

SECTION 14

SPECIAL PROVISIONS

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

- 14.1** Notwithstanding the provisions of the Low Density Residential (R2) Zone and for lands shown on Schedule A, Zoning Map 8, the minimum front yard setback may be reduced to 5.0 metres for lots fronting onto the west side of 8th Avenue 'A' East and south of 4th Street East.
- 14.2** Notwithstanding the provisions of the Single Residential (R1) Zone and for lands shown on Schedule A, Zoning Map 5, the following provisions shall apply:
- (i) Lot Frontage (Minimum): 15 m for lots fronting on to Beattie Avenue and 13.5 metres for all other lots
 - (ii) Lot Area (Minimum): 475.0 m²
 - (iii) Gross Floor Area (Minimum): 90.0 m²
- 14.3** Reserved
- 14.4** Notwithstanding the provisions of the Single Residential (R1) Zone and for lands shown on Schedule A, Zoning Map 5, the following provisions shall apply to a single detached dwelling:
- (i) Lot Frontage (minimum): 17.0 metres
 - (ii) Lot Area (minimum): 425.0 m²
 - (iii) Lot Coverage (maximum): 40%
 - (iv) Front Yard Setback (minimum): 5.5 metres
 - (v) Rear Yard Setback (minimum): 10.0 metres
- 14.5** Notwithstanding the provisions of the Low Density Residential (R3) Zone and for lands shown on Schedule A, Zoning Map 20, no person shall use any lot or erect, alter or use any building or structure for any purpose except one of the following uses so long as the "Holding" symbol is affixed to the R3 (14.5) lands:
- (a) Public Parks
 - (b) Dwellings, Single Detached
 - (c) Home Occupation, Rural Residential

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

At a time when the “Holding” symbol is removed by the City, the provisions and permitted uses from the Low Density Residential (R3) Zone shall apply.

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

Lot Frontage (minimum):	15.0 metres
Lot Area (minimum):	550.0 m ²
Gross Floor Area (minimum):	100.0 m ²
Front Yard Setback (Minimum):	5.0 metres (minimum)

Notwithstanding, the Front Yard depth requirement of 7.5m minimum, such requirement may be reduced to 5.0m minimum for lots fronting onto the west side of 8th Avenue ‘A’ East and south of 4th Street East and zoned R1 in this By-law.

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

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

- 14.8** Notwithstanding the provisions of the Low Density Residential (R3) Zone and for lands shown on Schedule A, Zoning Map 10, no person shall use any lot or erect, alter or use any building or structure for any purpose except for uses existing on the effective date of By-law 2006-023 so long as the “Holding” symbol is affixed to the R3 (14.8) lands.

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

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

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

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

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

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

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

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

- (i) The provisions for a single detached dwelling in the Medium Density Residential (R4) Zone shall apply.

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

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

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

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

- (a) Single detached dwelling
- (b) Public park

Any single detached dwelling permitted above shall be in accordance with the following provisions:

- (i) Lot frontage (min): 10.0 m
On interior lots 25 and 26, the minimum lot frontage shall be 7.0 m
- (ii) Lot coverage: 65% maximum
- (iii) Lot area (min): 240.0 m²
- (iv) Front yard setback: 6.5 m

- (v) Rear yard setback (min): 5.0 m
- (vi) Side yard setbacks (min): For an interior lot line 0.9m minimum with the exception of Lot 9 which shall have a minimum side yard setback of 1.2 m from the easterly lot line.
1.2m minimum adjacent to the exterior lot line on a corner lot.
- (vii) Gross Floor Area: 80 m²
- (viii) Building Height: 10m (maximum)

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

- (a) Single detached dwelling
- (b) Semi detached dwelling
- (c) Street Townhouse Dwelling
- (d) Public Park

Any street townhouse dwelling permitted above shall be in accordance with the following provisions:

- (i) Lot frontage (minimum): 7.4 m
- (ii) Lot area (minimum): 190m² for each dwelling unit and 1,600m² for total development parcel
- (iii) Maximum Density: 1 dwelling unit for each 250m² of lot area for total development parcel
- (iv) Lot coverage (maximum): 75%
- (v) Front yard setback (minimum): 6.5 m
- (vi) Rear yard setback (minimum): 5.0 m
- (vii) Side yard setbacks (minimum): 0.9 m for an end dwelling unit on an interior lot 2.0 m for an end dwelling unit on a corner lot adjacent to 5th Avenue East, and 1.2 m for any other corner lot.
- (viii) Gross floor area (minimum): 75 m² for each dwelling unit
- (ix) Building height: 10 m (maximum)

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

- 14.15** Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 13, the minimum setback from a street line and any lot line that abuts a lot in a Residential Zone shall be 7.5 m for townhouse dwellings.
- 14.16** Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 11, no person shall use any lot or erect, alter or use any building or structure for apartments except in accordance with the following provisions:
- (i) Lot Frontage (minimum): 15.0 m
 - (ii) Maximum Density: 1 dwelling unit for each 200.0 m² of lot area
 - (iii) Maximum Number of Dwelling Units: 4 units
 - (iv) Side yard setbacks (minimum): 4.0 m on one side and 2.0 m on the other side
 - (v) Gross floor area (minimum): 35.0 m² for each dwelling unit
- 14.17** Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 16, no person shall use any lot or erect, alter or use any building or structure for apartment dwellings except in accordance with the following provisions:
- (i) Lot Frontage (minimum): 25.0 m
 - (ii) Lot Area (minimum): 2,800 m²
 - (iii) Maximum Number of Dwelling Units: 10 units
 - (iv) Front yard setback (minimum): 20.0 m
 - (v) Rear yard setback (minimum): 10.0 m
 - (vi) Side yard setback (minimum): 4.0 m
 - (vii) Building height (maximum): 2 storeys
 - (viii) Gross floor area (minimum): 50.0 m² for each dwelling unit
- 14.18** Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 2, no person shall use any lot or erect, alter or use any building or structure for apartment dwellings except in accordance with the following provisions:
- (i) Lot Frontage (minimum): 30.0 m
 - (ii) Lot Area (minimum): 10,000 m²
 - (iii) Maximum Number of Dwelling Units: 31 units
 - (iv) Lot coverage (maximum): 50%

