

TOWN OF PARRY SOUND ZONING BY-LAW 2004-4653

THIS BY-LAW INCORPORATES THE FOLLOWING AMENDMENTS WHICH CAME INTO FORCE PRIOR TO **January 01, 2022**

| BY-LAW NUMBER | NAME | ADDRESS/ROLL# |
|---------------|---------------------------------------|---|
| 2004-4693 | JOHN JACKSON | 102 BOWES ST (R1 to C3h) 5-2-016 |
| 2004-4694 | ROB BAIRD | 23 ISABELLA ST (R1 to S.P. 26.56) 2-4-071 |
| 2004-4707 | KARL HEININGER | 47 BOWES ST (C3h to C3) 4-2-093 |
| 2004-4716 | OASTLER PARK SHOPPING PLAZA LTD | 1 PINE DRIVE (S.P. 26.51h to S.P. 26.51) 5-2-02210 |
| 2004-4728 | BISHOP/MARSHALL | 3 ALBERT ST (C3h to C3) 5-2-140 |
| 2004-4755 | TUDHOPE CARTAGE LIMITED | 32 & 34 Macklaim Drive (R1 to S.P. 26.37h) 5-3-06248/50 |
| 2005-4800 | 270006 Ontario Limited | 10 Bowes Street (C3 to 26.58) 4-1-103 |
| 2005-4813 | James E. Badger | 7 Armstrong Street (C2 to R1) 1-3-086 |
| 2005-4836 | PARRY SOUND TRAVEL CENTRE | 292 Louisa Street (C3h to C3) 5-1-02402 |
| 2005-4838 | Josee and Clinton Magee | vacant lot beside 55 Forest St (R2 to S.P. 26.60) 4-3-035 |
| 2005-4859 | Brian Anderson | 19 Gibson Street (R2 to S.P. 26.61) 3-1-011 |

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| 2005-4890 | GREG HUGHES | Lots located between 106 & 114 Church St. (C3 to R2) 5-3-16520 |
| 2006-4899 | ESTATE OF GERALD TAYLOR | Property on North Tudhope St (E.P. to M2h) 5-3-051 |
| 2006-4924 | KARL HEININGER | 49 Bowes Street (R2 to C3h) 4-2-092 |
| 2006-4935 | PAUL LUBBELINKHOF | 62 Parry Sound Drive (RR to C3h) 5-5-034 |
| 2006-4936 | 1626725 ONTARIO LIMITED (JIM SURINO) | 88 Great North Road (R2 to S.P 26.34h and S.P. 26.34h to R3) 4-3-01405 and 4-3-016 |
| 2006-4951 | 2043012 ONTARIO LIMITED (SHOPPERS DRUG MART) | 90 Bowes Street (C3h to C3) 5-2-021 |
| 2006-4962 | FRANK KIRK | 52 Seguin Crescent (R3 to R1) 2-3-021 |
| 2006-4968 | 202578 ONTARIO LIMITED (DAN BACHAND) | 5 & 7 Albert Street (R2 to S.P. 26.62h) 5-2-141 & 5-2-142 |
| 2006-4969 | PETER KROPF | 40 Marion Avenue (R1 to S.P.26.63) 1-4-126 |
| 2006-4982 | MARY WALKER | 105 Gibson Street (R2 to S.P. 26.64) 3-4-023 |
| 2006-5003 | Oastler Park Shopping Plaza Ltd. | 1 Pine Drive (S.P.26.59h to S.P. 26.59 new building only - (Marks)) 5-2-02210 |
| 2006-5040 | SID & MILLIE DOWNING | 156 Louisa Street (RU TO S.P. 26.65) 5-1-075 |
| 2007-5044 | ANDREAS KIRCHBERGER | 15 Adelaide Street (R2 to S.P. 26.66) 1-3-039 |

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| 2007-5045 | PETER KROPF | 40 Marion Ave (amend S.P. 26.63) 1-4-126 |
| 2007-5090 | ALAN ATKINS | 48 Bowes Street (R2 to S.P.26.67) Added definition: Financial Planning Office 4-2-036 |
| 2007-5110 | BELVEDERE HEIGHTS HOME FOR THE AGED | 21 Belvedere Ave (Amemd S.P. 26.39) 1-1-086 |
| 2007-5111 | ALAN ATKINS | 48 Bowes Street (remove holding symbol) 4-2-036 |
| 2007-5112 | PAUL LUBBELINKHOF | 62 Parry Sound Drive (C3h to C3) 5-5-034 |
| 2007-5139 | ELISE & LOUIS RENSONNET | vacant lot beside 38 Louisa Street (R2 to SP26.68) 4-1-14154 |
| 2008-5176 | HOME DEPOT | 100 Bowes Street (remove holding symbol) 5-2-01703 |
| 2008-5192 | SOBEY'S | 25 Pine Drive (amend S.P. 26.18) 5-1-023 |
| 2008-5205 | TOWN OF PARRY SOUND | 86 Waubeek Street (T to O1) 1-4-85 |
| 2008-5231 | WALLACE/RAHN | 4/6 Harmony Lane (RU to RR) 5-1-07301 |
| 2008-5232 | JAMES STURNIO | 84-88 Great North Road & 6 Parry Sound Road (R2 to S.P.26.34h, R3 to S.P.26.34h and amend S.P. 26.34 to allow an 81 unit apartment with a max. height of 7 stories and to revise its legal description) 4-3-014 & 4-3-018 |
| 2008-5256 | ELLEN IRWIN | 9 Prospect Street (R1 to S.P. 26.69) 1-4-067 |
| 2008-5269 | DAN PAYERL/ CENTURY TWENTY ONE | 51 Bowes Street (R2 to S.P. 26.70) 4-2-093 |

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| 2009-5330 | 7 th DAY ADVENTIST CHURCH | 70A Bowes Street (C3 to S.P. 26.71.) 5-2-13301 |
| 2009-5343 | VIGRE CHANDRASEKARA | 105 Isabella Street (C2 to R2) 5-3-147 |
| 2009-5392 | 2036471 Ontario Inc. | 21 Beatty Street (M2 to R1h) 5-3-075 |
| 2010-5437 | Paul Reid | 80-102 Louisa Street (RU to S.P. 26.72(h)) 5-2-15710 |
| 2010-5457 | Granite Harbour Estates | 11 Salt Dock Road (M2 to S.P.26.73(h) & S.P. 26.74) 1-4-091 (new roll number to be assigned by MPAC) |
| 2010-5486 | Russ Rutherford | 150 Louisa Street (M2 to S.P. 26.75) 5-1-07520 |
| 2010-5487 | Colleen O'Hare | 44 Bay Street (R2 to C4) 3-1-051 |
| 2010-5509 | Granite Harbour Estates | 11 Salt Dock Road (Remove holding symbol) 1-4-091 (New roll number to be assigned by MPAC) |
| 2011-5585 | Penco Homes Limited | 11 Ansley St (R2 to S.P. 76(h)) 2-2-01510 |
| 2011-6031 | Kevin Barks/Jon Kewon | 64 Parry Sound Drive RR to S.P. 26.77 5-5-03420 |
| 2011-6059 | Margaret Beatty | 24 Bay Street R2 to S.P.26.78 3-1-06200 |

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| 2011-6065 | Klimov/Griva | 81 River Street R2 to S.P. 26.79 4-1-04100 |
| 2012-6066 | K & C Hall | Harmony Lane Ru to S.P. 26.40 5-1-07500 ->now 5-1-07550 |
| 2011-6064 | Barb Kerr | 46 Bowes Street R2 to S.P. 26.80 4-2-03500 |
| 2012-6088 | W. Simpson & Associates | 21 (formerly 25) Beatty Street. New School R2 & Rh1 to S.P. 26.81 5-3-07400 |
| 2012-6123 | Christenson/Bell | 8A Bay Street R2 to S.P. 26.82 1-1-01750 |
| 2012-6122 | Healey | 47 Marion R1 to S.P. 26.83 1-4-03705 |
| 2012-6132 | Kyl-Heku | 139 Louisa Street RU to S.P. 26.85 (h) 5-1-07705 5-1-07707 5-1-07709 |
| 2012-6140 | Town of Parry Sound | 143 A, B & C William Street O1 to S.P. 26.86 2-3-02122 2-3-02123 2-3-02124 |
| 2012-6145 | Reid/Gingrich | 82-98 Louisa Street S.P.26.72 Removal of Holding Symbol 5-2-15710, 5-2-15712, 5-2-15713,5-2-15714 |
| 2012-6172 | Moore & Zhou | 48 Cascade Street R2 to S.P. 26.87 1-3-01400 |

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| 2013-6195 | M6 Development | 12 College Drive RU to S.P. 26.88(h) 5-3-15914 |
| 2013-6240 | M6 Development | 12 College Drive RU to S.P. 26.89(h) 5-3-15914 |
| 2013-6255 | M6 Development | 12 College Drive S.P. 26.88(h) & S.P. 26.89(h) to S.P. 26.88 & S.P. 26.89 5-3-15914 |
| 2013-6252 | Fuller | 30 Hanna Road (Formerly on Isabella) R2 to S.P. 26.90 5-3-12700 |
| 2013-6257 | KC Hall | Louisa Street M1h, EP & T to S.P. 26.91 5-1-02410 |
| 2013-6260 | 905888 Ontario Inc. | Fleck Street Road Allowance R2 to S.P. 26.92 4-3-10210 |
| 2014-6408 | Crombie/Sobeys | 25 Pine Drive Amendment to S.P. 26.18 5-1-02300 |
| 2014-6422 | Sound Holdings Inc. | 60 & 64 Bowes Street C3, C3(h) & R1 to S.P. 26.93(h) 5-2-13600 & 5-2-13500 |
| 2014-6427 | Kondwani Corporation | 58 Emily Street EP to S.P. 26.94 4-4-07200 |
| 2014-6446 | Virge Chandrasekara | 105 Isabella Street R2 to S.P. 26.95 5-3-14700 |
| 2014-6460 | Natalia Griva | 2 Avenue Road Amendment to S.P. 26.17 1-2-09400 |

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| 2015-6503 | Waltmar | 2 Oastler Park Drive S.P. 26.96 - temporary use 5-1-02400 |
| 2015-6505 | Parry Sound Dock Company | Emily Street RM to S.P. 26.97(h) 4-4-06952 (severed from 4-4-06950) |
| 2015-6534 | Parking | Amendment to Downtown Parking Provisions |
| 2015-6563 | Julie & Edmund Lea | 6 Oak Avenue R1 to S.P. 26.98 1-1-06600 |
| 2015-6564 | Van Gelder | 48 Bowes Street Amendment S.P. 26.67 4-2-03600 |
| 2015-6589 | Microsuite | 1 Joseph/ 100 Church C3 to S.P. 26.99 & S.P. 26.100 5-3-17000 |
| 2016-6618 | Kerr | 13 Georgina Street R1 to S.P. 26.100 1-4-12000 |
| 2016-6635 | Parry Sound Affordable Housing Development Corporation | 82-88 Gibson Street R2 to S.P. 102(h) 1-3-00100 |
| 2016-6652 | Schmalz | 14, 18 & 20 Bowes Street Amendment S.P. 26.35(h) 4-1-10500, 4-1-10600, 4-1-10700 |
| 2016-6671 | Breault | 84 Bowes Street Amendment to S.P. 26.16 5-2-02350 |
| 2016-6680 | Parry Sound Affordable Housing Development Corporation | 82-88 Gibson Street S.P. 102(h) to S.P. 26.102 1-3-00100 |
| 2017-6713 | 11 Ansley Street | 11 Ansley Street S.P. 26.76 (h) to S.P. 26.76 2-2-01510 |

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| 2017-6740 | Habitat for Humanity | 24 Addie Street R2 to S.P. 26.103 2-3-03600 |
| 2017-6784 | Mulligan | Oakridge Road Remove a portion of the holding provision. 5-5-03100 |
| 2018-6812 | Themer | 60 & 60A Seguin Street R2 to S.P. 26.104 & S.P. 26.105 1-1-04000 |
| 2018-6817 | Corkins | 128 Gibson Street R2 to S.P. 26.106 2-1-07000 |
| 2018-6827 | Fuller | Hanna Road - R2 to SP 26.107 5-3-11220 |
| 2018-6857 | Jackson on behalf of Moore | 24 Albert Street R2 to SP. 26.108 4-2-04220 |
| 2018-6861 | Microsuite Properties Ltd. | 1 Joseph S.P. 26.100 to S.P. 26.101 5-3-17000 |
| 2018-6863 | Istvan for Ambraska | 32 Great North Road R3 to SP. 26.109 4-2-12000 |
| 2018-6864 | Jackson on behalf of Moore | Church Street Amend S.P.26.99 5-3-17003 |
| 2018-6874 | Acorn Ridge Properties Inc. | Louisa Street Amend S.P. 26.44 to S.P. 26.44(h) 4-1-14150 & 4-1-14100 |
| 2019-6914 | Barker | 21 Miller Street C1 to S.P. 26.110 3-3-08400 |

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| 2019-6922 | John Jackson Planner Inc. On behalf of V.G. Cox Limited | 2 Pine Drive C3 to 26.111 (h) 5-2-01010 |
| 2019-6925 | Laforme/Hubert | 32 Riverdale Road R1 to S.P. 26.112 2-4-11300 |
| 2019-6931 | WEH Developments Limited (Thunder Creek Phase 2) | Winnifred Ave Updated S.P. 26.49 & S.P. 26.50 - Added Open Space |
| 2019-6944 | Trestle Brewing Co. / 1929330 Ontario Inc. | 9 Great North Road C3 to S.P. 26.113 4-4-00200 |
| 2019-6969 | Brian and Kirsi Henry | 14-16 William Street C1 to S.P. 26.115 3-4-08200 |
| 2019-6976 | Ben Prichard Law Corporation | 17 Miller Street C1 to S.P. 26.116 3-3-07400 |
| 2019-6981 | Distler for Ambraska | 32 Great North Road Amending S.P. 26.109 Zone 4-2-12000 |
| 2019-6999 | M2 Developments | 12 College Drive (front) Updated S.P. 26.88 |
| 2020-7010 | Town of Parry Sound | Macklaim & Dennis R1(h) to R2 |
| 2020-7013 | John Jackson for Brian Moore | 11 Miller Street Changed to S.P. 26.117 |
| 2020-7017 | Conseil scolaire public du Nord-Est de l'Ontario/Parry Sound Mall Inc. | 70 Joseph Street C5 to S.P. 26.118 |
| 2020-7060 | Matt Ryan for Oleg Gromov | 9 Church Street C1 to S.p. 26.119(h) |
| 2020-7054 | Maruti Parry Sound Inc. / Best Western Plus | 2 Pine Drive Removal of Holding S.P. 26.111(h) to S.P. 26.111 |

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| 2020-7078 | 1793951 Ontario Inc. The Lighthouse | 20 Salt Dock Road Removal of Holding S.P. 26.118(h) to S.P. 26.118 |
| 2021-7129 | Kingshott / Crookshank-Hurd | 88 & 94 Louisa Street Amendment to S.P. 26.72 |
| 2021-7129 | Kingshott / Crookshank-Hurd | New lots - 98 & 100 Louisa Street S.P. 26.72 to S.P. 26.120 |
| 2021-7133 | John Jackson Planner on behalf of Prasher | George Street R2 to S.P. 26.121(h) |
| 2021-7139 | Ryan for Oleg Gromov | 9 & 11 Church Street Modifying S.P. 26.119(h) C1 to S.P. 26.119(h) |
| 2021-7148 | LK&K Inv Ltd. | William Street R2 to S.P. 26.122(h) |
| 2021-7156 | Brandi Clement on behalf of Virtus Asset Management Inc./Parry Sound Mall | Parry Sound Mall S.P. 26.118 to S.P. 26.122 |
| 2021-7159 | Barnes | 106 William Street R2 to S.P. 26.124 |
| 2021-7162 | Upton | 14 & 18 Bowes Street SP 26.35(h) to S.P. 26.125 |
| 2021-7163 | Town of Parry Sound | To permit backyard hens on residential lots that meet minimum standards |
| 2021-7188 | Lightfoot Victory Holdings Inc | 15 Forest Street Former school to SP 26.127 Former school yard to R3(h) |
| 2021-7195 | FAD Architect on behalf of Kasmani | 19 Miller Street C1 to S.P. 26.129 |
| 2021-7196 | FAD Architect on behalf of Anderson | Portion of 9 Bay Street C4(h) to S.P. 26.128 |

The Corporation of the Town of Parry Sound Comprehensive Zoning By-law

Foreword

*This Zoning By-law affects all lands within the Town of Parry Sound. To use this By-law, locate the subject property on the map schedules provided and determine the zone(s) which affects the land. Then review the specific regulations relating to the zone(s) in **Section 5: Zones**. It is also important to review **Section 4: General Provisions** and any applicable definitions in **Section 3: Definitions**.*

Changes to the requirements contained in this By-law may be made with prior approval by the Town as provided for under the Planning Act. Significant changes may be made through the zoning by-law amendment process. Minor variations may be granted by the Town's Committee of Adjustment. Both processes require formal applications to be submitted to the Municipality and both involve mandatory public notification.

Should you have any questions about the interpretation of the wording of this by-law or the process involved to obtain relief from its provisions, please contact the Town Office.

THE CORPORATION OF THE TOWN OF PARRY SOUND

BY-LAW NO: 2004-4653

- 1 -

**Being a By-law to regulate the use of land, buildings
and structures within the Town of Parry Sound
(Comprehensive Zoning By-law)**

WHEREAS authority is granted pursuant to Section 34 of The Planning Act, R.S.O. 1990, c. P.13, to Councils of Municipalities to enact By-laws regarding the use and the erection and use of buildings or structures within the municipality;

**NOW THEREFORE THE COUNCIL OF THE
CORPORATION OF THE TOWN OF PARRY SOUND ENACTS AS
FOLLOWS:**

1. The text and schedules attached hereto are hereby passed as the Zoning By-law for the Town of Parry Sound.
2. This By-law shall come into force and take effect upon the final passing thereof pursuant to subsections 34(21) and (30) of the Planning Act, R.S.O. 1990, c. P.13, as amended.

READ a FIRST time this 6th day of January, 2004

Red Knight
MAYOR

[Signature]
CLERK

READ a SECOND and THIRD time, **PASSED, SIGNED and SEALED**

this 6th day of January, 2004.

Red Knight
MAYOR

[Signature]
CLERK

Certified that the above is a true copy of By-law No. 2004-4653 as
enacted and passed by the Council of the Corporation of the Town of
Parry Sound on the 8th day of January, 2004.

[Signature]
Clerk

TOWN OF PARRY SOUND ZONING BY-LAW

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Section 1 ADMINISTRATION

Explanatory Note

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

1.1 Title and Scope

This By-law shall be known as the Zoning By-law or By-law No. 2004-4653 of the Corporation of the Town of Parry Sound.

Schedule “A” are hereby declared to be part of this By-law.

1.2 Applications and Plans

In addition to the requirements of any Building By-law, every application for a building permit shall be accompanied by a plan, drawn to scale and showing the following:

- (a) the true dimensions and/or legal description of the lot to be built upon or otherwise used;
- (b) the proposed location, height and dimensions of any building, structure or use proposed for such lot;
- (c) the proposed location, height and dimensions of yards, landscaping, parking areas and loading spaces required by this By-law;
- (d) the location of all existing buildings or structures on the lot, including the lot area, lot coverage of existing and proposed structures;
- (e) a statement, signed by the owner disclosing the exact use of all existing and proposed uses of land, buildings or structures and such other information as may be required to determine whether the uses conform with the requirements of this by-law.

1.3 Certificate of Occupancy

No change may be made in the type of use of any lot covered by this By-law or of any building or structure on any such lot or of any part of such lot, building or structure, until a Certificate of Occupancy has been issued by the Corporation to the effect that the proposed use complies with this By-law.

1.4 Defined Area

The provisions of this By-law shall apply to all lands within the municipal boundaries of the Corporation of the Town of Parry Sound.

1.5 Enforcement

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

1.6 Inspection of Land, Buildings and Structures

- (a) Subject to Section 49 of the Planning Act, 1990, where an officer believes on reasonable grounds that a by-law passed under Section 34 or 38 (of the *Planning Act*) is being contravened, the 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.
- (b) Except under the authority of a search warrant issued under Section 49.1 (of the *Planning Act*), an 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.
- (c) No person shall obstruct or attempt to obstruct an officer or person acting under the officer's instructions in the exercise of a power under this Section.
- (d) For the purposes of this by-law, reasonable hours shall mean between 8:00 a.m. and 9:00 p.m. local time.

1.7 Penalty

- (a) Every person who violates any of the provisions of this By-law is guilty of an offense and upon conviction thereof shall forfeit and pay a penalty not exceeding Twenty-Five Thousand Dollars (\$25,000.00), on a first conviction, and Ten Thousand Dollars (\$10,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.
- (b) Where a corporation is convicted under subsection (a), the maximum penalty that may be imposed is Fifty Thousand Dollars (\$50,000.00) on a first conviction and Twenty Five Thousand Dollars (\$25,000.00) on a subsequent conviction for each day or part thereof upon which the contravention has continued after the day of the first conviction.
- (c) In the case where any building or structure is erected or altered, or any part thereof is used, or any lot is used, in contravention of any of the requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the *Municipal Act* or the *Planning Act* in that behalf.

1.8 Repeal and Relationship to Former By-laws

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

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

1.9 Validity

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

1.10 Conflict

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

1.11 Interpretation

(a) **Interpretation Act**

The *Interpretation Act*, R.S.O. 1990 applies to this By-law

(b) **Definitions**

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

(c) **Citation**

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

(d) **Gender Neutrality**

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

(e) **Plural and Singular**

In this By-law, words in the singular include the plural, and words in the plural include the singular.

(f) **Mandatory Language**

The word “*shall*” is mandatory.

The words “*used*” and “*occupied*” shall include the words “*arranged*” and “*designed to be used or occupied*” respectively.

(g) **Present and Future**

Words used in the present include the future.

(h) **References**

Appendices, diagrams, footnotes, explanatory notes, glossaries, and indices do not form part of the By-law and are inserted for convenience of reference only.

(i) Measurement Units

This By-law utilizes the metric system to establish measurements when such measurements form part of a regulation or a requirement. Imperial equivalents are provided for the convenience of the reader and do not constitute a legal part of this By-law.

Section 2 CONFORMITY REQUIREMENTS

Explanatory Note

This short section establishes the authority and legitimacy of the By-law. It is composed of three statements which establish the primacy of the regulations stated within.

- 2.1** No land, building or structure shall be used and no building or structure shall be erected or enlarged or placed for any purpose within the area defined by this By-law, except as specifically, or by necessary implication, authorized by this By-law and in conformity with all the applicable provisions of this By-law.
- 2.2** Subject to the granting of such minor variances as may be necessary, no lands shall be severed from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building, structure, lot or use of land to be in contravention of any provision of this By-law.
- 2.3** Where a use does not take place within a building, but a regulation in this By-law imposes a requirement premised on the use being in a building, the requirement applies as though the actual area occupied by the use was in a building.

Section 3 DEFINITIONS

Explanatory Note

*For the purpose of this By-law, the definitions and interpretations given in this Section shall govern. Words shown in a **bold italics** script within a definition are also defined separately in this By-law.*

Provincial Statutes are shown in italic script.

3.A

Abut

Means having a common border with, or being separated from a common border by a right-of-way, alley or easement.

Access Driveway - see **Driveway**

Accessory Building

Means a detached **building** located on the same lot as the main building, the use of which is incidental or secondary to that of the main building and is not used for human habitation, except in the case of a **guest cabin** or **garden suite**. *Examples of an accessory building include a detached **private garage**, **boat house**, garden shed, storage shed, gatehouse, information kiosk etc.*

Accessory Use

Means a use of land, buildings or structures which is incidental and subordinate to the main use of land and buildings.

Adult Entertainment Parlour

Means any premises or any part of them is an adult entertainment establishment if, in the pursuance of a business, (a) goods, entertainment or services that are designed to appeal to erotic or sexual appetites or inclinations are provided in the premises or part of the premises, or (b) body-rubs, including the kneading, manipulating, rubbing, massaging, touching or stimulating by any means of a person's body, are performed offered or solicited in the premises or part of the premises, but does not include premises or part of them where body rubs performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered to do so under the laws of the Province of Ontario as defined in subsection 151 (2) of the *Municipal Act*.

Adult Video Rental Establishment

Means an establishment where pre-recorded video tape, video disks, CD's, DVD's, game cartridges, video cameras or video players/recorders are offered for rent or rented as a principal or accessory business activity and/or includes the sale of electronic home entertainment products, computer disks, software, CD-ROMS or other computerized systems designed or advertised as designed to appeal to erotic or sexual appetites or inclinations.

Aggregate

Means gravel, sand, clay, earth, shale, limestone, dolostone, sandstone, marble, granite, rock other than metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Alter

(a) When used in reference to a ***building, structure*** or part thereof, means:

- i) to change any one or more of the external dimensions of such building or to change the structural components of a building such as a bearing wall, partition, column, beam, girder or other supporting member; or
- ii) to increase or change the area or cubic contents of a building or structure; or
- iii) to change the type of construction of the exterior walls or roof of such building or structures; or
- iv) to change the use of such building or structure or the number or types of uses or dwelling units contained therein.

(b) When used in reference to a ***lot*** means:

- i) to change the boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of the lot; or
- ii) to change any dimension or area, relating to such lot including the lot depth, lot area, lot frontage; or
- iii) to change a required zone standard, setback, required yard, landscaped open space or parking area;
- iv) to change the use of such lot or the number of uses located thereon.

(c) When used in reference to a ***shoreline***:

- i) means to change, straighten, divert or interfere in any way with the channel of any *water course*.

The words “altered” and “alteration” shall have a corresponding meaning.

Animal Hospital - see Veterinary Establishment

Animal Shelter

Means a use building or structure or part thereof used for the care of lost, abandoned, abused or neglected animals.

Arcade - see **Place of Amusement/Place of Entertainment**

Attached

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

Attic

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

Auction Room

Means a building, structure or premise or parts thereof used for the storage of goods or materials which are to be sold on the premise by public auction. An auction barn shall be included within this definition.

Auditorium - see **Place of Assembly**

Auto Body Shop

Means a building with a service bay, where painting, refinishing, restoration or repairs to the coach works of motor vehicles are performed for gain or profit and may include a towing service.

Auto Repair Garage

Means a building having at least one (1) service bay used for the storage, repair and servicing of motor vehicles for compensation and may include a towing service. *Examples of services include brakes, exhaust systems, radiators, electrical systems, rust proofing, tires, computerized or electronic diagnostics.*

Auto Service Station

Means a place for supplying fuel, lubricants and accessories for motor vehicles or recreational vehicles (e.g. snowmobiles, ATV's, water craft) at retail, direct to the consumer and having at least one (1) service bay where repairs to the actual operation of motor vehicles, other than bodywork or painting may be performed. Accessory uses may include the sale of motor vehicle or recreational vehicle parts, food stuffs and convenience items. This definition does not include a *car wash* or salvage operation.

Automotive Sales Establishment

Means a building and/or lot used principally for the display and sale of new and/or used motor vehicles and may include the servicing, repair, cleaning, body repair and repainting of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of *motor vehicles*, but shall not include any other defined automotive uses.

3.B

Bakery

Means a factory for producing, mixing, compounding or baking bread, biscuits, ice cream cones, cakes, pies, buns or other bakery products but does not include a restaurant or other premises where such products are made for consumption on the premises or a bake shop.

Bake Shop

Means a shop where products of a bakery are sold or offered for sale by retail, including incidental baking of products for retail sale on the premises only and may include a restaurant.

Bank

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

Basement

Means a *storey* or storeys of a building located below the first storey and having more than 0.5 m [1.6 ft.] of its height from finished ceiling above the adjacent grade. The first storey is the storey with its floor closest to and above grade.

Batch Plant, Asphalt or Concrete

Means an industrial facility used for the production of asphalt or concrete products, used in building or construction and includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process of finished products manufactured on the premises and the storage and maintenance of required equipment.

Bed and Breakfast Establishment

Means a *single detached dwelling* designed to be used in part for the short term accommodation of the travelling or vacationing public with or without meals and containing therein a maximum of three (3) suites or guest rooms.

Bingo Hall

Means a building or premise or part thereof used for bingo or a bingo event and is duly registered under the *Gaming Control Act* and is in compliance with municipal by-laws and approvals.

Block Plan

Means a plan showing lot and street or road boundaries for an area within the Municipality.

Boarder

Means an individual other than a member of the family occupying the dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodation and may be furnished meals or other services as part of the consideration.

Boarding House

Means a *dwelling* in which not more than three habitable rooms are used or maintained for the mid to long term accommodation of the public, in which the owner supplies lodgings with or without meals for the persons so accommodated.

Boat House

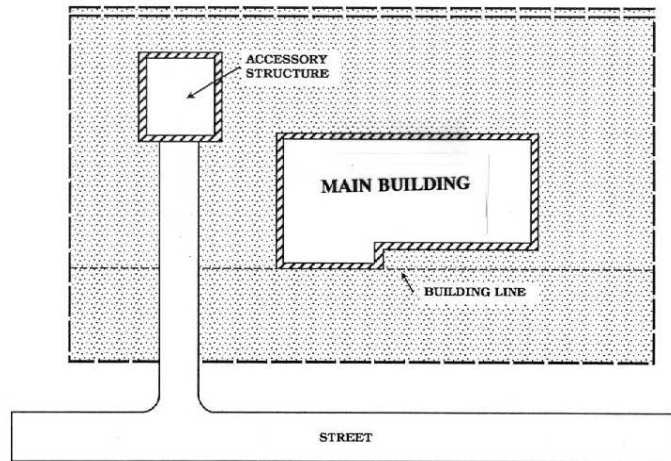
Means an accessory building or structure or part thereof having immediate access to a navigable body of water, which is not over 4.8 m [15.7 ft.] in height, which is used for the storage or shelter of private boats or water craft and equipment accessory to their use, as an *accessory use* to a residential use, no part of which shall be used as a *dwelling* or *guest cabin*. Despite anything in the foregoing to the contrary, rooftop decks or patios and screened enclosures (i.e. *gazebos*) shall be allowed.

Buffer Strip

Means land used to visibly separate one use from another or to shield or block noise, lights, or other nuisances.

Building

Means any structure used or intended for sheltering any use or occupancy. The word "building" shall include the whole of such structure or part thereof and shall include any building types as regulated by the *Ontario Building Code*.



Building Line

Means a line in the interior of a lot drawn parallel to a lot line for the purpose of establishing the minimum distance that must exist between a *building* or *structure* erected on a lot and a lot line.

Building, Main

Means a *building* in which the principle use is conducted on the building lot on which it is located. [See illustration]

Building, Temporary

Means a building or structure intended for removal or demolition within a prescribed time not exceeding two years or as set out in a building permit.

Building Supply Store and Lumber Outlet

Means a building where building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning, home improvement and similar goods are stored, displayed, or kept for retail sale. This definition shall not include a *lumber yard* nor a *salvage yard*.

Bulk Fuel Storage

Means a place or premises for the bulk storage of petroleum products (e.g. gasoline, fuel oil), propane, ethanol or other flammable liquids or products and may include a tank farm. This definition does not include the storage of nuclear or toxic wastes (e.g. PCBs). This definition does not apply to the incidental storage of a fuel or propane tank on a residential property or to the retail sale of fuel or propane tanks or containers incidental to a permitted commercial use.

