR AREA of the lobby shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and
- b.) the lobby shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FAÇADE on the FIRST STOREY.

The additional "Active Uses" permitted in 9S.1.7 shall not be permitted in a BUILDING constructed prior to the effective date of this BY-LAW unless Active Uses abut the entire STREET LINE BUILDING FAÇADE on the FIRST STOREY, except for a lobby for the BUILDING with or without an elevator / stairs providing access to STOREYS above the FIRST STOREY, provided further that:

- a.) the BUILDING FLOOR AREA of the lobby shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and
- b.) the lobby shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FAÇADE on the FIRST STOREY.

9S.1.9 Notwithstanding anything to the contrary, on a LOT zoned Station Area Business Employment Two A (E2A) on Schedule 'A' and "Active Frontage" on Schedule 'A2', the following additional regulations shall apply to Active Uses in section 9S.1.8:

- a.) In BUILDINGS constructed after the effective date of this BY-LAW, each Active Use in section 9S.1.8 shall have an independent primary customer entrance from the STREET LINE BUILDING FACADE.
- b.) Notwithstanding section 9S.1.9.a.), in BUILDINGS constructed after the effective date of this BY-LAW, a minimum of one (1) independent primary customer entrance shall be provided for every twenty five metres (25m) of STREET LINE BUILDING FAÇADE.
- c.) The BUILDING FLOOR AREA devoted to each Active Use specified in section 9S.1.8 shall not exceed 465 square metres.
- d.) Notwithstanding section 9S.1.9.c.), the BUILDING FLOOR AREA of a FOOD STORE shall not exceed 1,115 square metres.
- e.) Notwithstanding section 9S.1.9.c.), the BUILDING FLOOR AREA of a DRUG STORE shall not exceed 1,115 square metres.

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9S.1.10 The following regulations in Table 9S-B shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Station Area Business Employment Two A (E2A) zone constructed after the effective date of this BY-LAW:

| <b>Table 9S-B: Regulation – STATION AREA BUSINESS EMPLOYMENT TWO A ZONE (E2A)</b>                                     |  |   |                           |                           |
|---|--|---|---------------------------|---------------------------|
|   | <b>E2A-27</b>  | <b>E2A-40</b>   | <b>E2A-60</b>             | <b>E2A-81</b>             |
| FLOOR AREA RATIO (minimum)  | 0.5  | 0.5   | 0.5                       | 0.5                       |
| Height of FIRST STOREY (minimum)  | 4.0 metres   | 4.0 metres  | 4.0 metres                | 4.0 metres                |
| BUILDING HEIGHT (minimum)   | 10.5 metres and 3 STOREYS  | 10.5 metres and 3 STOREYS   | 10.5 metres and 3 STOREYS | 10.5 metres and 3 STOREYS |
| BUILDING HEIGHT (maximum)   | 27 metres and 9 STOREYS  | 40 metres and 12 STOREYS  | 60 metres and 18 STOREYS  | 81 metres and 25 STOREYS  |
| PODIUM Height (maximum)   | 27 metres  | 27 metres   | 27 metres                 | 27 metres                 |
| TOWER Separation (minimum)  | N/A  | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                           |                           |
| Horizontal TOWER Dimension (maximum)  | N/A  | 40 metres   | 40 metres                 | 40 metres                 |
| TOWER Footprint (maximum)   | N/A  | 1,000 square metres   | 1,000 square metres       | 1,000 square metres       |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A  | 3 metres  | 3 metres                  | 3 metres                  |
| COMMON OUTDOOR AREA (minimum)   | For LOTS with an area of 2,000 square metres or more, three percent (3%) of the LOT AREA shall be COMMON OUTDOOR AREA located at GRADE                                 |   |                           |                           |
| COMMON OUTDOOR AREA dimensions (minimum, each dimension)  | Not less than 6.0 metres, except where the COMMON OUTDOOR AREA is located in the FRONT YARD or FLANKAGE YARD where one (1) dimension shall not be less than 4.0 metres |   |                           |                           |
| LANDSCAPED OPEN SPACE (minimum)   | 10%  |   |                           |                           |

9S.1.11 Notwithstanding anything to the contrary, the provisions in Table 9S-B shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

9S.1.12 (deleted – Planning Act eliminates parking minimums in MTSAs)

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

9S.1.13 The BICYCLE PARKING regulations in section 6.6 shall apply.

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9S.1.14 Notwithstanding anything to the contrary, the provisions in section 9S.1.13 shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

9S.1.15 STRUCTURED PARKING shall not be permitted on the FIRST STOREY.

9S.1.16 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

9S.1.17 A holding symbol (H) is hereby applied to the use CHILD CARE CENTRE in the Station Area Business Employment Two A (E2A) zone. The holding symbol (H) means the LOT is zoned as a holding provision area for which the following applies:

- a.) Notwithstanding anything to the contrary, the holding symbol shall not be removed until the following criteria are satisfied:
  - i.) For known or suspected contaminated sites as identified by the REGION, verification from the REGION and or the Province of Ontario that the owner has completed a Record of Site Condition.
  - ii.) Verification through Site Plan Control endorsement that the LOT and development thereon will conform to: (i.) the CITY'S OFFICIAL PLAN; (ii.) the REGION'S Official Plan; and (iii.) the CITY'S Urban Design Manual in effect, including related Accessibility Guidelines.
  - iii.) Demonstrate compliance with the Provincial D-6 Guideline "Compatibility Between Industrial Facilities and Sensitive Land Uses" where there are potential land use compatibility issues associated with existing, planned and or permitted industrial uses in proximity to the proposed CHILD CARE CENTRE.

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## STATION AREA BUSINESS EMPLOYMENT TWO B (E2B)

### Zone

9S.2 Station Area Business Employment Two B (E2B) Zone

### Permitted Uses

9S.2.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Station Area Business Employment Two B (E2B) zone for any purpose other than one or more of the following permitted uses:

#### 9S.2.1.1 Primary Uses:

- ADVANCED TECH
- BUSINESS INCUBATOR
- COMMUNICATION PRODUCTION
- DATA CENTRE
- GOVERNMENT USE
- 'LIGHT' INDUSTRIAL ASSEMBLY
- 'LIGHT' INDUSTRIAL MANUFACTURING
- 'LIGHT' INDUSTRIAL PROCESSING
- MAKERSPACE (CLASS A)
- MAJOR OFFICE
- MEDICAL CLINIC
- OFFICE
- PARKING FACILITY (restricted to STRUCTURED PARKING)
- PRINTING ESTABLISHMENT
- TECH OFFICE
- TRAINING FACILITY

#### 9S.2.1.2 Complementary Uses:

- Repair and Servicing Operations
- WAREHOUSE (no retail)

9S.2.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a USE permitted in section 9S.2.1.1 and or section 9S.2.1.2:

- ALTERNATIVE EDUCATION CENTRE
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- CAFÉ, including OUTDOOR CAFÉ PATIO
- Catering Establishment
- CHILD CARE CENTRE (which shall be subject to a holding (H) symbol – see section 9S.2.14)
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL SERVICE
- COMMERCIAL WELLNESS
- Convenience Retail Establishment, restricted to:
  - Hardware Store
  - Office Equipment and Supplies (Sales and Service)

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- VARIETY STORE
- FINANCIAL SERVICE
- MICROBREWERY
- MUNICIPAL RECREATION FACILITY
- NANOBREWERY
- PERSONAL SERVICE SHOP
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- TRANSPORTATION SERVICE

9S.2.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall not be permitted.