- (v) Front yard setback (minimum): 15.0 m
- (vi) Rear yard setback (minimum): 7.5 m
- (vii) Side yard setback (minimum): 3.0 m
- (viii) Building height (maximum): 5.0 m

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

- (i) Lot Frontage (min): No minimum lot frontage is required
- (ii) Lot area (min): 150m² for each dwelling unit
- (iii) Setback from a street line (min): 6.0 m
- (iv) Setback from the lot line opposite the street line (min): 4.5 m
- (v) Setback from all other lot lines except the common lot line (min): 3.0 m
- (vi) Gross floor area (min): 50.0 m² for each dwelling unit

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

14.20 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 2, no opening to a building shall be permitted below 178.35 m above mean sea level. A Works/Storage Yard and Administrative Office for a Utility Company, and a Wholesale Establishment shall be permitted uses if such uses legally existed on September 20, 1993 in accordance with the following provisions:

- (i) Lot Frontage (min): 30.0 m
- (ii) Lot area (min): 1,000 m²
- (iii) Lot coverage (max): 40%
- (iv) Front yard setback (min): 5.0 m
- (v) Side yard setback (min): 2.0 m
- (vi) Building height (max): 10 m

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

- (i) Lot Frontage (min): 30.0 m
- (ii) Lot area (min): 1,000 m²

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

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

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

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

- (a) Dwellings, Townhouse
- (b) Dwellings, Apartment
- (c) Public Parks

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

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

14.23 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 13, no land shall be used and no building or structure shall be erected, located or used for a semi detached dwelling or townhouse dwelling except in accordance with the following provisions:

- (i) Lot Frontage (min): 4.5 m (semi)
5.0 m (townhouse)
- (ii) Lot Area (min): 150 m² for each dwelling unit
- (iii) Maximum Number of Dwelling Units: 56 semi detached or townhouse units
- (iv) Building setbacks (min): 6.0 m from any lot line abutting a Commercial Zone for a maximum two semi-detached dwelling units; 7.5 m from any R5 Zone; 2.0 m from any street line; 5 m from any other lot line, except a lot line forming part of a common or part wall.
- (v) Lot coverage (max): 60%
- (vi) Building height (max): 9.0 m

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

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

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

- (b) At a time when the “Holding” symbol is removed by the City the following uses may be permitted:

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- i) Single Detached Dwellings, Semi-Detached Dwellings
- ii) Duplex Dwellings
- iii) Townhouse Dwellings
- iv) Converted Dwellings have a maximum of 10 units
- v) Apartment dwellings having a maximum of 10 units
- vi) Boarding or Lodging House
- vii) Long Term Care Facility
- viii) Public Parks
- ix) Places of Worship

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

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

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

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

Maximum density: 1 dwelling unit for each 250.0 m² of lot area for the total development parcel

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

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

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

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

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

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

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

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

- (i) Lot Frontage (minimum): 15.0 m
- (ii) Lot Area (minimum): 525 m²
- (iii) Maximum Number of Dwelling Units: 4 units
- (iv) Maximum density: 1 dwelling unit for each 175.0m² of lot area
- (v) Side yard setback (minimum): 4.0 m on one side and 2.0m on the other side
- (vi) Gross floor area (minimum): 35.0 m² for each dwelling unit

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

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

- (i) Lot Frontage (min): 20.0 m
- (ii) Lot Area (min): 1,000 m²
- (iii) Lot Coverage (max): 35%
- (iv) Side yard setback (min): 4.0 m for buildings less than 3 storeys and 6.0 m for buildings more than 6 storeys
- (v) Landscaped open space (min): 30%
- (vi) Gross floor area (min): 35.0 m² for each dwelling unit
- (vii) Building height (max): 18.0 m
- (viii) The maximum density shall be 200.0 m² of lot area for each of the first four dwelling units, and 100.0 m² of lot area for each additional dwelling unit. For each required parking space provided in covered or underground parking garages, there may be a 25.0m² reduction in the lot area.

14.30 Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 2, no person shall use any lot or erect, alter or use any building or structure for apartments except in accordance with the following provisions:

- (i) Lot Area (min): 2,000 m²
- (ii) Maximum density: 1 dwelling unit for each 175.0 m² of lot area
- (iii) Side yard setback (min): 10.0 m
- (iv) Landscaped open space (min): 35%
- (v) Gross floor area (min): 35.0 m²
- (vi) Building height: No portion of any building shall project above 190 m above mean sea level

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

- (i) Lot Frontage (min): 60.0 m
- (ii) Lot Area (min): 3,900 m²
- (iii) Maximum density: 1 dwelling unit for each 175.0 m² of lot area
- (iv) Maximum number of Dwelling Units: 36 units
- (v) Front yard setback (min): 7.5 m
- (vi) Rear yard setback (min): 7.5 m
- (vii) Building height: 18.0 m