Business or Professional Office

Means a building, structure or part thereof in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a government agency, non-profit or charitable organization.

3.C

Campground

Means an area of land, managed as a unit, providing short term accommodation for tents, *recreational vehicles* or campers but shall not include *mobile homes, park model trailers* or a *mobile home park*.

Car Rental Agency - see Motor Vehicle Rental Establishment

Car Port

Means a structure open on at least two sides and intended to be used for the sheltering of one or more *motor vehicles*.

Car Wash

Means a building or structure or portion thereof used for the automated washing and/or cleaning or vacuuming of *motor vehicles* and includes a self-service car wash.

Casino

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

Catering Establishment

Means a commercial establishment in which food and/or beverages are prepared for consumption off the premises.

Cellar

Means the portion of a building between two floor levels which is below the first *storey* and which has less than 0.5 m [1.6 ft.] of its height, from finished floor to finished ceiling above the adjacent finished grade.

Cemetery

Means a cemetery within the meaning and as regulated by the *Cemeteries Act*.

Chief Building Official

Means an officer or employee of the Corporation of the Town of Parry Sound charged with the duty of enforcing the provisions of the *Building Code Act*.

Church - see Place of Worship

Clinic

Means a building used solely for the purpose of consultations, diagnosis and treatment of patients, by two (2) or more legally qualified physicians, dentists, optometrists, chiropractors, chiropractors or drugless practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, laboratories, pharmacies or dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care or operating rooms for major surgery.

Club

Means a building or part of a building used as a meeting place by an association of persons who are bona fide members, which owns, hires or leases the building or part thereof, the use of such premises being restricted to members and their guests for social, cultural, recreational, political, business, labour or athletic purposes.

Commercial Nursery or Greenhouse

Means a building used for the growing of flowers, vegetables, shrubs, trees, and similar vegetation for wholesale or retail sale.

Commercial School

Means a school conducted for the purpose of gain and includes dancing schools, music schools, golf schools, business schools and similar education and learning facilities.

Commercial Vehicle

Means a *motor vehicle* used for commercial purposes such as a truck, delivery or service vehicle, ambulance, hearse, motor bus, tractors or back-hoe, the gross vehicle weight of any of which exceeds 2,268 kg [5,000 pounds].

Communications Facility

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

Community Centre

Means any parcel of land or building(s) used for community activities whether used for commercial purposes or not, and the control of which is vested in the municipality, a local board or agent thereof. [See also **Place of Assembly**]

Computer/Data Centre

Means a premise used for computer programming and data processing.

Conservation Use

Means the use of lands which are intended to remain open in character with the priority use given to preservation of their ecological uniqueness, wildlife production and their natural features and may include non-commercial recreational uses.

Construction Yard or Contractor's Yard

Means the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and may include facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the crushing of aggregates or materials nor the wholesale or retail sale of building supplies or home improvement supplies.

Convenience Store

Means a retail commercial building or part of a building not exceeding 200 m² [2,152.8 ft.²] used primarily for the sale of grocery and confectionary items, lottery tickets, convenience or snack foods, video rentals as is required to fulfil the day-to-day needs of the surrounding community or boaters requiring provisions and may include a *gas bar* in areas not designated for residential use.

Corporation

Means the Corporation of the Town of Parry Sound.

Council

Means the Council of the Corporation of the Town of Parry Sound.

Crisis Centre

Means a building or part of a building for the temporary care of not less than three (3) and not more than six (6) residents excluding receiving staff in a crisis situation requiring immediate shelter and assistance for a short period of time. (*Examples include a sexual assault centre, a refuge for battered women or children, a distress centre or emergency housing centre.*)

Custom Workshop

Means a building, structure or part thereof where manufacturing in small quantities is performed by a trades person, craftsperson or guild requiring manual or mechanical skills and may include a carpenter's shop, upholsterer, tailor, a locksmith's shop, a gunsmith's shop, or similar uses but shall not include factory production or a factory.

3.D

Day Nursery - Licenced

Means a day nursery as defined in the *Day Nurseries Act*.

Deck

Means a **structure** abutting a dwelling or building with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.

Department Store

Means a large retail store in the general merchandise category not less than 4,645 m² [50,000 ft.²] and which is organized into a number of individual departments selling a great variety of merchandise which must include a selection of clothing and apparel, furniture, appliances and home furnishing and which is classified as a department store by Statistics Canada in its Retail Chain and Department Store Catalogues

Detached

When used in reference to a building, means a separate building which is not dependent on any other building for structural support or enclosure.

Dock, Floating

Means an accessory structure used for the mooring of marine vessels which is designed to float freely on the surface of the water body and which may be secured to the shoreline. [See illustration P. 18]

Dock, Permanent

Means an accessory structure used for the mooring of marine vessels which is secured to the shoreline and/or the bottom of the water body by concrete, metal or wood pillars or such other foundation, the design of which facilitates the construction of a more or less permanent structure.

Driveway

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

Dry-cleaning Distribution Establishment

Means a building or structure used for the receiving, temporary storage or distribution of articles of clothing or goods to be subjected to the process of dry cleaning at a *dry cleaning establishment*.

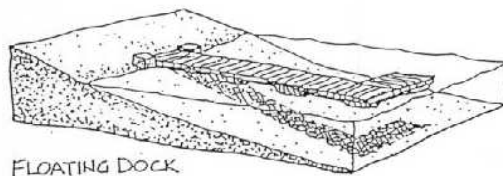
Dry Cleaning Establishment

Means a building or part thereof used for the purpose of collection and distribution of articles or goods of fabric to be subjected to the process of dry cleaning, pressing, dry dyeing, cleaning, spotting, stain removing or the incidental repair or tailoring of any such articles or goods which occurs on site.

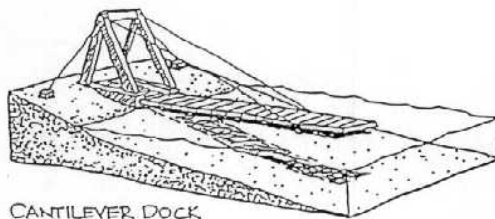
Dwelling

Means a building occupied or capable of being occupied as the home or residence of one or more persons, where food preparation, sanitary and sleeping facilities are provided, but shall not include a *hotel, motel or tourist establishment*.

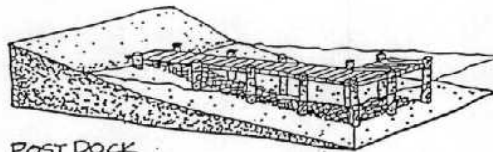
DOCKS



FLOATING DOCK



CANTILEVER DOCK



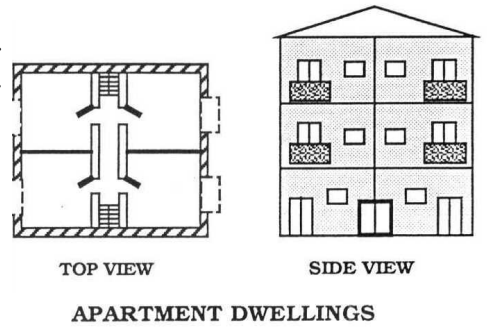
POST DOCK

Dwelling - Accessory

Means a dwelling which is incidental, subordinate and exclusively devoted to a main use and is located on the same lot therewith and includes an apartment in a house.

Dwelling - Apartment

Means a detached building containing five (5) or more dwelling units and does not include a Row or Townhouse or Maisonnette. [See illustration]



Dwelling - Converted

Means a detached dwelling, at least five years old, which is altered to add one or more dwelling units but, upon conversion, does not contain therein more than three dwelling units in total.

Dwelling - Double Duplex

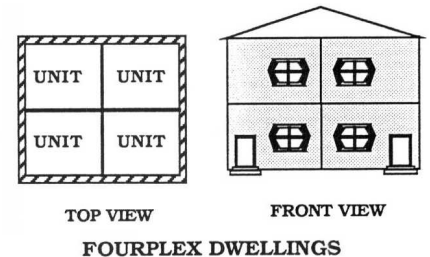
Means a separate building containing only four dwelling units divided horizontally into two floors, with each floor containing only two dwelling units and not used by more than four households.

Dwelling - Duplex

Means a detached building divided horizontally into two (2) dwelling units, each of which has an independent entrance. [See illustration P. 21]

Dwelling - Fourplex

Means a detached building that is divided into four dwelling units but shall not include a row or town house dwelling. [See illustration]



Dwelling - Maisonette

Means a building that is divided into three or more dwelling units, each of which has two (2) independent entrances, one to a common corridor and the other directly to the outside yard area adjacent to the said dwelling unit.

Dwelling, Mobile Home - See Mobile Home

Dwelling - Multiple Unit

Means a building or part thereof, designed for or occupied as three (3) or more

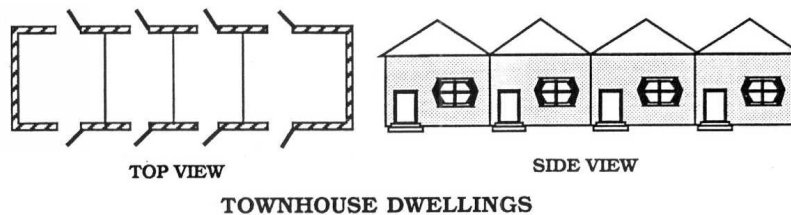
dwelling units, but does not include a hotel or motel.

Dwelling - Park Model Trailer

Means a manufactured building designed and constructed in conformance with CAN/CSA-Z241 Series M "Park Model Trailer, as set out in the *Building Code*, and is used or intended to be used for accommodation on a seasonal or recreational basis only.

Dwelling - Row or Townhouse or Maisonnette

Means a detached building that is divided vertically into three (3) or more dwelling units but not more than sixteen (16) dwelling units in a continuous row, each dwelling unit having two or more private entrances, provided that the maximum length of the building is not more than 55 m [180.4 ft.]. [See illustration]



Dwelling - Seasonal

Means a detached dwelling constructed as a secondary place of residence and is not the principal place of residence of the owner or occupier thereof.

Dwelling - Semi-detached

Means a detached building that is divided vertically into two (2) separate dwelling units by a common wall. [See illustration P. 21]

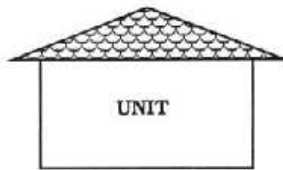
Dwelling - Single-detached

Means a detached building containing one (1) dwelling unit, and shall include a modular home. [See illustration P. 21]

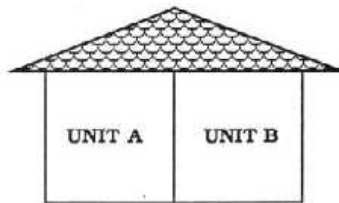
Dwelling, Ancillary

A self-contained residential unit containing a private kitchen, bathroom facilities and sleeping areas and is clearly accessory to the main use of the property. An ancillary dwelling is found within structures ancillary to the main use (e.g. on the second storey of a detached private garage)."

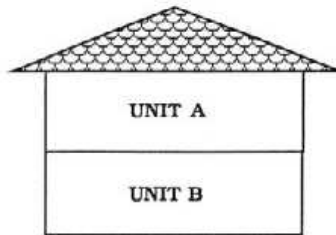
ILLUSTRATIONS OF DWELLING TYPES



DETACHED UNIT

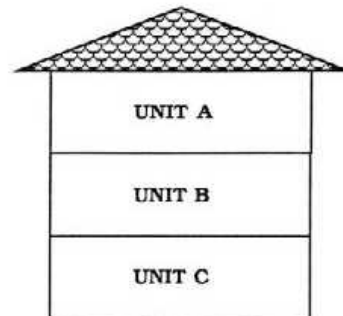


SEMI-DETACHED



DUPLEX

TRIPLEX



Dwelling - Triplex

Means a detached building divided horizontally into three separate single dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule. [See illustration P. 21]

Dwelling Unit Area

Means the habitable area contained within the inside walls of a dwelling unit. Excluding any *private garage, car port, porch, verandah*, unfinished *attic*, cellar or sunroom (unless such sunroom is habitable in all seasons of the year), and excluding public or common halls, stairways and the thickness of the outside walls.

Dwelling Unit

Means one or more habitable rooms designed for use by and occupied by not more than one household in which sanitary and sleeping facilities and only one separate kitchen are provided for the exclusive use of such household with a private entrance from outside of the building or from a common hallway or stairway inside the building.

3.E

Easement

Means the legal right acquired by contract to pass over, along, upon or under the lands of another.

Equestrian Establishment

Means an establishment engaged in the operation of a horse riding academy or horse riding stables.

Equipment Rental Establishment

Means a building or part of a building wherein the primary use is the rental of machinery, equipment, furniture and fixtures and other goods.

Erect

Means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

Established Building Line

Means the average setback from the street line of existing buildings on one side of a continuous 100 m [324 ft] strip of land where 3 or more of the lots having street frontage upon the said side of the street have been built upon.

Established Grade

Means the average elevation of the finished level of the ground adjoining all of the walls of the building exclusive of any artificial embankments or berms.

Existing

Means existing as of the date of the passing of this By-law.

3.F

Factory Outlet

Means a building or part of a building where the products manufactured by the industry are kept for wholesale or retail sale and shall not exceed fifteen percent of the gross floor area of the building or portion of the building within which a permitted industrial use is located.

Farm

Means land or buildings used for the growing or storing of trees, grain, vegetable, fruit crops or other agricultural crops or the dairying, grazing, pasturing or housing of livestock and includes a *single detached dwelling* and accessory buildings.

Farm - Specialized Use

Means land on which the predominant use is for buildings for the raising of chickens, turkeys or other fowl, fur-bearing animals, swine or the growing of mushrooms or the intensive feeding of livestock in a confined area and includes a dwelling and accessory buildings.

Farmer's Market

Means an establishment or premises where the farm products of a local farming community are sold at retail from covered or uncovered areas designed for individual retailers.

Fence

Means any barrier or structure constructed of chain link metal, wood, stone, metal, brick or other similar materials or combinations of such materials which is erected for the purpose of screening, safeguarding, retaining or enclosing property or delineating

property lines.

Financial Office

Means the premises of a bank, trust company, finance company, mortgage company or investment company.

Financial Planning Office

Means an office where advice is given to clients on investments, tax reduction options, wealth management and where investment products are sold, but does not include a bank.

Fitness Centre

Means a building in which facilities are provided for recreational activities including but not limited to body-building, exercise classes, fitness and diet counselling and may include associated facilities such as a sauna, steam bath, therapeutic pool, tanning salon and the incidental sale of fitness-related products.

Flea Market

Means a building or land used for a market composed of a series of individual retailer's booths or tables where sundry, new or secondhand articles, fresh produce or preserves are offered for sale.

Floodline or Flood Elevation

Means a line established by a one in one hundred year storm as established through flood plain mapping or by the Ministry of Natural Resources.

Flooding Hazards

Means the inundation of areas to a shoreline or a river or stream system and not ordinarily covered by water and is described as the one hundred year flood or major storm such as the Timmins Storm (1961) transposed over a specific watershed.

Flood Plain

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

Flood Proofing

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

Floor Area

Means usable or habitable space above or below grade, measured from the exterior face of the exterior walls of the building or structure but shall not include:

- (a) any *private garage, porch, veranda*, breeze way, unfinished *basement, cellar* or *attic*;
- (b) any part of the building or structure below grade which is used for building services, storage or laundry facilities;
- (c) any part of the building or structure used for the storage or parking of *motor vehicles*.

Floor Area, Ground

Means the maximum floor area of that portion of a building at ground level.

Floor Area Ratio/Floor Space Index

Means a mathematical expression calculated by dividing the total floor area of a building by the area of the lot on which it is located:

$$\frac{\text{Floor Area}}{\text{Lot Area}} = \text{Floor Area Ratio/Floor Space Index}$$

Funeral Parlour

Means a building or part of a building wherein undertaking services are offered and may include subsidiary activities such as the sale of caskets and funeral accessories, memorial services, provided such activities are clearly secondary and incidental to the main undertaking service.

3.G

Garage - Private

Means an accessory fully enclosed building or portion of a main building excluding a car port or other open shelter which is designed or used for parking or storage of *motor vehicles* for the occupants of the premises and in which there are no facilities for repairing or servicing of such vehicles for remuneration or commercial use. This definition includes the incidental storage of household possessions and recreational equipment associated with a residential dwelling.

Garage Sale

Means the occasional or infrequent sale i.e. one or two days annually, of household goods, clothing, furniture, tools, recreational equipment or other secondhand articles or sundry items, usually by the householder on an individual property, but may include a joint sale by neighbours on the same street or a joint sale at a school, place of worship or other location generally on behalf of a charitable cause. [See also **Flea Market**]

Garden Centre

Means an outdoor area primarily used for the retail of gardening equipment, products and planting materials and may include a storage and sales building and a greenhouse.

Garden Suite

Means a one-unit detached residential structure containing sanitary and kitchen facilities that is accessory to an existing permanent residential structure and that is designed to be portable, but does not include a *mobile home, a park model trailer* or any type of *a recreational vehicle* [also known as a granny flat].

Gas Bar

Means one or more pump islands, each consisting of one or more fuel pumps, and a shelter having a floor area of not more than 10 m² [107.6 ft.²] which shall not be used for the sale of any product other than fuels, lubricants and small accessories required for the operation of motor vehicles. The sale of food stuffs shall also be permitted.

Gasoline Card Lock Facility

Means one or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by credit or debit cards.

Gazebo

Means a freestanding, roofed accessory structure which is unenclosed, except for screening or glass and which is utilized for recreation or ornamental purposes.

Golf Course

Means a public or private area operated for the purpose of playing golf and includes a par 3 golf course, a driving range, a club house and may include ancillary restaurant, entertainment and meeting facilities but does not include a *miniature golf course* and similar use operated for commercial purposes.

Granny Flat - see Garden Suite

Ground Floor Area - see Floor Area, Ground

Gross Leasable Area (GLA)

Means that portion of the total floor area of a building or structure designed and devoted to tenant occupancy but excludes common areas, public rest room facilities, walkways, stairwells, mezzanines and public malls, administrative offices and common utility rooms, loading and service areas and joint service facilities.

Group Home

Means a single housekeeping unit in a residential dwelling, which is registered with the Municipality, in which three (3) to ten (10) persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licenced and/or approved under Provincial Statutes and in compliance with municipal by-laws.

Guest Cabin

Means an accessory building used or maintained for sleeping accommodation in which sanitary facilities are permitted but not cooking facilities.

3.H

Habitable Room

Means a room in a dwelling used or intended to be used primarily for human occupancy.

Halfway House

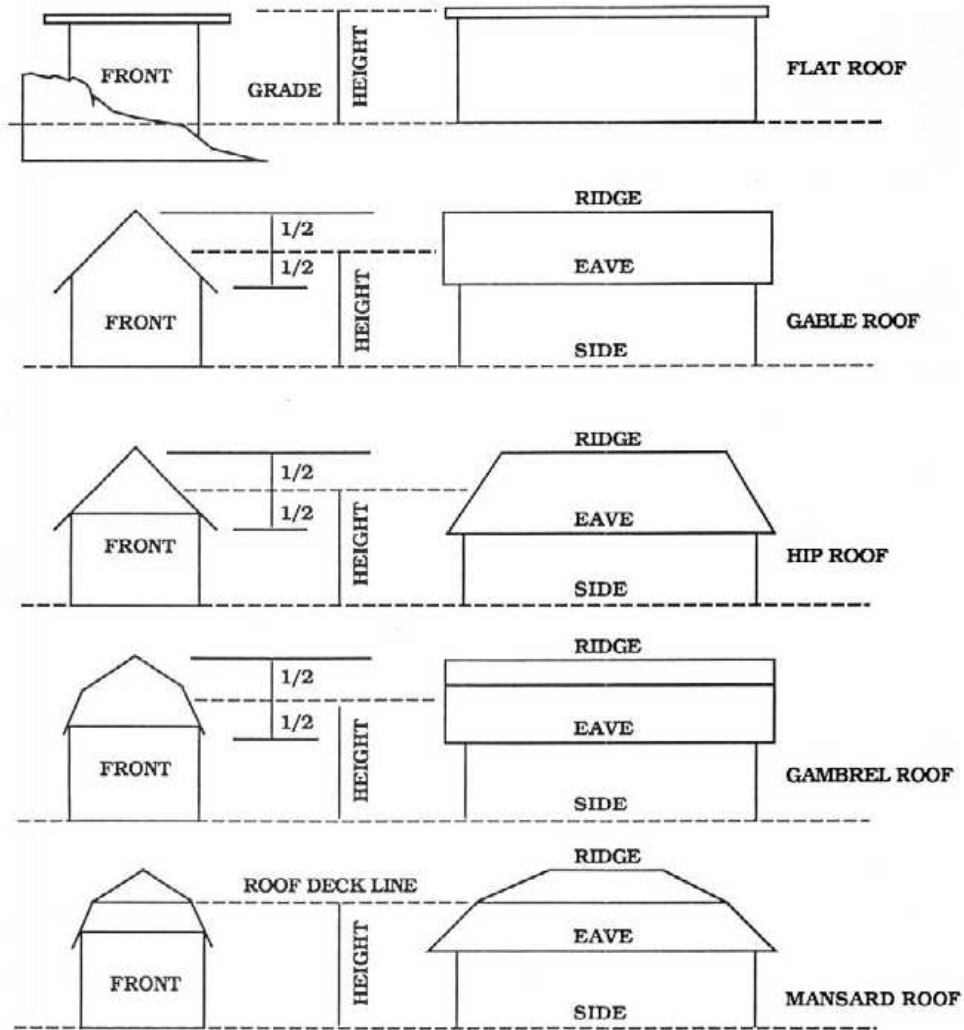
Means a building or structure sponsored by a charitable organization or licenced, approved or supervised by the Province of Ontario for the treatment or rehabilitation, in which not less than three (3) and not more than six (6) residents (excluding receiving staff) live as a single housekeeping unit under responsible supervision consistent with the requirements of its residents. Without limiting the generality of the foregoing, this type of home may offer care to persons who are admitted to the home or institution for psychiatric or physical care purposes on the basis of drug and/or alcohol abuse and are being admitted to the home for treatment or rehabilitation. [See also **Group Home**]

Height

Means the vertical distance between the average finished grade at the base of the front of the building and in the case of :

- (a) a flat roof, the highest point of the roof surface or parapet wall, whichever is the highest;
- (b) a mansard roof, the roof deck line;
- (c) all other types of roofs, the mean height level between the base of the roof and highest point of the roof. [See illustrations]

GUIDE TO HEIGHT DEFINITIONS



Heliport

Means a landing area or pad used for the landing and take-off of helicopters and shall include all necessary and incidental emergency service facilities, fuelling facilities and passenger and cargo facilities.

High Water Mark

Means the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

Highway

Means a public improved road under the jurisdiction of the Province of Ontario. [See also **Public Street**]

Home and Auto Supply Store

Means a commercial establishment primarily engaged in retail detailing in automobile tires, batteries, parts, accessories and supplies along with home needs such as hardware, building supplies, electrical supplies and paint, housewares, garden supplies and recreational merchandise.

Home Based Business

Means any privately operated legal occupation, enterprise or business which is carried out as a use clearly accessory or secondary to the main residential use of a property and which is compatible with the character of surrounding residential buildings or setting and is owned and operated only by a person or persons residing on the property.

Home for the Aged

Means a nursing or convalescent home for elderly people or a Long Term Care Facility.

Home Improvement Establishment

Means a commercial establishment offering merchandise such as wall panelling, wood products, sheet glass products, windows and mirrors, flooring, wall and ceiling tiles, paint and wallpaper, bathroom and kitchen cupboards and fixtures, landscaping materials and similar goods offered for sale to business customers and to the general public on a wholesale and retail basis.

House

Means a Single Detached Dwelling, or a portion of a structure which is one of the principal/main dwelling units (Main Building) in a Semi-Detached Dwelling or Row/Townhouse, whether or not it contains an Accessory Dwelling Unit.

The intent of this definition is to coordinate this by-law with the intent of the Building Code, O. Reg. 332/12 (as amended), being to permit an accessory dwelling unit to single detached dwellings, and also accessory to each principal unit of a semidetached or Row/Townhouse dwelling, regardless of ownership or lot lines.

Hospital

Means an institution as defined in the Public Hospitals Act.

Hostel

Means an establishment in which accommodation is provided on a short term basis to the public and in which suites may or may not include sanitary facilities, but does not include a *bed and breakfast establishment, hotel, motel or tourist establishment*.

Hotel

Means an establishment used mainly for the purpose of catering to the needs of the travelling public by supplying sleeping accommodation of not less than ten (10) guest rooms or suites and by supplying food and drink facilities.

Class I Industry - *Light Industrial Uses*

3.I

Means a place of business for a small scale, self contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and /or heavy trucks and no outside storage. *Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply.*

Class II Industry - *Medium Industrial Uses*

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

Class III - *Heavy Industrial Uses*

Means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. *Examples include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other sensitive land uses in order to limit any potential adverse effects on the environment or the surrounding areas and public health.*

Institutional Use

Means land, buildings, structures or part thereof used by any government agency, organization, group or association, for the promotion of religious, charitable, educational, medical, or for benevolent objectives or public service

and which shall include a children's home, a home for the aged, a long term care facility, a monastery, a convent, a private hospital, a *training centre* and similar uses.

3.K Kennel

Means a building or structure used for commercial gain, where animals, birds or other livestock intended or used as domestic household pets or for working or sporting purposes are kept or boarded or trained and where medical treatment may be provided and shall include an animal shelter or pound.

3.L Landscaped Area

Means:

- (a) an area not built upon used for no other purpose than landscaping and includes a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements (e.g. paths, walkways, patios), all of which is designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable adjacent land use;
- (b) an area not used as a parking area, traffic aisle or driveway or ramp for vehicles.

Landfill - see Waste Management Facility

Lane

Means a subsidiary public thoroughfare providing a secondary means of access to abutting lots but does not include a road, street, easement or right-of-way.

Laundromat

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

Library

Means a public, lending library.

Liquor Licenced Premises

Means any building, structure or premise licenced under the *Liquor Licence Board of Ontario*.

Livestock Sales Outlet

Means a building or structure where livestock such as cattle, goats, sheep, horses or the young thereof are bought and sold.

Livestock Facility

Means livestock barns where animals or poultry are housed, including beef feedlots, and the associated storage of manure.

Loading Space

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

Lodging/Tourist Home

Means a private dwelling that is not part of or used in conjunction with any other establishment and in which there are at least five (5) rooms for rent to the travelling or vacationing public on a short term basis.[See also **Bed & Breakfast Establishment, Hostel, Tourist Establishment, Hotel, Motel**]

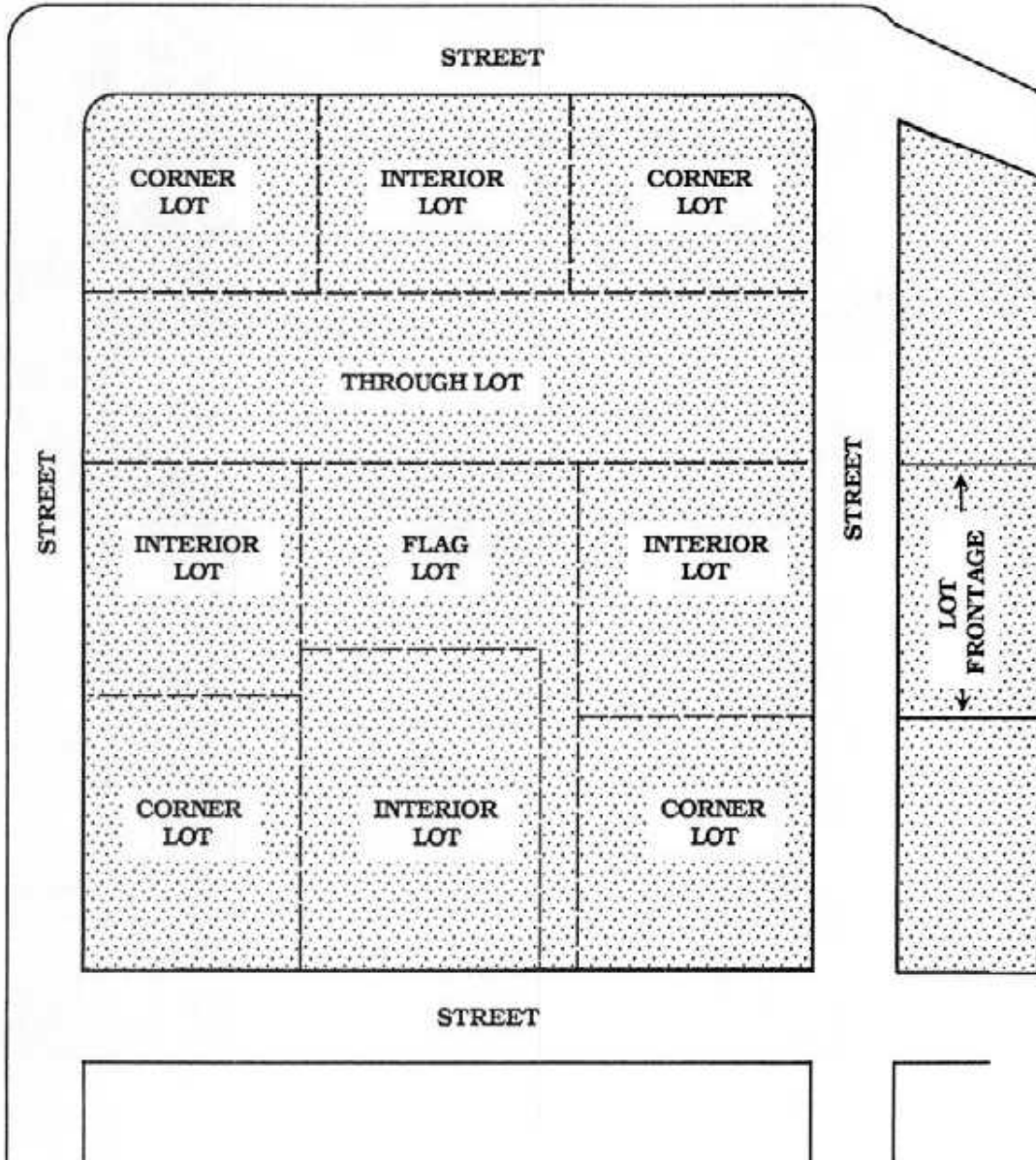
Lot

Means a parcel of land which is capable of being legally conveyed in accordance with Section 49 of the *Planning Act*. [see illustrations] This includes lots which may be subject to an easement or right-of-way. *Examples include lots in a registered plan of subdivision or lots created by consent.* [See illustration of types of lots P. 33]

Lot Area

Means the total horizontal area measured within the limits of the lot lines of the lot. In the case of a corner lot having a sight triangle or street lines rounding at the corner with a radius of 6 m [19.6 ft.] or less, the lot area of such lots shall be calculated as if the lot lines were produced to their point of intersection.

DEFINITION OF TYPES OF LOTS



Lot, Corner

Means a lot situated at an intersection of two or more streets, or at the intersection of two parts of the same street which have an interior angle or intersection of not more than one hundred and thirty-five [135] degrees. [See illustration P. 35]

Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents. [See illustration P. 35]

Lot Coverage

Means the percentage of the lot area covered by the ground floor area of all buildings located on the lot (including accessory buildings and structures, porches, verandahs and stairs).