### Performance Standards

9S.2.3 The following regulations in Table 9S-D shall apply to every LOT, BUILDING and STRUCTURE in the Station Area Business Employment Two B (E2B) zone:

| <b>Table 9S-D: Regulations – STATION AREA BUSINESS EMPLOYMENT TWO B ZONE (E2B)</b> |   |
|--|---|
| LOT FRONTAGE (minimum)   | 20.0 metres   |
| STREET LINE setback (minimum)  | 4.0 metres  |
| STREET LINE setback (maximum)  | 75% of the STREET LINE BUILDING FAÇADE shall be within 6.0 metres of the STREET LINE  |
| SIDE YARD setback (minimum)  | 3.0 metres  |
| REAR YARD setback (minimum)  | 3.0 metres  |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)                                    | 7.5 metres or half the height of the BUILDING, whichever is greater   |
| Complementary Uses (maximum)   | Complementary uses specified in section 9S.2.1.2 collectively shall not exceed 25% of the BUILDING FLOOR AREA of the associated BUILDING, excluding STRUCTURED PARKING                |
| Ancillary Uses (maximum)   | Ancillary uses specified in section 9S.2.1.3 collectively shall not exceed 15% of the BUILDING FLOOR AREA of the associated BUILDING, excluding STRUCTURED PARKING                    |
|  | The maximum BUILDING FLOOR AREA of each Ancillary Use shall not exceed 1,858 square metres  |
| Ancillary Uses   | Ancillary Uses specified in section 9S.2.1.3 shall be located on the FIRST STOREY of a BUILDING containing one or more of the permitted uses specified in section 9S.2.1.1            |
|  | In BUILDINGS constructed after the effective date of this BY-LAW, Ancillary Uses specified in section 9S.2.1.3 shall be located at least 1.0 metre from a STREET LINE BUILDING FAÇADE |

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| <b>Table 9S-D: Regulations – STATION AREA BUSINESS EMPLOYMENT TWO B ZONE (E2B)</b> |  |
|--|--|
| Ancillary Retailing (maximum)  | For the following USES, twenty five percent (25%) of the BUILDING FLOOR AREA occupied by the USE may be used for the display and retailing of products manufactured, produced, assembled, or repaired in the associated unit: <ul style="list-style-type: none"> <li>• USES specified in section 9S.2.1.1</li> <li>• Repair and Servicing Operations</li> <li>• MICROBREWERY</li> <li>• NANOBREWERY</li> </ul> |
| Number of BUILDINGS on a LOT (maximum)   | More than one (1) main BUILDING permitted  |

9S.2.4 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting a LOW RISE RESIDENTIAL LOT LINE.

9S.2.5 The LANDSCAPED BUFFER in section 9S.2.4 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).

9S.2.6 The LANDSCAPED BUFFER in section 9S.2.4 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.

### Active Frontage

9S.2.7 For the purposes of the Station Area Business Employment Two B (E2B) zone, "Active Use" means one or more of the following USES:

- ALTERNATIVE EDUCATION CENTRE
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BUSINESS INCUBATOR
- CHILD CARE CENTRE
- CAFÉ, including OUTDOOR CAFÉ PATIO
- COMMERCIAL RECREATION
- COMMERCIAL SCHOOL
- COMMERCIAL WELLNESS
- FINANCIAL SERVICES
- GOVERNMENT USE
- MAKERSPACE (CLASS A)
- MEDICAL CLINIC
- OFFICE (including Travel Agency)
- PERSONAL SERVICE SHOP
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- TECH OFFICE
- TRAINING FACILITY

and the following additional USES which shall be permitted in the Station Area Business Employment Two B (E2B) zone as "Active Uses" only:

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- ARTIST STUDIO (CLASS A)
- ELECTRONIC GAMING CENTRE
- RETAIL STORE (includes DRUG STORE, FOOD STORE, SPECIALTY FOOD STORE, VARIETY STORE)

9S.2.8 Notwithstanding anything to the contrary, on a LOT zoned Station Area Business Employment Two B (E2B) on Schedule 'A' and "Active Frontage" on Schedule 'A2', in BUILDINGS constructed after the effective date of this BY-LAW, it shall be a requirement of this BY-LAW that one or more Active Uses shall abut the entire STREET LINE BUILDING FAÇADE on the FIRST STOREY, except for a lobby for the BUILDING with or without an elevator / stairs providing access to STOREYS above the FIRST STOREY, provided further that:

- a.) the BUILDING FLOOR AREA of the lobby shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and
- b.) the lobby shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FAÇADE on the FIRST STOREY.

The additional "Active Uses" permitted in 9S.2.7 shall not be permitted in a BUILDING constructed prior to the effective date of this BY-LAW unless Active Uses abut the entire STREET LINE BUILDING FAÇADE on the FIRST STOREY, except for a lobby for the BUILDING with or without an elevator / stairs providing access to STOREYS above the FIRST STOREY, provided further that:

- a.) the BUILDING FLOOR AREA of the lobby shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and
- b.) the lobby shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FAÇADE on the FIRST STOREY.

9S.2.9 Notwithstanding anything to the contrary, on a LOT zoned Station Area Business Employment Two B (E2B) on Schedule 'A' and "Active Frontage" on Schedule 'A2', the following additional regulations shall apply to Active Uses in section 9S.2.8:

- a.) In BUILDINGS constructed after the effective date of this BY-LAW, each Active Use in section 9S.2.8 shall have an independent primary customer entrance from the STREET LINE BUILDING FACADE.
- b.) Notwithstanding section 9S.2.9.a.), in BUILDINGS constructed after the effective date of this BY-LAW, a minimum of one (1) independent primary customer entrance shall be provided for every twenty five metres (25m) of STREET LINE BUILDING FAÇADE.
- c.) The BUILDING FLOOR AREA devoted to each Active Use specified in section 9S.2.8 shall not exceed 465 square metres.
- d.) Notwithstanding section 9S.2.9.c.), the BUILDING FLOOR AREA of a FOOD STORE shall not exceed 1,115 square metres.
- e.) Notwithstanding section 9S.2.9.c.), the BUILDING FLOOR AREA of a DRUG STORE shall not exceed 1,115 square metres.

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9S.2.10 The following regulations in Table 9S-E shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Station Area Business Employment Two B (E2B) zone constructed after the effective date of this BY-LAW:

| <b>Table 9S-E: Regulation – STATION AREA BUSINESS EMPLOYMENT TWO B ZONE (E2B)</b>                                     |  |   |                          |                          |
|---|--|---|--------------------------|--------------------------|
|   | <b>E2B-27</b>  | <b>E2B-40</b>   | <b>E2B-60</b>            | <b>E2B-81</b>            |
| FLOOR AREA RATIO (minimum)  | 0.4  | 0.4   | 0.4                      | 0.4                      |
| Height of FIRST STOREY (minimum)  | 4.0 metres   | 4.0 metres  | 4.0 metres               | 4.0 metres               |
| BUILDING HEIGHT (minimum)   | 7.5 metres and 2 STOREYS   | 7.5 metres and 2 STOREYS  | 7.5 metres and 2 STOREYS | 7.5 metres and 2 STOREYS |
| BUILDING HEIGHT (maximum)   | 27 metres and 9 STOREYS  | 40 metres and 12 STOREYS  | 60 metres and 18 STOREYS | 81 metres and 25 STOREYS |
| PODIUM Height (maximum)   | 27 metres  | 27 metres   | 27 metres                | 27 metres                |
| TOWER Separation (minimum)  | N/A  | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                          |                          |
| Horizontal TOWER Dimension (maximum)  | N/A  | 40 metres   | 40 metres                | 40 metres                |
| TOWER Footprint (maximum)   | N/A  | 1,000 square metres   | 1,000 square metres      | 1,000 square metres      |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A  | 3 metres  | 3 metres                 | 3 metres                 |
| COMMON OUTDOOR AREA (minimum)   | For LOTS with an area of 2,000 square metres or more, three percent (3%) of the LOT AREA shall be COMMON OUTDOOR AREA located at GRADE                                 |   |                          |                          |
| COMMON OUTDOOR AREA dimensions (minimum, each dimension)  | Not less than 6.0 metres, except where the COMMON OUTDOOR AREA is located in the FRONT YARD or FLANKAGE YARD where one (1) dimension shall not be less than 4.0 metres |   |                          |                          |
| LANDSCAPED OPEN SPACE (minimum)   | 10%  |   |                          |                          |

9S.2.11 Notwithstanding anything to the contrary, the provisions in Table 9S-E shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

9S.2.12 (deleted – Planning Act eliminates parking minimums in MTSA's)

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

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9S.2.13 The BICYCLE PARKING regulations in section 6.6 shall apply.

9S.2.14 Notwithstanding anything to the contrary, the provisions in section 9S.2.13 shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

9S.2.15 STRUCTURED PARKING shall not be permitted on the FIRST STOREY.

9S.2.16 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FAÇADE or FLANKAGE BUILDING FAÇADE.

9S.2.17 A holding symbol (H) is hereby applied to the use CHILD CARE CENTRE in the Station Area Business Employment Two B (E2B) zone. The holding symbol (H) means the LOT is zoned as a holding provision area for which the following applies:

- a.) Notwithstanding anything to the contrary, the holding symbol shall not be removed until the following criteria are satisfied:
  - i.) For known or suspected contaminated sites as identified by the REGION, verification from the REGION and or the Province of Ontario that the owner has completed a Record of Site Condition.
  - ii.) Verification through Site Plan Control endorsement that the LOT and development thereon will conform to: (i.) the CITY'S OFFICIAL PLAN; (ii.) the REGION'S Official Plan; and (iii.) the CITY'S Urban Design Manual in effect, including related Accessibility Guidelines.
  - iii.) Demonstrate compliance with the Provincial D-6 Guideline "Compatibility Between Industrial Facilities and Sensitive Land Uses" where there are potential land use compatibility issues associated with existing, planned and or permitted industrial uses in proximity to the proposed CHILD CARE CENTRE.