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

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

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

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

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

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

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

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

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

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

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

14.36 Notwithstanding the provisions of the Low Density Residential (R2) Zone and for lands shown on Schedule A, Zoning Map 5, a seniors living facility or apartment dwelling designed for the exclusive use by the elderly shall be permitted in accordance with the following provisions:

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| (i) Lot Frontage (min): | 6.0 m |
| (ii) Lot Area (min): | 4,800 m ² |

- (iii) Lot coverage (max): 40%
- (iv) Maximum number of Dwelling Units: 200 m² of lot area for each of the first four dwelling units, and 100 m² of lot area for each additional dwelling unit; or 44 dwelling units for each lot, whichever is the lesser.
- Maximum number of nursing homes beds: 200 m² of lot area for each bed; or 80 beds for each lot, whichever is the lesser.
- (v) Building setbacks (min): 7.5 m from a street line
3.0 m from side and rear lot lines
- (vi) Building height (max): 8.0 m
- (vii) Gross floor area (min): 40.0 m² for a dwelling unit

14.37 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 4, a day nursery with a maximum of one (1) dwelling unit shall be permitted in accordance with the following provisions:

- (i) Lot Frontage (min): 13.0 m
- (ii) Lot Area (min): 450 m²
- (iii) Lot coverage (max): 35%
- (iv) Gross floor area: Maximum of 100.0 m² for the day nursery;
Minimum of 50.0 m² for the dwelling unit

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

- (i) Gross floor area (max): 75.0 m² (commercial use)
- (ii) Gross floor area (min): 50.0 m² (dwelling unit)

14.39 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 7, a bed and breakfast with a maximum of eight (8) guest bedrooms shall be

permitted. The site provisions for a single detached dwelling in a R4 Zone shall apply except for the following provisions:

- (i) Lot Frontage (min): 40.0 m
- (ii) Lot Area (min): 2,200 m²

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

14.40 Notwithstanding the provisions of the Medium Density Residential (R4) Zone and for lands shown on Schedule A, Zoning Map 4, a bed and breakfast with a maximum of four (4) guest bedrooms shall be permitted. A bed and breakfast for the purposes of this section shall be defined as a bed and breakfast in Section 4 but where:

- (a) The bed and breakfast is not contained within a detached dwelling;
- (b) Temporary lodging for each guest shall not exceed 30 days within any 60 day consecutive day period;
- (c) No cooking facilities are provided or permitted in guest rooms; and
- (d) Where guest means a person including all members of a person's party who contracts for accommodation in a bed and breakfast.

The minimum number of parking spaces required for a bed and breakfast shall be one (1) for each guest room plus one (1) for the owner or operator. The site provisions for a single detached dwelling in a R4 Zone shall apply.

14.41 Notwithstanding the provisions of the Multiple Residential (MR) Zone and for lands shown on Schedule A, Zoning Map 3, an apartment dwelling with a maximum of 56 dwelling units in combination with a maximum of 125.0 m² gross floor area devoted to convenience or personal service stores or a butcher shop or bakery shall be permitted:

- (a) A minimum of 87 parking spaces shall be provided of which no more than 12 spaces shall be tandem; and
- (b) If an apartment meeting the above provisions legally existed on December 16, 1996, it is not required to meet the site provisions in a MR Zone for an apartment dwelling.

Notwithstanding the provisions of the Multiple Residential (MR) Zone, a hospital and seniors living facility shall be permitted in accordance with the following provisions:

- (i) Lot Frontage (min): 30.0 m
- (ii) Lot Area (min): 1,500 m²
- (iii) Lot coverage (max): 60%
- (iv) Building height (max): 26.0 m

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

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

14.43 Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Map 3, a personal service store with a maximum of one (1) dwelling unit in combination shall be permitted in accordance with the following provisions:

- (i) Gross floor area (max): 190.0 m² (commercial use)

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

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

- (i) Building setbacks (min):
 - 5.0 m from a street line
 - 10.0 m from any lot line which abuts a lot used for a railway line
 - 6.0 m from any lot line (excluding a street line or any lot line which abuts a lot used for a railway line) which also constitutes a zone boundary of the MC Zone
 - No building setback shall be required from any lot line which does not constitute a street line, lot line abutting a lot used for a railway line, or a MC Zone boundary

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

- (i) Lot frontage (min): 40.0 m (apartment)
- (ii) Lot area (min): 4,500 m²

- (iii) Lot coverage (max): 35%
- (iv) Maximum density: 1 dwelling unit for each 300.0 m² of lot area; or 1 dwelling unit for each 117.0 m² of lot area where underground or covered parking areas are provided at a rate of a minimum of 1 parking space per dwelling unit (apartment)
- (v) Building setbacks (min): 7.5 m from a street line, but no building setback shall be required from 2nd Avenue West or any lot line established within said street; 2.0 m from any other lot line
- (vi) Landscaped open space (min): 50.0 m² per dwelling unit (apartment)
- (vii) Building height (max): No main building shall exceed 196.0 m above mean sea level
- (viii) Gross floor area (min): 60.0 m² per dwelling unit (apartment)

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

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

- (A) So long as the “Holding” symbol is affixed to the MC (14.46) lands no person shall use any lot or erect, alter or use any building or structure for any purpose except uses existing on October 4, 1999. The gross floor area, building height, building setbacks and lot coverage shall be as they existed on October 4, 1999.
- (B) At a time when the “Holding” symbol is removed by the City the permitted uses in the Mixed Use Commercial (MC) Zone shall apply and notwithstanding the provisions of the Mixed Use Commercial (MC) Zone, no person shall use any lot or erect, alter or use any building or structure for any permitted use in the Mixed Use Commercial (MC) Zone except in accordance with the following:
 - (i) For the purposes of an Apartment Dwelling, the provisions of the Multiple Residential (MR) Zone shall apply with the exception of the following provisions:
 - Building setbacks (min): 0 m from 1st Avenue West street line
 - 2.5 m from 11th Street West street line
 - 3.5 m from 12th Street West street line
 - 5.0 m from 2nd Avenue West street line