Lot Depth

Means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. If there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines. [See illustration P. 35]

Lot Frontage

Means the horizontal distance between the side lot lines. Where such side lot lines are not parallel, it shall be the width of a lot measured between the intersections of the side lot lines with a line 6 m [19.6 ft.] back from and parallel or concentric to the front lot line. Arc distances shall apply on curved lines. A sight triangle shall be considered part of the lot when establishing the front lot line for the purpose of calculating any lot frontage. [See illustration P. 35]

Lot Interior

Means a lot other than a corner or a through lot which has frontage on a *public street*. [See illustration P. 33]

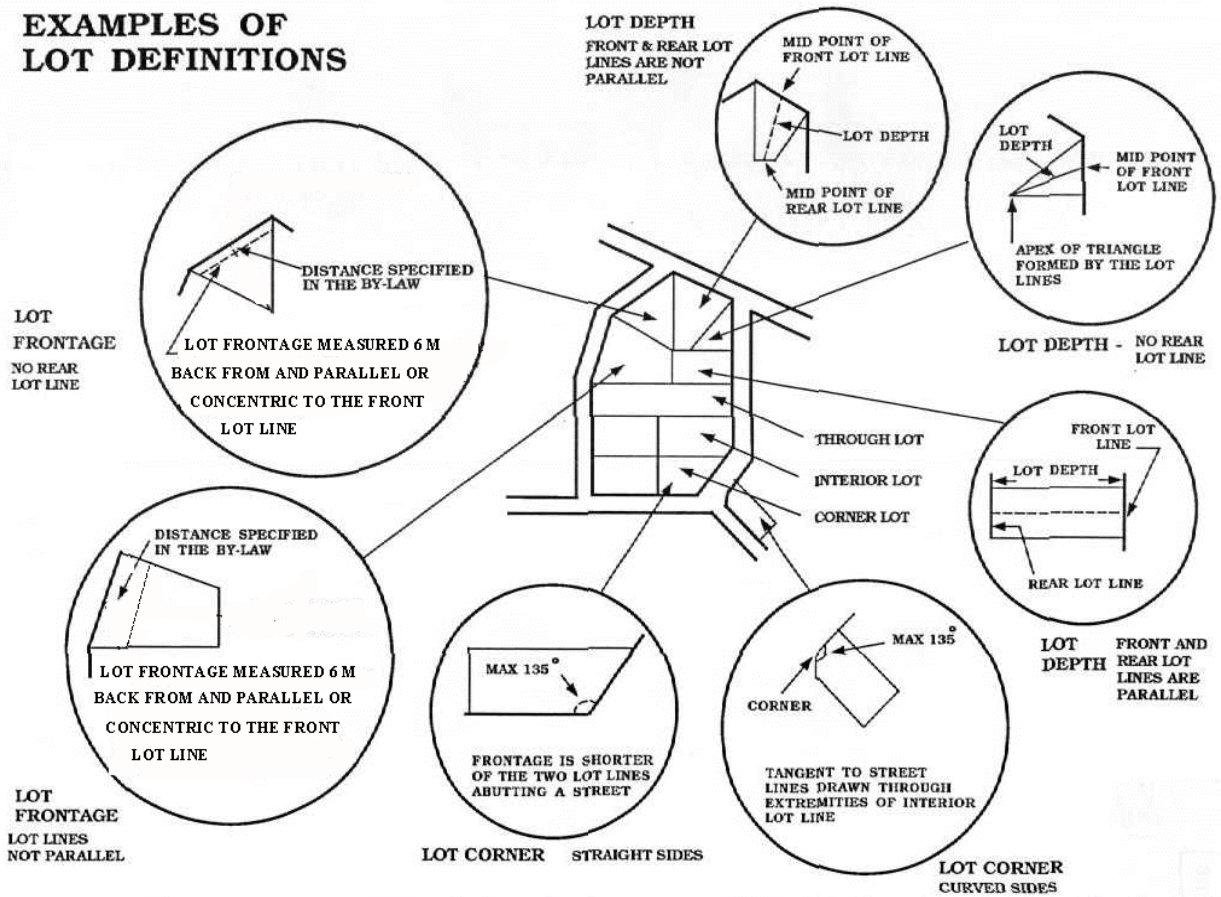
Lot Line

Means a boundary line of a lot, or the vertical projection thereof. [See illustration P. 35]

Lot Line - Exterior Side

Means a lot line located between the front and rear lot lines and dividing the lot from a street. [See illustration P. 55]

EXAMPLES OF LOT DEFINITIONS



Lot Line, Front

Means:

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

- (d) In the case of a lot with water frontage on a navigable stream, river or lake, the front lot line shall be on the water side (whether or not any shoreline road allowance has been closed). In the case of a through waterfront lot with water access only, the longest shoreline shall be deemed to be the front lot line. [See illustration P. 35]

Lot Line, Rear

Means the lot line furthest from, and opposite to, the front lot line. [See illustration P. 35]

Lot Line, Side Interior

Means a lot line other than a front, rear or exterior side lot line. [See illustration P. 55]

Lot, Through

Means a lot having a frontage on two parallel or approximately parallel streets, or water bodies. [See illustration P. 33 or 35]

Lot, Width

Means the average horizontal dimension between the two longest opposite sides.

Lumber Yard

Means a lot and accessory buildings where the primary use is the storage of construction grade wood and building supplies for sale at retail or wholesale.

3.M

Main Building

Means the building designed or used for the principal use on the lot.

Main Wall

Means any exterior wall of a building and all structural members essential to the support of a fully enclosed space of roof exclusive of permitted projections.

Manufacturing or Processing Plant

Means a plant in which the process of producing a product is within the scope and meaning of the Statistics Canada, “Standard Industrial Classification Manual”.

Marina

Means a lot, building, structure or place on a waterfront with or without docking facilities where boats and boat accessories are berthed, constructed, stored, serviced, repaired or kept for sale or rent and where the facilities for the sale of marine fuels, marine equipment, lubricants, bait as well as the sale of foods, provisions or supplies as an accessory use may be provided. Such use shall not include the transshipment of septage nor the storage of construction materials except for personal use. Sewage pump-out facilities for pleasure craft are permitted.

Marina Uses

Means an establishment which shall include, but not be limited to the following: boat building, storage and servicing, commercial fishing and outfitting, marinas and marine retail outlets, parking areas for motorized vehicles associated with marinas or boat liveries, ancillary retail establishments not exceeding 186 m² [2,002 ft.²] and may include recreational vehicle sales and service e.g. snowmobiles, ATV's.

Marine Air Base

Means a lot, building or structure used for the docking, servicing and repairing of aircraft, for the storing and retailing of fuels and lubricants, parts and accessories for aircraft and for the storing and parking of aircraft, water craft and *motor vehicles*.

Marine Facility

Means a building or structure which is used to moor, berth, or store a boat. This definition may include a boat launching ramp, a boat lift, marine railway, a float hangar, *dock* or *boat house*, but does not include any building used for human habitation or a *marina*. A marine facility shall also include a water intake facility and any flood or erosion control structure.

Medical/Dental Clinic - see Clinic

Mini Warehouse and Public Storage

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

Miniature Golf Course

Means an area of land or a building, structure or premises or part thereof operated for compensation as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of the game on a small scale, but does not include a golf ball driving range. This use may include the incidental sale of snacks.

Mobile Home

Means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

Mobile Home Park

Means land which has been provided and designed for the location thereon of two (2) or more occupied *mobile homes*.

Modular Home

Means a *single detached dwelling* consisting of two or more modules which has been prefabricated or manufactured in a factory remote from the site where it is intended to be used and transported to the site for installation on a permanent foundation, but does not include a *mobile home* or a *Park Model Trailer* as otherwise defined.

Motel

Means a building or buildings designed or used for the accommodation of the travelling or vacationing public, containing therein a minimum of five (5) guest rooms, each guest room having a separate entrance directly from outside and may include an accessory eating establishment.

Motor Vehicle

Means an automobile, truck, motorcycle, motorized snow vehicle and any other vehicle propelled or driven other than by muscular power, but does not include cars of electric or steam railways, or other vehicles running exclusively on rails or a traction engine, a farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the *Highway Traffic Act*.

Motor Vehicle Body Shop - see Auto Body Shop

Motor Vehicle, Commercial

Means any commercial vehicle within the meaning of the *Highway Traffic Act* and without limiting the foregoing includes motor buses, ambulances, hearses, fire apparatus, police vehicles, tractors, back-hoes, high-hoes, public or private utility vehicles.

Motor Vehicle Dealership - see Automotive Sales Establishment

Motor Vehicle Gasoline Bar - see Gasoline Bar

Motor Vehicle Rental Establishment

Means a building or structure where *motor vehicles* are kept for rent, lease or hire under agreement for compensation and may include a wash and cleaning bay.

Motor Vehicle Repair Garage - see Auto Repair Garage

Municipality

Means the Municipality of the Town of Parry Sound.

Museum

Means a building or part thereof used for the storage and display of public archives and may include a public art gallery.

3.N

Natural Heritage Features

Means features and areas, such as significant wetlands, fish habitat, significant portions of the habitat of endangered and threatened species, significant wildlife habitat and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Non-Complying

Means any existing use, building, structure or lot which does not conform with the zone requirements and standards of this By-law. [see also **Non-Conforming**]

Non-Conforming

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

Nursery

Means land and structures used for the growing of sod, flowers, bushes, trees, or other gardening, landscaping, or orchard stock for wholesale or retail sale. [See also **Garden Centre**]

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

Means a building or premises used in accordance with the provisions of the *Nursing Homes Act*, or the *Homes for the Aged and Rest Homes Act*, the *Long-Term Care Act* or a home for the aged as provided for under the *Charitable Institutions Act* respectively, and amendments thereto.

3.0

Obnoxious Uses

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

Occupancy Permit

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

Official Plan

Means the Official Plan of the Town of Parry Sound Planning Area or parts thereof and amendments thereto.

Open Air Florist

(By-law 96-3812)

Means a lot where flowers and/or plants are sold to the public outside of an enclosed building.

Open Space

Means the open, unobstructed space on a lot including landscaped areas, pedestrian walkways, patios, pools or similar areas but not including any driveway, ramp, parking spaces or aisles, loading spaces or manoeuvring areas and similar areas.

Open or Outdoor Storage

Means the storage or display of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof. This definition shall not include the open storage of goods or equipment incidental to a residential occupancy of a lot, a parking area or parking space or the outdoor display of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement.

Original Road Allowance

Means the 20 m [65.6 ft.] wide allowance for any road or reserve in the original survey of abutting lands, including that along the shore of a navigable stream, rivers and lakes.

Outdoor Patio

Means an outdoor eating area used on a seasonal basis in conjunction with a restaurant

or eating establishment and may include a sidewalk patio, terrace or rooftop patio and a patio within a *shopping mall*.

3.P

Park

Means an area of land, whether enclosed or not, maintained by the Municipality or other *public authority* for the enjoyment, health and well-being of people and open to the public with or without charge and, for the purposes of this definition, includes a Provincial Park with tourist campground facilities.

Park - Private (see Recreational Commercial Establishment)

Park Model Trailer (see Dwelling - Park Model Trailer)

Parking Aisle

Means a portion of a private *parking area*, or a *commercial parking lot*, or a private or a commercial parking structure which abuts a parking space on one or more sides and which provides access from the *parking space* to a street or lane and which is not used for vehicular parking.

Parking Area

Means a lot or portion thereof where parking is provided for *motor vehicles* and may include *parking aisles*, *parking spaces* and related points of ingress and egress or a private garage, but shall not include any part of a public street.

Parking Lot - Commercial

Means a *parking area* operated by either a private or public organization for public use.

Parking Space

Means an area used for the temporary parking of one *motor vehicle* and includes spaces for the handicapped and may include a *private garage*.

Person

Includes an individual, an association, a chartered organization, a firm, a partnership, a corporation, an agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law. [See also *The Interpretation Act*.]

Personal Service Establishment

Means an establishment wherein a personal service is performed. This definition may

include a barber shop, beauty salon, shoe repair, photographic store, laundromat, tattoo parlour or a *dry cleaning distribution station* or a similar use.

Pit or Quarry

Means land or land under water from which aggregate as defined herein is being or has been excavated in order to supply material for construction, manufacturing or industrial purposes, but shall not include rehabilitated land or an excavation incidental to the erection of a building or a structure for which a building permit has been granted by the Corporation, or an excavation incidental to the construction of any public works.

Place of Amusement/Place of Entertainment

Means an establishment operated for commercial gain or profit wherein amusement facilities are provided such as a theatre, cinema complex, video arcade or arcade, billiard or pool room, dance or music hall, ice or in-line skating rink, skate board or mountain bike facility but does not include a casino or bingo hall. [See also **Bingo Hall, Casino, Place of Assembly, Recreational Commercial Establishment**]

Place of Assembly

Means a building specifically set aside for and primarily engaged in the operation of arts and craft shows, trade fairs, fashion show, public meetings, banquets, conference meetings and similar activities.

Place of Worship

Means a building or an open area dedicated to religious worship.

Playground

Means a park or part thereof which is equipped with active recreational facilities oriented to children.

Point of Intersection

Means the point at which two street lines abutting a corner lot intersect or if the streets meet in a curve, then it is the point at which the production of the two lot lines abutting the two streets intersect.

Porch or Verandah

Means a structure abutting a dwelling having a roof but with walls that are open and unenclosed except for screens and which is used as an outdoor living area.

Portable Asphalt/Concrete Plant

Means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt or concrete paving material and includes stockpiling and storage of bulk materials used in the process, which is not of permanent construction but which is to be dismantled at the completion of the construction project. Portable asphalt /concrete plants must comply with the Ministry of the Environment's separation distances and must obtain a certificate of approval from the Ministry of the Environment.

Printing and Publishing Establishment

Means a building or part thereof used primarily for printing, regardless of the method, and publishing of newspapers, periodicals, books, maps and similar publications and also includes the sale and servicing of printing and duplicating equipment.

Privacy Fence

Means a *fence* that will visually isolate, conceal or seclude objects, things, places or people.

Private Road

Means a private right-of-way over private property which affords access to at least two (2) abutting lots and which is not maintained by a *Public Authority*. [See also **Driveway**]

Public Access Point

Means public land designated by the appropriate authority and developed and maintained by the authority as a public access to a navigable water body. [See also **Marine Facility**]

Public Authority

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

Public Street

Means a public or common highway affording principal means of access to abutting properties which has been assumed by a public authority.

Public Service Use

Means a building, structure or lot used for public services by the Town of Parry Sound and any Boards or Commissions thereof, and any Ministry or Commission of the

Governments of Ontario and Canada, any telephone or telecommunications company, railway company, any company supplying natural gas, electrical power, any conservation agency, public utilities company or similarly recognized agencies.

Public Utility

Means a water works or water supply system sewage works, electrical power or energy generating transmission or distribution system, street lighting system, natural or artificial gas works or supply system, a transportation system or a telephone or telecommunications system, scientific research system, and includes any lands, buildings or equipment required for the administration or operation of any such system and is operated by a public authority or publicly governed company.

3.R

Recreational Commercial Establishment

Means an establishment, premises, or building where any recreational, social or cultural uses are operated commercially for profit on lands in private ownership, such as health clubs, golf courses, open or enclosed skating or curling rinks, open or enclosed pools, open or enclosed badminton or tennis courts, squash courts, bowling alleys, gymnasias, band shell or open theatre, and other similar uses but does not include a *casino* or *bingo hall*.

Recreational Vehicle

Shall mean any vehicle so constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is self-propelled, and is capable of being used on a short term basis for living, sleeping or eating accommodation of persons. The term recreational vehicle includes the following: motor homes, travel trailers, tent trailers, campers but does not include recreational equipment such as boats, snowmobiles, personal water craft, all terrain vehicles or other equipment used for recreational purposes, or a mobile home. [See also **Motor Vehicle**, **Commercial Vehicle**]

Recreational Vehicle Sales and Storage and Repair

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

Recycling Depot or Transfer Station

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

Redevelopment

Means the removal or rehabilitation of buildings or structures and the construction, reconstruction or erection of other buildings or structures in their place.

Restaurant

Means a building or structure where food is prepared and offered for sale to the public for consumption within or outside the building or structure or off premises.

Retail Food Store

Means a *retail store* in which articles, primarily food, are available for sale as a single commercial operation having a minimum of 700 m² [7,535 ft.²] devoted to food sales but does not include any restaurant or eating establishment otherwise defined.

Retail Store

Means a building wherein goods, wares, merchandise, substances or articles are offered for sale to the general public, and may include the limited storage and display of goods, wares, merchandise, substances or articles, and shall not include any other use defined herein including gas pumps.

Retirement Residence

(By-law 98-3974)

Means a residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom or shares a separate private bathroom with no more than one other unit and each private bedroom or living unit has a separate entrance from a common hall, but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms, medical care facilities and other personal services for the residents may also be provided.

Right-of-Way

Means a private road which affords access to abutting lots and does not include a lane, road or street. [See also **Easement**]

Road - see Public Street

Rooming House

Means a *dwelling* in which lodging with or without meals is supplied for gain to three (3) or more persons but not more than ten (10) persons other than the receiving staff or the owner of the said dwelling, but does not include a *motel, hotel, bed & breakfast establishment, tourist home* or *hostel*, institutional use, *apartment dwelling*, or *hospital*.

3.S

Salvage Yard

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

Sanitary Landfill - see Waste Management Facility

Satellite Dish Antenna or Receiver

Means a structure designed and used for the reception of telecommunications signals from a satellite.

Sauna

Means an accessory building or structure wherein facilities are provided for the purpose of a steam bath and may include a change room and shower and may be constructed as part of a *boat house*.

Sawmill or Planing Mill

Means a building, structure or area where timber is cut or sawed, either to finished lumber or as an intermediary step.

School

Shall mean a public educational establishment operated by a School Board as defined by the Ministry of Education or the Ministry of Colleges and Universities.

School, Private

Means an educational establishment, other than a School, wherein teaching or instruction is offered for gain in such fields as academics, dancing, music, art, sports, business or trade, and any other such specialized school conducted for gain, and also includes such fields as a studio for photography and arts and crafts.

Seaplane Base - see Marine Air Base

Seasonal Dwelling - see Dwelling, Seasonal

Seating Capacity

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

Sensitive Land Use

Means buildings, amenity areas or outdoor spaces where routine or normal activities

occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by nearby facilities and includes a dwelling, day care centre, an educational or health facility.

Service Outlet/Shop

Means a building or part of a building, whether used in conjunction with a retail store or not, used for the repair or servicing of goods, commodities, articles or materials, but not the manufacturing thereof. Automotive repairs and services are not permitted under this definition. [See also **Personal Service Establishment**]

Service Station - see Auto Service Station

Setback

Shall mean:

- (a) With reference to a road or street, the least horizontal distance between the front lot line and the nearest building line.
- (b) With reference to a water body, the least horizontal distance between the high water mark of the water body and the nearest building line.

Sewage and Water Systems

(a) **Full Municipal Sewage and Water Services:**

Means piped sewage and water services that are connected to a centralized water and waste water treatment facility, the operation of which is the responsibility of a municipality

(b) **Communal Services**

Means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water but which:

- are not connected to **full municipal sewage and water services**;
- are for the common use of more than five residential units/lots;
- are owned, operated, and managed by a municipality or, another public body, or a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the *Planning Act*, providing for municipal/public body assumption of the communal services in the event of default by the owner.

(c) **Individual On-Site Systems**

Means individual autonomous water supply and sewage disposal systems, that are owned, operated and managed by the owner of the property upon which the

system is located and which do not serve more than five residential units/lots.

(d) Partial Services

Means connection to one communal service or full municipal service where the other connection will be to an individual on-site system.

Shooting Range or Rifle Club

Means land, buildings, structures or premises used for recreational target practice, skeet shooting, gun or hunter safety instruction and is operated by a club or organization.

Shopping Centre

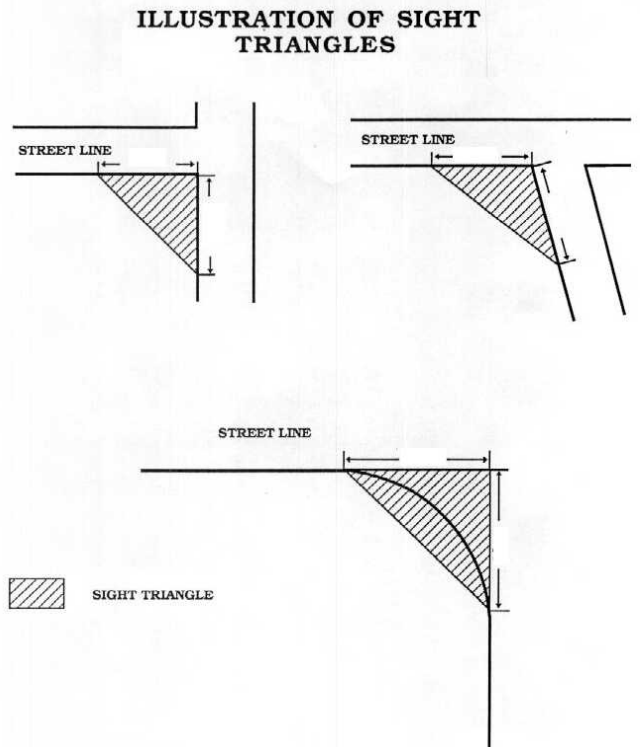
Means a group of non-residential establishments, predominantly retail commercial in nature which are designed, developed and managed as a unit by a single owner or tenant, or group of owners or tenants as distinguished from a business area comprising unrelated individual uses and having an off-street *parking area* provided on the site.

Shoreline

Means in relation to natural features and functions, the lands in immediate contact with, or in seasonally inundated areas adjacent to water bodies such as lakes, rivers or streams.

Sight Triangle

Means a triangular space, free of buildings, structures and obstructions, formed by two intersecting street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines as specified in this by-law. [See illustration]



Sign

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

- (a) is a structure, or part of a structure, or which is attached thereto or mounted thereon; and
- (b) which is used to advertise, inform, announce, claim, give publicity or attract attention.

Site Plan

Means a scaled drawing prepared to illustrate the relationship between the lot lines and the uses, buildings or structures existing or proposed on a lot including such details as parking areas, driveways, walkways, landscaping, building areas, minimum yards, building elevations, floor areas, densities, servicing infrastructure and drainage, signs and waste disposal facilities.

Sleep Cabin - see **Guest Cabin**

Solarium

Means a glassed-in structure or room projecting from an exterior or main wall of a building which may be used for sunning, therapeutic exposure to sunlight, or as part of the living area of a dwelling.

Storey

Means that portion of a building other than a *cellar* or *basement* included between the surface of any floor and the surface of the floor, roof deck, ceiling or roof immediately above it or if there is no floor above it, then the space between such floor and the ceiling or roof next above it. [See illustration]

Storey, One-Half

Means the portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between the finished floor and the finished ceiling of at least 2.3 m [7.5 ft.] over a floor area equal to at least 50 % of the area of the floor next below.

Street Allowance

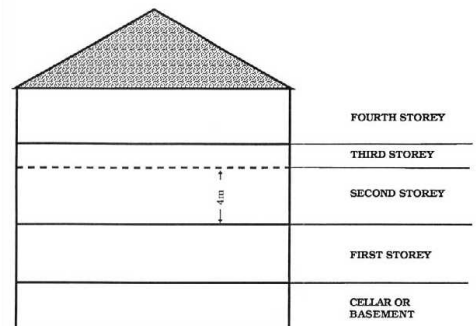
Shall have a corresponding meaning to that of *public street* or *private road*.

Street Line

Means the limit of the road or street allowance and is the dividing line between a lot and a *public street* or *private road*.

ILLUSTRATION DEFINITION OF "STOREY"

WHERE DISTANCE BETWEEN FLOORS EXCEEDS 4 METRES



Street - see **Public Street**

Structure

Means anything constructed or erected, the use of which requires location on the ground or attached to something having location on the ground and, without limiting the generality of the foregoing, includes a *motor vehicle* and a sewage disposal system but does not include a *fence* unless deemed to be a structure under the *Building Code*.

Studio

Means a building or part thereof used,

- (a) as the workplace of a photographer, artist, or artisan or
- (b) for the instruction of art, music, languages or similar disciplines.

Supermarket

Means a major food retailing establishment having a size of 743 m² (8,000 ft.²) or greater and offering a balanced line of groceries, fresh meat, fish and poultry and other food stuffs and limited lines of accessory merchandise such as personal hygiene products and household supplies.

Swimming Pool

Means an open or covered pool used for swimming, wading, diving or recreational bathing which is at least 50 cm [19.6 inches] in depth, and may include a hot tub or whirlpool.

3.T

Tandem Parking Space

Means a parking space that is only accessed by passing through another parking space from a street, lane, or driveway.

Tourist Establishment/Tourist Accommodation

Means premises or buildings to be used for the purpose of sleeping accommodation on a temporary basis by tourists or vacationers, including a *hotel, motel*, motor hotel, apartment hotel, *hostel*, lodge, *bed and breakfast establishment, tourist home*, housekeeping or efficiency units and *tourist cabin* including accessory uses such as dining, meeting and beverage rooms and similar uses.

Tourist Cabin

Means a building used or intended to be used as a single unit, which contains at least two rooms, that are at least partially furnished and which contains cooking facilities and may contain sanitary facilities.

Tourist Home - see **Lodging/Tourist Home**

Tourist Outfitters Establishment

Means an establishment which operates throughout all or part of a year which may or may not furnish overnight accommodation and facilities for serving meals and furnishes equipment, supplies or services to persons in connection with angling, hunting, camping or other similar recreational purposes.

Town

Means the Corporation of the Town of Parry Sound.

Trailer - see Recreational Vehicle

Training Centre

Means a building or part of a building that is used or intended to be used as an adult retraining centre for academic and technical skills under the direct sponsorship of the Province of Ontario.

Transportation Depot

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

Transfer Station (See Recycling Depot)

Means land, buildings or parts of buildings used for the temporary storage, and subsequent dispersal of garbage, refuse, domestic or industrial waste, exclusive of liquid industrial waste or hazardous waste.

3.U

Urban Area

Means the built-up areas of the municipality that are serviced or have direct access to *full*

municipal sewage and water services.

Use

Means the purpose for which a lot or a building or a structure is designed, arranged, occupied or maintained.

3.V

Vehicle - see **Motor Vehicle or Commercial Vehicle or Recreational Vehicle**

Veterinary Establishment

Means a building or part of a building used by a veterinary surgeon where animals, birds or other livestock are treated and where domestic animals and/or birds may be kept for treatment and boarded for short periods of time, but shall not include a *kennel*.

Verandah - see **Porch**

Video Rental Outlet

Means a building or part of a building wherein the primary use is the rental of video tapes and may include the rental of video cassette recorders, video cameras and video games. An *adult video rental establishment* may be included as an accessory use.

3.W

Warehouse

Means a building or structure or portion thereof used or intended to be used for the bulk storage of goods, merchandise, or material.

Waste Management Facility

Means a site which is licenced or approved by the Ministry of the Environment and/or its agents where garbage, refuse, domestic or industrial waste, excluding radioactive or toxic chemical wastes is disposed of or dumped. This definition shall include waste transfer stations and recycling depots. [See also *Recycling Facility*]

Water Frontage

Means a lot which has one or more lot lines abutting a navigable watercourse, bay or lake. [See also *Shoreline*]

Water Body/ Water Course

Means any bay, lake, river, natural watercourse or canal but excluding a drainage or irrigation channel.

Water Supply - see **Water and Sewage Systems**

Wayside Pit

Means land from which unconsolidated aggregate is removed by means of open

excavation for use in a public undertaking.

Wayside Quarry

Means a place from which consolidated aggregate is removed by means of open excavation for use in a public undertaking.

Wetland

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

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

Wholesale Trade

Means an establishment which shall include, but not be limited to the following; the sale of retail goods at wholesale prices, or in bulk and includes grain, paper and paper products, general merchandise, food and tobacco products, pharmaceutical products, apparel and dry goods, furniture and home furnishings, motor vehicles and accessories, electrical machinery and equipment, hardware, plumbing and heating equipment, metal and metal products, lumber and building materials and other wholesalers. The wholesale trade of petroleum products shall also be deemed to be uses permitted in the wholesale trade use provided that such uses shall not be permitted to abut a residential zone.

Wildlife Habitat

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

Workshop - see **Custom Workshop**

Wrecking Yard [see **Salvage Yard**]

3.Y

Yard

Means an open, uncovered and unoccupied space appurtenant to a building. [See illustrations PP. 55 & 56]

Yard, Front

Means a yard extending across the full width of the lot between the front lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a main building closest to the front lot line. [See illustrations PP 55 & 56]

Yard, Rear

Means a yard extending across the full width of the lot between the rear lot line and a line drawn parallel or concentric thereto and through the point of the main wall of the main building closest to the rear lot line. Where there is no rear lot line, the rear yard shall be measured from the intersection of the side lot lines to the closest point of the main wall of the main building. [See illustrations PP. 55 & 56]

Yard, Required

Means the minimum yard required by the provisions of this by-law.