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## STATION AREA MIXED-USE (SAMU)

### Zone

9S.3 Station Area Mixed-Use

### Permitted Uses

9S.3.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Station Area Mixed-Use (SAMU) zone for any purpose other than one or more of the following permitted uses:

#### 9S.3.1.1 Primary Uses:

- ADVANCED TECH
- AUDITORIUM
- ARTIST STUDIO (CLASS A)
- BAKE SHOP, including OUTDOOR BAKE SHOP PATIO
- BUSINESS INCUBATOR
- CAFE, including OUTDOOR CAFE PATIO
- Catering Establishment
- COMMERCIAL SCHOOL
- COMMERCIAL SERVICE
- COMMUNICATION PRODUCTION
- DATA CENTRE
- FOOD STORES
- FINANCIAL SERVICE
- GOVERNMENT USE
- INSTITUTION
- 'LIGHT' INDUSTRIAL ASSEMBLY
- 'LIGHT' INDUSTRIAL MANUFACTURING
- 'LIGHT' INDUSTRIAL PROCESSING
- LIVE/WORK UNIT
- MAJOR OFFICE
- MAKERSPACE (CLASS A)
- MICROBREWERY
- MIXED USE BUILDING with DWELLING UNITS above the FIRST STOREY
- MULTI-UNIT RESIDENTIAL BUILDING (including APARTMENT BUILDING)
- NANOBREWERY
- OFFICE
- PARKING FACILITY (restricted to STRUCTURED PARKING)
- PRINTING ESTABLISHMENT
- PRIVATE SCHOOL
- PUBLIC SCHOOL
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RETAIL STORE, excludes MOTOR VEHICLE RETAIL STORE
- TECH OFFICE

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- TRAINING FACILITY
- UNIVERSITY/COLLEGE

9S.3.1.2 **Complementary Uses:**

- ASSISTED LIVING FACILITY
- LONG-TERM CARE FACILITY

9S.3.1.3 **Ancillary Uses**, meaning the uses are subordinate and incidental to a USE permitted in section 9S.3.1.1 and or section 9S.3.1.2:

- ALTERNATIVE EDUCATION CENTRE
- CHILD CARE CENTRE
- COMMERCIAL RECREATION
- COMMERCIAL WELLNESS
- ELECTRONIC GAMING CENTRE
- PET SERVICES (CLASS A)
- PHARMACEUTICAL DISPENSARY
- MEDICAL CLINIC
- MUNICIPAL RECREATION FACILITY
- PERSONAL SERVICE SHOP
- SPIRITUAL USES
- VARIETY STORE
- VETERINARY CLINIC

9S.3.1.4 **Ancillary Uses**, meaning the uses are subordinate and incidental to a USE permitted DWELLING UNIT:

- HOME OCCUPATION (see section 3.H.3 and Table 6A)

9S.3.2 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall not be permitted.

**Performance Standards**

9S.3.3 The following regulations in Table 9S-G shall apply to every LOT, BUILDING and STRUCTURE in the Station Area Mixed-Use (SAMU) zone:

| <b>Table 9S-G: Regulations – STATION AREA MIXED-USE ZONE (SAMU)</b> |  |
|---|--|
| LOT FRONTAGE (minimum)  | 20.0 metres  |
| STREET LINE setback (minimum)                                       | 4.0 metres   |
| STREET LINE setback (maximum)                                       | 75% of the STREET LINE BUILDING FAÇADE shall be within 6.0 metres of the STREET LINE   |
| SIDE YARD setback (minimum)   | 3.0 metres   |
| REAR YARD setback (minimum)   | 3.0 metres   |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)                     | 7.5 metres or half the height of the BUILDING, whichever is greater  |
| Non-Residential Uses (minimum)                                      | For LOTS with more than 1,000 DWELLING UNITS, the minimum BUILDING FLOOR AREA for non-residential uses in 9S.3.1, excluding STRUCTURED |

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| <b>Table 9S-G: Regulations – STATION AREA MIXED-USE ZONE (SAMU)</b> |   |
|---|---|
|   | PARKING, shall be 2.0 square metres per DWELLING UNIT, and 1.0 square metre per DWELLING UNIT in all other instances  |
| Complementary Uses (maximum)  | Complementary uses specified in section 9S.3.1.2 shall not collectively exceed 50% of the total BUILDING FLOOR AREA of all BUILDINGS on a LOT, excluding STRUCTURED PARKING |
| Ancillary Uses (maximum)  | Ancillary uses specified in section 9S.3.1.3 shall not collectively exceed 15% of the total BUILDING FLOOR AREA of all BUILDINGS on a LOT, excluding STRUCTURED PARKING     |
|   | The maximum BUILDING FLOOR AREA of each Ancillary Use shall not exceed 1,858 squares metres   |
| Number of BUILDINGS on a LOT (maximum)                              | More than one (1) main BUILDING permitted   |

- 9S.3.4 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting a LOW RISE RESIDENTIAL LOT LINE.
- 9S.3.5 The LANDSCAPED BUFFER in section 9S.3.4 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).
- 9S.3.6 The LANDSCAPED BUFFER in section 9S.3.4 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.

### Active Frontage

- 9S.3.7 For the purposes of the Station Area Mixed Use (SAMU) zone, "Active Use" means one or more of the following USES:
- ALTERNATIVE EDUCATION CENTRE
  - BAKE SHOP, including OUTDOOR BAKESHOP PATIO
  - BUSINESS INCUBATOR
  - CHILD CARE CENTRE
  - CAFE, including OUTDOOR CAFE PATIO
  - COMMERCIAL RECREATION
  - COMMERCIAL SCHOOL
  - COMMERCIAL WELLNESS
  - DRUGSTORE
  - ELECTRONIC GAMING CENTRE
  - FINANCIAL SERVICES
  - FOOD STORE
  - GOVERNMENT USE
  - MAKERSPACE (CLASS A)
  - MEDICAL CLINIC
  - OFFICE
  - PERSONAL SERVICE SHOP

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- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- RETAIL STORE
- TECH OFFICE
- TRAINING FACILITY
- VARIETY STORE

9S.3.8 Notwithstanding anything to the contrary, on a LOT zoned Station Area Mixed Use (SAMU) on Schedule 'A' and "Active Frontage" on Schedule 'A2', in BUILDINGS constructed after the effective date of this BY-LAW, it shall be a requirement of this BY-LAW that one or more Active Uses shall abut the entire STREET LINE BUILDING FACADE on the FIRST STOREY, except for a lobby for the BUILDING, provided further that:

- a.) the BUILDING FLOOR AREA of the lobby shall comprise a maximum twenty percent (20%) of the BUILDING FLOOR AREA of the FIRST STOREY; and
- b.) the lobby shall comprise a maximum twenty percent (20%) of the STREET LINE BUILDING FACADE on the FIRST STOREY.

9S.3.9 The following regulations in Table 9S-H shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Station Area Mixed Use (SAMU) zone constructed after the effective date of this BY-LAW:

| <b>Table 9S-H: Regulation – STATION AREA MIXED-USE (SAMU)</b>   |   |
|---|---|
| Density (maximum)   | 900 BEDROOMS per hectare  |
| Height of FIRST STOREY (minimum)  | 4.0 metres  |
| BUILDING HEIGHT (minimum)   | 10.5 metres and 3 STOREYS   |
| BUILDING HEIGHT (maximum)   | 105 metres and 30 STOREYS   |
| PODIUM Height (maximum)   | 27 metres and 6 STOREYS   |
| TOWER Separation (minimum)  | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |
| Horizontal TOWER Dimension (maximum)  | 40 metres   |
| TOWER Footprint (maximum)   | 1,000 square metres   |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FACADE and FLANKAGE BUILDING FACADE (minimum) | 3.0 metres  |
| COMMON OUTDOOR AREA (minimum)   | For LOTS with an area of 2,000 square metres or more, three percent (3%) of the LOT AREA shall be COMMON OUTDOOR AREA located at GRADE                                    |

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|  |  |
|--|--|
| COMMON OUTDOOR AREA dimensions (minimum, each dimension) | Not less than 6.0 metres, except where the COMMON OUTDOOR AREA is located in the FRONT YARD or FLANKAGE YARD where one (1) dimension shall not be less than 4.0 metres |
| LANDSCAPED OPEN SPACE (minimum)                          | 15%  |
| AMENITY AREAS (minimum)                                  | 3 square metres for the first BEDROOM and 2 square metres for each additional BEDROOM in the DWELLING UNIT   |

9S.3.10 Notwithstanding anything to the contrary, the provisions in Table 9S-H shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

9S.3.11 The BICYCLE PARKING regulations in section 6.6 shall apply.