- 2.5 m from any other lot line
- Building height (max): 26.0 m for buildings within 120 metres of 1st Avenue West and 20.0 m for any other apartment
- Maximum Density: 200 m² minimum of lot area for each of the first four dwelling units, and 100 m² minimum of lot area for each additional unit. For each required parking spaces provided in covered or underground parking areas, there may be a 25 m² reduction in the lot area.
- (ii) For the purposes of a Townhouse Dwelling, the provisions of the Townhouse Dwelling provisions of the Multiple Residential (MR) Zone shall apply with the exception of the following provisions:
- Building Setbacks (min): 0 m from 1st Avenue West street line
2.5 m from 11th Street West street line
3.5 m from 12th Street West street line
5.0 m from 2nd Avenue West street line
2.5 m from any other lot line
- Maximum Density: 1 dwelling unit for each 300 m² of lot area; or 1 dwelling unit for each 200 m² of lot area where common fully enclosed parking areas are provided at a rate of 1 parking spaces per dwelling unit minimum.
- (iii) For all other uses permitted in the Mixed Use Commercial (MC) Zone, the following shall apply:
- Lot coverage (maximum): 60%.
- Building Setbacks (min): 0 m from 1st Avenue West street line
2.5 m from 11th Street West street line
3.5 m from 12th Street West street line
5.0 m from 2nd Avenue West street line
2.5 m from any other lot line
- Floor Space Index: N/A
- Maximum Density: 200 m² minimum of lot area for each of the first four dwelling units, and 90 m² minimum of lot area for each additional dwelling unit. For each required parking space provided in covered or underground parking areas, there may be a 25 m² reduction in the lot area.

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

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

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

- (i) Lot frontage (min): 50.0 m
- (ii) Lot area (min): 2,500 m²
- (iii) Lot coverage (max): 50%
- (iv) Building setbacks (min): 10.0 m from a front lot line
5.0 m from side and rear lot lines
- (v) Building height (max): 15.0 m

14.49 Notwithstanding the provisions of the Mixed Use Industrial (MU) Zone and for lands shown on Schedule A, Zoning Map 6, utility service buildings, grain elevators, feed mills, and transportation depots shall be permitted in accordance with the following provisions:

- (i) Lot area (min): 1,000 m²
- (ii) Lot coverage (max): 75%
- (iii) Building setbacks (min): 5.0 m from a street line
2.0 m from other lot lines
0.0 m from any waterway navigable by ships
- (iv) Building height (max): 75.0 m for a grain elevator
12.0 m for all other uses

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

- (i) Lot frontage (min): 15.0 m
- (ii) Lot area (min): 750 m²
- (iii) Lot coverage (max): 30%
- (iv) Front yard setback (min): 2.0 m
- (v) Rear yard setback (min): 10.0 m
- (vi) Side yard setbacks (min): 3.0 m

- (vii) Landscaped open space (min): 250.0 m²
- (viii) Building height (max): 10.0 m

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

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

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

- (i) Lot area (min): 1,500 m²
- (ii) Lot coverage (max): 50%
- (iii) Building setbacks (min): 3.0 m from a lot line
No building setback is required for a community lifestyle facility or public use
- (iv) Building height (max): 26.0 m
- (v) Maximum density: 1 dwelling unit for each 200.0 m² of lot area
- (vi) Landscaped open space (min): 50.0 m² for each dwelling unit
- (vii) Gross floor area (min): 40.0 m² for each dwelling unit

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

- (a) Neighbourhood Shopping Centre having a maximum gross floor area of 600.0 m²
- (b) Retail stores
- (c) Offices, financial institutions, clinics
- (d) Personal service stores
- (e) Studios and art galleries
- (f) Commercial schools
- (g) Repair stores

- (h) Restaurants
- (i) Dwelling units in combination with permitted non-residential uses
- (j) Uses permitted in R5 Zone but not on the same lot used for other uses permitted in this section

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

- (i) Lot frontage (min): 19.0 m
- (ii) Lot area (min): 600.0 m²
- (iii) Lot coverage (max): 60%
- (iv) Building setbacks (min): 3.0 m from a street line
1.5 m from side and rear lot lines
- (v) Building height (max): 10.0 m

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

14.54 Notwithstanding the provisions of the Retail Commercial (C2) Zone and for lands shown on Schedule A, Zoning Map 8, no person shall use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses, such uses permitted without connection to a public sanitary sewer system:

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

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

- (i) Lot frontage (min): 30.0 m
- (ii) Lot area (min): 1,500 m²
- (iii) Lot coverage (max): 20%

- (ii) No person shall use any lot or erect, alter or use any building or structure for any permitted use identified above in 14.56 (B) as (a), (b), (c) and (d), except in accordance with the following:

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

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

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

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

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

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

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

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

Building Height (maximum): 26.0 m
Gross Floor Area: 40.0 m² / dwelling unit established
in combination with a permitted
non-residential use

Maximum Density: For a dwelling unit established in
combination with permitted non-
residential uses 200m² / dwelling
unit

Minimum Landscaped
Open Space: 50m² / dwelling unit established in
combination with permitted non-
residential uses

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

- 14.57** Notwithstanding the provisions of the General Residential (R5) Zone and for lands shown on Schedule A, Zoning Maps 11 and 12, a community lifestyle facility excluding banquet and bingo halls, shall be permitted in accordance with the following provisions:

- (i) Lot frontage (min): 20.0 m
- (ii) Lot area (min): 1,000 m²
- (iii) Lot coverage (max): 60%
- (iv) Front yard setback (min): 10.0 m
- (v) Rear yard setback (min): 2.0 m
- (vi) Interior side yard setback (min): 2.0 m
- (vii) Exterior side yard setback (min): 3.0 m
- (viii) Building height (max): 12.0 m

The gross floor area permitted for a community lifestyle facility shall be located entirely within buildings existing on September 28, 1998. Parking shall be provided entirely on privately owned lands up to a maximum of 20 parking spaces. The premises shall not be used for banquets, weddings, receptions or similar functions.