Yard, Side

Means a yard extending from the front yard to the rear yard between the side lot line and a line drawn parallel or concentric thereto and through the point of the main wall of a building closest to the side lot line. [See illustration P. 56]

Yard, Side Exterior

Means a side yard adjacent to a public street. [See illustration P. 56]

Yard, Side - Interior

Means a side yard other than an exterior side yard. [See illustration P. 56]

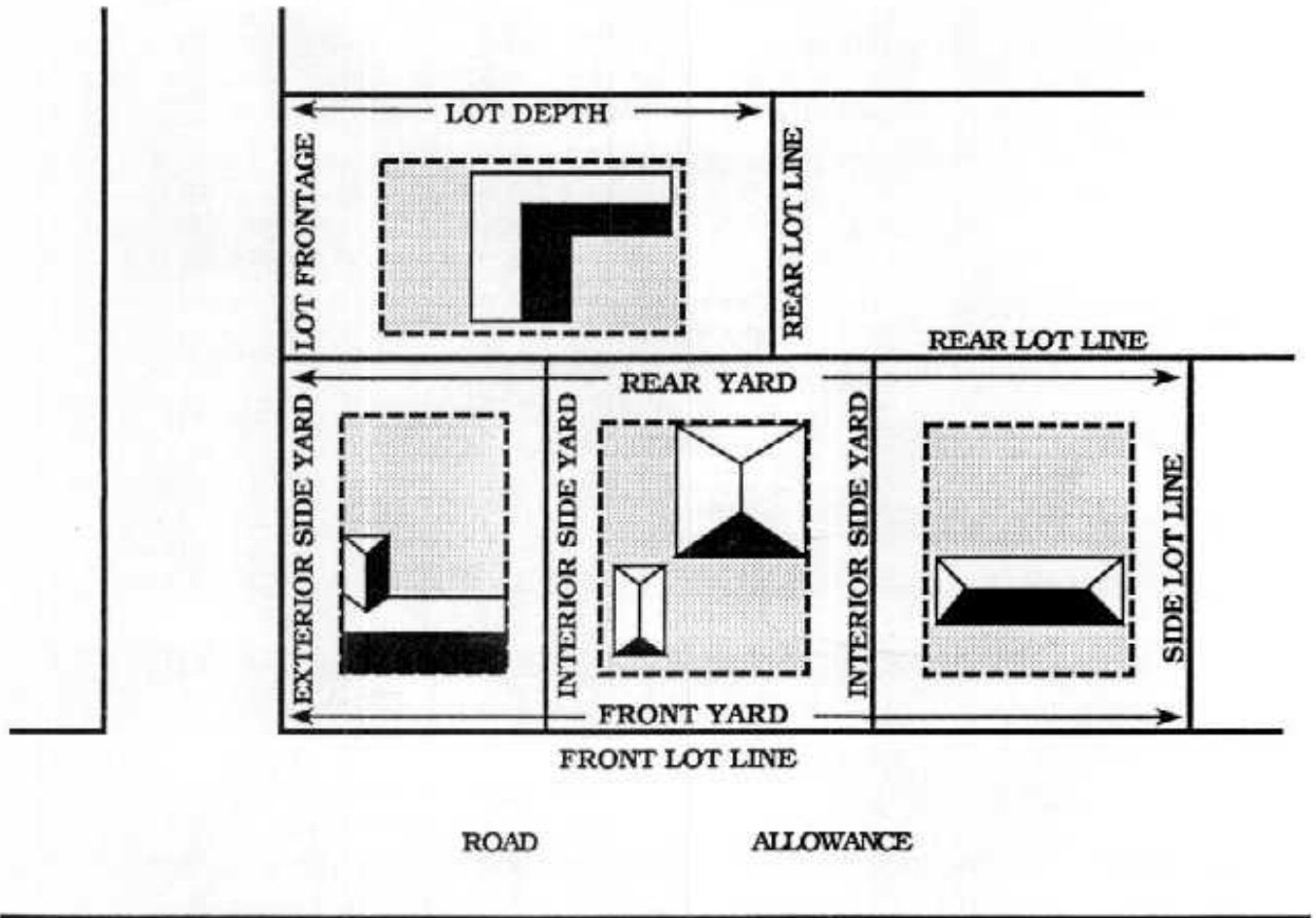
Yard Sale - see Garage Sale

3.Z

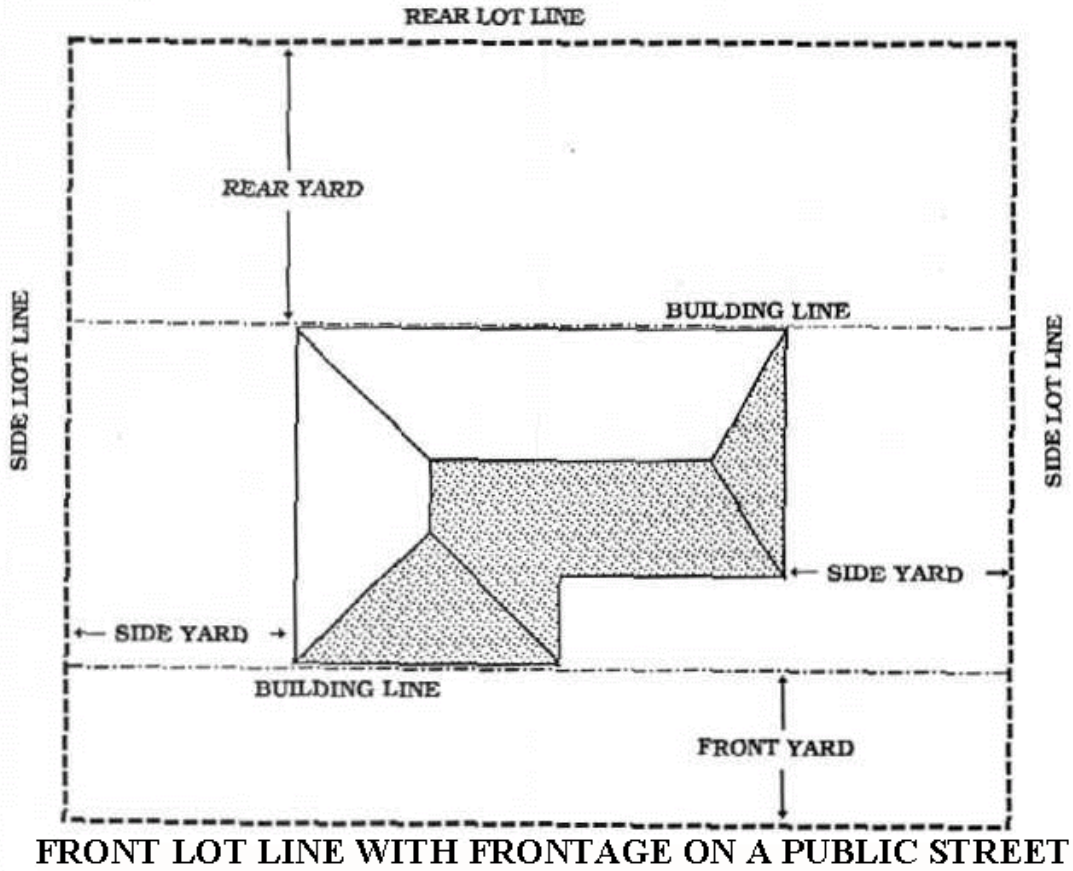
Zone

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

EXAMPLE OF YARD DEFINITIONS



DEFINITION OF YARD



Section 4 GENERAL PROVISIONS

Explanatory Note

The General Provisions section of the By-law states the regulations which apply regardless of the specific zoning. Whereas the zones provide site specific controls corresponding to such items as permitted uses and locational restrictions, the General Provisions provide regulations more general in nature, applying to a variety of uses regardless of zoning.

(NOTE: words or text shown in bold italic script are defined in the Definitions Section (Section 3) of this By-law.)

4.1 Accessory Buildings, Structures and Uses

4.1.1 Where a lot is devoted to a permitted use, accessory uses, buildings and structures are authorized subject to the following provisions:

(a) Accessory Use to be on Same Lot

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

(b) Accessory Building to be Behind Front Lot Line

Except as otherwise provided by this By-law, any accessory building which is not part of the ***main building***, shall be ***erected*** to the rear of the main wall of the main building for the front or exterior yard, or the extension of the building line of the main wall to the side lot line and shall comply with the minimum yard requirements of the zone in which such building is ***erected***.

Notwithstanding the above, in the case of a lot with water frontage, a dock, boathouse or gazebo may be located in the front yard. In the case of a lot with water frontage located in the ***urban area*** of the municipality having a rear lot line abutting an open maintained public road, accessory structures may be allowed in the front yard and are not allowed in between the ***main building*** and the public road.

(c) Maximum Lot Coverage

Accessory buildings, structures and uses, excluding in-ground swimming pools, shall be comprised within the calculation of total lot coverage for the purposes of conformity to Zone Requirements. The total ***lot coverage*** of all accessory buildings and structures (deck

or sundeck excluded) shall not exceed 10%. The maximum floor area for a ***private garage*** shall not exceed 10%. The maximum floor area for a ***private garage*** shall not

exceed the *lot coverage* for the *main building* on the lot.

(d) Accessory Dwelling

The use of any accessory building for human habitation is not permitted except where an *accessory dwelling* is a permitted use. *Accessory dwellings* shall conform to the setback requirements of the main permitted use(s).

(e) Keeping of Animals

The use of an accessory building or structure for the keeping of animals, other than domestic pets, is not permitted in any residential zone. For the purposes of this By-law, a domestic pet shall not include any hoofed animal or animal otherwise prohibited by the Town of Parry Sound Animal Control By-law No. 96-3834, as amended.

(f) Marine Facility

Despite **Section 4.1.1 (b)** above, a shoreline structure such as a *marine facility* dock or wharf, pumping station or pump house may be located in any yard, where a lot abuts a navigable waterway, provided that the approval of any governmental authority having jurisdiction has been obtained and provided that the *marine facility*, dock or wharf is located not closer than 1 m [3.28 ft.] to the nearest adjacent lot line and does not encroach on adjacent frontage when the lot boundaries are extended into the water. [See Illustration P. 59]

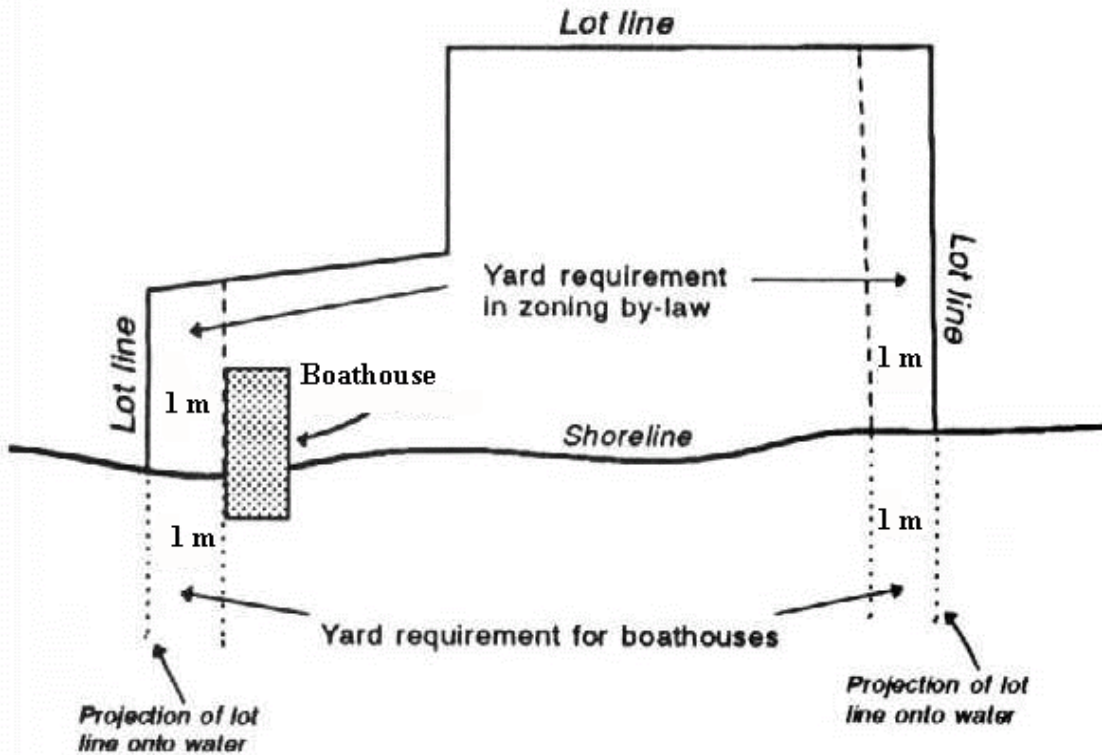
(g) Accessory Buildings Prior to Erection of Main Building

No *accessory building* shall be erected prior to the erection of the *main building* on the same lot, except where it is necessary for the storage of the tools, and materials for use in connection with the construction of the main building or structure, and no such accessory building shall, prior to the erection of the main building, be used for any purpose other than storage.

(h) Gate House

A gate house shall be permitted in the front or side yard of any industrial zone or in the area between the street line and the required setback.

(Note: see also requirements for a 4.3 - Bed & Breakfast Establishment, 4.11 - Fences, 4.14 - Garden Suites, 4.18 - Home Based Business, 4.37 - Signs and 4.39 - Swimming Pools.)



4.2 Auto Service Station, Car Wash, Gas Bar or Gasoline Card Lock Facility

Despite any other provisions contained in this By-law, for all zones within which an *auto service station, car wash, gas bar, and/or gasoline card lock facility* is permitted the following shall apply:

(a) **Pump Island Location**

The minimum distance between the pump island, pumps and their related overhead canopies and any lot line shall be 6 m [19.6 ft.] from any *lot line*. Where the lot is a *corner lot*, no portion of the pump island shall be located closer than 7 m [22.9 ft.] to the base of a *sight triangle*.

(b) **Overhead Canopy Setback**

Overhead pump island *canopies* shall be located so as to ensure that a minimum separation distance of 2 m [6.56 ft.] exists between any lot line and the vertical overhead projection onto the ground of any such canopy.

(c) Propane Tanks and Gasoline Storage Tanks

- i) No person shall erect or use a bulk propane storage tank at an *auto service station, gasoline card lock facility* or *gas bar*, or on any other property where vehicle fuel may be dispensed, unless a license has been obtained from the provincial body having jurisdiction and provided the location is in compliance with the requirements of the *Ontario Propane Code* and the *Gasoline Handling Code*, respectively.
- ii) In addition to the above requirement, no propane storage tank may be located closer than the greater of 6 m [19.6 ft.] or the requirement of the applicable code from the property line of any residential use, unless the said tank is separated by an unpierced wall or fence of non-combustible construction having a height of 1.75 m [5.74 ft.] above the level of the ground adjoining the tank.

(d) Entrances and Exits and Zoning Standards

Access to the property for vehicles shall be only by way of entrances and exits provided they comply with the following standards:

| | |
|--|------------------|
| Minimum width of an entrance or exit | 3.5 m [11.4 ft.] |
| Minimum width of a combined entrance and exit | 7 m [22.9 ft.] |
| Maximum width of an entrance or exit | 7 m [22.9 ft.] |
| Maximum width of a combined entrance and exit | 9 m [29.5 ft.] |
| Minimum distance between any entrance, exit or combined entrance and exit | 4 m [13.1 ft.] |
| Minimum distance between any part of an entrance, exit or combined entrance and exit, and the intersection of street lot lines or the intersection of a street lot line and side lot line | 7 m [22.9 ft.] |
| Minimum Lot Frontage on any street | 37 m [121.3 ft.] |
| Minimum Front Yard or Exterior Side Yard | 9 m [29.5 ft.] |
| Minimum Setback to any other Lot Line | 3 m [9.84 ft.] |

(e) Separation of Car Wash from Residential Zone

Where a *car wash* abuts a Residential Zone, the following requirements shall apply:

- i) Despite any other requirements of this By-law for a lot abutting lands zoned for residential use, a drive-through *car wash* shall not be permitted on any lot having a lot area of less than 3,000 m² [0.74 ac.] and shall not be located closer than 20 m [65.6 ft.] to any lot line abutting such Residential Zone;
- ii) No washing or drying operations shall be permitted except within the building designed for the purpose of the *car wash*;
- iii) For a drive-through mechanical *car wash*, the building shall be so designed that drying machinery and equipment within the building is furthest removed from

the lot line(s) abutting a residential zone, and that cars exiting the building do so also from the side of the building which is furthest removed from the lot line(s) abutting a residential zone.

(f) Required Vehicle Queue Space

On lots where a drive-through *car wash* is to be erected, off-street vehicle queue spaces shall be provided in accordance with the following provisions:

Required number and location of queue spaces:

| Type of car wash | Before each wash bay | After each wash bay |
|-----------------------------|----------------------|---------------------|
| conveyor or mechanical type | 15 | 2 |
| manual type | 3 | 1 |

Each required queue space shall be at least 2.6 m [8.53 ft.] in width and 5.75 m [18.86 ft.] in length.

(g) Landscaping

Where any lot which is used or intended to be used for the purpose of an *auto service station, car wash, gas bar or gasoline card lock facility* adjoins a street, then a strip of *landscaped open space* of a minimum width of 1 m [3.28 ft.] shall be provided along any lot line abutting a street and the said *landscaped open space* shall be continuous except for aisles or driveways required for access to the lot.

4.3 Bed and Breakfast Establishment

A *bed and breakfast establishment* shall be permitted in any residential zone in a *single detached dwelling*, or a *semi-detached dwelling* or a *duplex dwelling* subject to the following requirements:

- (a) That the number of guest suites does not exceed three (3).
- (b) That the use of the dwelling does not change the residential character of the dwelling.
- (c) That the requirements for the provision of off-street parking spaces can be met (see **Section 4.31**).
- (d) That the requirements of the local Health Unit, where applicable, can be met.
- (e) That the minimum separation distance from any existing *bed and breakfast*

establishment is 100 m [328 ft.].

- (f) That one sign shall be permitted provided the sign is in compliance with the Town of Parry Sound Sign By-law No. 2002-4486.

4.4 Buildings to be Moved

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

4.5 Change of Use

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

4.6 Converted Dwellings and Basement Apartments

- (a) A *converted dwelling*, originally constructed as a *single detached dwelling*, or a *semi-detached dwelling*, or a *duplex dwelling*, shall be a permitted use in an R2 or R3 Zone, provided there is no substantial change in the external appearance or addition of the dwelling as a result of the conversion and provided all other requirements of this By-law are met.
- (b) The number of dwelling units in a *converted dwelling* shall be limited to a total of three (3) only.

4.6.1 Number of Dwelling Units Per Lot

Not more than one dwelling unit may be built on any lot except where specifically permitted in a particular zone.

4.6.1.1 Accessory Dwelling Unit

Notwithstanding any other provisions of this By-law regarding the number of dwelling units on a single lot, an Accessory Dwelling unit is permitted in any Residential or Rural Zones not abutting Georgian Bay, Mill Lake or Darlington Lake, subject to the following provisions:

- (a) The accessory dwelling unit is located within a permitted single detached, semidetached, or townhouse dwelling, provided the general appearance of the single detached, semi-detached or townhouse is maintained;
- (b) Only one (1) accessory dwelling unit may be created within the main dwelling unit;
- (c) The accessory dwelling unit shall be an integral part of the main dwelling unit and be designed to maintain the general character of the dwelling and surrounding neighbourhood;
- (d) The accessory dwelling unit and main dwelling shall meet all other applicable provisions of this By-law and any other fire, health, safety, or occupancy regulations or by-laws;
- (e) A minimum of one parking space is provided for the accessory dwelling unit and does not result in a separate driveway being required; and
- (f) A Tandem Parking Space is permitted as a parking space for an Accessory Dwelling Unit.

4.6.1.2 Ancillary Dwelling Unit

Notwithstanding any other provisions of this Bylaw regarding the number of dwelling units on a single lot, an ancillary dwelling unit is permitted accessory to any single detached dwelling, semi-detached dwelling, or townhouse in a R1, R2 and R3 zones, and RR and RU Zones not abutting Georgian Bay, Mill Lake or Darlington Lake, subject to the following provisions:

- (a) The ancillary swelling unit is located in the second storey of a detached garage;
- (b) Any new structure which contains the ancillary dwelling unit shall meet the same interior side yard and exterior side yard setback requirements of the principal residential use in that zone. The rear yard requirement for any new ancillary dwelling unit shall be 3 metres.
- (c) An ancillary dwelling unit is not permitted if th lot also contains two or more detached legal non-conforming residential structure;
- (d) The accessory structure containing the ancillary dwelling unit shall meet all requirements of Section 4.1
- (e) The ancillary swelling unit shall be designed to maintain the general character of the accessory building and surrounding neighbourhood.
- (f) The ancillary swelling unit and main dwelling shall meet all other applicable provisions of this By-law and any other fire, health, safety, or occupancy regulations or by-laws;
- (g) A minimum of one parking space is provided for the ancillary swelling unit and does not result in a separate driveway being required.
- (h) Despite the maximum height for accessory structures in Sections 6.2, 7.2, 8.2, 9.2, 10.2, 12.2 and 25.2, accessory structures with an Ancillary Dwelling shall be permitted a maximum height of 8 metres; and
- (i) A Tandem Parking Space is permitted as a parking space for an Ancillary Dwelling Unit.

4.7 Cumulative Standards

- (a)** Despite anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with.
- (b)** When a building, structure or lot accommodates more than one use, the delivery space requirements, loading space requirements and parking space requirements for such a building, structure or lot shall be the sum of the requirements for the separate uses thereof, unless exempted elsewhere in this By-law.

4.8 Dwelling Units Below Grade

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

4.9 Dwelling Unit in a Non-Residential Building or on a Non-Residential Lot

Where an *accessory dwelling* is a permitted use in a non-residential building or on a non-residential lot, the following requirements shall apply:

- (a) The *dwelling* or *dwelling unit* shall be connected to a municipal water supply and sewer service [see Section 4.44].
- (b) The *dwelling* or *dwelling unit* shall have a separate parking space as set out in Section 4.31.
- (c) Any *dwelling unit* shall have a separate building entrance to that provided for the non-residential use.
- (d) In a Commercial C1, C2 or C3 Zone, no *dwelling unit* shall be permitted as a free standing building and no *dwelling unit* shall be located in a non-residential building except on a second or higher *storey* or to the rear of the commercial use, if on the ground or main level.
- (e) In a Commercial Zone, the cumulative *floor area* of the *dwelling unit(s)* shall not exceed 50 % of the *lot area* and at least 50% of the ground floor area shall be maintained in a commercial use.
- (f) No *dwelling unit* shall be permitted in a commercial building used for an automotive service i.e. *auto body shop, auto repair garage, auto service station, automotive sales establishment, car wash, gas bar, gasoline card lock facility* or *recreational vehicle sales, storage and repair establishment*.

4.10 Established Building Line

Despite the *yard* and setback provisions of this By-law, where a permitted building or structure is to be erected on a lot in a built-up area where there is an *established building line*, such permitted building or structure may be erected closer to the *street line* than required by this By-

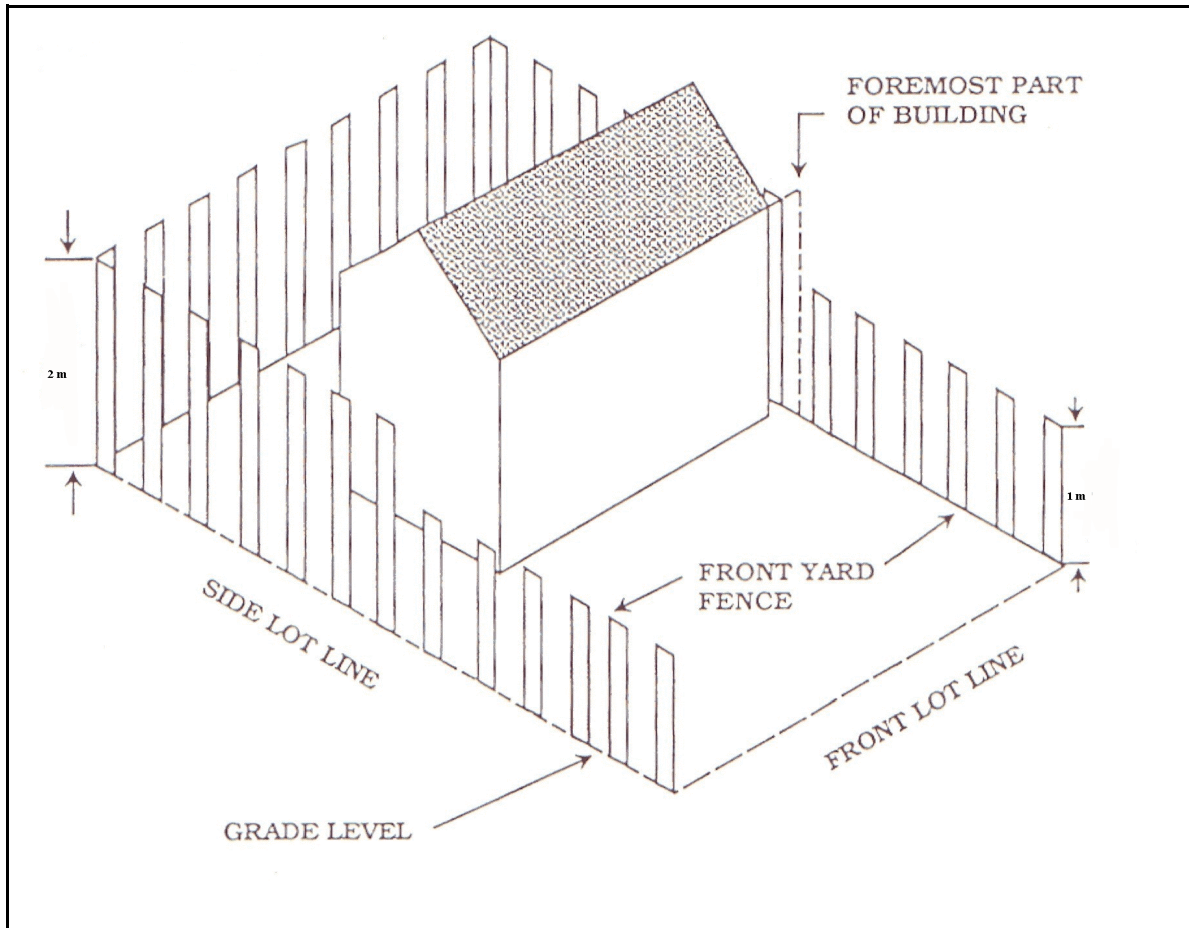
law provided such building or structure is not erected closer to the *street line* than the *established building line* on the date of passing of this By-law.

4.11 Fences

Any *fence* erected hereafter within the *Municipality* shall conform to the following provisions:

Maximum Height of a Fence

- (a) 1 m [3.2 feet] in any required front yard or exterior side yard of a residential zone.
- (b) 2 m [6.56 ft.] in any other required yard in a residential zone.
- (c) 2 m [6.56 ft.] in any required yard in a non-residential zone except a commercial or industrial zone.
- (d) 3 m [9.84 ft.] for any fence in any industrial or commercial zone.



4.12 Flood Plain

Modification of the ***flood plain*** through filling, excavation or by other means is prohibited unless otherwise permitted by the ***public authority*** having jurisdiction. For the purposes of this By-law, the ***flood plain*** includes all lands below the elevation of 178.3 m GSC [584.9 ft.] along the Georgian Bay shoreline as illustrated by any shoreline zone with the symbol “(h)” and lands within the Environmental Protection (EP) Zone along the Seguin River and Mill Lake.

4.12.1 Flood Zone

Subject to the approval of the ***Municipality***, no new buildings or uses shall be permitted to be constructed within any ***flood plain*** except as follows:

(a) Permitted Uses

- i) ***Buildings*** or ***structures*** intended for flood or erosion control or slope stabilization
- ii) All ***buildings*** and ***structures*** in existence on the day of the passing of this By-law
- iii) ***Conservation use*** without ***buildings*** or ***structures***
- iv) ***Parks*** without ***buildings*** or ***structures***
- v) ***Parking area***
- vi) Hydro-electric generating facilities or a utility corridor
- vii) A ***Marine Facility***
- viii) A water supply or waste water management facility intake or outfall

(b) Prohibited or Restricted Uses

- i) Any building or structure which involves the storage of hazardous or toxic materials e.g. ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities.
- ii) Any ***institutional use***.
- iii) Any essential emergency service such as those provided by fire, police and ambulance stations and electrical substations which would be impaired during an emergency as a result of flooding, the failure of ***flood proofing*** measures and/or protection works and/or erosion.

4.13 Frontage on a Public Street or Private Road and Exemptions

(a) Public Street

Except for a condominium project where the condominium agreement provides for the ongoing maintenance of any road or street providing direct access to a dwelling therein or land uses on one lot with multiple ownership and/or multiple use, no person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected has sufficient frontage on a ***public street*** (developed in accordance with municipal standards) as per the requirements of the respective zone within which the lot

is situated. For the purposes of this By-law a **public street** does not include an unopened road allowance.

(b) Exemptions

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

- i) For a public utility.
- ii) For any passive outdoor recreational use or activity (*e.g. recreational trails or similar activities*).
- iii) For a lot with frontage on a navigable waterway in lieu of a **public street**.
- iv) Islands.
- v) Lands at Deepwater Point that front directly on Georgian Bay and have legal access rights to the road maintained by the Parry Sound First Nation.
- vi) Back Lots that exist as separately conveyable lots, but because of a number of factors, cannot front upon an open public street and have a registered right-of-way.
- vii) Lots on the Sequin River with a right-of-way to Miller Street.
- viii) Certain non-residential uses which do not require frontage on a public road to satisfy their business needs and access is provided by way of a legal right-of-way.

(c) Maintenance or Subdivision Agreement

Despite **subsection (a)** above, where a maintenance or subdivision agreement exists between the **Municipality** and a land owner(s) and is registered on title, frontage on an unopened or unmaintained **public street** or right-of-way shall be deemed to conform to the provisions of this section, provided that such frontage is in conformity with the zone standards set out in the corresponding zone or an exception thereto.

(d) Provincial Highway

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

4.14 Garden Suite

- (a) Subject to the, passing of Site Specific Temporary Use By-law under Section 39 of the *Planning Act*, one **Garden Suite** only shall be permitted as a separate dwelling unit to a permitted main residential use on the same lot, provided that the minimum lot area is 450 m² [4,844 ft²], that the maximum **gross floor area** of the **Garden Suite** is 60 m² [645.8 ft.²], that the maximum height of the **Garden Suite** is 6 m [19.7 ft.] or the average height of the **main buildings** on the subject and abutting lots, whichever is the lesser, that the **Garden Suite** is located in a rear or interior side yard and meets the minimum yard and lot coverage requirements set out in the corresponding zone and is set back a minimum of 3 m [9.8 ft.] from any rear or side lot line.

- (b) A **Garden Suite** shall only be permitted where the owner of the property has entered into an agreement with the **Municipality** under the *Municipal Act* to register the name(s) of the occupant(s), to govern the appearance and maintenance of the structure and its removal when the dwelling has been vacated, the occupant(s) die or the temporary use By-law expires, whichever is applicable.
- (c) A **Garden Suite** shall comply with the *Building Code*.

4.15 Group Homes

- (a) **Group Homes** shall be permitted in all zones that allow residential uses, provided they are licensed by the Province and/or approved under Provincial Statutes and are in compliance with municipal by-laws.
- (b) No **group home** shall be located closer than 800 m [2,624 ft.] in a straight line distance to any another group home.

4.16 Height Exceptions

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

- (a) Air conditioning system
- (b) Chimney
- (c) Church spire or belfry
- (d) Drying tower
- (e) Elevator or stairway enclosure
- (f) Enclosed mechanical and electrical equipment
- (g) Farm buildings and structures such as a barn, silo or windmill
- (h) Flag pole
- (i) Forest observation tower
- (j) Hydro electric transmission tower
- (k) Lighting standards
- (l) Lightning rods
- (m) Mechanical equipment penthouse occupying less than twenty-five percent (25%) of the area of the roof of the building on which it is located
- (n) Ornamental dome, cupola, turret or clock tower
- (o) Penthouse where it occupies less than 10% of the roof area of the building
- (p) Receiving and transmitting antenna
- (q) Receiving stations and communications or cellular towers
- (r) Satellite dish
- (s) School gymnasium
- (t) Solar panels
- (u) Theatre or cinema auditorium
- (v) Ventilating fan or skylight
- (w) Water storage tower or tank

4.17 Holding Zones

- (a) Any parcel or area of land in any Zone may be further classified as a holding zone with the addition of the suffix “h-”. The intent is to signify Council’s approval in principle to future development of the land for the purposes indicated by the symbol. The holding classification added to a given zone shall restrict development of the land until such time as the demand for the development of the land is sufficient to warrant immediate development or the conditions as set out in the **Official Plan** for a holding zone have been met (e.g. rehabilitation of a contaminated site).
- (b) Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than those uses existing for such land, building or structure on the date of the passing of this By-law. Any change from the holding status shall require an amendment to this By-law and the **Municipality** may require that the applicant enter into an agreement for the development of the land prior to the amendment being approved where such agreement is authorized by the *Planning Act*.

4.18 Home Based Businesses

Despite any other provisions contained in this By-law, for all residential zones within which **home based businesses** are permitted, the following provisions shall apply:

(a) Scope of Permitted Businesses

The scope of home based businesses shall be any of those that fall within any of the following categories:

- i) professional and consulting services (*examples: architect, financial advisor, accountant, consultant, legal services, physician, teleworking, surveyor*);
- ii) instructional services (*examples: music lessons, dance, art and academic tutoring*) with a limit of 5 pupils;
- iii) home craft businesses (*examples: quilting, pottery, jewellery, visual arts, woodworking, small scale assembly*);
- iv) private daycare;
- v) distribution sales offices or mail order sales (*examples: cosmetics, clothing or small household supplies*);
- vi) offices for contractors and trades (*examples: plumbing, heating, electrician*);
- vii) repair services (*examples: small appliance, computers*);
- viii) high technology uses (*Internet services, office call centre services, desk top publishing, hardware and software development*);
- ix) person care services (*examples: hairdressing/cutting, massage therapist, esthetician*).