9S.3.12 Notwithstanding anything to the contrary, the minimum BICYCLE PARKING SPACES required for non-residential uses shall be 0.6 BICYCLE PARKING SPACES per 100 square metres of non-residential BUILDING FLOOR AREA, excluding STRUCTURED PARKING.

9S.3.13 Notwithstanding anything to the contrary, the provisions in section 9S.3.11 and 9S.3.12 shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS provided that the enlargement is less than ten percent (10%) of the BUILDING FLOOR AREA of the EXISTING BUILDING.

9S.3.14 STRUCTURED PARKING shall be permitted on the FIRST STOREY provided that:

- a.) A minimum twenty five percent (25%) of the FIRST STOREY shall be comprised of one of more of the following uses:
  - circulation spaces, such as hallways, elevators, and the like
  - indoor common Amenity Area
  - uses specified in 9S.3.1, excluding PARKING FACILITY
  - entrance/foyers
  - hydro transformer room
  - management office
  - lobby, reception area, seating area, and the like
- b.) STRUCTURED PARKING shall be located entirely behind the BUILDING FLOOR AREA devoted to the uses specified in 9S.3.14 a.).
- c.) The BUILDING FLOOR AREA devoted to the uses specified in 9S.3.14 a.) shall abut the entire FRONT BUILDING FACADE, and FLANKAGE BUILDING FACADE.
- d.) The STRUCTURED PARKING shall be visibly screened from view from any abutting STREET, COMMON OUTDOOR AREA, and pedestrian pathways.

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9S.3.15 Notwithstanding anything to the contrary, a DRIVEWAY may comprise part of the FRONT BUILDING FACADE or FLANKAGE BUILDING FACADE.

9S.3.16 Notwithstanding anything to the contrary, where a holding symbol (H) is applied, only those uses which lawfully and actually existed on the date of passing of this BY-LAW shall be permitted to continue until such time as the holding symbol (H) is removed. The holding (H) symbol shall not apply to EXISTING BUILDINGS or the enlargement of EXISTING BUILDINGS that do contain or propose a SENSITIVE USE, provided that the enlargement is less than 10% of the BUILDING FLOOR AREA of the EXISTING BUILDING.

- a.) Notwithstanding anything to the contrary, the holding symbol shall not be removed until the following criteria are satisfied, to the satisfaction of the CITY:
- i.) For known or suspected contaminated sites as identified by the REGION or CITY, verification from the Province of Ontario that the owner has completed a Record of Site Condition.
  - ii.) Demonstrate compliance with the Provincial D-6 Guideline "Compatibility Between Industrial Facilities and Sensitive Land Uses" where there is the potential for land use compatibility issues associated with existing, planned and or permitted industrial uses in proximity to proposed SENSITIVE USES.
  - iii.) For developments with 20 or more residential DWELLING UNITS within the Northfield Station Area, a detailed Transit Assessment and a Pedestrian Route and Sidewalk Analysis, to the satisfaction of the REGION.
  - iv.) For LOTS with a LOT AREA greater than two hectares (2 ha), and/or multi-building developments that are anticipated to be developed in two or more phases:
    - a. Approval of a comprehensive Master Plan for the lands and proposed development thereon, in accordance with the City's terms of reference for Master/Block plans and Official plan Policy 10.5 (14), to the satisfaction of the CITY;
    - b. Approval of a comprehensive Master Servicing Plan for the lands and proposed development thereon, and verification of sufficient servicing capacity (water, sanitary, and stormwater) to fully service the LOT and development thereon, to the satisfaction of the CITY.
    - c. Approval of detailed site specific urban Design Guidelines for the lands and proposed development thereon, to the satisfaction of the CITY;
    - d. Approval of a Parkland Assessment and conceptual design for open spaces (including but not limited to parkland, recreation spaces) on and abutting the lands, to the satisfaction of the CITY;
    - e. Provision of a sustainability strategy to identify opportunities to:

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- optimize energy efficiency and improve building resilience to climate change;
- enhance energy performance of proposed buildings towards net-zero emissions;
- incorporate low carbon heating and cooling systems;
- reduce greenhouse gas emissions; and
- increase climate resilience,

to the satisfaction of the CITY. The Sustainability Strategy will inform the Energy Study required as part of a complete site plan application pursuant to Section 41 of the Planning Act;

- f. Verification of sufficient transportation capacity and transportation infrastructure within the surrounding road network affected by the development and/or use of the LOT; and,
- g. Provision of a Noise Study for the lands and proposed development thereon, in accordance with the CITY's terms of reference for Noise Studies, to the satisfaction of the CITY.

## SECTION 10 – INSTITUTIONAL ZONES

### LIST OF ZONES

- El – Educational Institution (El) Zone
- I – Institutional (I) Zone
- S – School (S) Zone

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## EDUCATIONAL INSTITUTION (EI)

### Zone

10.1 Educational Institution (EI) Zone

### Permitted Uses

10.1.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Educational Institution (EI) zone for any purpose other than one or more of the following permitted uses:

10.1.1.1 Primary Uses:

- ALTERNATIVE EDUCATION CENTRE
- CHILD CARE CENTRE
- EDUCATIONAL INSTITUTION
- GOVERNMENT USE
- INSTITUTION
- PRIVATE SCHOOL
- PUBLIC SCHOOL
- UNIVERSITY / COLLEGE

10.1.1.2 Complementary Uses:

- CULTURAL FACILITIES
- Residence of an EDUCATIONAL INSTITUTION or UNIVERSITY / COLLEGE
- OFFICE
- TECH OFFICE

10.1.1.3 Ancillary Uses, meaning the uses are subordinate and incidental to a USE permitted in section 10.1.1.1:

- CAFÉ, including OUTDOOR CAFÉ PATIO
- COMMERCIAL SERVICE
- Gift Shop
- RESTAURANT, including OUTDOOR RESTAURANT PATIO
- RESTAURANT (TAKE-OUT), including OUTDOOR RESTAURANT PATIO
- SPIRITUAL USE
- TRAINING FACILITY

### Performance Standards

10.1.2 The following regulations in Table 10A shall apply to every LOT, BUILDING and STRUCTURE in the Educational Institution (EI) zone:

|                               |            |
|-------------------------------|------------|
| STREET LINE setback (minimum) | 5.0 metres |
| SIDE YARD setback (minimum)   | 3.0 metres |
| REAR YARD setback (minimum)   | 7.5 metres |

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| <b>Table 10A: Regulations – EDUCATIONAL INSTITUTION ZONE (EI)</b> |   |
|---|---|
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)                   | 7.5 metres or half the height of the BUILDING, whichever is greater   |
| LANDSCAPE OPEN SPACE (minimum)                                    | 15%   |
| Ancillary Uses (maximum)  | Ancillary Uses specified in section 10.1.1.3 collectively shall not exceed 25% of the BUILDING FLOOR AREA of the BUILDING   |
| Ancillary Uses  | The following Ancillary Uses specified in section 10.1.1.3 shall be located on the FIRST STOREY of a BUILDING: <ul style="list-style-type: none"> <li>• CAFÉ</li> <li>• COMMERCIAL SERVICE</li> <li>• Gift Shop</li> <li>• RESTAURANT</li> <li>• RESTAURANT (TAKE-OUT)</li> </ul> |
| Number of BUILDINGS on a LOT (maximum)                            | More than one (1) main BUILDING permitted   |

- 10.1.3 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.
- 10.1.4 The LANDSCAPED BUFFER in section 10.1.3 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).
- 10.1.5 The LANDSCAPED BUFFER in section 10.1.3 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.
- 10.1.6 The following parking regulations shall apply to every LOT, BUILDING and STRUCTURE in the Educational Institution (EI) zone, except as specified in Table 6A:

|                 |         | <b>Area A</b><br>on<br>Schedule A1 | <b>Area B</b><br>on<br>Schedule A1 | <b>All Other</b> |             |
|-----------------|---------|------------------------------------|------------------------------------|------------------|-------------|
| Residential     | Use     | (See Note)                         | 0.75                               | 0.90             | PDU*        |
| Residential     | Visitor |                                    | 0.10                               | 0.10             | PDU*        |
|                 |         |                                    | <b>0.85</b>                        | <b>1.00</b>      | <b>PDU*</b> |
| Non-Residential | Use     |                                    | 1.80                               | 2.50             | /100m2*     |

\* PDU = Per Dwelling Unit  
/100m2 = Per 100 square metres of BUILDING FLOOR AREA

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

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*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

10.1.7 Notwithstanding anything to the contrary, PARKING SPACES shall not be permitted within the minimum STREET LINE setback.