- 14.58** Notwithstanding the provisions of the Arterial Commercial (C4) Zone and for lands shown on Schedule A, Zoning Map 13, no person shall use any

lot or erect, alter or use any building or structure for any non-residential permitted use in the C4 Zone except in accordance with the following provisions:

- (i) Lot frontage (min): 15.0 m
- (ii) Lot area (min): 550 m²
- (iii) Lot coverage (max): 30%
- (iv) Front yard setback (min): 0.5 m
- (v) Rear yard setback (min): 7.5 m
- (vi) Side yard setbacks (min): 2.0 m
- (vii) Building height (max): 10.0 m

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

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

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

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

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

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

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

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

(e) Warehouses

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

- (i) Lot frontage (min): 60.0 m
- (ii) Lot area (min): 5,000 m²
- (iii) Lot coverage (max): 50%
- (iv) Building setbacks (min): 8.0 m from a front lot line
3.0 m from a side and rear lot line
- (v) Building height (max): 10.0 m

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

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

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

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

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

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

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

- (i) Lot frontage (min): 30.0 m
- (ii) Lot area (min): 2,500 m²
- (iii) Lot coverage (max): 50%
- (iv) Building setbacks (min): 8.0 m from a front lot line
3.0 m from a side and rear lot line

- (v) Building height (max): 10.0 m
- (vi) Maximum density: 1 dwelling unit for each 200.0 m² of lot area
- (vii) Landscaped open space (min): 40.0 m² for each dwelling unit
- (viii) Gross floor area (min): 35.0 m² for a dwelling unit

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

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

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

No person shall use any lot or erect, alter or use any building or structure for any permitted use in 14.63 (b), (c) or (d) except in accordance with the following provisions:

- (i) Gross floor area (min): 1,300 m² for any single retail store
- (ii) Number of uses (max): No more than three (3) uses shall be permitted within the area zoned C2 (14.63)

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

- (a) Uses existing on October 2nd, 2000

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

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

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

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

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

The maximum gross floor area shall be 27,290 m² for all permitted uses, which shall include one retail store having a maximum gross floor area of 9,800 m² and a minimum gross floor area of 9,000 m² and one home improvement warehouse outlet having a maximum gross floor area of 12,080 m² and a minimum gross floor area of 11,500 m².

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

- Lot frontage (min): 500.0 m
- Lot area (min): 2.0 ha
- Lot coverage (max): 50%
- Building setbacks (min): 20.0 m from a front lot line
10.0 m from a side and rear lot line
- Building height (max): 25.0 m

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

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

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

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

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

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

- (i) Lot frontage (min): 30.0 m
- (ii) Lot area (min): 2,500 m²
- (iii) Lot coverage (max): 50%
- (iv) Building setbacks (min): 8.0 m from a front lot line
3.0 m from a side and rear lot line
- (v) Building height (max): 10.0 m

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

- (a) Automotive Service Station
- (b) Home Occupation or Studio having a maximum gross floor area of 60.0m²
- (c) Maximum of one (1) dwelling unit in combination with a permitted non-residential use
- (d) Uses permitted in the Medium Density Residential (R4) Zone, but not on the same lot used for other uses permitted in this section

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

- (i) Lot frontage (min): 12.0 m

- (ii) Lot area (min): 550.0 m²
- (iii) Lot coverage (max): 40%
- (iv) Building setbacks (min): 7.0 m from a street line
1.0 m from a side and rear lot lines
- (v) Building height (max): 10.0 m

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

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

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

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

- (i) Lot frontage (min): 50.0 m
- (ii) Lot area (min): 6,000 m²
- (iii) Building setbacks (min): 5.0 m from 3rd Avenue West street line
- (iv) Floor elevation (min): No opening to a building shall be less than 178.35 m above mean sea level
- (v) Gross floor area (max): 2,300 m²
- (vi) Building height (max): 8.0 m

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

- (i) Lot frontage (min): 40.0 m
- (ii) Lot area (min): 1,800 m²
- (iii) Lot coverage (max): 25%
- (iv) Building setbacks (min): 2.0 m from side and rear lot lines
- (v) Building height (max): 11.0 m

14.70 Notwithstanding the provisions of the General Residential (R5) Zone, and for lands shown on Schedule A, Zoning Map 3, a funeral home including

a maximum of one (1) dwelling unit in combination therewith shall be permitted in accordance with the following provisions:

- (i) Lot frontage (min): 35.0 m
- (ii) Lot area (min): 1,500 m²
- (iii) Lot coverage (max): 40%
- (iv) Front yard setback (min): 7.5 m
- (v) Rear yard setback (min): 1.0 m
- (vi) Interior side yard setback (min): 1.0 m
- (vii) Exterior side yard setback (min): 3.0 m
- (viii) Building height (max): 11.0 m
- (ix) Gross floor area (min): 35.0 m² for a dwelling unit in combination with a funeral home