(b) Prohibited Uses

Prohibited uses include a retail or wholesale store, clinic, restaurant, nursing or convalescent home, adult entertainment parlor, video rental outlet, an automotive use

including mechanical repairs and body work. The incidental and limited retailing of products specifically fabricated on site shall be permitted. Products sold by a distributor (distribution sales) shall be permitted provided there is no on-site storage.

(c) General Criteria

- i) The home based business shall be clearly secondary to the main permitted residential use and shall not create nor become a public nuisance with regard to noise, traffic, parking or health safety. A home based business is only permitted as an *accessory use* where listed in a zone category in this By-law.
- ii) The business may be conducted entirely within the practitioner's own residence wherein he/she must reside and/or in an accessory building.
- iii) There shall not be more than one (1) business conducted within any one dwelling and/or accessory building (where permitted) which, in combination, shall not occupy more than 25 % up to a maximum of 47 m² [505.9 ft.²] of the floor area of the residential dwelling.
- iv) No machinery or equipment shall be used that is not compatible with a residential area (e.g. back hoe, front end loader, transport tractor or trailer).
- v) No outdoor storage associated with the business shall be permitted.

(d) Employees, Hours and Parking

- i) The business shall be operated by the owner or occupant of the dwelling who resides in the dwelling within which it is located and shall not employ more than one (1) employee to work on-site who do not reside therein.
- ii) Not more than 15% of the lot area shall be used for parking, and off-street parking shall not be accommodated on a front lawn or yard. The maximum number of home based business related parking spaces permitted on a lot occupied by a home based business shall be four (4) including one per employee and up to two commercial spaces. Such parking spaces shall not include parking spaces required for the residential use of the building.
- iii) The business shall not generate excessive traffic and shall not create a traffic hazard.
- iv) All deliveries to the business shall take place on the same lot as the business.
- v) There shall not be more than two (2) commercially licensed vehicles parked at any one time on the property of the home based business and any commercial vehicles shall be parked behind the *building line*.
- vi) The business shall maintain reasonable hours of business, and shall be subject to full compliance with the *Municipality's* Noise By-law.

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

(e) **Signage**

- i) There shall be no external signage or advertising anywhere on the property to indicate the nature of the business, other than a maximum of one non-illuminated **sign** having a total display area not exceeding 0.3 m² [3.2 ft.²].
- ii) Such permitted **sign** may be mounted, affixed, painted or imprinted onto the building where the business is being conducted, or erected perpendicular to a street or road (e.g. free standing sign) up to a maximum height of 2 m [6.56 ft.]. A permitted **sign** erected along a street or road shall be set back at least 3 m [9.84 ft.] from the **street line**.
- iii) In addition to the above provisions, any sign shall conform to the provisions of the Town of Parry Sound Sign By-law No. 89-3368 as amended.

4.19 Illumination

Illumination of buildings and grounds shall be permitted provided that:

- (a) Illumination shall not cause direct or indirect glare on a street that may interfere with traffic or pedestrian safety.
- (b) Illumination shall not consist of a colour or be so designed or located that it may be confused with traffic signals.
- (c) Illumination shall not cause direct or indirect glare on land or buildings in a residential zone.
- (d) Illumination shall be directed downward. Lighting direction and location shall be addressed through site plan control under the provisions of the *Planning Act*.

4.20 Keeping of Animals

No animals other than domestic pets shall be kept in any zone except in association with a permitted **kennel** or **animal hospital**. For the purposes of this By-law, a domestic pet shall not include any hooved animal or animal otherwise prohibited by the Town of Parry Sound Animal Control By-law No. 96-3834, as amended. [See also **Section 4.1.1 (e)**] This provision shall not be deemed to limit the keeping of livestock where an agricultural use is a permitted use.

4.20.1 Backyard Hens

Despite section 4.20, hens may be permitted subject to the following:

- (a) Hens shall only be permitted in the R1, R2, RR and RU Zones;
- (b) A maximum of six backyard hens shall be permitted and must have a proper enclosure;
- (c) Hens and their enclosure shall only be permitted as an accessory use or structure to a single family dwelling;
- (d) Backyard hens shall not be permitted in any front yard or exterior side yard (i.e not permitted next to a street line);
- (e) Backyard hens and their enclosure shall be a minimum of 3 metres from any lot lines;
- (f) A backyard hens' enclosure shall not be permitted within 20 metres of a watercourse or a waterbody;
- (g) Roosters are not permitted;
- (h) The hens' enclosure shall be smaller than 10 square metres;
- (i) The coop's maximum height shall be 3 metres;
- (j) Free roaming hens shall not be permitted;
- (k) Backyard hens are only permitted on lots that are 460 square metres (0.11 ac) or more in size; and
- (l) Backyard hens must be in compliance with all other Town of Parry Sound By-laws and other applicable law.

4.21 Kennels

Despite any provisions in this By-law to the contrary, *commercial or boarding kennels* shall only be permitted in an Industrial or Rural Zone. The minimum separation distance between a kennel and any *existing* residential dwelling or any lot in a residential zone shall be 100 m [328 ft.].

4.22 Land Suitability For Use

Despite any other provision of this By-law, no habitable building or structure shall be constructed, erected, altered or used on land which, by reason of its rocky, low lying, marshy, unstable character or which is located or may be located on organic soil unless the proponent or applicant for development can demonstrate through professionally acceptable engineering techniques that the physical constraint can be mitigated or overcome and that the requirements of the *Ontario Building Code* with respect to construction and the requirements of the *Ontario Water Resources Act* and the *Ontario Building Code* with respect to the installation of an individual on-site sewage and water system, where required, can be met. [See also **Section 4.26 - Minimum Separation Distances and Influence Areas.**]

4.23 Landscaped Area

Except where otherwise regulated by a valid Site Plan Control agreement, the following *landscaped area* shall apply:

(a) Planting Strip Location and Purpose

Where, in a yard in any zone, a parking area which is required to provide for more than four (4) off-street parking spaces abuts an existing residence or a lot in a Residential Zone, or where any lot in an Industrial or a Commercial Zone (except a waterfront commercial zone) abuts an existing residence or a lot in a Residential Zone, then a continuous strip of *landscaped area* having a minimum width of 3 m [9.84 ft.] for a commercial use and 4 m [13.1 ft.] for an industrial use shall be provided along the abutting lot line of the lot. Landscaped materials shall be of sufficient size and type to effectively provide a visual screen between the particular properties. A combination of landscaped berms and fencing may also be used to effectively provide a visual screen. In any zone, any portion of any *front yard* which is not used for another permitted purpose shall be devoted to a *landscaped area*.

This provision may be substituted where provision is made for landscaping in a site plan control agreement.

(b) Height of the Planting Strip

The required height of the planting strip where required as part of a *landscaped area* shall be 1 m [3.28 ft.] and shall be measured in relation to the edge of the adjacent area to be screened. In such cases where the *established grade*, of the location at which the screen is to be planted is less than the *established grade* of the edge of the adjacent area, the required height of the screen shall be increased in an amount equal to the difference in elevation. In the event that the *established grade* of the location at which the screen is to be planted is greater than that at the edge of the adjacent area, the minimum height of the screen shall apply.

This provision may be substituted where provision is made for landscaping in a site plan

control agreement.

(c) Interruption of Planting Strip for Driveways, Lanes or Pedestrian Walks

In all cases, where ingress and egress driveways, lanes or pedestrian walks extend through a required planting strip, it shall be permissible to interrupt the strip.

(d) Merchandise in Landscaped Areas

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

(e) Residential Front Yards - R3 Zone

For residential uses in any R3 Zone, the use of the *front yard* shall be restricted to visitor parking, driveways and *landscaped area* and at least 50% of the front yard shall be devoted to the *landscaped area*.

This provision may be substituted where provision is made for landscaping in a site plan control agreement.

(f) Landscaped Open Space and Lot Area Calculations

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

This provision may be substituted where provision is made for landscaping in a site plan control agreement.

(g) Existing Vegetation and Planting Conditions

Existing vegetation, in the form of mature trees and shrubs, shall be preserved on any lands in any zone to the maximum extent possible consistent with the siting of a building or structure on such lands.

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

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

(h) Site Plan Control

The provisions for a *landscaped area* as set out in this section, shall not be deemed to limit the *Municipality's* authority to impose other landscaping measures through the site plan control process.

4.24 Licenses, Permits and Other By-laws

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

4.25 Loading Space Requirements

For every building or structure hereafter erected for a commercial, institutional or industrial use, involving the frequent shipping, loading or unloading of persons, animals, wares, merchandise or other goods, there shall be provided and maintained loading facilities or spaces in accordance with the following requirements:

- (a) Each *loading space* shall have a minimum height clearance of 4.2 m [13.7 ft.] and shall be at least 3.5 m [11.4 ft.] wide by 10 m [32.8 ft.] long if situated inside of or at right angles to a building or structure, or 13 m [42.6 ft.] long if situated parallel to the wall of a building or structure.
- (b) *Loading spaces* shall be located in a rear or side yard, on the same lot on which the main use is located, and each such space shall be in an area whose distance from the lot line to a building or structure is not less than 13 m [42.6 ft.] and shall have unobstructed ingress and egress to and from a public street by means of a driveway, lane or maneuvering *aisle* of a minimum width of 6 m [19.7 ft.].
- (c) The number of required *loading spaces* shall be based on net floor area of the building or structure as follows:

i) **Commercial and Institutional Uses**

| <i>Net Floor Area</i> | Loading Spaces Required |
|---|--------------------------------|
| 0 - 185 m ² [0 - 1,991 ft. ²] | 0 |

| | |
|--|--|
| 185.1 - 2,000 [1,992 - 21,529 ft. ²] | 1 |
| 2,000.1 - 4000 m ² [21,529.5 - 43,057] | 2 |
| 4,000.1 - 6,000 m ² [43,058 - 64,585 ft. ²] | 3 |
| 6,000.1 - 10,000 m ² 64,586 - 107,642 ft. ²] | 4 |
| over 10,000 m ² [107,652 ft. ²] | 4, plus one (1) additional space for each additional 4,000 m ² [43,057 ft. ²] or part thereof |

In the case of a shopping centre, or grouped commercial uses in a single building, individual uses shall be considered as single buildings for the purposes of calculating the requirements for **loading spaces** unless the store is less than 185 m² [1,991 ft.²], in which case the total **net floor area** of the centre shall be used as the basis to calculate the number of loading spaces.

ii) **Industrial**

| <i>Net Floor Area</i> | Loading Spaces Required |
|---|--|
| 0 - 421 m ² [0 - 4,531.7 ft. ²] | 0 |
| 421 - 2300 m ² [4,531.7 - 24,757.8 ft. ²] | 1 |
| over 2300 m ² [24,757.8 ft. ²] | 1, plus one (1) additional space for each additional 4,000 m ² [43,057 ft. ²] or part thereof |

(d) The **loading space** requirements stated in **subsection (c)** shall not apply to buildings or structures in existence as of the date of passing of this By-law where there is a deficiency but shall apply to areas of any expansion or enlargement to such buildings or structures for which building permits have been issued after the date of passing of this By-law.

(e) The **loading spaces** and **lanes** shall be surfaced with a stable material such as concrete, asphalt, crushed stone, or gravel.

4.26 Minimum Separation Distances

No person shall use any land, building or structure for a **sensitive land use** (e.g. residential use, daycare centre, educational or health facility) or for the use that would impact the **sensitive land use** as identified unless it complies with the following minimum separation distance. Separation distances shall be measured as set out for the respective requirement.

(a) Waste Management Facility

- i) No *development* shall be permitted within 30 m [98.4 ft.] of the perimeter of the licensed fill area of a *waste management facility*. This provision shall not apply to infill on any existing lot of record approved or zoned for a *sensitive use* as of the effective date of this by-law.
- ii) No waste management facility shall be located within 30 m [98.4 ft.] of the high water mark of any *water body*. The distance separation shall be measured from the property boundary of the waste management facility.
- iii) In addition no *waste management facility* shall be permitted on land covered by water or in any area subject to flooding [see **Section 4.12 (a)**].

(b) Industrial Uses:

- i) **Class I Industrial:** The minimum separation distance from a *sensitive land use* shall be 20 m [65.6 ft.].
- ii) **Class II Industrial:** The minimum separation distance for this industrial classification from a *sensitive land use* shall be 70 m [230 ft.].
- iii) **Class III Industrial:** The minimum separation distance from a *sensitive land use* shall be 300 m [984 ft.].

The separation distance shall typically be measured from property line to property line, but may be measured from the closest distance to a property line of the building line of an industrial building, or an approved outdoor storage area, or other component of an outside operation including areas for non-employee vehicular parking, stacking or maneuvering.

(c) Wastewater Treatment Plant (Town of Parry Sound WPCP)

The minimum separation distance between a waste water treatment plant and any *sensitive land use* shall be 100 m [328 ft.] and shall be measured from the periphery or main wall of the noise/odour producing source-structure to the closest property line of the *sensitive land use*.

(d) Quarry

The minimum separation distance between any quarry and any *sensitive land use* shall be 300 m [984.2 ft.] measured from the boundary or limit of the excavation and the closest property line of the *sensitive land use*. The separation distance shall apply on a reciprocal basis with respect to establishing a new quarry. This provision shall not apply to infill on any existing lot of record approved or zoned for a *sensitive use* as of the effective date of this by-law.

Despite the above, the lot described as Parts 1 and 3 of Plan 42R-15920 being part of lot 25, Concession 3, former Township of McDougall now in the Town of Parry Sound shall be exempted from the application of this sub-section.

(e) Setback from a Shoreline or Water Body

Except as otherwise permitted in this By-law, the minimum setback for a building or structure from the high water mark shall be 10 m [32.8 ft.]. (See also **Section 4.12 - Flood Plain, Section 4.22 - Land Suitability for Use, Section 4.27 - Natural Heritage Features** and waterfront related zones.)

4.27 Natural Heritage Features

(a) Requirements for Natural Heritage Features

Development or site alteration may be permitted within lands occupied by a *natural heritage feature* (except the significant portions of the habitat of endangered or threatened species) or within the *adjacent lands* of any of the *natural heritage features* listed below provided an Impact Assessment, where required, has been undertaken and/or mitigating measures or conservation practices are implemented as approved by the *public authority* having jurisdiction. Where development is permitted, the setbacks set out in the underlying zone shall apply. The provisions of this section apply to all water bodies shown on Schedule ‘A’ with respect to fish habitat and to other *natural heritage features and areas* only where they are specifically identified by a study, report or as an illustration on Schedule ‘A’ to this By-law.

(b) Feature or Area

- i)** Significant Portions of the habitat of Endangered & Threatened Species 50 m[164 ft.]
- ii)** Wetlands 120 m[393.7 ft.]
- iii)** Fish Habitat 30m [98.4 ft.]
- iv)** Significant *Wildhfe Habitat* 50 m [164 ft.]

4.28 Non-Conforming and Non-Complying Uses

(a) Continuance of Existing Uses

Nothing in this By-law shall prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-law, so long as it continues to be used for that purpose. The *non-conforming use* of any land, building or structure, including non-conforming accessory buildings or structures, shall not be changed except to a use which is in conformity with the provisions of the zone in which the land, building or structure is located, or without permission from the Committee of Adjustment pursuant to the *Planning Act*.

(b) Reconstruction of Existing Use

If a legal non-conforming or legal non-complying building should be damaged or destroyed by a natural cause (i.e. flood, fire, tornado), nothing in this By-law shall prevent the reconstruction or strengthening to a safer condition of any such non-conforming building or structure or any part thereof, provided that:

- i) the non-conforming/non-complying features of the original building are not worsened or aggravated by the strengthening or reconstruction.
- ii) the reconstruction or repair is confined to the building or structure located on the foundations and footprint of the original non-conforming/non-complying building or structure.
- iii) reconstruction of the building or structure is commenced within three (3) years.

(c) Prior Building Permits

Nothing in this By-law shall prevent the erection or use of any building or structure for which a building permit has been issued under the *Building Code Act* prior to the passing of this By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under the *Building Code Act*

(d) Road Widenings

Nothing in this By-law shall prevent the erection or use of any land, building or structure or the erection of any building or structure on a lot which does not conform to the minimum lot frontage and/or lot area and/or front yard setback, and in the case of a corner lot, the side yard setback, as a result of a road widening taken by the *Municipality* or the Ministry of Transportation of Ontario, provided all other requirements of this By-law are complied with.

(e) Addition to Existing Building or Structure

Nothing in this By-law shall prevent the renovation, extension or addition to a building or structure which is used for a purpose specifically permitted within the zone in which such building or structure is located and which building or structure legally existed on the date of passing of this By-law, but which building or structure does not comply with one or more of the zone requirements of this By-law, provided such renovation, extension or addition does not further reduce the requirements of this By-law and does not contravene any other requirements of this By-law. This Section also applies to any residential use in a non-residential building or zone.

(f) Existing Undersized Lots

Despite anything else contained in this By-law, where a vacant lot having a lesser frontage and/or area and/or lot depth than is required by this By-law is:

- i) held under distinct and separate ownership from abutting lots, according to the register for land in the Land Titles Office, on or before the 1st day of June, 1979; or
- ii) a lot on a registered plan of subdivision, except for a lot in a registered plan deemed not to be a plan of subdivision under the *Planning Act*; or
- iii) created as a result of expropriation or highway widening, or other land acquisition by her Majesty the Queen in right of Ontario or Canada or any Crown agency or corporation or any *Municipality*, or any other authority having the statutory powers of expropriation;
- iv) and the lot is serviced with a municipal water supply and municipal sewer service;

the lot may be used for a purpose permitted in the zone in which the said lot is located provided all other applicable provisions of this By-law are complied with.

(g) Change of Use

The use of any lot, building or structure which is not permitted in the zone in which it is located shall not be changed except to a use which is listed as a permitted use in such zone or to a use which is authorized by the Committee of Adjustment pursuant to its powers under the *Planning Act*.

4.29 Outdoor Sales and Displays

- (a) Where outdoor sales and displays are permitted as an accessory use, such sales and displays may take place on a required front or side yard provided that no encroachment of a public right-of-way (sidewalk or roadway) results therefrom without the expressed written permission either by By-law or by resolution of Council.

- (b) Outdoor sales and displays are not permitted on required parking areas except on a limited or temporary basis i.e. truck load sale, farm produce or farmer's market or flea market, firewood sales or Christmas trees.
- (c) No screening or buffering is required for outside sales and displays.
- (d) This provision does not apply to garage or yard sales.

4.30 Parking and Storage of Vehicles

(a) **Parking for Residential Uses**

- i) Except as provided herein, no vehicles shall be parked or stored in conjunction with a residential use unless the vehicle is located within a garage, carport, *driveway*, designated parking area, or on a street as may be permitted by Municipal By-law and such *driveway* shall be exclusively devoted to the parking or storage of vehicles. Up to three parking spaces shall be permitted in a front yard in a Residential Zone.
- ii) No parking space for a residential use shall be used for the outdoor parking or storage of a motor vehicle unless such vehicle is used in operations incidental to the residential use of the lot (i.e. home based business) on which it is parked or stored, and bears a motor vehicle license plate and sticker which is currently valid.

(b) **Parking of Commercial Vehicles in Residential Zones**

Not more than one (1) commercial vehicle shall be parked on a residential lot in a Residential (R1) Zone. Such commercial vehicle shall not exceed a gross vehicle weight of 5,000 kg [11,023 lbs.]. Without limiting the foregoing, a commercial vehicle shall include buses seating more than fifteen (15) persons, tractors, front-end loaders, backhoes, a high-hoe or public utility vehicle.

(c) **Parking of Recreational Vehicles in Residential Zones**

Any recreational vehicle, not exceeding 12 m [39.3 ft.] in length (exclusive of a hitch or tongue), which is self-propelled or does not require to be transported on a trailer (e.g. *boat, camper, motor home*) shall be permitted in a Residential Zone provided it/they is/are parked behind the front *building line* and 1.2 m [3.9 ft.] from an *interior side lot line*, or 7.5 m [24.6 ft.] from an *exterior side lot line* or *rear lot line* where the *rear lot line* abuts a *lane* or *public street*. [See also 4.30 (a).] Where lands are used for an *apartment dwelling* or *group housing* a recreational vehicle shall be located within a building and shall be in addition to the parking spaces required in Section 4.31 of this By-law

(d) Construction and Coverage of Parking Areas in Commercial and Industrial Zones

The *driveway* and *parking space* areas in Commercial and Industrial Zones shall be constructed of crushed stone, asphalt paving, concrete, paver stones or similar materials and shall be maintained and treated so as to reduce dust, scattering of stones and similar potentially undesirable effects on adjoining properties;

(e) Driveways, Entrances and Exits

Motor vehicle access to a street shall be over a *driveway*, ingress or egress conforming with the standards:

- i) Driveway Width shall mean the width of the *driveway* as measured from the street to its termination, and shall apply to the entirety of the length of the driveway.
- ii) Ingress and egress, to and from any required parking space(s) and area(s) shall be provided by means of unobstructed *driveways* or passageways at least 3 m [9.84 ft.] but not more than 9 m [29.5 ft.] in perpendicular width. In the case of a two-way driveway, the minimum width shall be 6 m [19.6 ft.].
- iii) The maximum width of any joint ingress driveway ramp measured along the street line shall be 9 m [29.5 ft.].
- iv) *Parking spaces* required for any apartment building shall not be provided in any required front yard, or any required exterior side yard abutting a public street.
- v) The minimum angle of intersection between a *driveway* and the *street line shall be* 60 degrees.
- vi) The minimum distance between a *driveway* and intersecting street lines, measured along the street line intersected by such driveway shall be 7 m [22.9 ft.] and the minimum distance between the nearest points between any two access driveways on the same lot shall be 8 m [26.2 ft.].
- vii) Every lot shall be limited to up to two driveways for the first 30 m [98.4 ft.] of frontage and not more than one additional driveway for each additional 30 m [98.4 ft.] of frontage.
- viii) In addition to the above, all *driveways* shall be subject to the *Municipality's* requirements for entrances and/or the requirements for site plan control or other applicable standards.
- ix) *Driveways* to commercial and industrial uses shall not pass through a Residential Zone.

(Note: see also **Section 4.2** requirements for access to an auto service station.)

(f) Parking area for more than four vehicles

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

- i) The *parking area* shall be constructed of crushed stone, asphalt paving, concrete, paving stones, or similar materials and shall be maintained and treated so as to reduce the raising of dust and scattering of stones and similar undesirable effects on adjoining properties and shall incorporate drainage facilities that comply with the requirements of the *Municipality*.
- ii) *Parking areas* shall be provided with at least one (1) entrance and one (1) exit for vehicles, and driveways, and aisles for the removal of a vehicle without the necessity of removing any other vehicle.
- iii) Illuminated parking areas shall have fixtures with a height of no greater than 9 m [29.5 ft.] and fixtures shall be designed to direct light downward and deflected away from any adjacent lots, roads and streets.
- iv) Parking areas shall be located in the same *zone* and on the same lot as the use it is intended to serve except for uses on islands or those lots with water access only, in which case the parking may be zoned independently. See also **Section 4.30 (l)**.

(Note: These provisions may be substituted where provision is made for parking measures in a site plan control agreement.)

(g) Dimensions of parking spaces

Each standard *parking space* shall have a minimum width of 3 m [9.84 ft.] and a minimum length of 6 m [19.6 ft.]. Each barrier-free parking space shall have a minimum width of 3.6 m [11.8 ft.] and a minimum length of 6 m [19.7 ft.].

(h) Parking Requirements for Mixed-Use Buildings

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

(i) Parking Requirements for Existing Buildings

The *parking space* requirements shall not apply to any building in existence with a legal non-complying parking deficiency at the date of passing of this By-law to the extent of the deficiency so long as the *gross floor area*, as it existed on such date, is not increased and no change in use occurs. If an addition is made to the building or structure which increases the *gross floor area*, or a change in use occurs, then parking spaces for the addition or area changed in use shall be provided.

(j) Parking Requirements in the Business Improvement Area of Parry Sound

Despite the provisions of **Section 4.31**, the following parking space requirements shall apply within the Business Improvement Area:

i) Number of Parking Spaces

The number of parking spaces set out in **Section 4.31** shall be reduced to one-half ($\frac{1}{2}$) of the minimum number of spaces required except for a hotel, motel or residential use.

ii) Change of use within Existing Buildings

Where the use of an existing building is changed, either in conformity with the applicable zoning provisions or through an amendment to this By-law, no new parking spaces shall be required except if the building or use is converted to a hotel, motel or residential use in which case the number of spaces shall conform to **Section 4.31**.

iii) Enlargement of Existing Buildings or Infill Buildings

Where an existing building is enlarged, either in conformity with the applicable zoning provisions, through an amendment to this By-law or through a minor variance, the parking requirements as set out in **Section 4.31** shall apply for the enlargement or addition, only if such enlargement or addition has the effect of creating a new dwelling, new hotel or motel or a new use which is additional to any existing dwelling(s) or use(s).

iv) Offsite Location for Parking Spaces - Residential Renovations

Where parking as required by this By-law cannot be provided on the same property Council may consider authorizing an agreement between the Town and two property owners to permit offsite parking on a separately conveyable lot. The lot used for offsite parking shall be the lands encumbered by an agreement which permits another party to access parking space(s) on the offsite lot.

Agreements permitting offsite parking shall only be permitted when an existing building is renovated to add residential units in compliance with the applicable zoning provisions, where the location of offsite parking is within 250 metres of the subject property, it is demonstrated that there is no space on the subject property to accommodate the required parking spaces and there is no increase to the ground floor area of the building required to accommodate proposed residential units. The offsite lot shall maintain the required amount of parking spaces as noted in this By-law for that property's use(s). This agreement will not be registered on title.

(k) Cash-in-lieu of Parking

Where site configuration or other constraints prevent or render undesirable the provision of all required spaces, cash-in-lieu of parking may be provided by the applicant. The parking fund so established shall be devoted to assist in the provision of additional parking facilities where deemed appropriate by the **Municipality**. The fee for cash-in-lieu of parking shall be determined from time to time by resolution of Council.

(l) Alternative Location of Parking Space(s)

Where off-street parking required by this By-law cannot be provided for on the same lot, such parking may, at the discretion of the **Municipality**, be provided for on an alternative lot which is located within 100 m [32 ft.]. Where parking is provided on an alternative lot, such parking shall be secured by an agreement confirming the use of the parking spaces in respect of the lot proposed for the parking use and by restricting the use of the development lot to the continued provision of the alternate parking or provision of replacement parking. Where not permitted by the **Municipality** (*e.g. for lease of parking spaces in a municipal parking lot or commercial parking area or nearby private property*) the required parking for all uses shall be provided on the same lot as the **main use**.

(m) Calculation

Where the application of ratios result in a fraction of a *parking space*, the required number of spaces shall be rounded to the next highest whole number.

(n) Barrier-free Parking

Wherever barrier-free access to a building is required under the *Building Code*, one barrier-free *parking space* shall be provided for every 30 standard *parking spaces* or part thereof and shall be included in the total number of parking spaces required under the Schedule for Parking Requirements.