10.1.8 The following regulations in Table 10B shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Educational Institution (EI) zone constructed after the effective date of this BY-LAW:

| <b>Table 10B: Regulations – EDUCATIONAL INSTITUTION ZONE (EI)</b>   |   |                                |   |                                |                                |                                |
|---|---|--------------------------------|---|--------------------------------|--------------------------------|--------------------------------|
|   | <b>EI-10</b>  | <b>EI-20</b>                   | <b>EI-27</b>  | <b>EI-40</b>                   | <b>EI-60</b>                   | <b>EI-81</b>                   |
| Density (maximum)   | 150<br>BEDROOMS<br>per hectare  | 450<br>BEDROOMS<br>per hectare | 525<br>BEDROOMS<br>per hectare  | 600<br>BEDROOMS<br>per hectare | 675<br>BEDROOMS<br>per hectare | 750<br>BEDROOMS<br>per hectare |
| BUILDING HEIGHT (maximum)   | 10 metres<br>and<br>3 STOREYS   | 20 metres<br>and<br>6 STOREYS  | 30 metres<br>and<br>9 STOREYS   | 40 metres<br>and<br>12 STOREYS | 60 metres<br>and<br>18 STOREYS | 81 metres<br>and<br>25 STOREYS |
| PODIUM Height (maximum)   | (none)  | 14 metres                      | 14.3 metres   | 14.8 metres                    | 21 metres                      | 21 metres                      |
| TOWER Separation (minimum)  | (none)  | (none)                         | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                                |                                |                                |
| Horizontal TOWER Dimension (maximum)  | N/A   | N/A                            | 40 metres   | 40 metres                      | 40 metres                      | 40 metres                      |
| TOWER Footprint (maximum)   | N/A   | N/A                            | 1,000 square metres   | 1,000 square metres            | 1,000 square metres            | 1,000 square metres            |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A   | N/A                            | 3 metres  | 3 metres                       | 3 metres                       | 3 metres                       |
| AMENITY AREA (minimum)  | 3 square metres for the first BEDROOM and<br>2 square metres for each additional BEDROOM in the DWELLING UNIT |                                |   |                                |                                |                                |

10.1.9 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall not be permitted.

# CITY OF WATERLOO

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## INSTITUTIONAL (I)

### Zone

10.2 Institutional (I) Zone

### Permitted Uses

10.2.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Institutional (I) zone for any purpose other than one or more of the following permitted uses:

10.2.1.1 Primary Uses:

- AUDITORIUM
- EDUCATIONAL INSTITUTION
- INSTITUTION
- GOVERNMENT USE
- MUNICIPAL RECREATION FACILITY
- UNIVERSITY / COLLEGE

10.2.1.2 Complementary Uses:

- ALTERNATIVE EDUCATION CENTRE
- CHILD CARE CENTRE
- PRIVATE SCHOOL
- PUBLIC SCHOOL
- SPIRITUAL USE

10.2.1.3 Ancillary Uses, meaning the uses are subordinate and incidental to a USE permitted in section 10.2.1.1:

- CAFÉ, including OUTDOOR CAFÉ PATIO
- COMMERCIAL SERVICE
- Gift Shop
- MEDICAL CLINIC
- OFFICE
- TECH OFFICE
- TRAINING FACILITY

### Performance Standards

10.2.2 The following regulations in Table 10C shall apply to every LOT, BUILDING and STRUCTURE in the Institutional (I) zone:

| <b>Table 10C: Regulations – INSTITUTIONAL ZONE (I)</b> |   |
|--|---|
| STREET LINE setback (minimum)                          | 6.0 metres  |
| SIDE YARD setback (minimum)                            | 3.0 metres or half the height of the BUILDING, whichever is greater |
| REAR YARD setback (minimum)                            | 7.5 metres or half the height of the BUILDING, whichever is greater |

# CITY OF WATERLOO

| <b>Table 10C: Regulations – INSTITUTIONAL ZONE (I)</b> |  |
|--|--|
| LOW RISE RESIDENTIAL LOT LINE setback (minimum)        | 7.5 metres or half the height of the BUILDING, whichever is greater  |
| LANDSCAPE OPEN SPACE (minimum)                         | 15%  |
| Ancillary Uses (maximum)                               | Ancillary Uses specified in section 10.2.1.3 collectively shall not exceed 25% of the BUILDING FLOOR AREA of the BUILDING  |
| Ancillary Uses   | The following Ancillary Uses specified in section 10.2.1.3 shall be located on the FIRST STOREY of a BUILDING: <ul style="list-style-type: none"> <li>• CAFÉ</li> <li>• COMMERCIAL SERVICE</li> <li>• Gift Shop</li> </ul> |
| Number of BUILDINGS on a LOT (maximum)                 | More than one (1) main BUILDING permitted  |

- 10.2.3 Within a LOW RISE RESIDENTIAL LOT LINE setback, there shall be a LANDSCAPED BUFFER abutting the LOW RISE RESIDENTIAL LOT LINE.
- 10.2.4 The LANDSCAPED BUFFER in section 10.2.3 shall be a minimum average depth of three metres (3m), and at no point less than one-point-five metres (1.5m).
- 10.2.5 The LANDSCAPED BUFFER in section 10.2.3 shall contain plant materials that form a visual screen and are not less than one-point-five metres (1.5m) in height.
- 10.2.6 The following parking regulations shall apply to every LOT, BUILDING and STRUCTURE in the Institutional (I) zone, except as specified in Table 6A:

|                                | <b>Area A</b><br>on<br>Schedule A1 | <b>Area B</b><br>on<br>Schedule A1 | <b>All Other</b> |
|--------------------------------|------------------------------------|------------------------------------|------------------|
| Non-Residential Use (See Note) | 1.80                               | 2.50                               | /100m2*          |

\* /100m2 = Per 100 square metres of BUILDING FLOOR AREA

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

- 10.2.7 Notwithstanding anything to the contrary, PARKING SPACES shall not be permitted within the minimum STREET LINE setback.

# CITY OF WATERLOO

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10.2.8 The following regulations in Table 10D shall apply to the erection, alteration, enlargement, or reconstruction of any BUILDING in the Institutional (I) zone constructed after the effective date of this BY-LAW:

| <b>Table 10D: Regulations – INSTITUTIONAL ZONE (I)</b>  |                         |                         |   |                          |                          |                          |
|---|-------------------------|-------------------------|---|--------------------------|--------------------------|--------------------------|
|   | <b>I-10</b>             | <b>I-20</b>             | <b>I-27</b>   | <b>I-40</b>              | <b>I-60</b>              | <b>I-81</b>              |
| BUILDING HEIGHT (maximum)   | 10 metres and 3 STOREYS | 20 metres and 6 STOREYS | 30 metres and 9 STOREYS   | 40 metres and 12 STOREYS | 60 metres and 18 STOREYS | 81 metres and 25 STOREYS |
| PODIUM Height (maximum)   | (none)                  | 14 metres               | 14.3 metres   | 14.8 metres              | 21 metres                | 21 metres                |
| TOWER Separation (minimum)  | (none)                  | (none)                  | a.) 22 metres from a TOWER on the same LOT<br>b.) 11 metres from an INTERIOR LOT LINE, except where the INTERIOR LOT LINE abuts lands zoned OS1 (see 3.T.5.1 and 3.T.5.2) |                          |                          |                          |
| Horizontal TOWER Dimension (maximum)  | N/A                     | N/A                     | 40 metres   | 40 metres                | 40 metres                | 40 metres                |
| TOWER Footprint (maximum)   | N/A                     | N/A                     | 1,000 square metres   | 1,000 square metres      | 1,000 square metres      | 1,000 square metres      |
| TOWER STEPBACK above PODIUM, including balconies, on the FRONT BUILDING FAÇADE and FLANKAGE BUILDING FAÇADE (minimum) | N/A                     | N/A                     | 3 metres  | 3 metres                 | 3 metres                 | 3 metres                 |

10.2.9 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall not be permitted.