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

- (i) Lot frontage (min): 30.0 m
- (ii) Lot area (min): 1,000 m²
- (iii) Lot coverage (max): 40%
- (iv) Building setbacks (min): 7.5 m from a street line
2.0 m from a side and rear lot line
- (v) Building height (max): 12.0 m

14.72 Notwithstanding the provisions of the Medium Density Residential (R4) Zone, and for lands shown on Schedule A, Zoning Map 4, a convenience store, butcher or bakery shop, office, clinic, a personal service store and a maximum of two (2) dwelling units in combination with permitted non-residential uses shall be permitted in accordance with the following provisions:

- (i) Gross floor area: 75.0 m² maximum for non-residential uses;
35.0 m² minimum for dwelling units in combination with permitted non-residential uses

The minimum lot frontage, lot area, minimum building setbacks, maximum building height and lot coverage shall be as they existed on the effective date of this By-law.

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

- (i) Lot area (min): 2,500 m²
- (ii) Building height (max): 6.0 m
- (iii) Building setbacks (min): 1.0 m from any lot line
- (iv) Gross floor area (max): 400.0 m²

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

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

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

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

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

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

- i) Notwithstanding the M1 Zone, the following uses shall also be permitted:
 - (a) Light industrial uses; Industrial Malls;
 - (b) Warehouse and Storage Uses excluding open, bulk above-ground storage of liquids and gases; Wholesale Establishments;
 - (c) Banks; Offices; Broadcasting Studios;
 - (d) Animal Shelters; Veterinarian's Clinic;
 - (e) Repair Stores; Service Uses; Repair of recreational, farm and heavy machinery and/or vehicles; Welding shops;
 - (f) Automotive Service Stations;
 - (g) Truck, Bus or Railway Terminals; Courier's Depot;
 - (h) Athletic or recreational establishments;
 - (i) Utility Service Buildings and Uses;

- (j) A dwelling unit accessory to a permitted use used by a custodian or similar employee;
 - (k) Assembly Halls; Private clubs;
 - (l) Automotive Repair Establishment; Automotive Washing Establishment; Automotive Sales Establishment; Farm implement dealership;
 - (m) Commercial Schools; Schools;
 - (n) Ambulance Depot;
 - (o) Public Uses;
 - (p) Horticultural Nursery;
 - (q) Retail Store Selling Lumber, Homes Improvement Supplies, Swimming Pools or safety supplies, Monument Sales Establishments, Retail Stores Accessory to a permitted use;
 - (r) Rental Uses; Catering Services;
 - (s) Tattoo Parlour; Body Piercing Establishment in accordance with Section 5 of this By-law;
 - (t) Uses on a stand-alone basis that are permitted in an Industrial Mall in an M1 Zone;
 - (u) Place of Entertainment or Amusement;
 - (v) Agricultural uses existing as of November 3, 1976;
 - (w) Household Pet Grooming Service;
 - (x) Existing single-detached dwelling and accessory buildings and structures.
- ii) For the purposes of Section 14.75 (A)i)(f), no person shall use any lot or erect, alter or use any building or structure for an Automotive Service Station, except in accordance with the following provisions:
- (i) Lot frontage (min): 30.0 m
 - (ii) Lot area (min): 1,200.0 m²
 - (iii) Building setbacks (min): 10.0 m from a street line; 3.0 m from interior side and rear lot lines;

Notwithstanding the foregoing, where a lot within this Zone abuts any land within R1, R2, R3, R4 or R5 Zones, the building setback from the common lot line shall be 5.0 m minimum.
 - (iv) Pump Island Setback (min): 5.0 m from all lot lines
 - (v) Setback for Canopies: No part of any canopy shall encroach to within less than 2.0 m of any lot line
 - (vi) Setback for Other Accessory Buildings: 10.0 m from a street line; 3.0 m from interior side and rear lot lines;
 - (viii) Building height (max): 10.0 m for a main building and canopy
- iii) For the purposes of Section 14.75 (A) i)(a) to (e), (g) to (x), no person shall use any lot, or erect, alter or use any building or structure for

any other permitted use in Section 14.75 except in accordance with the following:

- (i) Lot frontage (min): 20.0 m
- (ii) Lot area (min): 750.0 m²
- (iii) Lot coverage (max): 60%
- (iv) Building setbacks (min): 7.5 m minimum from a front lot line; 2.0 m minimum from side and rear lot lines;

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

- (vi) Building height (max): 15.0 m

- iv) For all other uses permitted in the M1 Zone, the provisions and regulations of the M1 Zone shall apply.

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

- i) Notwithstanding the M1 Zone, the following uses shall also be permitted:
 - (a) Light industrial uses; Industrial Malls;
 - (b) Warehouse and Storage Uses excluding open, bulk above-ground storage of liquids and gases; Wholesale Establishments;
 - (c) Banks; Offices; Broadcasting Studios;
 - (d) Animal Shelters; Veterinarian's Clinic; Household Pet Grooming Service;
 - (e) Repair Stores; Service Uses; Repair of recreational, farm and heavy machinery and/or vehicles; Welding shops;
 - (f) Automotive Service Stations;
 - (g) Truck, Bus or Railway Terminals; Courier's Depot;
 - (h) Athletic or recreational establishments.
 - (i) Utility Service Buildings and Uses.
 - (j) A dwelling unit accessory to a permitted use used by a custodian or similar employee.
 - (k) Assembly Halls; Private clubs,
 - (l) Automotive Repair Establishment; Automotive Washing Establishment; Automotive Sales Establishment; Farm implement dealership;
 - (m) Commercial Schools; Schools;
 - (n) Ambulance Depot;
 - (o) Public Uses
 - (p) Horticultural Nursery