The provisions for *parking space* requirements shall apply to the uses as set out in the following Schedule: (Note exemptions for Business Improvement Area in **Section 4.30 (j) (i).**)

Schedule for Parking Requirements

| 4.31 | Parking Requirements (Schedule) USE | MINIMUM NUMBER OF REQUIRED PARKING SPACES |
|------|--|--|
| | Residential: <ul style="list-style-type: none"> ● single detached ● semi-detached or duplex ● mobile home ● converted dwelling ● triplex, | One (1) space per dwelling unit |
| | Residential: <ul style="list-style-type: none"> ● apartment dwellings ● fourplex ● row or town house (Any building containing more than two (2) dwelling units including a mixed use building containing a residential use.) | 1.25 spaces per dwelling unit, 15% of which shall be dedicated as visitor parking or 1 space per dwelling unit if located in the Business Improvement Area or a Commercial (C1) Zone |
| | Residential: <ul style="list-style-type: none"> ● senior citizen dwelling | 0.25 spaces per dwelling unit |
| | General business: convenience store, retail store, grocery store, personal service establishment and any commercial uses other than those specified. | 5.4 spaces per 100 m ² [1,076.4 ft ²] of Gross Leasable Area (GLA) |
| | Laundromat | Two (2) spaces for every two washing machines or cleaning units |
| | Shopping Centre | 5.4 spaces per 100 m ² [1,076.4 ft ²] of Gross Leasable Area (GLA) |
| | Funeral parlour | One (1) space for each five (5) seats capacity of the chapel with a minimum of ten (10) spaces |
| | Offsite Parking - Encumbered parking spaces as per Section 4.30 (j) iv) | 1 space per encumbered parking space |

| USE | MINIMUM NUMBER OF REQUIRED PARKING SPACES |
|---|---|
| Business, Professional and/or Administrative Office, Banks, financial institution, Personal Service Establishment, Custom Workshop | 3.5 spaces for each 100 m ² [1,076.4 ft. ²] of Gross Leasable Area (GLA) |
| Automotive Uses: Auto body shop, auto repair garage, auto service station | Four (4) spaces per service bay plus 1 space per employee; minimum 4 spaces |
| Gas Bar, Card-lock Facility, Car Wash | Two (2) spaces per pump or wash bay plus queuing spaces for a manual or an automated wash car wash [see also 4.2 (f)] |
| Motor Vehicle Rental Establishment, automotive sales establishment, recreational vehicle sales, storage and repair establishment | The greater of 25 spaces or one space per 32 m ² [344.4 ft. ²] of Gross Floor Area |
| Truck, Transport or Bus Terminal | Twenty (20) spaces plus 10 designated spaces for (3 m by 13 m) [9.8 ft. by 42.6 ft.] transports or buses. |
| Place of Assembly: private clubs, auditorium, halls, place of worship, recreational establishment, arena, community centre, cinema, theater and similar places of public assembly, entertainment establishment, bingo hall, casino, recreational commercial establishment, adult entertainment parlour, club, place of amusement, place of entertainment | 1 space for every 5 seats, fixed or otherwise or 3.6 m [11.8 ft.] of bench space; or where there are no seats, 1 space for every 20 m ² [215.2 ft. ²] of floor area devoted to public use. |
| Place of Worship | One (1) space per 8 seats or 5 m [16.4 ft.] of bench or pew space whichever is greater |
| Library, Museum, Art Gallery | 1 space for each 50 m ² [538.2 ft. ²] of Gross Floor Area |
| Government Building | 1.5 spaces for each 28 m ² [301.3 ft. ²] of Gross Floor Area plus 10 space for visitor parking |
| Bowling Alley/Curling Rink | 4 spaces per lane/sheet |
| Bed & Breakfast establishment | 1space per guest unit in addition to parking spaces required for a dwelling unit. |
| Boarding or Rooming house, lodging/tourist home, tourist establishment (see hotel, motel) | 1 space for every bedroom |
| Building supply store, lumber outlet, contractor's yard, garden centre, nursery, commercial greenhouse, salvage yard, factory outlet | 1 space for each 40 m ² [430.5 ft. ²] of gross floor area |
| Marina | one space for each 19 m ² [204.5 ft. ²] of Gross Leasable Area (GLA) plus one space for each boat slip |
| Marine/Air Passenger Service | 1 space for every 5 seats capacity of vessel(s)/aircraft using the facility |
| Golf Course | 24 spaces for each 9 holes of golfing facilities |

| USE | MINIMUM NUMBER OF REQUIRED PARKING SPACES |
|---|--|
| Outdoor recreational uses, campground | 10 spaces for each miniature golf facility, one space for each tee on a driving range, or 1.25 spaces per campground site |
| Park | 1 space for each four visitors making up the total capacity of the park as shown on a site plan or declared by the owner |
| Clinic | 4 spaces per practitioner |
| Day nursery | One (1) space per staff member: 2 spaces minimum |
| Equipment rental, sales or service establishment: | 1 space per 50 m ² [538.2 ft. ²] of open storage or gross sales area plus 1 space per employee |
| Farmer's market, flea market | 2.5 spaces per individual outdoor or indoor vendor table or booth |
| Group Home, Crisis Centre, Halfway House | 1 space for every two beds |
| Hotel, motel | 1 space per guest room or suite, plus 1 space per 10 m ² [107.6 ft. ²] of Gross Floor Area (GLA) devoted to public use such as dining rooms, licensed beverage rooms, banquet rooms. |
| Manufacturing, industrial use storage or wholesale, warehouse, processing plant | 1 space per 75 m ² [807.3 ft. ²] of Gross Floor Area or 0.6 spaces per employee whichever is the greater |
| Nursing home, convalescent home, home for the aged, long term care facility, retirement residence | One (1) space for every three (3) beds |
| Hospital | Three (3) spaces for every four (4) beds |
| Physician, dentist, or other professional person, who has established an office for consultation or emergency treatment in their private residence | Three (3) parking spaces in addition to parking spaces required for a dwelling unit. |
| Restaurant, tavern, road house, liquor licensed premise | 1 space for every four (4) persons to be accommodated according to the maximum rated capacity or 20 spaces per 100 m ² [1,076.4 ft. ²] of floor area devoted to public use including terraces, patios, decks and similar areas. |
| School - elementary | One (1) space per staff member plus 1 space per 3.7 m ² [39.8 ft. ²] of floor area in a gymnasium, auditorium or assembly area |
| School - secondary or commercial | One (1) space per staff member plus 3 spaces per 3.7 m ² [39.8 ft. ²] of floor area in a gymnasium, auditorium or assembly area |
| Veterinary Establishment, animal shelter, Kennel | One (1) space for each 28 m ² [301.3 ft. ²] of Gross Floor Area |

| USE | MINIMUM NUMBER OF REQUIRED PARKING SPACES |
|------------------------------|---|
| Uses not otherwise specified | 1 space per 28 m ² [301.3 ft. ²] of Gross Floor Area |

4.32 Permitted Projections

Every part of any minimum required yard shall be open and unobstructed from the ground to the sky by any **building** or **structure** other than an accessory building or structure permitted elsewhere in this By-law, provided however, that those structures listed below shall be permitted to project into the required yards indicated for the distances specified.

| Provisions for Permitted Projections | |
|--|---|
| Structure | Maximum Projection into required Yard |
| Belt courses, chimney breasts, cornices, minor eaves, gutters, pilasters, sills, or other ornamental structures, exterior staircases, stoops, landings - all yards | 1 m [3.28 ft.] |
| Eaves - all yards | Front and rear yards - 1.2 m [3.93 ft.] Side yards - 0.6 m [1.9 ft.] |
| Window bays - front and rear only | 1 m [3.28 ft.] including eaves and cornices. Maximum width - 3 m [9.8 ft.] |
| Balconies, canopies and unenclosed porches at ground level or first storey extending into a front or rear yard. (Projection into a side yard or onto a driveway or pedestrian way shall not be permitted.) | 1.5 m [5 ft.] |
| Balconies and canopies located above the first storey extending into a front or rear yard. (Projection into a side yard not permitted.) - all yards | 1.2 m [3.9 ft.] |
| Open or roofed decks at ground level (excluding stairs) - front and rear yard only | Front - 2 m [6.56 ft.] including the eaves and cornices Rear - 3 m [9.84 ft.] including the eaves and cornices |
| Awnings, fences, garden trellises and similar landscaping features, all plant materials, clothes poles, flag poles, uncovered paved patios, retaining walls, landscaping features, similar accessories | No maximum into any yard |
| Barrier free architectural structures i.e. ramps | As set out in the <i>Ontario Building Code</i> |
| Fire escapes, antennae towers, satellite dishes | 1.5 m [5 ft.] into a side or rear yard |
| Air conditioner | 0.5 m [1.6 ft.] into any yard. In the C1 Zone, no air conditioner shall be permitted at the ground level or first storey. |

| Provisions for Permitted Projections | |
|--------------------------------------|--|
| Heat Pump | 1.5 m [5 ft.] into a side or rear yard |

4.33 Prohibited Uses

Except as specifically permitted in this By-law, the following uses are prohibited:

- (a) No use shall be permitted within the *Municipality* which, from its nature or the materials used therein, is declared under any *Act* or regulation thereunder to be a noxious trade, business or manufacture.
- (b) Except as otherwise specifically permitted in this By-law, no land shall be used and no building or structure shall be erected, altered or used for any purpose which is obnoxious or which creates or is likely to become a nuisance or offensive, or both, to an adjacent property holder or to the general public.
- (c) A track for the racing of motor vehicles, motor cycles or snowmobiles.
- (d) An oil refinery, iron or steel mill or refinery.
- (e) A dwelling unit in a basement having a height of 2 m [6.56 ft.] or less.
- (f) The processing, washing, sorting, screening or crushing of rock, sand or gravel except that such uses may be permitted on a temporary basis in conjunction with and accessory to, the development of the property upon which these uses are located and where these operations are a minimum of 200 m [656.1 ft.] from the nearest property line of an existing residential use.

4.34 Railway Crossing and Sight Distances

Where any road or street crosses a railway at the same grade, no building or structure shall hereafter be erected closer to the point of intersection of the centre line of both the railway and the road or *public street* than 30 m [98.4 ft.] where automatic signal protection is provided and 45 m [147.6 ft.] where no automatic signals are provided.

4.35 Rooming Houses and Hostels

- (a) A *rooming house* may only be permitted in a residential zone and a *hostel* may only be permitted by way of amendment to this By-law.
- (b) No rooming house or hostel shall be located closer than 300 m [984 ft.] in a straight line distance to any other rooming house or hostel.

- (c) Dwellings being converted to rooming houses shall be permanent one or two unit dwellings only. Rooming units in mobile homes are strictly prohibited.

4.36 Sight Triangle

- (a) Prohibited Uses

Within any area defined as a sight triangle, the following uses are prohibited:

- i) a building, structure, or use which would obstruct the vision of drivers of motor vehicles;
- ii) a fence, tree, hedge, bush or other vegetation greater than 0.8 m [2.62 ft.] except a chain link or wire fence;
- iii) any portion of a delivery space, loading space, driveway or parking space;
- iv) a berm or other ground surface which exceeds the elevation of the street by more than 0.8 m [2.62 ft.].

- (b) Sight Distances

For the purposes of this By-law, the following sight distances shall apply:

- i) no distance requirement in lands zoned General Commercial (C1) Zone - (*Downtown Sector*);
- ii) Five (5) m [16.4 ft.] in all other zones.

4.37 Signs

Outdoor advertizing signs or devices shall be permitted accordance with the provisions of the Town of Parry Sound Sign By-law No. 89-3368, as amended or as permitted by the Ministry of Transportation, where applicable.

4.38 Streets and Parks

In any zone established by this By-law, *public streets*, walkways, bike paths and *parks* are permitted.

4.39 Swimming Pools

All *swimming pools* shall conform with the zoning requirements set out in this By-law.

- (a) Covered Swimming Pools

Covered *swimming pools* erected as a detached building or structure shall conform with the **Section 4.1.1 - Accessory Buildings, Structures and Uses** of this By-law.

(b) Swimming Pools for Single Detached, Duplex and Semi-Detached Dwellings

Swimming pools shall not be erected in any front yard.

- i) The minimum setback from the inside edge of the water in a *swimming pool* to a lot line other than a street line shall be 1 m [3.28 ft.] plus 0.3 m [0.98 ft.] for each 0.5 m [1.6 ft.] of height of the *swimming pool* above the *established grade* around the pool and also abuts a municipal street, however, it shall be allowed in the front yard of such lots. Despite this provision, a *swimming pool* shall not be permitted in the rear yard of any lot having frontage on the Seguin River.
- ii) The minimum setback from the inside edge of the water in a *swimming pool* to a street line shall not be less than the minimum required setback required for the *zone* in which the dwelling is erected.

(c) Fence or Enclosure

Every in-ground pool in a residential zone shall be totally enclosed by a fence constructed of suitable materials having a minimum height of 1.5 m [4.92 ft.] with a self-locking gate and located at a distance of not less than 1 m [3.28 ft.] and not more than 5 m [16.4 ft.] from the inside edge of the pool.

(d) Accessory Structures

Any building or structure, other than a dwelling, required for changing clothing or pumping, filtering or storage or any similar purposes shall comply with the provisions respecting accessory buildings, structures and uses (see **Section 4.1.1**).

4.40 Temporary Buildings or Structures During Construction

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure or a scaffold or other equipment essential to the construction in progress for which a building permit has been granted, but only until such time as the work has been finished or abandoned or such equipment is no longer required in the opinion of the *Municipality*. Abandoned, for the purposes of this clause, shall mean failure to proceed expeditiously with the construction of a work, specifically the discontinuance of construction for six months or where a building permit has been revoked under the *Building Code Act*.
- (b) In addition, temporary accommodation for a business or other use which is intended to occupy a building which is under construction with the work in progress on such building, may be temporarily permitted on the same lot in the form of a mobile, relocatable, portable or transportable building provided:
 - i) such temporary accommodation is removed from the lot immediately upon

completion of construction, abandonment of construction, or at such time as, in the opinion of the **Municipality**, it is no longer required.

4.41 Through Lots

Where a lot is a **through lot**, the requirements for **front yards** and **setbacks** contained in this By-law for the **zone** in which the lot is located shall apply to each yard abutting a street.

4.42 Truck, Bus, Coach and Other Occupancy Restrictions

No truck, bus, coach or streetcar body, vehicle of any kind (whether or not the same is mounted on wheels), private garage, accessory building (other than an **accessory dwelling** or **accessory dwelling unit**), unfinished building or structure for which an occupancy permit (per the *Building Code Act*) has not been issued, shall be used for human habitation within the **Municipality**. Marine vessels or structures of any kind shall not be used for the purposes of permanent human habitation except as customarily associated with marine recreational uses. The use of a tent, trailer or **recreational vehicle** for other than occasional accommodation of guests is not permitted except as exempted under **Section 4.40 - Temporary Buildings or Structures During Construction**.

4.43 Use by Public Authority or Public Utility

- (a) The provisions of this By-law shall not apply to the use of any land or to the erection or use of any utility or infrastructure installation for the purpose of public service by the **Municipality**, any **public authority**, any department of the Government of Ontario or Canada or any public utility including any Hydro One facilities pursuant to the *Planning Act*, provided that where such land, building or structure is located in a Residential Zone or on a lot adjacent to a Residential Zone:
- i) no goods, materials or equipment shall be stored in the open except in accordance with the relevant zone provisions;
 - ii) the lot coverage, setback and yard requirements of the zone in which such land, building or above ground structure is located shall be complied with, except for gas, telephone, cable and electric power (i.e. poles, towers, lines and similar elements);
 - iii) any building or structure erected in a Residential Zone under the authority of this section shall be designed and maintained in general harmony with the residential buildings of the type permitted in the zone, and
 - iv) the parking requirements as set out in the applicable zone shall be complied with.
- (b) Nothing in this By-law shall prevent the use of any land for a site for a statue, monument, cenotaph or other memorial structure.

4.44 Water Supply and Sewage Disposal Services

No building permit shall be issued for any building or structure which requires municipal water and sewer services (i.e. **urban area** of the Town of Parry Sound as set out in the Official Plan) unless such services are available and have the capacity to service such development or are to be installed subject to a valid subdivision or development agreement providing for such services i.e. all development shall be connected to municipal water and sewer services unless otherwise exempted by the *Building Code*. The **urban area** includes Low, Medium and High Density Residential, Marine and Resort Residential, Central District and Waterfront Commercial categories.

For development not requiring connection to municipal water and sewer services, such development shall be required to comply with the requirements of the *Building Code Act* for individual on-site water and sewage disposal or the *Environmental Protection Act* for communal water and sewage disposal systems (i.e. five or more lots/uits).

4.45 Yards

- (a) Where any part of a lot is required by this By-law to be reserved as a **yard**, it shall continue to be used for such purposes regardless of any change in the ownership of the lot or any part thereof and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.
- (b) Despite the **yard** and **setback** provisions of this By-law, in an Industrial zone, a railway spur shall be permitted within any required yard or in the area between the street line and the required setback.

4.46 Zones

Where a lot is divided into more than one zone under the provisions of this By-law, each portion of the said lot shall be used in accordance with the zone requirements of this By-law for the applicable **zone**.

4.47 Existing Minor Variances

In respect of any Minor Variance granted under Section 45 of the Planning Act to the comprehensive Zoning By-law in effect prior to the adoption of this By-law, such Minor Variances shall continue to be in force for a period of three (3) years from the date of adoption of this By-law.

Section 5 ZONES

5.1 Zone Classification

For the purposes of zoning, the *Municipality* is divided into Zones which are applicable to the Town of Parry Sound. These zones are named and described in the following sections, the boundaries of which are shown on the attached Zone Schedules, herein referred to as a ‘zoning map’, which forms part of this By-law. These zones may be referred to by the name or the symbol set opposite the name of the zone below:

| <u>Zone</u> | <u>Zone Symbol</u> |
|--|---------------------------|
| Residential Zones | |
| Residential First Density | R1 |
| Residential Second Density | R2 |
| Multiple Residential | R3 |
| Marine Residential | RM |
| Rural Residential | RR |
| Residential Mobile Home Park | MHP |
| Commercial Zones | |
| General Commercial | C1 |
| Local Commercial | C2 |
| Highway Commercial | C3 |
| Tourist Commercial | C4 |
| District Commercial | C5 |
| Industrial Zones | |
| Restricted Industrial | M1 |
| General Industrial | M2 |
| Mineral Extraction | MX |
| Waste Management Facility | WMF |
| Institutional and Public Services Zones | |
| Institutional | I |
| Transportation | T |
| Environmental Zones | |
| Open Space | O1 |
| Environmental Protection | EP |

Rural Zone

Rural RU

5.2 Use of Zone Symbols

The symbols listed in subsection 5.1 may be used to refer to any of the uses of land, buildings and structures permitted by this By-law in the said zones and whenever in this By-law the word “zone” is used, preceded by any of the said symbols, such zone shall mean any area delineated on the zoning map and designated thereon by the said symbol.

5.3 Holding “H” Designation

Any zone classification detailed in section 5.1 above may be placed in a “Holding” classification by adding to the zone designation the word “Holding” or the letter “h” as the case may be. (*For example, a Residential First Density “R1” Zone would become a Residential First Density - Holding “R1(h)” Zone.*)

5.4 Interpretation of Zone Boundaries

Where any zone boundary is uncertain on the Zoning Map, the following rules shall apply:

- (a) Unless otherwise shown, the boundaries of the zones as shown on the Zoning Map are the center lines of a highway, public street or lane or unopened road allowance and the projection thereof, including a public street, road or lane which has been closed whereupon the adjoining zone or zones shall extend to the center line of the closed public street, road or lane. Where a shoreline road allowance has been closed, the adjoining zone on the landward side shall extend and include all of the closed road allowance on the affected lot;
- (b) A boundary indicated as following a watercourse, creek, stream or the right-of-way of a railway or an electrical, gas or oil transmission line shall be the center line of such watercourse, creek, stream or right-of-way;
- (c) A boundary indicated as following the shoreline shall follow such shoreline, and in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline;
- (d) Where zoning boundaries are indicated as approximately following lot lines shown on a registered plan of subdivision, reference plan, mining claim, municipal or geographic township or Town , such lot lines shall be deemed to be the said boundary;
- (e) A boundary indicated as following the limits of the Town of Parry Sound shall follow such limits;
- (f) Where zoning boundaries are indicated as approximately parallel to the line of any street and the distance from such street is not indicated, such zoning boundaries shall be construed as being parallel to such street lines and the distance therefrom shall be

determined by the use of the scale shown on the zoning map;

- (g) Where any zone boundary or a dimension is left uncertain after application of the above provisions then the boundary or dimension shall be determined from the zoning map using the scale bar thereon.

6.0 RESIDENTIAL FIRST DENSITY (R1) ZONE

No person shall use any land or erect, alter or use any building or structure in the Residential First Density (R1) Zone except in accordance with the following provisions.

6.1 Permitted Uses

| Permitted Uses | |
|--|--|
| Main Use | Accessory Use |
| Single Detached Dwelling | <ul style="list-style-type: none"> • Garden Suite (see 4.14 & 6.3) • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) • Bed & Breakfast Establishment (see 4.3) • Accessory Dwelling Unit • Ancillary Dwelling Unit • Backyard Hens (see Section 4.20.1) |
| Group Home (see 4.15) | <ul style="list-style-type: none"> • Accessory use, building or structure except a Home Based Business or Garden Suite (see 4.1, 4.14 and 4.18) |
| Public Service Use, Park or Playground | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) |
| Day Nursery | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) |
| Existing Institutional Use | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) |

6.2 Zone Requirements

| 6.2 -R1 Zone Requirements | | | |
|---|---|--|---|
| | Single Detached Dwelling, Group Home | Non-Residential Use | Accessory Use |
| Minimum Lot Area: • Municipal Water and Sewer • Water Only • Individual On-site Services | • 550 m ² [5,920.3 ft. ²] • 700 m ² [7,534.9 ft. ²] • 2,000 m ² [21,528.8 ft. ²] | 1,650 m ² [17,761 ft. ²] | n/a |
| Minimum Lot Frontage: • Municipal Water and Sewer • Water Only • Individual On-site Services | • 18 m [59 ft.] • 23 m [75.4 ft.] • 30 m [98.4 ft.] | 36.5 m [119.7 ft.] | n/a |
| Minimum Lot Depth: • Municipal Water and Sewer • Water Only • Individual On-site Services | • 26 m [85.3 ft.] • 26 m [85.3 ft.] • 50 m [164 ft.] | 40 m [131.2 ft.] | n/a |
| Minimum Front Yard | 7.5 m [24.6 ft.] | 12 m [39.3 ft.] | same as main use |
| Minimum Rear Yard | 10.5 m [34.4 ft.] | 12 m [39.3 ft.] | 0.5 m [1.6 ft.] |
| Minimum Interior Side Yard | 2 m [6.56 ft.] | 3 m [9.84 ft.] | 0.5 m [1.6 ft.] |
| Minimum Exterior Side Yard • Municipal Water and Sewer • Water Only • Individual On-site Services | • 3 m [9.84 ft.] • 6 m [19.6 ft.] • 3 m [9.84 ft.] | 7.5 m [24.6 ft.] | 6 m [19.6 ft.] |
| Maximum Height | 10.5 m [34.4 ft.] | 10.5 m [34.4 ft.] | 4 m [13.1 ft.] |
| Maximum Lot Coverage: • Municipal Water and Sewer • Water Only • Individual On-site Services | • 30% • 30% • 20% | 30% | any one structure 10%; or total all structures 10% |
| Maximum No. Dwelling Units per lot (excluding a Garden Suite) | 1 | n/a | n/a |
| Note: the minimum lot area on Brenda Crescent, Greenwood Crescent and Nancy Crescent for development on full services shall be 650 m ² [6,996.7 ft. ²] (per By-law No. 93-3635). | | | |

6.3 Additional Provisions

- (a) A garden suite is a permitted use only where a Temporary Use By-law has been enacted.
- (b) All room sizes shall conform to the *Building Code*.
- (c) See also **Section 4 - General Provisions**.

7.0 RESIDENTIAL SECOND DENSITY (R2) ZONE

No person shall use any land or erect, alter or use any building or structure in the Residential Second Density (R2) Zone except in accordance with the following provisions.

7.1 Permitted Uses

| Permitted Uses | |
|--|---|
| Main Use | Accessory Use |
| All uses permitted in the R1 Zone | All accessory uses to permitted uses in the R1 Zone |
| Converted Dwelling | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) |
| Semi-detached Dwelling | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) • Bed & Breakfast Establishment (see 4.3) • Accessory Dwelling Unit • Ancillary Dwelling Unit |
| Duplex Dwelling | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) • Bed & Breakfast Establishment (see 4.3) |
| Triplex Dwelling | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) |
| Boarding House | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) |
| Home for the Aged, Nursing Home, Long Term Care Facility | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) |
| School | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) |
| Place of Worship | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) |

7.2 Zone Requirements

| 7.1 - R2 Zone Requirements | | | | | | |
|--|--|--|---|---|--|----------------------|
| | -Single Detached Dwelling -Converted Dwelling | Semi-detached Dwelling (per dwelling unit) | -Duplex Dwelling -Triplex Dwelling | Boarding House | Home for the Aged, Nursing Home, Long Term Care Facility and Non-residential uses, School, Place of Worship | Accessory Use |
| Minimum Lot Area: • Municipal Water and Sewer • Water Only | • 460 m ² [4,951.5 ft. ²] • 500 m ² [5,382.1 ft. ²] | • 300 m ² [3,229.2 ft. ²] • 700 m ² [7,534.9 ft. ²] | • duplex - 550 m ² [5,920.3 ft. ²]; triplex - 650 m ² [6,996.7 ft. ²] • 1,440 m ² [15,500.5 ft. ²] | • 550 m ² [5,920.3 ft. ²] • not permitted | • 1,650 m ² [17,761 ft. ²] | n/a |
| Minimum Lot Frontage: • Municipal Water and Sewer • Water Only | • 15 m [49.2 ft.] • 15 m [49.2 ft.] | • 10 m [32.8 ft.] • 23 m [75.4 ft.] | • 18 m [59.0 ft.] • 30 m [98.4 ft.] | • 15 m [49.2 ft.] • not permitted | • 36.5 m [119.7 ft.] • not permitted | n/a |
| Minimum Lot Depth: • Municipal Water and Sewer • Water Only | • 24 m [78.7 ft.] • 24 m [78.7 ft.] | • 24 m [78.7 ft.] • 24 m [78.7 ft.] | • 24 m [78.7 ft.] • 30 m [98.4 ft.] | • 24 m [78.7 ft.] • not permitted | • 40 m [131.2 ft.] • not permitted | n/a |

| 7.1 - R2 Zone Requirements | | | | | | |
|--|--|---|---|--|--|---|
| | -Single Detached Dwelling -Converted Dwelling | Semi-detached Dwelling (per dwelling unit) | -Duplex Dwelling -Triplex Dwelling | Boarding House | Home for the Aged, Nursing Home, Long Term Care Facility and Non-residential uses, School, Place of Worship | Accessory Use |
| Minimum Front Yard: • Municipal Water and Sewer • Water Only | • 6 m [19.6 ft.] • 6 m [19.6 ft.] | • 6 m [19.6 ft.] • 7.5 m [24.6 ft.] | • 6 m [19.6 ft.] • 7.5 m [24.6 ft.] | • 6 m [19.6 ft.] • not permitted | • 9 m [29.5 ft.] • not permitted | same as main use except that no use shall be located in front of the main building [see Section 4.1(b)] |
| Minimum Rear Yard: • Municipal Water and Sewer • Water Only | • 10.5 m [34.4 ft.] • 10.5 m [34.4 ft.] | • 10.5 m [34.4 ft.] • 10.5 m [34.6 ft.] | • 10.5 m [34.4 ft.] • 7.5 m [24.6 ft.] | • 10.5 m [34.4 ft.] • not permitted | • 10 m [32.8 ft.] • not permitted | • 0.5 m [1.6 ft.] • 0.5 m [1.6 ft.] [see Section 4.1(b)] |
| Minimum Interior Side Yard: • Municipal Water and Sewer • Water Only | • 1.2 m [3.93 ft.] • 1.2 m [3.93 ft.] | • 2 m [8.20 ft.] • 4 m [13.1 ft.] | • 2.5 m [8.20 ft.] • 2.5 m [8.20 ft.] | • 2 m [6.56 ft.] • not permitted | • 3 m [9.84 ft.] • not permitted | • 0.5 m [1.6 ft.] • 0.5 m [1.6 ft.] |

| 7.1 - R2 Zone Requirements | | | | | | |
|--|--|---|---|---|--|---|
| | -Single Detached Dwelling -Converted Dwelling | Semi-detached Dwelling (per dwelling unit) | -Duplex Dwelling -Triplex Dwelling | Boarding House | Home for the Aged, Nursing Home, Long Term Care Facility and Non-residential uses, School, Place of Worship | Accessory Use |
| Minimum Exterior Side Yard: • Municipal Water and Sewer • Water Only | • 3 m [9.84 ft.] • 3 m [9.84 ft.] | • 3 m [9.84 ft.] • 7.5 m [24.6 ft.] | • 5 m [16.4 ft.] • 7.5 m [24.6 ft.] | • 3 m [9.84 ft.] • not permitted | • 6 m [19.6 ft.] • not permitted | same as main use |
| Maximum Height | • 10.5 m [34.4 ft.] | • 10.5 m [34.4 ft.] | • 10.5 m [34.4 ft.] | • 10.5 m [34.4 ft.] | • 10.5 m [34.4 ft.] | • 4 m [13.1 ft.] |
| Maximum Lot Coverage: • Municipal Water and Sewer • Water Only | • 30% • 30% | • 30% • 30% | • 30% • 30% | • 30% • not permitted | • 30% • not permitted | -any one structure 10%; or -total all accessory structures 10% |
| Maximum No. Dwelling Units per lot (excluding a Garden Suite) | 1 | 1 | • Duplex - 2 • Triplex - 3 | 1 dwelling | n/a | n/a |

7.1 - R2 Zone Requirements

| | | | | | | |
|--|---|--|--|------------------------------|---|-----------------------------|
| | <p>-Single Detached Dwelling -Converted Dwelling</p> | <p>Semi-detached Dwelling (per dwelling unit)</p> | <p>-Duplex Dwelling -Triplex Dwelling</p> | <p>Boarding House</p> | <p>Home for the Aged, Nursing Home, Long Term Care Facility and Non-residential uses, School, Place of Worship</p> | <p>Accessory Use</p> |
|--|---|--|--|------------------------------|---|-----------------------------|

Note: The zone standards for the R2 Zone shall apply to R1 uses. The standards for a Single Detached Dwelling shall apply to a Group Home.

7.3 Additional Provisions

- (a) A garden suite is a permitted use only where a Temporary Use By-law has been enacted.
- (b) All room sizes shall conform to the *Building Code*.
- (c) The minimum interior side yard shall not apply to the party wall of a semi-detached dwelling.
- (d) See also **Section 4 - General Provisions**.

8.0 MULTIPLE RESIDENTIAL (R3) ZONE

No person shall use any land or erect, alter or use any building or structure in the Multiple Residential (R3) Zone except in accordance with the following provisions.

8.1 Permitted Uses

| Permitted Uses | |
|--|--|
| Main Use | Accessory Use |
| All uses permitted in the R2 Zone | All accessory uses to permitted uses in the R2 Zone |
| Row or Townhouse or Maisonette Dwelling | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) • Accessory Dwelling Unit • Ancillary Dwelling Unit |
| Fourplex Dwelling | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) |
| Apartment Dwelling | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) |
| Lodging/Tourist Home | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) |
| Rooming House | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) |
| Retirement Residence | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) |

8.2 Zone Requirements

| 8.2 - R3 ZONE REQUIREMENTS | | | | | |
|-----------------------------------|--|--|---|---|--|
| | Row, Townhouse or Maisonette Dwelling | Fourplex Dwelling | Apartment Dwelling, Retirement Residence | Lodging/ Tourist Home, Boarding House, Rooming House | Accessory Use |
| Minimum Lot Area | <ul style="list-style-type: none"> • 210 m² [2,260.4 ft.²] - Interior Unit • 300 m² [3,229.2 ft.²] - End Unit • 770 m² [8,288.4 ft.²] for an internal townhouse development [Note: unit minimums apply] | 800 m ² [8,611.4 ft. ²] | <ul style="list-style-type: none"> • 900 m² [9,687.8 ft.²] for first 5 units + 130 m² [1,399.3 ft.²] for each additional unit • retirement residence: 900 m² [9,687.8 ft.²] + 80 m² [861.1 ft.²] for each bedroom over 12 units | 550 m ² [5,920.3 ft. ²] | n/a |
| Minimum Lot Frontage | <ul style="list-style-type: none"> • 7 m [22.9 ft.] - Interior Unit • 10 m [32.8 ft.] - End Unit • 30 m [98.4 ft.] for an internal townhouse development [Note: unit minimums apply] | • 20 m [65.6 ft.] | • 30 m [98.4 ft.] | • 15 m [49.2 ft.] | same as main use |
| Minimum Lot Depth | • 30 m [98.4 ft.] | • 30 m [98.4 ft.] | • 40 m [131.2 ft.] | • 24 m [78.7 ft.] | n/a |
| Minimum Front Yard | • 7 m [22.9 ft.] | • 6 m [19.6 ft.] | • 7.5 m [14.6 ft.] | • 6 m [19.6 ft.] | same as main use except that no use shall be located in front of the main building |
| Minimum Rear Yard | • 10 m [32.8 ft.] | • 10 m [32.8 ft.] | • 10 m [32.8 ft.] | • 10 m [32.8 ft.] | 0.5 m [1.6 ft.] |

| 8.2 - R3 ZONE REQUIREMENTS | | | | | |
|--|---|------------------------------|---|---|---|
| | Row, Townhouse or Maisonette Dwelling | Fourplex Dwelling | Apartment Dwelling, Retirement Residence | Lodging/ Tourist Home, Boarding House, Rooming House | Accessory Use |
| Minimum Interior Side Yard | • 3 m [9.84 ft.] for an internal townhouse development [see Section 8.3(b)] | • 2.5 m [8.20 ft.] | • 6 m [19.6 ft.] | • 2 m [6.56 ft.] | 0.5 m [1.6 ft.] |
| Minimum Exterior Side Yard | • 5 m [16.4 ft.] | • 5 m [16.4 ft.] | • 6 m [19.6 ft.] | • 3 m [9.84 ft.] | same as main use |
| Maximum Height | • 10.5 m [34.4 ft.] | • 10.5 m [34.4 ft.] | • 10.5 m [34.4 ft.] | • 10.5 m [34.4 ft.] | • 4 m [13.1 ft.] |
| Maximum Lot Coverage | 40 % | 35% | 40% | 30% | any one structure 10%; or total of accessory structures 10% |
| Maximum Number of Dwelling Units Per Lot | n/a | 4 | n/a | 1 | n/a |

8.3 Additional Provisions

- (a) All room sizes shall conform to the *Building Code*.
- (b) The minimum interior side yard shall not apply to the party wall of a row, townhouse or maisonette dwelling.
- (c) The zone requirements for non-residential uses shall be those set out in **Section 7.2**.
- (d) The Landscaped Area requirements of **Section 4.23** shall apply to multiple residential buildings. This provision may be substituted where provision is made for landscaping in a site plan control agreement.
- (e) See also **Section 4 - General Provisions**.
- (f) For regulations governing all uses in this zone not identified on the R3 Zone Requirements schedule, the R2 Zone Requirements schedule shall be used. For all uses

allowed in this zone not identified on either the R2 or R3 Zone requirements schedule, the R1 Zone Requirements schedule shall be used.