# CITY OF WATERLOO

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## SCHOOL (S)

### Zone

10.3 School (S) Zone

### Permitted Uses

10.3.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the School (S) zone for any purpose other than one or more of the following permitted uses:

10.3.1.1 Primary Uses:

- PRIVATE SCHOOL
- PUBLIC SCHOOL

10.3.1.2 Ancillary Uses, meaning the uses are subordinate and incidental to a USE permitted in section 10.2.1.1:

- ALTERNATIVE EDUCATION CENTRE
- BUSINESS INCUBATOR
- CAFÉ, including OUTDOOR CAFÉ PATIO
- CHILD CARE CENTRE
- Community Centre
- COMMERCIAL RECREATION
- COMMERCIAL WELLNESS
- CULTURAL FACILITIES
- Early Years Centre
- EDUCATIONAL INSTITUTION
- GOVERNMENT USE
- INSTITUTION
- Fair
- MAKERSPACE (CLASS A)
- MUNICIPAL RECREATION FACILITY
- PRIVATE CLUB
- PUBLIC MARKET
- Recreational Competitions
- SPIRITUAL USE
- Sporting Events / Tournaments / Training
- TEMPORARY FARMERS MARKET
- TRAINING FACILITY
- UNIVERSITY / COLLEGE (excluding a university or college residence)

# CITY OF WATERLOO

## Performance Standards

10.3.2 The following regulations in Table 10E shall apply to every LOT, BUILDING and STRUCTURE in the School (S) zone:

| <b>Table 10E: Regulations – SCHOOL ZONE (S)</b> |  |   |
|---|--|---|
| STREET LINE setback (minimum)                   | 6.0 metres   |   |
| SIDE YARD setback (minimum)                     | 5.0 metres or half the height of the BUILDING, whichever is greater  |   |
| REAR YARD setback (minimum)                     | 7.5 metres or half the height of the BUILDING, whichever is greater  |   |
| LOW RISE RESIDENTIAL LOT LINE setback (minimum) | 7.5 metres   |   |
| BUILDING HEIGHT (maximum)                       | 14 metres  |   |
| COVERAGE (maximum)                              | 60%  |   |
| LANDSCAPED OPEN SPACE (minimum)                 | 30%  |   |
| PARKING SPACES (minimum)                        | For Primary Uses specified in section 10.3.1.1   | 2 PARKING SPACES per TEACHING AREA                            |
|   | For Ancillary Uses specified in section 10.3.1.2 that temporarily occupy BUILDING FLOOR AREA within a PRIVATE SCHOOL or PUBLIC SCHOOL          | 0 PARKING SPACES  |
|   | For Ancillary Uses specified in section 10.3.1.2 that permanently occupy BUILDING FLOOR AREA within a PRIVATE SCHOOL or PUBLIC SCHOOL          | 3 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA |
| Ancillary Uses (maximum)                        | Ancillary Uses specified in section 10.3.1.2 shall not collectively exceed 40% of the BUILDING FLOOR AREA                                      |   |
| Ancillary Uses                                  | Ancillary Uses specified in section 10.3.1.2 shall be located in the same BUILDING as the associated Primary Use specified in section 10.3.1.1 |   |

*NOTE: BICYCLE PARKING requirements are contained in section 6.6. LOADING SPACE requirements are contained in section 6.9.*

*NOTE: Lands identified in Area A of Schedule 'A1' have no minimum vehicle PARKING SPACE requirements pursuant to the Planning Act and the City's Official Plan.*

10.3.3 Notwithstanding anything to the contrary, PARKING SPACES are prohibited within the minimum STREET LINE setback.

10.3.4 Notwithstanding anything to the contrary, a DRIVE-THROUGH shall not be permitted.

## **SECTION 11: OPEN SPACE ZONING CATEGORIES**

### **LIST OF ZONES**

- OS1 – Parks & Recreation (OS1) Zone
- OS2 – Golf Course (OS2) Zone
- OS3 – Conservation (OS3) Zone

# CITY OF WATERLOO

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## PARKS & RECREATION (OS1)

### Zone

11.1 Parks & Recreation (OS1) Zone

### Permitted Uses

11.1.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Parks & Recreation (OS1) zone for any purpose other than one or more of the following permitted uses:

- Cemetery
- Crematoria, Funeral Home, and Mausoleum ancillary to a Municipal Cemetery
- Parkland
- CITY Arboretum and Greenhouse
- Community Centre
- GOVERNMENT USE
- MUNICIPAL RECREATION FACILITY
- Private Recreation Facility
- Trails and Pathways
- Utility Corridor, including hydro transmission and distribution corridors

### Performance Standards

11.1.2 The following regulations in Table 11A shall apply to every LOT, BUILDING and STRUCTURE in the Parks & Recreation (OS1) zone:

|                               |  |
|-------------------------------|--|
| STREET LINE setback (minimum) | 6.0 metres   |
| SIDE YARD setback (minimum)   | 3.0 metres or half the height of the BUILDING, whichever is greater  |
| REAR YARD setback (minimum)   | 7.5 metres or half the height of the BUILDING, whichever is greater  |
| BUILDING HEIGHT (maximum)     | In metres, equal to the numerical suffix as shown on the Zoning Map attached as Schedule 'A' to this BY-LAW. Where no suffix is shown on the Zoning Map, the maximum BUILDING HEIGHT shall be 10 metres. |
| COVERAGE (maximum)            | 40%  |
| PARKING SPACES (minimum)      | 3 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA  |

11.1.3 Notwithstanding anything to the contrary, the following shall be deemed to comply with this BY-LAW:

- the location and height of EXISTING BUILDINGS within a Private Recreational Facility
- the EXISTING COVERAGE of the Private Recreational Facility
- the EXISTING PARKING SPACES for the Private Recreational Facility

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## GOLF COURSE (OS2)

### Zone

11.2 Golf Course (OS2) Zone

### Permitted Uses

11.2.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Golf Course (OS2) zone for any purpose other than one or more of the following permitted uses:

- Golf Course
- CITY Parkland, Trails, Pathways
- Community Centre
- Driving Ranges
- Putting Greens
- Mini-Putt Courses
- MUNICIPAL RECREATION FACILITY

### Performance Standards

11.2.2 The following regulations in Table 11B shall apply to every LOT, BUILDING and STRUCTURE in the Golf Course (OS2) zone:

| <b>Table 11B: Regulations – GOLF COURSE ZONE (OS2)</b> |  |
|--|--|
| STREET LINE setback (minimum)                          | 6.0 metres   |
| SIDE YARD setback (minimum)                            | 3.0 metres or half the height of the BUILDING, whichever is greater  |
| REAR YARD setback (minimum)                            | 7.5 metres or half the height of the BUILDING, whichever is greater  |
| BUILDING HEIGHT (maximum)                              | In metres, equal to the numerical suffix as shown on the Zoning Map attached as Schedule 'A' to this BY-LAW. Where no suffix is shown on the Zoning Map, the maximum BUILDING HEIGHT shall be 10 metres. |
| COVERAGE (maximum)                                     | 40%  |
| PARKING SPACES (minimum)                               | 3 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA  |

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## CONSERVATION (OS3)

### Zone

11.3 Conservation (OS3) Zone

### Permitted Uses

11.3.1 No PERSON shall erect, enlarge, locate or reconstruct any BUILDING or STRUCTURE in whole or in part in the Conservation (OS3) zone.

11.3.2 No PERSON shall use any land in whole or in part in the Conservation (OS3) zone for any purpose other than one or more of the following permitted uses:

- Beekeeping, subject to compliance with the Ontario Bees Act
- Conservation Lands, meaning natural resource areas including woodlots, wetlands, grasslands, water courses, and related environmental buffers
- CITY, REGIONAL, and GRCA flood and erosion control infrastructure
- Parkland, Trails, and Pathways
- Restorative, scientific, and educational uses solely related to the natural and environmental resources and systems on the LOT – includes woodland, wetland, grasslands, water course, fish, and wildlife management and conservation

### Performance Standards

11.3.3 The following regulations in Table 11C shall apply to EXISTING BUILDINGS and EXISTING STRUCTURES in the Conservation (OS3) zone:

| <b>Table 11C: Regulations – CONSERVATION ZONE (OS3)</b> |   |
|---|---|
| FRONT YARD setback (minimum)                            | Equals the FRONT YARD existing on the effective date of this BY-LAW.      |
| FLANKAGE YARD setback (minimum)                         | Equals the FLANKAGE YARD existing on the effective date of this BY-LAW.   |
| SIDE YARD setback (minimum)                             | Equals the SIDE YARD existing on the effective date of this BY-LAW.       |
| REAR YARD setback (minimum)                             | Equals the REAR YARD existing on the effective date of this BY-LAW.       |
| BUILDING HEIGHT (maximum)                               | Equals the BUILDING HEIGHT existing on the effective date of this BY-LAW. |
| PARKING SPACES (minimum)                                | Equals the PARKING SPACES existing on the effective date of this BY-LAW.  |
| DRIVEWAY (location and configuration)                   | Equals the DRIVEWAY existing on the effective date of this BY-LAW.        |
| Parking Area (location and configuration)               | Equals the Parking Area existing on the effective date of this BY-LAW.    |