- (q) Retail Store Selling Lumber, Homes Improvement Supplies, Swimming Pools or safety supplies, Monument Sales Establishments, Retail Stores Accessory to a permitted use.
 - (r) Rental Uses; Catering Services.
 - (s) Tattoo Parlour; Body Piercing Establishment in accordance with Section 5 of this By-law;
 - (t) Uses on a stand-alone basis that are permitted in an Industrial Mall in an M1 Zone;
 - (v) Place of Entertainment or Amusement;
 - (w) Agricultural uses existing as of November 3, 1976;
 - (x) Existing single-detached dwelling and accessory buildings and structures;
 - (y) Parking Areas or Outside Storage Areas Accessory to Industrial Uses located within 50.0 m of the subject lot;
 - (z) Miniature Golf Facilities; Driving Ranges
- ii) For the purposes of Section 14.75 (B)i)(f), no person shall use any lot or erect, alter or use any building or structure for an Automotive Service Station, except in accordance with the following provisions:
- (i) Lot frontage (min): 30.0 m
 - (ii) Lot area (min): 1,200.0 m²
 - (iii) Building setbacks (min): 10.0 m from a street line; 3.0 m from interior side and rear lot lines;
- Notwithstanding the foregoing, where a lot within this Zone abuts any land within R1, R2, R3, R4 or R5 Zones, the building setback from the common lot line shall be 5.0 m minimum.
- (iv) Pump Island Setback (min): 5.0 m from all lot lines
 - (v) Setback for Canopies: No part of any canopy shall encroach to within less than 2.0 m of any lot line
 - (vi) Setback for Other Accessory Buildings: 10.0 m from a street line; 3.0 m from interior side and rear lot lines;
 - (viii) Building height (max): 10.0 m for a main building and canopy
- iii) For the purposes of Section 14.75 (B)i)(a) to (e) and (g) to (z), no person shall use any lot, or erect, alter or use any building or structure for any other permitted use, except in accordance with the following:
- (i) Lot frontage (min): 20.0 m
 - (ii) Lot area (min): 750.0 m²
 - (iii) Lot coverage (max): 60%
 - (iv) Building setbacks (min): 7.5 m minimum from a front lot line; 2.0 m minimum from side and rear lot lines;

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

- (v) Building height (max): 15.0 m
- iv) For all other uses permitted in the M1 Zone, the provisions and regulations of the M1 Zone shall apply.
- (C) Notwithstanding the M1 Zone, a “Retail Warehouse” shall be permitted on lands identified as “A” or “B”, on Schedule A, Zoning Map 12 and in Section 14.75, subject to the following provisions:
 - i) For the purposes of Section 14.75 C), a “Retail Warehouse” shall be defined as: a building or structure, or portion thereof, where goods, wares or merchandise are warehoused and offered for sale at retail and wherein ancillary uses may be provided.
 - ii) A Retail Warehouse shall be subject to the following provisions:
 - (i) Lot frontage (min): 30.0 m
 - (ii) Lot area (min): 1.3 ha
 - (iii) Lot coverage (max): 50%
 - (iv) Building setbacks (min): 10.0 m from any street line; 3.0 m from any other lot line
 - (v) Building height (max): 15.0 m
 - (vi) Total maximum gross floor area devoted to retail warehouse: 25,293.7 m²
 - (vii) Minimum gross floor area: 743.2 m²

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

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

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

Athletic or recreational establishment – means a lot, building or part thereof in which the main use is for athletic activities including racquet sports, roller or ice skating, bowling, curling, lawn bowling, swimming, and includes health and exercise clubs and gymnasiums,

but shall not include an assembly hall, drinking establishment, or place of entertainment or amusement.

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

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

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

Automotive Sales Establishment – refer to definition of Vehicle Sales Establishment

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

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

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

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

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

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

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

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

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

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

ZBA [3]

- (i) Minimum Lot Frontage: 13.5 m
- (ii) Minimum Lot Area: 475 m²
- (iii) Maximum Lot Coverage: 40%
- (iv) Minimum Front Yard Setback: 5.5 m
- (v) Minimum Gross Floor Area: 90 m²

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

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

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

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

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

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

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

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

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

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

- (i) Lot frontage (min): 30 m
- (ii) Lot area (min): 2,500 m²
- (iii) Lot coverage (max): 50%
- (iv) Building setbacks (min): 8.0 m from a front lot line; 3.0 m from a side and rear lot line
- (v) Building height (max): 10.0 m
- (vi) Landscaped open space (min): 40 m² for each dwelling unit

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

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

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

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

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

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

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

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

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

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

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

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

14.85 Notwithstanding the provisions of the Downtown Commercial (C1) Zone and for lands shown on Schedule A, Zoning Map 7, a drive-thru restaurant shall be permitted.