- (g) Bed & Breakfast Establishment - see Section 4.3.**

9.0 MARINE RESIDENTIAL (RM) ZONE

No person shall use any land or erect, alter or use any building or structure in the Marine Residential (RM) Zone except in accordance with the following provisions.

9.1 Permitted Uses

| Permitted Uses | |
|--|---|
| Main Use | Accessory Use |
| Apartment Dwelling, Retirement Residence | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) |
| Lodging/Tourist Home | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) |
| Row or Townhouse or Maisonette Dwelling | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) • Accessory Dwelling Unit • Ancillary Dwelling Unit |
| Commercial Uses including: <ul style="list-style-type: none"> • Convenience Store • Gift Shop • Indoor and Outdoor Theaters • Liquor Licensed Premise • Marina • Marine Retail Outlet • Parking Area • Place of Entertainment • Tourist Establishment • Tourist Information Building | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • Office in conjunction with any permitted use • Liquor Licensed Premise that is clearly subordinate to a main use |
| Institutional Use | <ul style="list-style-type: none"> • Office in conjunction with any permitted use |

9.2 Zone Requirements

| 9.2 - RM ZONE REQUIREMENTS | | | | | | |
|-----------------------------------|---|--|---|---|---|----------------------|
| | Apartment Dwelling, Retirement Residence | Row or Townhouse or Maisonette Dwelling | Lodging/ Tourist Home | Commercial Use | Institutional Use | Accessory Use |
| Minimum Lot Area | <ul style="list-style-type: none"> • 900 m² [9,687.8 ft.²] for first 5 units + 130 m² [1,399.3 ft.²] for each additional unit • retirement residence: 900 m² [9,687.8 ft.²] for first 5 units + 80 m² [861.1 ft.²] for each bedroom over 12 units | <ul style="list-style-type: none"> • 210 m² [2,260.4 ft.²] - Interior Unit • 300 m² [3,229.2 ft.²] - End Unit • 770 m² [8,288.4 ft.²] for an internal townhouse development [Note: unit minimums still apply] | <ul style="list-style-type: none"> • 600 m² [6,458.5 ft.²] | <ul style="list-style-type: none"> • 900 m² [9,687.8 ft.²] | <ul style="list-style-type: none"> • 900 m² [9,687.8 ft.²] | N/a |
| Minimum Lot Frontage | <ul style="list-style-type: none"> • 30 m [98.4 ft.] | <ul style="list-style-type: none"> • 7 m [22.9 ft.] - Interior Unit • 10 m [32.8 ft.] - End Unit • 30 m [98.4 ft.] for an internal townhouse development [Note: unit minimums do not apply] | <ul style="list-style-type: none"> • 20 m [65.6 ft.] | <ul style="list-style-type: none"> • 30 m [98.4 ft.] | <ul style="list-style-type: none"> • 30 m [98.4 ft.] | n/a |
| Minimum Lot Depth | <ul style="list-style-type: none"> • 40 m [131.2 ft.] | <ul style="list-style-type: none"> • 30 m [98.4 ft.] | <ul style="list-style-type: none"> • 30 m [98.4 ft.] | <ul style="list-style-type: none"> • 30 m [98.4 ft.] | <ul style="list-style-type: none"> • 30 m [98.4 ft.] | n/a |

| 9.2 - RM ZONE REQUIREMENTS | | | | | | |
|-----------------------------------|---|---|------------------------------|--|--------------------------|--|
| | Apartment Dwelling, Retirement Residence | Row or Townhouse or Maisonette Dwelling | Lodging/ Tourist Home | Commercial Use | Institutional Use | Accessory Use |
| Minimum Front Yard | • 7.5 m [24.6 ft.] | • 7 m [22.9 ft.] | • 7.5 m [24.6 ft.] | • 6 m [19.6 ft.] | • 7.5 m [24.6 ft.] | same as main use except that no use shall be located in front of the main building |
| Minimum Rear Yard | • 10 m [32.8 ft.] | • 10 m [32.8 ft.] | • 10 m [32.8 ft.] | • 7.5 m [24.6 ft.] | • 7.5 m [24.6 ft.] | 0.5 m [1.6 ft.] |
| Minimum Interior Side Yard | • 6 m [19.6 ft.] | • 3 m [9.84 ft.] for an internal townhouse development [see Section 9.3(b)] | • 3 m [9.84 ft.] | nil next to a commercial zone or 3 m [9.84 ft.] next to residential zone | • 3 m [9.84 ft.] | 0.5 m [1.6 ft.] |
| Minimum Exterior Side Yard | • 6 m [19.6 ft.] | • 5 m [16.4 ft.] | • 5 m [16.4 ft.] | • 5 m [16.4 ft.] | • 5 m [16.4 ft.] | same as main use |
| Maximum Height | • 15 m [49.2 ft.] | • 15 m [49.2 ft.] | • 10.5 m [34.4 ft.] | • 15 m [49.2 ft.] | • 15 m [49.2 ft.] | • 4 m [13.1 ft.] or • 10 m [32.8 ft.] for commercial or institutional use |
| Maximum Lot Coverage | 60% | 40% | 40% | 50% | 40% | Total of all accessory structures 10% |

9.3 Additional Provisions

- (a) All room sizes shall conform to the *Building Code*.
- (b) The minimum interior side yard shall not apply to the party wall of a row, townhouse or maisonette dwelling.

(c) Group Housing

Group housing shall be permitted subject to meeting the zone requirements as set out in **Section 9.2** above. The minimum separation distance between any dwelling and any other dwelling on the same lot shall be 8 m [26.2 ft.].

(d) The Landscaped Area requirements of **Section 4.24** shall apply to multiple residential buildings. This provision may be substituted where provision is made for landscaping in a site plan control agreement.

(e) See also **Section 4 - General Provisions**.

(f) Bed & Breakfast Establishment - see Section 4.3.

10.0 RURAL RESIDENTIAL (RR) ZONE

No person shall use any land or erect, alter or use any building or structure in the Rural Residential (RR) Zone except in accordance with the following provisions.

10.1 Permitted Uses

| Permitted Uses | |
|---|---|
| Main Use | Accessory Use |
| Single Detached Dwelling | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Bed & Breakfast Establishment (see 4.3) • Garden Suite (see 4.14 and 10.3) • Accessory use, building or structure (see 4.1) • Accessory Dwelling Unit • Ancillary Dwelling Unit • Backyard Hens (see Section 4.20.1) |
| Farm, but not a Specialized Farm nor an aviary, arboretum, nursery garden or forestry use | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Bed & Breakfast Establishment (see 4.3) • Accessory use, building or structure (see 4.1) |
| Non-Residential Uses including: <ul style="list-style-type: none"> • Day Nursery • Park or Playground • School | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • Office in conjunction with any permitted use |

10.2 Zone Requirements

| 10.2 - RR Zone Requirements | | | |
|---|---|----------------------|---|
| | - Single Detached Dwelling - Group Home - Day Nursery - Park or Playground | -Non-Residential Use | - Accessory Use [see also Section 4.1 (b)] |
| Minimum Lot Area | • 0.4 ha [0.98 ac.] | • 4 ha [9.88 ac.] | n/a |
| Minimum Lot Frontage | • 44 m [144.3 ft.] | • 44 m [144.3 ft.] | n/a |
| Minimum Lot Depth | n/a | n/a | n/a |
| Minimum Front Yard | • 10 m [32.8 ft.] | 12 m [39.3 ft.] | see Section 4.1(b) • Water frontage lots 6 m [19.6 ft.] • docks and boathouses - nil |
| Minimum Rear Yard | • 10 m [32.8 ft.] | • 15 m [49.2 ft.] | • 6 m [19.6 ft.]; [see also Section 4.1 (b)] |
| Minimum Interior Side Yard | • 5 m [16.4 ft.] | • 10 m [32.8 ft.] | • 6 m [19.6 ft.] |
| Minimum Exterior Side Yard | • 10 m [32.8 ft.] | • 10 m [32.8 ft.] | • 6 m [19.6 ft.] |
| Maximum Height | • 10.5 m [34.4 ft.] | • 10.5 m [34.4 ft.] | • 4 m [13.1 ft.] |
| Maximum Lot Coverage: | 10% | 10% | Total all accessory structures 5% |
| Maximum No. Dwelling Units per lot (excluding a Garden Suite) | 1 | n/a | n/a |

10.3 Additional Provisions

- (a) A garden suite is a permitted use only where a Temporary Use By-law has been enacted.
- (b) All room sizes shall conform to the *Building Code*.
- (c) See also **Section 4 - General Provisions**.

(d) Bed & Breakfast Establishment - see Section 4.3.

11.0 MOBILE HOME PARK (MHP) ZONE

No person shall use any land or erect, alter or use any building or structure in the Mobile Home Park (MHP) Zone except in accordance with the following provisions.

11.1 Permitted Uses

| Permitted Uses | |
|--|--|
| Main Use | Accessory Use |
| Mobile Home Park (Mobile Home or Park Model Trailer) | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory Dwelling • Park or Playground • Accessory use, building or structure (see 4.1) including an administration building, community center, convenience store |

11.2 Zone Requirements

| 11.2 - MHP Zone Requirements | | | |
|------------------------------|---------------------|---|--------------------|
| | Mobile Home Park | -Mobile Home Site or Lot -Accessory Dwelling | - Accessory Use |
| Minimum Lot Area | • 2 ha [4.94 ac.] | • 650 m ² [6,996.7 ft. ²] | n/a |
| Minimum Lot Frontage | • 80 m [262.4 ft.] | • 15 m [49.2 ft.] | n/a |
| Minimum Lot Depth | • 50 m [164.4 ft.] | • 30 m [98.4 ft.] | n/a |
| Minimum Front Yard | • 7.5 m [24.6 ft.] | • 7.5 m [24.6 ft.] | same as main use |
| Minimum Rear Yard | • 6 m [19.6 ft.] | • 7.5 m [24.6 ft.] | 0.5 m [1.6 ft.] |
| Minimum Interior Side Yard | • 3 m [9.84 ft.] | • 3 m [9.84 ft.] | • 0.5 m [1.6 ft.] |
| Minimum Exterior Side Yard | • 7.5 m [24.6 ft.] | • 7.5 m [24.6 ft.] | • 7.5 m [24.6 ft.] |
| Maximum Height | • 10.5 m [34.4 ft.] | • 10.5 m [34.4 ft.] | • 4 m [13.1 ft.] |

| 11.2 - MHP Zone Requirements | | | |
|--|-------------------------|---|---|
| | Mobile Home Park | -Mobile Home Site or Lot -Accessory Dwelling | - Accessory Use |
| Maximum Lot Coverage: | n/a | 25% | any one structure 10%; or total all structures 15% |
| Maximum No. Dwelling Units per lot or Mobile Home Site | n/a | 1 | n/a |

11.3 Additional Provisions

- (a) The minimum width of a landscaped area (buffer) on all boundaries of a mobile home park shall be 6 m [19.6 ft.].
- (b) The installation of any mobile home or park model trailer shall conform to the *Building Code*.
- (c) The minimum separation distance between any dwelling (mobile home, park model trailer, or accessory dwelling) and any non-residential accessory use shall be 8 m [26.2 ft.].
- (d) Access from a mobile home lot or site shall be from an internal park street.
- (e) See also **Section 4 - General Provisions**.
- (f) **Bed & Breakfast Establishment - see Section 4.3.**

12.0 GENERAL COMMERCIAL (C1) ZONE

No person shall use any land or erect, alter or use any building or structure in the General Commercial (C1) Zone except in accordance with the following provisions.

12.1 Permitted Uses

| Permitted Uses | |
|---|---|
| Main Use | Accessory Use |
| Residential Uses including: <ul style="list-style-type: none"> • Converted Dwelling | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) |
| <ul style="list-style-type: none"> • A single detached dwelling on a lot fronting on the Seguin River and having direct access onto an assumed and maintained Municipal street. | <ul style="list-style-type: none"> • Home Based Business (see 4.18) • Accessory use, building or structure (see 4.1) • Accessory Dwelling Unit • Ancillary Dwelling Unit |
| Commercial Uses: <ul style="list-style-type: none"> • Art Gallery • Automotive Sales Establishment • Auto Repair Garage • Auto Service Station • Bakery • Bank • Beer Store • Broadcasting Studio • Building Supply Store • Business or Professional Office • Car Wash • Clinic • Club • Commercial School | <ul style="list-style-type: none"> • Marine Retail Outlet • Mini Warehouse and Public Storage • Miniature Golf Course • Motor Vehicle Rental Establishment • Nursery or Garden Centre • Parking Garage, Structure or Lot • Personal Service Establishment • Place of Amusement • Printing and Printing Establishment • Recreational Vehicle Sales, Storage and Repair • Restaurant • Retail Store • Service Outlet/Shop • Shopping Centre |
| Commercial Uses: <ul style="list-style-type: none"> • Crisis Center • Custom Workshop • Dry Cleaning Distribution Establishment • Dry Cleaning Establishment • Entertainment Establishment • Equipment Rental Establishment • Funeral Parlour • Gas Bar • Halfway House • Hotel • Laundromat • Liquor Store • Liquor Licensed Premise • Lodging/Tourist Home | <ul style="list-style-type: none"> • Supermarket • Taxi Stand • Tourist Establishment • Training Centre • Veterinary Clinic • Video Rental Outlet • Wholesale Establishment which conducts retail sales in the same premises |
| Institutional Use, Public Service Use <ul style="list-style-type: none"> • All uses permitted in the Institutional (I) Zone | <ul style="list-style-type: none"> • Office in conjunction with any permitted use |

12.2 Zone Requirements

| 12.2 - C1 Zone Requirements | | |
|--|--|--|
| | Commercial Use, Institutional Use, Public Service Use | Accessory Use |
| Minimum Lot Area: • Municipal Water and Sewer • Municipal Water Only | • n/a • 1,850 m ² [19,913.8 ft. ²] | n/a |
| Minimum Lot Frontage: • Municipal Water and Sewer • Municipal Water Only | • n/a • 30 m [98.4 ft.] | n/a |
| Minimum Lot Depth: • Municipal Water and Sewer • Municipal Water Only | • n/a • 46 m [150.9 ft.] | n/a |
| Minimum Front Yard | • 3 m [9.84 ft.] • nil with frontage on James, Seguin or Gibson Streets | same as main use |
| Minimum Rear Yard | • 6 m [19.6 ft.] | 0.5 m [1.6 ft.] or 3 m [9.84 ft.] if the lot abuts a residential zone. |
| Minimum Interior Side Yard | nil or 3 m [9.84 ft.] if next to residential zone | 0.5 m [1.6 ft.] or 3 m [9.84 ft.] if the lot abuts a residential zone. |
| Minimum Exterior Side Yard | • 3 m [9.84 ft.] | • 3 m [9.84 ft.] |
| Maximum Height | • 10.5 m [34.4 ft.] | • 6 m [19.6 ft.] |
| Maximum Lot Coverage: • Municipal Water and Sewer • Municipal Water Only | • n/a • 50% | • Total of all accessory structures 10% |
| Note: For residential uses, all applicable standards from the R2 Zone shall apply. | | |

12.3 Additional Provisions

- (a) All room sizes shall conform to the *Building Code*.
- (b) The Landscaped Area requirements of **Section 4.23** shall apply to commercial buildings adjacent to residential buildings. This provision may be substituted where provision is made for landscaping in a site plan control agreement.
- (c) See also **Section 4.27 - Loading Space Requirements** and **Sections 4.32 and 4.33 - Parking** and **Section 4.9 - Dwelling Unit in a Non-Residential Building**.
- (d) See also **Section 4 - General Provisions**.
- (e) See also **Section 26 - Special Provisions** for provisions that may apply in the General Commercial (C1) Zone.

13.0 LOCAL COMMERCIAL (C2) ZONE

No person shall use any land or erect, alter or use any building or structure in the Local Commercial (C2) Zone except in accordance with the following provisions.

13.1 Permitted Uses

| Permitted Uses | |
|---|---|
| Main Use | Accessory Use |
| <p>Commercial Uses:</p> <ul style="list-style-type: none"> • Art Gallery • Business or Professional Office not exceeding 100 m² [1,076.4 ft.²] gross floor area • Convenience Store • Personal Service Establishment not exceeding 100 m² [1,076.4 ft.²] gross floor area • Private School not exceeding 200 m² [2,152.8 ft.²] gross floor area • Service Outlet/Shop not exceeding 100 m² [1,076.4 ft.²] gross floor area • Travel Agency • Video Rental Outlet not exceeding 100 m² [1,076.4 ft.²] gross floor area | <ul style="list-style-type: none"> • Accessory Dwelling Unit (see 4.9) • Accessory use, building or structure (see 4.1) |

13.2 Zone Requirements

| 13.2 - C2 Zone Requirements | | |
|-----------------------------|--|--|
| | Commercial Use | Accessory Use |
| Minimum Lot Area | • 460 m ² [4,951.5 ft. ²] | n/a |
| Minimum Lot Frontage | • 15 m [49.2 ft.] | n/a |
| Minimum Lot Depth | n/a | n/a |
| Minimum Front Yard | • 3 m [9.84 ft.] | • 3 m [9.84 ft.] |
| Minimum Rear Yard | 20 % of lot depth; minimum 6 m [19.6 ft.] and maximum of 9 m [29.5 ft.] | 0.5 m [1.6 ft.] |
| Minimum Interior Side Yard | • nil or 3 m [9.84 ft.] if next to residential zone | • 0.5 m [1.6 ft.] |
| Minimum Exterior Side Yard | • 3 m [9.84 ft.] | • 3 m [9.84 ft.] |
| Maximum Height | • 10.5 m [34.4 ft.] | • 6 m [19.6 ft.] |
| Maximum Lot Coverage: | 25% | • Total of all accessory structures 10% |

13.3 Additional Provisions

- (a) All room sizes shall conform to the *Building Code*.
- (b) The Landscaped Area requirements of **Section 4.23** shall apply to commercial buildings adjacent to residential buildings. This provision may be substituted where provision is made for landscaping in a site plan control agreement.
- (c) See also **Section 4.25 - Loading Space Requirements, Sections 4.30 and 4.31 - Parking** and **Section 4.9 - Dwelling Unit in a Non-Residential Building**.
- (d) See also **Section 4 - General Provisions**.

14.0 HIGHWAY COMMERCIAL (C3) ZONE

No person shall use any land or erect, alter or use any building or structure in the Highway Commercial (C3) Zone except in accordance with the following provisions.

14.1 Permitted Uses

| Permitted Uses | |
|--|---|
| Main Use | Accessory Use |
| <p>Commercial Uses including:</p> <ul style="list-style-type: none"> • Art Gallery • Automotive Sales Establishment • Auto Repair Garage • Auto Service Station • Bakery • Building Supply Store • Business or Professional Office • Car Wash • Clinic • Club • Commercial School • Crisis Centre • Custom Workshop • Dry Cleaning Distribution Establishment • Dry Cleaning Establishment | <ul style="list-style-type: none"> • Nursery or Garden Centre • Parking Garage, Structure or Lot • Personal Service Establishment • Place of Amusement • Printing and Printing Establishment • Recreational Commercial Establishment • Recreational Vehicle Sales, Storage and Repair • Restaurant • Retail Store • Service Outlet/Shop • Shopping Centre • Supermarket • Taxi Stand • Transportation Depot • Tourist Establishment • Video Rental Outlet • Veterinary Establishment |
| <ul style="list-style-type: none"> • Equipment Rental Establishment • Farm Implement Sales and Service • Funeral Parlour • Gas Bar • Gasoline Card Lock Facility • Halfway House • Hotel • Industrial Equipment Sales and Service • Laundromat • Lodging/Tourist Home • Marine Retail Outlet • Miniature Golf Course • Mini Warehouse and Public Storage • Motel • Motor Vehicle Rental Establishment | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • Accessory Dwelling Unit (see 4.9) • Liquor Licenced Premise that is clearly subordinate to a principle permitted use |

14.2 Zone Requirements

| 14.2 - C3 Zone Requirements | | |
|------------------------------------|--|---|
| | Commercial Use | Accessory Use |
| Minimum Lot Area | 800 m ² [8,611.4 ft. ²] | n/a |
| Minimum Lot Frontage | 20 m [65.6 ft.] | n/a |
| Minimum Lot Depth | 30 m [98.4 ft.] | n/a |
| Minimum Front Yard | 6 m [19.6 ft.] | 6 m [19.6 ft.] |
| Minimum Rear Yard | 9 m [29.5 ft.] | 0.5 m [1.6 ft.] or 3 m [9.84 ft.] where the yard abuts a residential zone |
| Minimum Interior Side Yard | 3 m [9.84 ft.] | 0.5 m [1.6 ft.] or 3 m [9.84 ft.] where the yard abuts a residential zone |
| Minimum Exterior Side Yard | 4.5 m [17.76 ft.] | 4.5 m [14.7 ft.] |
| Maximum Height | 10.5 m [34.4 ft.] | 6 m [19.6 ft.] |
| Maximum Lot Coverage: | 50% | Total of all accessory structures 10% |
| Maximum Gross Floor Area | 3,720 m ² [40,043 ft. ²] including the floor area occupied by any accessory use | |

14.3 Additional Provisions

- All room sizes shall conform to the *Building Code*.
- The Landscaped Area requirements of **Section 4.23** shall apply to commercial buildings adjacent to residential buildings. This provision may be substituted where provision is made for landscaping in a site plan control agreement.
- See also **Section 4.25 - Loading Space Requirements, Sections 4.30 and 4.31 - Parking** and **Section 4.9 - Dwelling Unit in a Non-Residential Building**.
- Development adjacent to a Provincial *Highway* shall comply with setback and other requirements of the Ministry of Transportation. Where there is a conflict in the setback requirements, the more stringent standard shall apply.
- See also **Section 4 - General Provisions**.

15.0 TOURIST COMMERCIAL (C4) ZONE

No person shall use any land or erect, alter or use any building or structure in the Tourist Commercial (C4) Zone except in accordance with the following provisions.

15.1 Permitted Uses

| Permitted Uses | |
|---|--|
| Main Use | Accessory Use |
| <p>Commercial Uses:</p> <ul style="list-style-type: none"> • Antique Shop • Campground • Convenience Store • Farmer’s Market • Hotel • Marina • Marine Air Base • Marine Passenger Service • Marine Retail Outlet • Motel • Parking area for motorized vehicles, boats or aircraft • Place of Amusement/Place of Entertainment • Real Estate Office • Restaurant • Retail Store not exceeding 162 m² [1,743.8 ft.²] gross leasable are per unit • Tourist Establishment • Tourist Information Center • Travel Agent or Tourism Office | <ul style="list-style-type: none"> • Accessory Residential Use (see 15.3) • Accessory use, building or structure (see 4.1) • Liquor Licenced Establishment that is clearly subordinate to a principle permitted use |

15.2 Zone Requirements

| 15.2 - C4 Zone Requirements | | |
|--|--|---|
| | Commercial Use | Accessory Use |
| Minimum Lot Area | 800 m ² [8,811.4 ft. ²] | n/a |
| Minimum Lot Frontage | 20 m [65.6 ft.] | n/a |
| Minimum Lot Depth | 30 m [98.4 ft.] | n/a |
| Minimum Front Yard ¹ | 3 m [9.84 ft.] | 3 m [9.84 ft.] |
| Minimum Rear Yard ¹ | 6 m [19.6 ft.] | 0.5 m [1.6 ft.] or 3 m [9.84 ft.] where the yard abuts a residential zone |
| Minimum Interior Side Yard ¹ | 3 m [9.84 ft.] | 0.5 m [1.6 ft.] or 3 m [9.84 ft.] where the yard abuts a residential zone |
| Minimum Exterior Side Yard | 4.5 m [14.7 ft.] | 4.5 m [14.7 ft.] |
| Maximum Height | 10.5 m [34.4 ft.] ² | 6 m [19.6 ft.] |
| Maximum Lot Coverage: | 70% | Total all structures 10% |
| <p>Notes: 1. In cases of development hardship, these requirements may be reduced by an amount considered appropriate pursuant to the consideration and approval of a site plan control approval application and the execution of a development agreement to properly implement the approval.</p> <p>2. A maximum height of 15 m [49.2 ft.] shall be permitted for lots equal to or greater than 1.2 ha [2.96 ac.] in area and subject to the doubling of the normal setback requirements</p> | | |

15.3 Additional Provisions

- (a) All room sizes shall conform to the *Building Code*.
- (b) The Landscaped Area requirements of **Section 4.23** shall apply to commercial buildings adjacent to residential buildings. This provision may be substituted where provision is made for landscaping in a site plan control agreement.
- (c) See also **Section 4.25 - Loading Space Requirements, Sections 4.30 and 4.31 - Parking and Section 4.9 - Dwelling Unit in a Non-Residential Building.**
- (d) See also Section 4.12 - Flood Plain for requirements for development in or near a *flood plain*.

(e) See also **Section 4 - General Provisions.**

(f) **Residential Use**

A residential use consisting of a free standing building or buildings built originally accessory to a comprehensive waterfront development may be allowed where the following criteria are met:

- i) The lot has a minimum area of 1.2 ha [2.96 ac.].
- ii) The gross residential floor space equals no more than 25% of the value of the original comprehensive waterfront development.
- iii) Free standing residential buildings must in the form of ***apartment*** or ***row house dwellings***
- iv) Free standing residential buildings must comply with the applicable zone requirements of the R3 Zone.

16.0 DISTRICT COMMERCIAL (C5) ZONE

No person shall use any land or erect, alter or use any building or structure in the District Commercial (C5) Zone except in accordance with the following provisions.

16.1 Permitted Uses

| Permitted Uses | | Accessory Use |
|---|---|--|
| Main Use | | |
| <p>Commercial Uses:</p> <ul style="list-style-type: none"> • Automotive Sales Establishment • Auto Repair Garage • Auto Service Station • Bakery • Broadcasting Studio • Business or Professional Office • Car Wash • Clinic • Club • Commercial School • Custom Workshop • Dry Cleaning Distribution Establishment • Dry Cleaning Establishment | <ul style="list-style-type: none"> • Equipment Rental Establishment • Funeral Parlour • Gas Bar • Hotel • Laundromat • Marine Sales and Service Establishment • Miniature Golf Course • Motor Vehicle Rental Establishment • Nursery or Garden Centre • Parking Garage, Structure of Lot • Personal Service Establishment • Place of Entertainment • Printing and Printing Establishment | <ul style="list-style-type: none"> • Recreational Commercial Establishment • Recreational Vehicle Sales, Storage and Repair • Restaurant • Retail Store • Service Outlet/Shop • Shopping Centre • Supermarket • Taxi Stand • Veterinary Clinic • Video Rental Outlet • Wholesale Establishment which conducts retail sales in the same premises |
| | | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • Accessory Dwelling Unit (see 4.9) • Liquor Licenced Premise that is clearly subordinate to a principle permitted use |

16.2 Zone Requirements

| 16.2 - C5 Zone Requirements | | |
|------------------------------------|---|---|
| | Commercial Use | Accessory Use |
| Minimum Lot Area | 1,850 m ² [19,913.8 ft. ²] | n/a |
| Minimum Lot Frontage | 30 m [98.4 ft.] | n/a |
| Minimum Lot Depth | 46 m [150.9 ft.] | n/a |
| Minimum Front Yard | 10 m [32.8 ft.] | 10 m [32.8 ft.] |
| Minimum Rear Yard | 8 m [26.2 ft.] | 0.5 m [1.6 ft.] or 3 m [9.84 ft.] where the yard abuts a residential zone |
| Minimum Interior Side Yard | 3 m [9.84 ft.] | 0.5 m [1.6 ft.] or 3 m [9.84 ft.] where the yard abuts a residential zone |
| Minimum Exterior Side Yard | 10 m [32.8 ft.] | 10 m [32.8 ft.] |
| Maximum Height | 10.5 m [34.4 ft.] | 6 m [19.6 ft.] |
| Maximum Lot Coverage: | 40% | Total of all accessory structures 10% |

16.3 Additional Provisions

- All room sizes shall conform to the *Building Code*.
- The Landscaped Area requirements of **Section 4.23** shall apply to commercial buildings adjacent to residential buildings. This provision may be substituted where provision is made for landscaping in a site plan control agreement.
- See also **Section 4.25 - Loading Space Requirements, Sections 4.30 and 4.31 - Parking** and **Section 4.9 - Dwelling Unit in a Non-Residential Building**.
- Development adjacent to a Provincial *Highway* shall comply with setback and other requirements of the Ministry of Transportation. Where there is a conflict in the setback requirements, the more stringent standard shall apply.
- See also **Section 4 - General Provisions**.

17.0 RESTRICTED INDUSTRIAL (M1) ZONE

No person shall use any land or erect, alter or use any building or structure in the Restricted Industrial (M1) Zone except in accordance with the following provisions.

17.1 Permitted Uses

| Permitted Uses | |
|---|--|
| Main Use | Accessory Use |
| Industrial Uses: <ul style="list-style-type: none"> • Class I Industrial Use • Auto Repair Garage • Auto Body Shop • Boat Repair Facility • Custom Workshop • Mini Warehouse and Public Storage | <ul style="list-style-type: none"> • One (1) Accessory Dwelling (see 4.9) occupied by the owner or a caretaker or security officer. • Accessory use, building or structure (see 4.1) • Accessory Commercial Use |
| Commercial Uses including: <ul style="list-style-type: none"> • Printing and Publishing Establishment | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) |

17.2 Zone Requirements

| 17.2 - M1 Zone Requirements | | |
|-----------------------------|---|--|
| | Industrial Use | Accessory Use |
| Minimum Lot Area | 600 m ² [6,458.5 ft. ²] | n/a |
| Minimum Lot Frontage | 20 m [65.6 ft.] | n/a |
| Minimum Lot Depth | 0 m [0 ft.] | n/a |
| Minimum Front Yard: | 9 m [29.5 ft.] | 9 m [29.5 ft.] |
| Minimum Rear Yard | 7.5 m [24.6 ft.] or 15 m [49.2 ft.] where the yard abuts a residential zone | 3 m [9.84 ft.] or 15 m [49.2 ft.] where the yard abuts a residential zone or 7.5 m [24.6 ft.] for a single detached dwelling |
| Minimum Interior Side Yard | 3 m [9.84 ft.] or 15 m [49.2 ft.] where the yard abuts a residential zone | 3 m [9.84 ft.] or 15 m [49.2 ft.] where the yard abuts a residential zone |

| 17.2 - M1 Zone Requirements | | |
|------------------------------------|-----------------------|---------------------------------------|
| | Industrial Use | Accessory Use |
| Minimum Exterior Side Yard: | 7.5 m [24.6 ft.] | 7.5 m [24.6 ft.] |
| Maximum Height: | 10.5 m [34.4 ft.] | 6 m [19.6 ft.] |
| Maximum Lot Coverage: | 40% | Total of all accessory structures 10% |

17.3 Additional Provisions

- (a) All room sizes shall conform to the *Building Code*.
- (b) The minimum separation distance provisions of **Section 4.26** shall apply to Class I Industrial Uses.
- (c) The Landscaped Area requirements of **Section 4.23** shall apply to industrial buildings adjacent to residential buildings. This provision may be substituted where provision is made for landscaping in a site plan control agreement.
- (d) See also **Section 4.25 - Loading Space Requirements, Sections 4.30 and 4.31 - Parking** and **Section 4.9 - Dwelling Unit in a Non-Residential Building**.
- (e) Development adjacent to a Provincial *Highway* shall comply with setback and other requirements of the Ministry of Transportation. Where there is a conflict in the setback requirements, the more stringent standard shall apply.
- (f) See also **Section 4 - General Provisions**.
- (g) Setbacks for industries will not apply where a building or structure is required to be erected adjacent to a *marine facility* or a railway spur. This shall not exempt any new structure from compliance with 17.3 (b) above.