## SECTION 12: E.S.L. ZONING CATEGORIES

### LIST OF ZONES

- ESL1 – Environmentally Sensitive Landscape One (ESL1) Zone
- ESL2 – Environmentally Sensitive Landscape Two (ESL2) Zone

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## ENVIRONMENTALLY SENSITIVE LANDSCAPE ONE (ESL1)

### Zone

12.1 Environmentally Sensitive Landscape One (ESL1) Zone

### Permitted Uses

12.1.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Environmentally Sensitive Landscape One (ESL1) zone for any purpose other than one or more of the following permitted uses:

- Agriculture, meaning the cultivation of land and associated growing and harvesting of field crops, vegetables, fruit, herbs, native flowers, native grasses, native trees, and native plants. "Native" means native to the Region of Waterloo. Excludes animal husbandry, fur farming, sod farming, and greenhouses.
- Beekeeping, subject to compliance with the Ontario Bees Act
- Conservation Lands, meaning natural resource areas including woodlots, wetlands, grasslands, water courses, and related environmental buffers
- Parkland, Trails, and Pathways
- DETACHED BUILDING on an EXISTING LOT

### Performance Standards

12.1.2 The following regulations in Table 12A shall apply to every LOT, BUILDING and STRUCTURE in the Environmentally Sensitive Landscape One (ESL1) zone:

| <b>Table 12A: Regulations – ENVIRONMENTALLY SENSITIVE LANDSCAPE ONE (ESL1)</b>  |   |
|---|---|
| LOT AREA (minimum)  | Equals the LOT AREA existing on the effective date of this BY-LAW     |
| LOT FRONTAGE (minimum)  | Equals the LOT FRONTAGE existing on the effective date of this BY-LAW |
| STREET LINE setback (minimum)   | 7.5 metres  |
| INTERIOR LOT LINE setback (minimum)   | 15.0 metres   |
| BUILDING HEIGHT (maximum)   | 10.0 metres   |
| PARKING SPACES (minimum)  | 1 PARKING SPACE per DWELLING UNIT                                     |
| Number of DETACHED BUILDINGS (maximum)  | 1 per LOT   |
| Number of ACCESSORY BUILDINGS and ACCESSORY STRUCTURES to a DETACHED BUILDING (maximum)                                 | 1 per LOT   |
| BUILDING FLOOR AREA of an ACCESSORY BUILDING / ACCESSORY STRUCTURE to a DETACHED BUILDING (maximum)                     | 50% of the BUILDING FLOOR AREA of the DETACHED BUILDING               |
| BUILDING / STRUCTURE setback from lands zoned ESL2, includes septic systems and private water supplies / well (minimum) | 37.5 metres   |

12.1.3 Notwithstanding anything to the contrary, OUTDOOR STORAGE shall not be permitted.

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## ENVIRONMENTALLY SENSITIVE LANDSCAPE TWO (ESL2)

### Zone

12.2 Environmentally Sensitive Landscape Two (ESL2) Zone

### Permitted Uses

12.2.1 No PERSON shall erect, enlarge, locate or reconstruct any BUILDING or STRUCTURE in whole or in part in the Environmentally Sensitive Landscape Two (ESL2) zone.

12.2.2 No PERSON shall use any land in whole or in part in the Environmentally Sensitive Landscape Two (ESL2) zone for any purpose other than one or more of the following permitted uses:

- Beekeeping, subject to compliance with the Ontario Bees Act
- Conservation Lands, meaning natural resource areas including woodlots, wetlands, grasslands, water courses, and related environmental buffers
- Parkland, Trails, and Pathways

### Performance Standards

12.2.3 The following regulations in Table 12B shall apply to EXISTING BUILDINGS and STRUCTURES in the Environmentally Sensitive Landscape Two (ESL2) zone:

| <b>Table 12B: Regulations – ENVIRONMENTALLY SENSITIVE LANDSCAPE TWO ZONE (ESL2)</b> |   |
|---|---|
| FRONT YARD setback (minimum)  | Equals the FRONT YARD existing on the effective date of this BY-LAW.      |
| FLANKAGE YARD setback (minimum)   | Equals the FLANKAGE YARD existing on the effective date of this BY-LAW.   |
| SIDE YARD setback (minimum)   | Equals the SIDE YARD existing on the effective date of this BY-LAW.       |
| REAR YARD setback (minimum)   | Equals the REAR YARD existing on the effective date of this BY-LAW.       |
| BUILDING HEIGHT (maximum)   | Equals the BUILDING HEIGHT existing on the effective date of this BY-LAW. |
| PARKING SPACES (minimum)  | Equals the PARKING SPACES existing on the effective date of this BY-LAW.  |
| DRIVEWAY (location and configuration)   | Equals the DRIVEWAY existing on the effective date of this BY-LAW.        |
| Parking Area (location and configuration)   | Equals the Parking Area existing on the effective date of this BY-LAW.    |

12.2.4 Notwithstanding anything to the contrary, OUTDOOR STORAGE shall not be permitted.

## **SECTION 13: SPECIALTY ZONING CATEGORIES**

### LIST OF ZONES

- FD - Future Determination (FD) Zone
- WM – Waste Management (WM) Zone
- ZC –Zone Change Application (ZC) Zone

# CITY OF WATERLOO

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## FUTURE DETERMINATION (FD)

### Zone

13.1 Future Determination (FD) Zone

### Permitted Uses

- 13.1.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Future Determination (FD) zone for any purpose other than one or more of the following permitted uses:
- A USE that actually and legally existed on the LOT on the effective date of this BY-LAW.
  - A BUILDING or STRUCTURE which actually and legally existed on the LOT on the effective date of this BY-LAW.

### Performance Standards

13.1.2 The following regulations in Table 13A shall apply to every LOT, BUILDING and STRUCTURE in the Future Determination (FD) zone:

| <b>Table 13A: Regulations – FUTURE DETERMINATION (FD)</b> |   |
|---|---|
| LOT AREA (minimum)  | Equals the LOT AREA existing on the effective date of this BY-LAW.        |
| LOT FRONTAGE (minimum)                                    | Equals the LOT FRONTAGE existing on the effective date of this BY-LAW.    |
| FRONT YARD setback (minimum)                              | Equals the FRONT YARD existing on the effective date of this BY-LAW.      |
| FLANKAGE YARD setback (minimum)                           | Equals the FLANKAGE YARD existing on the effective date of this BY-LAW.   |
| SIDE YARD setback (minimum)                               | Equals the SIDE YARD existing on the effective date of this BY-LAW.       |
| REAR YARD setback (minimum)                               | Equals the REAR YARD existing on the effective date of this BY-LAW.       |
| BUILDING HEIGHT (maximum)                                 | Equals the BUILDING HEIGHT existing on the effective date of this BY-LAW. |
| PARKING SPACES (minimum)                                  | Equals the PARKING SPACES existing on the effective date of this BY-LAW.  |
| COVERAGE (maximum)  | Equals the COVERAGE existing on the effective date of this BY-LAW.        |
| DRIVEWAY (location and configuration)                     | Equals the DRIVEWAY existing on the effective date of this BY-LAW.        |
| Parking Area (location and configuration)                 | Equals the Parking Area existing on the effective date of this BY-LAW.    |

13.1.3 Notwithstanding anything to the contrary, OUTDOOR STORAGE shall not be permitted.

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## WASTE MANAGEMENT (WM)

### Zone

13.2 Waste Management (WM) Zone

### Permitted Uses

13.2.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Waste Management (WM) zone for any purpose other than one or more of the following permitted uses:

- REGIONAL or CITY waste management facility, including:
  - landfill
  - recycling facilities and storage
  - waste diversion facilities and storage
  - reclamation and recovery facilities and storage
  - yard waste facilities and storage
  - food and organics waste facilities and storage
  - shredding facilities and storage
  - energy recovery facilities
- Municipal waste transfer station.
- Upon the closure of the waste management site, subject to approval of the Province of Ontario, the following open space uses may be permitted:
  - Municipal Parkland, Trails, and Pathways
  - MUNICIPAL RECREATION FACILITY

### Performance Standards

13.2.2 The following regulations in Table 13B shall apply to every LOT, BUILDING and STRUCTURE in the Waste Management (WM) zone:

| <b>Table 13B: Regulations – WASTE MANAGEMENT (WM)</b> |   |
|---|---|
| FRONT YARD setback (minimum)                          | 15 metres   |
| FLANKAGE YARD setback (minimum)                       | 15 metres   |
| SIDE YARD setback (minimum)                           | 7.5 metres  |
| REAR YARD setback (minimum)                           | 15 metres   |
| PARKING SPACES (minimum)                              | 3 PARKING SPACES per 100 square metres of BUILDING FLOOR AREA |

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## ZONE CHANGE APPLICATION (ZC)

### Zone

13.3 Zone Change Application (ZC) Zone

### Permitted Uses

- 13.3.1 No PERSON shall erect, alter, enlarge, reconstruct, locate or use any BUILDING or STRUCTURE in whole or in part, nor use any land in whole or in part, in the Zone Change Application (ZC) zone for any purpose other than one or more of the following permitted uses:
- USES permitted in the zoning applied to the LOT on the day before the effective date of this BY-LAW.
  - BUILDINGS and STRUCTURES permitted in the zoning applied to the LOT on the day before the effective date of this BY-LAW.
- 13.3.2 Notwithstanding section 13.3.1, where the USE of the LOT on the day before the effective date of this BY-LAW is field crop farming, the USE of the LOT shall be restricted to the cultivation of land and associated growing and harvesting of field crops, vegetables, fruit, herbs, flowers, and grasses. Excludes animal husbandry, fur farming, sod farming, tree farming, greenhouses, and the erection of BUILDINGS or STRUCTURES.