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

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

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

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

- (a) Vehicle Sales Establishment

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

- 1) Permitted Uses:

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

(a) Retail Stores limited to the following categories:

- i. Furniture, Home Furnishings and Electronics
- ii. Pharmacies and Personal Care Stores
- iii. Clothing and Accessories
- iv. General Merchandise
- v. Miscellaneous Retail

(b) Service Uses limited to the following categories:

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

(c) Amusement arcade

(d) Billiards and/or bowling

(e) Movie Theatre

2) Site and Building Regulations:

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

- i. Lot Frontage: 20 m minimum
- ii. Lot Area: No individual minimum lot area is required where the area of the overall development is 8 hectares minimum
- iii. Lot Coverage: 50% maximum
- iv. Building Setbacks: 6m minimum from any street line 8m minimum from any other lot line
- vi. Building Height: 19 m maximum for medical and dental clinics and laboratories, 10 m maximum for all other permitted uses
- vii. Floor Area Provisions:
 - 1. Maximum gross floor area for any combination of uses permitted under Section 14.89.1 (a) and (b): 12,890 m²
 - 2. Maximum gross floor area applicable to any combination of amusement arcade, billiards and/or bowling, and movie theatres: 1,858 m²
 - 3. Any combination of retail uses permitted under Section 14.89.1(a) shall be subject to a maximum gross floor area of 8,361 m² with no single use having less than 929 m² gross floor

area, and subject to the following maximum gross floor area distribution:

- a. Furniture, Home Furnishings and Electronics – Max. 2,600m²
 - b. Pharmacies and Personal Care Stores – Max. 1,208 m²
 - c. Clothing and Accessories – Max. 2,787 m²
 - d. General Merchandise – Max. 1,393 m²
 - e. Miscellaneous Retail – Max. 2,322 m²
4. Notwithstanding 14.89.2 (3) above, a maximum of 1,951m² of individual permitted retail stores having a minimum individual store size of not less than 420 m² may be permitted provided that the maximum gross floor area per category is maintained as noted in 14.89.2 (3).
 5. Any combination of service uses permitted under Section 14.89.1 (b) shall be subject to a maximum gross floor area of 2,578 m² and the following:
 - a. Medical and dental clinics and laboratories – Min. unit size of 697 m²
 - b. Tool or party rental – no further restriction
 - c. Veterinary services – no further restriction
 - d. Fitness centre – no further restriction
 - e. Restaurants – Min. unit size of 464 m², however smaller restaurants may be permitted provided that they collectively not to exceed 464 m²

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

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

- 14.91** Notwithstanding the provisions of the Heavy Industrial (M2) Zone and for lands shown on Schedule A, Zoning Map 18, an athletic or recreational establishment having a maximum gross floor area of 1000 m² shall also be permitted.

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

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

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

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

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

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

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

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

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

- (a) The permitted uses and regulations of the Medium Density Residential (R4) Zone shall apply to the lands and any building or structure when the following provisions are satisfied:
 - i) A geotechnical study from a Certified Professional Engineer regarding slope stability, structural integrity and/or grading and drainage supporting the proposed use is completed at the expense of the owner to the satisfaction of the City of Owen Sound and Grey Sauble Conservation Authority;
 - ii) Municipal services, including water, improved road and sanitary sewer, are designed by a professional engineer and extended to the lands at the expense of the owner to the satisfaction of the

City of Owen Sound which may include the execution of a Servicing Agreement.

- iii) Upon completion of construction of all on-site and off-site works including the extension of services (road, water, sanitary), written certification by the Certified Professional Engineer at the expense of the owner.
 - iv) Compliance with the Zoning By-law including but not limited to minimum required lot frontage on an improved street.
- (b) The City of Owen Sound shall not issue a building permit on the lands until such time as the matters outlined in Section 14.97 (a) are addressed to the satisfaction of the City and Grey Sauble Conservation Authority. The Chief Building Official may apply additional conditions to any Building Permit in accordance with the Ontario Building Code.

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

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

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

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

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

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

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

ZBA [3]

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

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

ZBA [3]

- a) Converted Dwelling (maximum of 10 units)
- b) Townhouse Dwelling (maximum of 10 units)
- c) Apartment Dwelling (maximum of 10 units)
- c) Boarding/Lodging Houses
- d) Church
- i) Notwithstanding the R3 Zone, no person shall alter or use any lot or erect, use any building or structure for a church use except in accordance with the Institutional (I) Zone of this By-law.
- ii) Notwithstanding the R3 Zone, no person shall alter or use any lot or erect, use any building or structure for a townhouse dwelling except in accordance with the following:
 - (i) Minimum Lot Frontage: 18.0 m and 5.5 m for each unit
 - (ii) Minimum Lot Area: 900 m² for total development parcel
 - (iii) Maximum Density: 200 m² for each of the first five dwelling units and 150 m² minimum of lot area for each additional dwelling unit
 - (iv) Maximum Lot Coverage: 40%
 - (v) Maximum # of Units: 10 units
 - (vi) Minimum Front Yard Setback: 7.0 m
 - (vii) Minimum Rear Yard Setback: 7.0 m
 - (viii) Minimum Side Yard Widths: 3.5 m from side lot lines and for end dwelling units
 - (ix) Maximum Building Height: 10.0 m
 - (x) Gross Floor Area: 75 m²

- iii) Notwithstanding the R3 Zone, no person shall alter or use any lot or erect, use any building or structure for an apartment with a maximum of 10 units except in accordance with the following:
- (i) Minimum Lot Frontage: 18.0 m
 - (ii) Minimum Lot Area: 600 m²
 - (iii) Maximum Density: 200 m² for each of the first five dwelling units and 150 m² minimum of lot area for each additional dwelling unit
 - (iv) Maximum Lot Coverage: 40%
 - (v) Maximum # of Units: 10 units
 - (vi) Minimum Front Yard Setback: 7.5 m
 - (vii) Minimum Rear Yard Setback: 7.5 m
 - (viii) Minimum Side Yard Widths: 4.0 m on each side
 - (ix) Maximum Building Height: 10.0 m
 - (x) Gross Floor Area: 40 m² minimum for each dwelling unit
- iv) For purposes of site and building regulations, a boarding or lodging house shall be considered a single detached dwelling.