### Performance Standards

- 13.3.3 The zoning regulations and requirements applied to the LOT on the day before the effective date of this BY-LAW shall apply to the USES, BUILDINGS and STRUCTURES permitted in section 13.3.1.

# CITY OF WATERLOO

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## ENACTMENT

Pursuant to Section 34 of the Planning Act R.S.O. 1990 c.P.13 (the "PLANNING ACT"), the municipal council of The Corporation of the City of Waterloo enacts this by-law as follows:

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

)  
) \_\_\_\_\_  
) Dave Jaworsky  
) Mayor  
)  
)  
) \_\_\_\_\_  
) Olga Smith  
) City Clerk  
)

**SCHEDULE 'A'**

# CITY OF WATERLOO

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## SCHEDULE 'B'

### B.1 Street Specific Building Lines

Relative to the STREETS hereinafter set forth, the BUILDING LINE shall be measured from the line established by measuring at right angles from the HISTORIC CENTRE LINE of the STREET for the distance stated in Column B:

| <u>Column A: STREET</u>   | <u>Column B: BUILDING LINE Setback</u> |
|---|--|
| Albert Street (from Erb Street to Bricker Avenue)                       | 10.0 metres                            |
| Albert Street (from Bricker Avenue to Columbia Street)                  | 11.5 metres                            |
| Albert Street (from Columbia Street to Weber Street North)              | 13.0 metres                            |
| Bricker Avenue (from Albert Street to King Street North)                | 10.0 metres                            |
| Bridgeport Road (from Hwy 85 to Weber Street)                           | 13.165 metres                          |
| Bridgeport Road (from Weber Street to Moore Avenue)                     | 15.240 metres                          |
| Bridgeport Road (from Moore Avenue to Albert Street)                    | 10.064 metres                          |
| Caroline Street (from Albert Street to Erb Street)                      | 10.064 metres                          |
| Columbia Street (from Sundew Drive to Marsland Drive)                   | 15.0 metres                            |
| Dupont Street (from Albert/Dorset Street to Pepler Street)              | 9.0 metres                             |
| Elgin Street (from King Street North to Pepler Street)                  | 9.0 metres                             |
| Erb Street (from Bridgeport Road to King Street)                        | 12.192 metres                          |
| Erb Street (from King Street to Caroline Street)                        | 13.165 metres                          |
| Erb Street (from Caroline Street to Westmount Road)                     | 12.192 metres                          |
| Erb Street (from Westmount Road to City Limits)                         | 15.240 metres                          |
| Ezra Avenue (from Albert Street to King Street)                         | 10.0 metres                            |
| Hazel Street (from Albert Street to University Avenue)                  | 11.5 metres                            |
| High Street (from Holly Street to Weber Street North)                   | 10.0 metres                            |
| King Street (from City Limits to Erb Street)                            | 13.165 metres                          |
| King Street (from Erb Street University Avenue)                         | 12.192 metres                          |
| King Street (from University Avenue to Columbia Street)                 | 13.165 metres                          |
| King Street (from Columbia Street to City Limits)                       | 15.240 metres                          |
| James Street (from King Street North to 100 metres east of King Street) | 9.0 metres                             |
| John Street (from Westmount Road to Park Street)                        | 10.0 metres                            |

# CITY OF WATERLOO

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|--|---------------|
| John Street (from Park Street to Dodds Lane)                           | 10.0 metres   |
| John Street (from Dodds Lane to Moore Street)                          | 10.0 metres   |
| Laurel Street (from Peppler Street to Bridgeport Road)                 | 10.0 metres   |
| Lexington Road (from Bridge Street West to University Avenue)          | 13.0 metres   |
| Lodge Street (from King Street North to Weber Street North)            | 10.0 metres   |
| Marsland Drive (from University Avenue to Columbia Street)             | 10.0 metres   |
| Moore Avenue (from City Limit to Laurel Street)                        | 10.0 metres   |
| Noecker Street (from King Street North to Peppler Street)              | 9.0 metres    |
| Park Street (from William Street to City Limit)                        | 10.0 metres   |
| Parkside Drive (from Bearinger Road to Northfield Drive)               | 13.0 metres   |
| Peppler Street (from Noecker Street to Bridgeport Road East)           | 9.0 metres    |
| Peppler Street (from Bridgeport Road East to Erb Street West)          | 10.0 metres   |
| Phillip Street (from University Avenue East to Albert Street)          | 10.0 metres   |
| Princess Street (from Dorset Street to Peppler Street)                 | 9.0 metres    |
| Regina Street (from William Street East to Noecker Street)             | (see B.2)     |
| Regina Street (from Noecker Street to Columbia Street)                 | 10.0 metres   |
| Seagram Drive (from University Avenue West to Albert Street)           | 13.0 metres   |
| Spring Street (from King Street North to Regina Street)                | 9.0 metres    |
| Swallow Street (from Northlake Drive to Weber Street)                  | 13.0 metres   |
| Union Street West (from City Limit to King Street)                     | 13.0 metres   |
| Union Street East (from King Street to Margaret Avenue)                | 10.0 metres   |
| University Avenue (from Bridge Street to Westmount Road)               | 15.240 metres |
| University Avenue (from Westmount Road to Fischer Hallman Road)        | 18.288 metres |
| University Avenue (from Fischer Hallman Road to Ira Needles Boulevard) | 17.500 metres |
| William Street (from Westmount Road to Park Street)                    | 10.0 metres   |
| William Street (from Park Street to Regina Street)                     | 13.0 metres   |
| William Street (from Regina Street to Willow Street)                   | 10.0 metres   |
| Willis Way (from King Street to Regina Street)                         | 9.0 metres    |
| Willow Street (from William Street to Erb Street)                      | 10.0 metres   |
| Woolwich Street (from City Limit to Bridle Trail)                      | 10.0 metres   |
| Young Street (from King Street to Peppler Street)                      | 9.0 metres    |

# CITY OF WATERLOO

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## B.2 Regina Street (William Street East to Noecker Street) Building Lines

Relative to the STREET hereinafter set forth, the BUILDING LINE shall be measured from the line established by measuring easterly at right angles from the HISTORIC CENTRE LINE of the STREET for the distance stated in Column B:

| <u>Column A: STREET</u>                                    | <u>Column B: BUILDING LINE Setback</u> |
|--|--|
| Regina Street (from William Street East to Noecker Street) | 13.904 metres                          |

## B.3 Lanes - Building Lines

Relative to the LANES hereinafter set forth, setbacks shall be measured from the line established by measuring at right angles from the HISTORIC CENTRE LINE of the LANE for the distance stated in Column B:

| <u>Column A: LANE</u>  | <u>Column B: BUILDING LINE Setback</u> |
|--|--|
| Dodds Lane (from Union Street to Allen Street)                           | 3.5 metres                             |
| Dominion Lane (from Erb Street to Dupont Street)                         | 3.5 metres                             |
| Hughes Lane (from Erb Street to south of the railway line)               | 3.5 metres                             |
| Hughes Lane (from William Street East to Willis Way)                     | 3.5 metres                             |
| Kuntz Lane (from William Street West to King Street South)               | 3.5 metres                             |
| Wells Lane (from Erb Street to 120 metres south of Dawson Street)        | 3.5 metres                             |
| Unnamed Lane (from Erb Street to Dawson Street, west of Roslin Avenue)   | 3.5 metres                             |
| Unnamed Lane (from William Street East to King St S, west of Herbert St) | 3.5 metres                             |

**SCHEDULE 'C'**

SITE SPECIFIC ZONING