18.0 GENERAL INDUSTRIAL (M2) ZONE

No person shall use any land or erect, alter or use any building or structure in the General Industrial (M2) Zone except in accordance with the following provisions.

18.1 Permitted Uses

| Permitted Uses | |
|---|--|
| Main Use | Accessory Use |
| Industrial Uses: <ul style="list-style-type: none"> • Class I Industrial Use • Class II Industrial Use | <ul style="list-style-type: none"> • One Accessory Dwelling Unit (see 4.9) occupied by the owner or a caretaker or security officer. • Accessory use, building or structure (see 4.1) • Business or Professional Office |
| Commercial Uses: <ul style="list-style-type: none"> • Auto Body Shop • Auto Repair Garage • Auto Service Station • Boat Repair Facility • Building Supply Store • Construction or Contractor's Yard • Farm Implement Sales and Service • Mini Warehouse and Public Storage • Parking Garage, Structure or Lot • Printing and Publishing Establishment • Transportation Depot | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) |

18.2 Zone Requirements

| 18.2 - M2 Zone Requirements | | |
|-----------------------------|---|--|
| | Industrial Use | Accessory Use |
| Minimum Lot Area | 600 m ² [6,458.5 ft. ²] | n/a |
| Minimum Lot Frontage | 20 m [65.6 ft.] | n/a |
| Minimum Front Yard: | 9 m [29.5 ft.] | 9 m [29.5 ft.] |
| Minimum Rear Yard | 7.5 m [24.6 ft.] or 30 m [98.4 ft.] where the yard abuts a residential zone | 3 m [9.84 ft.] or 30 m [98.4 ft.] where the yard abuts a residential zone or 7.5 m [24.6 ft.] for a single detached dwelling |

| 18.2 - M2 Zone Requirements | | |
|------------------------------------|---|--|
| | Industrial Use | Accessory Use |
| Minimum Interior Side Yard | 3 m [9.84 ft.] or 30 m [98.4 ft.] where the yard abuts a residential zone | 3 m [9.84 ft.] or 30 m [98.4 ft.] where the yard abuts a residential zone or 3 m [9.84 ft.] for a single detached dwelling |
| Minimum Exterior Side Yard: | 7.5 m [24.6 ft.] | 7.5 m [24.6 ft.] |
| Maximum Height: | 10.5 m [34.4 ft.] | 6 m [19.6 ft.] |
| Maximum Lot Coverage: | 50% | Total of all accessory structures 10% |

18.3 Additional Provisions

- (a) All room sizes shall conform to the *Building Code*.
- (b) The minimum separation distance provisions of **Section 4.26** shall apply to Class I and Class II Industrial Uses.
- (c) The Landscaped Area requirements of **Section 4.23** shall apply to industrial buildings adjacent to residential buildings. This provision may be substituted where provision is made for landscaping in a site plan control agreement.
- (d) See also **Section 4.25 - Loading Space Requirements, Sections 4.30 and 4.31 - Parking** and **Section 4.9 - Dwelling Unit in a Non-Residential Building**.
- (e) Development adjacent to a Provincial *Highway* shall comply with setback and other requirements of the Ministry of Transportation. Where there is a conflict in the setback requirements, the more stringent standard shall apply.
- (f) Setbacks for industries will not apply where a building or structure is required to be erected adjacent to a *marine facility* or a railway spur. This shall not exempt any new structure from compliance with 18.3 (b) above.
- (g) See also **Section 4 - General Provisions**.

19.0 MINERAL EXTRACTION (MX) ZONE

No person shall use any land or erect, alter or use any building or structure in the Mineral Extraction (MX) Zone except in accordance with the following provisions.

19.1 Permitted Uses

| Permitted Uses | |
|---|---|
| Main Use | Accessory Use |
| Industrial Uses: <ul style="list-style-type: none"> • Pit • Quarry • Wayside Pit or Quarry | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • Business or Professional Office • Portable Asphalt or Concrete Plant |

19.2 Zone Requirements

| 19.2 - MX Zone Requirements | | |
|-----------------------------|-----------------|-----------------|
| | Industrial Use | Accessory Use |
| Minimum Lot Area | n/a | n/a |
| Minimum Lot Frontage | n/a | n/a |
| Minimum Lot Depth | n/a | n/a |
| Minimum Front Yard | 30 m [98.4 ft.] | 30 m [98.4 ft.] |
| Minimum Rear Yard | 15 m [49.2 ft.] | 15 m [49.2 ft.] |
| Minimum Interior Side Yard | 15 m [49.2 ft.] | 15 m [49.2 ft.] |
| Minimum Exterior Side Yard | 30 m [98.4 ft.] | 30 m [98.4 ft.] |
| Maximum Height | 15 m [49.2 ft.] | 8 m [26.2 ft.] |

19.3 Additional Provisions

- (a) See also requirements of **Section 4.28** for influence areas and separation distances for Mineral Extraction areas.
- (b) See also **Section 4 - General Provisions**.

20.0 WASTE MANAGEMENT FACILITY (WMF) ZONE

No person shall use any land or erect, alter or use any building or structure in the Waste Management Facility (WMF) Zone except in accordance with the following provisions.

20.1 Permitted Uses

| Permitted Uses | |
|--|--|
| Main Use | Accessory Use |
| Industrial Uses including: <ul style="list-style-type: none"> • Waste Management Facility • Transfer Station | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) |

20.2 Zone Requirements

| 20.2 - WMF Zone Requirements | | |
|------------------------------|-----------------|-----------------|
| | Industrial Use | Accessory Use |
| Minimum Lot Area | n/a | n/a |
| Minimum Lot Frontage | n/a | n/a |
| Minimum Lot Depth | n/a | n/a |
| Minimum Front Yard | 30 m [98.4 ft.] | 30 m [98.4 ft.] |
| Minimum Rear Yard | 30 m [98.4 ft.] | 30 m [98.4 ft.] |
| Minimum Interior Side Yard | 30 m [98.4 ft.] | 30 m [98.4 ft.] |
| Minimum Exterior Side Yard | 30 m [98.4 ft.] | 30 m [98.4 ft.] |
| Maximum Height | 15 m [49.2 ft.] | 8 m [26.2 ft.] |

20.3 Additional Provisions

- (a) See also requirements of **Section 4.26** for influence areas and separation distances for a *Waste Management Facility*.
- (b) No *Waste Management Facility* shall be operated without and except in conformity with a currently valid Certificate of Approval issued by the Ministry of the Environment.
- (c) See also **Section 4 - General Provisions**.

21.0 INSTITUTIONAL (I) ZONE

No person shall use any land or erect, alter or use any building or structure in the Institutional (I) Zone except in accordance with the following provisions.

21.1 Permitted Uses

| Permitted Uses | |
|---|---|
| Main Use | Accessory Use |
| Institutional Uses: <ul style="list-style-type: none"> • Arena • Cemetery • Day Nursery • Government Office • Home for the Aged, Nursing Home or Long Term Care Facility • Hospital • Library • Museum • Park or Playground • Place of Assembly • Place of Worship • Private Club • School • Senior Citizen Housing | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • One Accessory dwelling (single detached) or dwelling unit |

21.2 Zone Requirements

| 21.2 - I Zone Requirements | | |
|---|--|---------------------------------------|
| | Institutional Use | Accessory Use |
| Minimum Lot Area: • Municipal Water and Sewer • Water Only • Individual On-site Services | • 460 m ² [4,951.5 ft. ²] • 1,400 m ² [15,069.9 ft. ²] • 2,000 m ² [21,528.5 ft. ²] | n/a |
| Minimum Lot Frontage: • Municipal Water and Sewer • Water Only • Individual On-site Services | • 15 m [49.2 ft.] • 30 m [98.4 ft.] • 36 m [118.1 ft.] | n/a |
| Minimum Lot Depth | n/a | n/a |
| Minimum Front Yard | 7.5 m [24.6 ft.] | 7.5 m [24.6 ft.] |
| Minimum Rear Yard | 10 m [32.8 ft.] | 3 m [9.84 ft.] |
| Minimum Interior Side Yard | 6 m [19.6 ft.] | 6 m [19.6 ft.] |
| Minimum Exterior Side Yard | 3 m [9.84 ft.] | 3 m [9.84 ft.] |
| Maximum Height | 10.5 m [34.4 ft.] | 4 m [13.1 ft.] |
| Maximum Lot Coverage: • Municipal Water and Sewer • Water Only • Individual On-site Services | • 45% • 25% • 20% | Total of all accessory structures 10% |

21.3 Additional Provisions

- (a) See also **Section 4 - General Provisions.**

22.0 TRANSPORTATION AND UTILITIES (T) ZONE

No person shall use any land or erect, alter or use any building or structure in the Transportation and Utilities (T) Zone except in accordance with the following provisions.

22.1 Permitted Uses

| Permitted Uses | |
|---|--|
| Main Use | Accessory Use |
| Transportation and Utility Uses: <ul style="list-style-type: none">• Any public or transportation use including railroads, roads, transportation depots or terminals, snowmobile or recreational trails or marine transportation services.• Any public utility including pumping stations and infrastructure corridors for gas, hydro or oil.• Communications towers and facilities | <ul style="list-style-type: none">• Accessory use, building or structure (see 4.1) |

22.2 Zone Requirements

| 22.2 - T Zone Requirements | | |
|--|--------------------------------------|----------------------|
| | Transportation or Utility Use | Accessory Use |
| Minimum Lot Area | n/a | n/a |
| Minimum Lot Frontage | n/a | n/a |
| Minimum Lot Depth | n/a | n/a |
| Minimum Front Yard | 6 m [19.6 ft.] | 6 m [19.6 ft.] |
| Minimum Rear Yard | 7.5 m [24.6 ft.] | 3 m [9.84 ft.] |
| Minimum Interior Side Yard | 3 m [9.84 ft.] | 3 m [9.84 ft.] |
| Minimum Exterior Side Yard | 6 m [19.6 ft.] | 3 m [9.84 ft.] |
| Maximum Height | 15 m [49.2 ft.] | 10 m [32.8 ft.] |
| Maximum Lot Coverage: • Transportation Use • Utility Use | • 50% • 40% | 15% |

22.3 Additional Provisions

- (a) The setback distance of any communications tower to any lot line shall be equivalent to the height of the tower.
- (b) See also **Section 4 - General Provisions.**

23.0 OPEN SPACE (O1) ZONE

No person shall use any land or erect, alter or use any building or structure in the Open Space (O1) Zone except in accordance with the following provisions.

23.1 Permitted Uses

| Permitted Uses | |
|---|---|
| Main Use | Accessory Use |
| Open Space Uses: <ul style="list-style-type: none"> • Botanical Garden • Bowling Green • Cemetery • Conservation Use • Library in the area bounded by Mary and McMurray Streets • Municipal Arena and Swimming Pool • Museum • Public Park • Place of Assembly which is municipally owned • Playground or Tot-Lot • Play Field • Sports Field | <ul style="list-style-type: none"> • Accessory use, building or structure including an information kiosk, interpretation centre, food concession or refreshment pavilion (see 4.1) |

23.2 Zone Requirements

| 23.2 - O1 Zone Requirements | | |
|------------------------------------|-----------------------|----------------------|
| | Open Space Use | Accessory Use |
| Minimum Lot Area | n/a | n/a |
| Minimum Lot Frontage | n/a | n/a |
| Minimum Lot Depth | n/a | n/a |
| Minimum Front Yard | 12 m [39.3 ft.] | 12 m [39.3 ft.] |
| Minimum Rear Yard | 12 m [39.3 ft.] | 12 m [39.3 ft.] |
| Minimum Interior Side Yard | 12 m [39.3 ft.] | 12 m [39.3 ft.] |
| Minimum Exterior Side Yard | 12 m [39.3 ft.] | 12 m [39.3 ft.] |
| Maximum Height | 7.5 m [24.6 ft.] | 4 m [13.1 ft.] |
| Maximum Lot Coverage | 5% | |

23.3 Additional Provisions

- (a) See also **Section 4 - General Provisions.**

24.0 ENVIRONMENTAL PROTECTION (EP) ZONE

No person shall use any land or erect, alter or use any building or structure in the Environmental Protection (EP) Zone except in accordance with the following provisions.

24.1 Permitted Uses

| Permitted Uses | |
|---|---|
| Main Use | Accessory Use |
| <ul style="list-style-type: none"> • Buildings or structures intended for flood or erosion control or slope stabilization • Conservation use without buildings or structures • Parks without buildings or structures • Parking area • Hydro-electric generating facilities or a utility corridor • Marine Facility • A water supply or waste water management facility intake or outfall | <ul style="list-style-type: none"> • Accessory use, building or structure except where otherwise limited (see 4.1) |

24.2 Prohibited or Restricted Uses

| Prohibited or Restricted Uses | |
|--|---|
| Main Use | Accessory Use |
| <ul style="list-style-type: none"> • Any building or structure which involves the storage of hazardous or toxic materials e.g. ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities • Any institutional use • Any essential emergency service such as those provided by fire, police and ambulance stations and electrical substations which would be impaired during an emergency as a result of flooding, the failure of flood proofing measures and/or protection works and/or erosion. | <ul style="list-style-type: none"> • Accessory use, building or structure except where otherwise limited (see 4.1) |

24.3 Zone Requirements

| 24.3 - EP Zone Requirements | | |
|-----------------------------|------------------|-----------------|
| | Main Use | Accessory Use |
| Minimum Lot Area | n/a | n/a |
| Minimum Lot Frontage | n/a | n/a |
| Minimum Lot Depth | n/a | n/a |
| Minimum Front Yard | 12 m [39.3 ft.] | 12 m [39.3 ft.] |
| Minimum Rear Yard | 12 m [39.3 ft.] | 12 m [39.3 ft.] |
| Minimum Interior Side Yard | 12 m [39.3 ft.] | 12 m [39.3 ft.] |
| Minimum Exterior Side Yard | 12 m [39.3 ft.] | 12 m [39.3 ft.] |
| Maximum Height | 5.5 m [18.0 ft.] | 4 m [13.1 ft.] |
| Maximum Lot Coverage | 5% | |

24.4 Additional Provisions

- i) The provisions of **Section 4.12** shall apply to any development within the Environmental Protection (EP) Zone.

25.0 RURAL (RU) ZONE

No person shall use any land or erect, alter or use any building or structure in the Rural (RU) Zone except in accordance with the following provisions.

25.1 Permitted Uses

| Permitted Uses | |
|---|---|
| Main Use | Accessory Use |
| <p>Commercial Uses:</p> <ul style="list-style-type: none"> • Campground for an institutional use but not a recreational vehicle campground • Cemetery • Farm, but not a specialized farm • Farm produce storage facility or outlet • Group Home • Kennel • Marine Facility • Nursery or commercial greenhouse • Veterinary Establishment | <ul style="list-style-type: none"> • Accessory use, building or structure (see 4.1) • One Accessory Dwelling Unit (not accessory to a single detached dwelling, see 4.9) • Bed and Breakfast (see 4.3) • Home Based Business (see 4.18) |
| <p>Residential Uses:</p> <ul style="list-style-type: none"> • Single Detached Dwelling | <ul style="list-style-type: none"> • Accessory Dwelling Unit • Ancillary Dwelling Unit • Backyard hens (see Section 4.20.1) |

25.3 Zone Requirements

| 25.3 - Ru Zone Requirements | | |
|--|-----------------------------|---------------------------------------|
| | Rural Uses | Accessory Use |
| Minimum Lot Area | 1 ha [2.47 ac.] | n/a |
| Minimum Lot Frontage | 100 m [328 ft.] | n/a |
| Minimum Lot Depth | 100 m [328 ft.] | n/a |
| Minimum Front Yard | 20 m [65.6 ft.] | 6 m [19.6 ft.] |
| Minimum Rear Yard | 20 m [65.6 ft.] | 6 m [19.6 ft.] |
| Minimum Interior Side Yard | 10 m [32.8 ft.] | 6 m [19.6 ft.] |
| Minimum Exterior Side Yard | 20 m [65.6 ft.] | 6 m [19.6 ft.] |
| Maximum Height | 10.5 m [34.4 ft.] | 4 m [13.1 ft.] |
| Maximum Lot Coverage | Total of all structures 10% | Total of all accessory structures 10% |
| Maximum Number of Dwelling Units per Lot | 1 | n/a |

25.4 Additional Provisions

- (a) All room sizes shall conform to the *Building Code*.
- (b) The Landscaped Area requirements of **Section 4.23** shall apply to commercial buildings adjacent to residential buildings.
- (c) Development adjacent to a Provincial **Highway** shall comply with setback and other requirements of the Ministry of Transportation. Where there is a conflict in the setback requirements, the more stringent standard shall apply.
- (d) See also **Section 4 - General Provisions**.
- (e) The minimum separation for any kennel from any existing residential use shall be 100 m [328 ft.] measured as the shortest distance from the property line of the kennel to the nearest main wall of the residential use.

The following zones refer to properties that for one reason or another, cannot be adequately covered by a standard zone classification. Each Special Provision Zone is its own classification and sets its own permitted uses and regulations by listing within the zone description or by reference to those identified in standard zones.

| Special Provision # | Description |
|---------------------|---|
| SP26.01 | Despite the provisions of this By-law a converted dwelling together with an auto electric repair shop/auto detailing shop may be permitted on the property known as 78 William Street/9 Cascade Street, being part of Lot 50, Plan No. 137 provided that no expansion to the structure on the property take place without an amendment to this By-law. |
| SP26.02 | Despite the provisions of this By-law, the business of fabrication and repair of steel storage tanks, truck repair garage, a steel and concrete building supply outlet, and a business office may be permitted and further that outside storage of concrete or steel storage tanks and commercial motor vehicles may be permitted on part of Lot 22, Lots 23 and 24, Plan No. 63, Parry Sound Road, south side and Lots 25 and 26, Plan No. 63, MacFarlane Street, north side, provided that no further building takes place on these lots without an amendment to this By-law. |
| SP26.03 | Despite the provisions of this By-law, a single family dwelling and woodworking shop/construction workshop may be permitted on Lot 3, Plan 21, Forest Street, east side, known locally as 16 Forest Street provided that the woodworking shop/construction shop is not further expanded without an amendment to this By-law and that all other provisions of the By-law for a Residential Second Density (R2) zone are met. |
| SP26.04 | Despite the provisions of this By-law, senior citizens apartments may be permitted on part of the Hotel Grounds, Plan 137, being Part 1, Plan 42R-3733, known locally as 22A Belvedere Street, provided that the apartment existing at the date of passing of this By-law shall have a maximum height of 14.5 meters and that all other provisions of the Multiple Residential (R3) zone are met. |
| SP26.05 | Despite the provisions of this By-law, a stone quarry together with all ancillary and accessory uses and structures normally associated with a stone quarry, may be permitted on part of Lots 24 and 25, Concession III, being part of Part 1, 42R-6564, known locally as 8 Quarry Road, provided that all other provisions of the Mineral Extraction (MX) zone are met. |

| Special Provision # | Description |
|--|--|
| SP26.06 | Despite the provisions of this By-law, the lands described as part Mill Block C, Plan 64 and part of Lot 150, Concession “A” former Township of Foley now in the Town of Parry Sound, and more particularly described as Parts 1 and 5, Plan 42R-8595 and known locally as 8 Champagne Street, may be used for an apartment building with a maximum of 18 units subject to a minimum lot frontage of nil, a minimum driveway width of 4.5 m (14.8 ft.) to Champagne Street with the westerly property boundary being considered the front lot line and further provided that all other applicable general provisions and zone requirements for the Marine Residential (RM) zone are met. |
| SP26.07 | Despite the provisions of this By-law, the lands described as part of Park Lot R, Plan 119, Church Street, east side, known locally as 115 North Church Street, may be used for the uses permitted by the Residential Second Density (R2) zone and may locate its required parking in the front yard provided that all other provisions of the Residential Second Density (R2) zone are met. |
| SP26.08 Was rezoned to C3(h). By-law 2004-4693. | Despite the provisions of this By-law, a business or professional office together with a single family dwelling may be permitted on the lands described as Part 30 Plan PSR-1514 and Part 1, Plan 42R-10156, known locally as 102 Bowes Street, provided that all other provisions of the Residential First Density (R1) zone are met. |
| SP26.09 | Despite the provisions of this By-law, a converted dwelling may be permitted on the lands described as the southerly portion of Lot 1 Plan 123, Margaret Street west side and Lot 1A, Plan 130, known locally as 2 Margaret Street, provided that all other provisions of the Residential First Density (R1) zone are met. |
| SP26.10 | Despite the provisions of this By-law, a maximum of 8 townhouse/stacked townhouse dwelling units may be permitted on the lands described as part of Lot 44, Plan 10, Parry Sound Road, north side, Lot 43, Plan 10, Parry Sound Road, north side, part of Block K, Plan 21, part of Block L, Plan 21 more particularly described as Part 1, Plan 42R-10242, known locally as 14 Parry Sound Road, subject to a minimum lot frontage of 27 meters provided that all other provisions of the Multiple Residential (R3) zone in respect of a Townhouse use, are met. |
| SP26.11 | Despite the provisions of this By-law, a maximum of 18 townhouse dwelling units may be permitted on the lands described as part of Lot 44, Plan 10, Parry Sound Road, north side, part of Block K, Plan 21 being more particularly described as Part 1, Plan 42R-11225, known locally as 14A Parry Sound Road subject to a minimum lot frontage of 27 meters provided that all other provisions of the Multiple Residential (R3) zone in respect of a Townhouse use, are met. |

| Special Provision # | Description |
|----------------------------|--|
| SP26.12 | Despite the provisions of this By-law, a maximum of 15 townhouse dwelling units may be permitted on the lands described as Lots 1 to 15, Plan 42M-555, known locally as the “Cedars”, 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 Georgian Bay Avenue, subject to a minimum lot frontage of 6 meters, a maximum lot coverage of 50%, a minimum rear yard of 3 meters, a prohibition on accessory structures and provided that all other provisions of the Multiple Residential (R3) zone in respect of a Townhouse use are met. |
| SP26.13 | Despite the provisions of this By-law, a maximum of 28 apartment dwelling units may be permitted in a single structure on the lands described as Block 16, Plan 42M-555, known locally as 1 Georgian Bay Avenue subject to the provision of a landscaping area comprising all of the northern side yard and 3 meters of the rear yard provided that all other provisions of the Multiple Residential (R3) zone in respect of an apartment use are met. |
| SP26.14 | Despite the provisions of this By-law, a home based business involving the sales and servicing of musical instruments may be permitted on the lands described as the easterly portion of Lot 5, Plan 123, Margaret Street, west side and known locally as 8 Margaret Street provided that all other provisions of Section 4.18 “Home Based Businesses” are met and all provisions of the Residential First Density (R1) zone in respect of a single family dwelling are met. |
| SP26.15 | Despite the provisions of this By-law, the lands described as part of Lots 3, 4, Blocks “T” and “G” and all of Lot 5, Plan No. 21, being further described as Part 1, Plan 42R-8450 and Parts 1, 2 and 3, Plan 42R-10525 on the west side of Forest Street known locally as 27 Forest Street, may be used for a maximum of 31 apartment dwelling units together with offices, reception areas, meeting rooms and ancillary services catering to the specialty needs of the residents therein and to other community residents with similar specialty needs subject to the provision of a minimum of seventeen off street parking spaces, a side yard of nil where such side yard abuts a “Special Provision No. 28.15(SP28.15)” zone, a minimum of 17 meters frontage and provided that all other requirements of the Multiple Residential (R3) zone in respect of an apartment use are met. |
| SP26.16 | Despite the provisions of this By-law, six dwelling units may be permitted in the structure as it exists on the date of the passage of this by-law on the land described as Part of Lot 15 Plan 104, or Parts 2 and 3 of 42R11792, known locally as 84 Bowes Street, provided all other requirements of the Multiple Residential (R3) zone are met. |

| Special Provision # | Description |
|---------------------|---|
| SP26.17 | <p>Despite the provisions of Sections 6.1 of By-law 2004-4653, as amended, the lands described as part of Lot "c", easterly side of Waubeek Street, Registered Plan No. 130 more particularly described as Parts 5, 6 and 7, Plan 42R-11 035, known locally as 2 Avenue Road, may be used for two Dwelling Units as arranged and generally described on Schedule "I" to By-law 2014-6460.</p> <p>Despite Section 6.2 of By-law 2004-4653, as amended, for those lands described above the minimum front yard shall be 3 metres. For those lands described above a maximum of 4 parking spaces are permitted subject to the provisions of Section 4.30.</p> <p>Except as noted above, all other provisions of By-law 2004-4653 apply. To the extent of any conflict between By-law 2014-6460 and By-law 2004-4653, as amended, the provisions of By-law 2014-6460 shall apply.</p> |
| SP26.18 | <p>Despite the provisions of this By-law, the lands described as part of Lot 25, Concession I, McDougall, or more particularly described as Parts 2 and 3, Plan 42R-10676, and Part 1, Plan 42R-15454, save and except Parts 7, 9, 11, 12, 14 and 15 on Plan 42R-15536, in the Town of Parry Sound, known locally as 25 Pine Drive, are permitted a maximum gross floor area of 4,270 square meters devoted to any retail store and supermarket uses as generally described on Schedule "I" to By-law 2014-6408. In addition, a minimum parking space size of 2.75 meters 5.5 meters is permitted on the property. Except as noted above, all other uses and provisions of the C3 zone shall apply.</p> |
| SP26.19 | <p>Despite the provisions of this By-law, one seasonal dwelling unit may be permitted on the lands described as part of Lot 28, Concession 4, being more particularly described as Parts 2, 3, 4, 5 and 6, Plan 42R-11391, subject to a minimum front yard of 25 meters provided all other requirements of the Rural Residential (RR) zone in respect of a single family dwelling, are met.</p> |
| SP26.20 | <p>Despite the provisions of this By-law, one seasonal dwelling unit may be permitted on the lands described as part of Lot 28, Concession 4, being more particularly described as Parts 7, 8, 9, 10 and 11, Plan 42R-11391 known locally as 65 Harris Drive, subject to a minimum front yard of 25 meters provided all other requirements of the Rural Residential (RR) zone in respect of a single family dwelling are met.</p> |
| SP26.21 | <p>Despite the provisions of this By-law, one seasonal dwelling unit may be permitted on the lands described as part of Lot 28, Concession 4, being more particularly described as Parts 12, 13 and 14, Plan 42R-11391 known locally as 78 Harris Drive, subject to a minimum front yard of 25 meters provided all other requirements of the Rural Residential (RR) zone in respect of a single family dwelling are met.</p> |

| Special Provision # | Description |
|----------------------------|---|
| SP26.22 | Despite the provisions of this By-law, a fourplex dwelling may be permitted on the lands described as Lot 9, Plan 63, Emily Street, east side, known locally as 22 Emily Street, subject to a minimum lot frontage of 16.8 meters, a minimum exterior side yard of 5.1 meters provided all other requirements of the Multiple Residential (R3) zone in respect of a fourplex dwelling are met. |
| SP26.23 | Despite the provisions of this By-law, a fourplex dwelling may be permitted on the lands described as Lot 28, Plan 96, Parry Sound Road, south side, known locally as 1 Melissa Street subject to a minimum interior side yard of 2.4 meters provided all other requirements of the Multiple Residential (R3) zone in respect of a fourplex dwelling are met. |
| SP26.24 | Despite the provisions of this By-law, a single family dwelling may be permitted on the lands described as part of Lot 5, Plan 21, more particularly described as Part 2, Plan 42R-12595, subject to a minimum lot frontage of 6 meters and conditional on the completion of a noise and vibration study in respect of the Canadian National Railway mainline and the implementation of any recommendations of such study, provided that all other requirements of the Residential Second Density (R2) zone in respect of a single family dwelling are met. |
| SP26.25 | Despite the provisions of this By-law, a six unit apartment dwelling may be permitted on the lands described as Lots 1 and 2, Plan 63, James Street, south side, known locally as 7 MacFarlane Street, subject to a minimum lot frontage of 25.908 meters and a minimum front yard of 7 meters provided that all other requirements of the Multiple Residential (R3) zone in respect to an apartment dwelling are met. |
| SP26.26 | Despite the provisions of this By-law, a fourplex dwelling may be permitted on the lands described as Lot 27, Plan 96, Parry Sound Road, south side, known locally as 59 Parry Sound Road, subject to a minimum lot area of 745 square meters provided that all other requirements of the Multiple Residential (R3) zone in respect to a fourplex dwelling are met. |
| SP26.27 | Despite the provisions of this By-law, a semi-detached dwelling, a duplex dwelling or a single detached dwelling may be permitted on the lands described as Lot 31, Plan 63, Emily Street, east side, subject to a minimum lot frontage of 17.06 metres provided that all other requirements of the Residential Second Density zone are met. |

| Special Provision # | Description |
|---------------------|--|
| SP26.28 | <p>Despite the provisions of this By-law, the lands described as the southeast part of Market Square, Plan No. 2, Mary Street, north side, known as 25 Mary Street and comprising only those lands occupied by the former Town Fire Hall as it existed on June 22, 1995, may allow for:</p> <ul style="list-style-type: none"> - dwelling unit or units on the upper floor of the building; - a retail store with the exception of a convenience store, video sales and rental outlet; flea market and second hand shop; - a business or professional office; - a medical or dental clinic; - a publishing establishment; - a club or fraternal organization; - a public use ancillary to the operation of the Town of Parry Sound or Parry Sound Power except those related to the use of storage of heavy equipment; in addition to the uses allowed in the Open Space (O1) zone provided that the maximum gross floor area does not exceed 333 square meters (3,585 square feet), the front yard and exterior side yard shall be nil and all other applicable requirements of the Open Space (O1) zone are met. For purposes of the Special Provision No. 28.28 zone, the following definitions shall govern: Flea Market means a building in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals or businesses to sell articles that are either home made, homegrown, handcrafted, old or obsolete. Secondhand Shop means a building or part of a building in which used goods, merchandise, substances, articles or things are offered or kept for sale at retail and may include such uses as a flea market, a pawnshop, an opportunity shop or similar use. - Video Sales and Rental Outlet means a building or part of a building wherein the primary use is the sale or rental of video tapes and may include the rental of video cassette recorders. |
| SP26.29 | <p>Despite the provisions of this By-law, a single family dwelling is permitted on the lands described as part of Lots 4 and 5, Plan 10, Wakefield Street, west side, more particularly described as Parts 3 and 4, Plan 42R-13473, subject to a minimum lot frontage of 14.6 meters provided that all other requirements of the Residential Second Density (R2) zone in respect of a single family dwelling are met.</p> |

| Special Provision # | Description |
|----------------------------|---|
| SP26.30 | Despite the provisions of this By-law, a free standing apartment dwelling with a maximum of 30 dwelling units in addition to the uses permitted by the Highway Commercial (C3) zone may be permitted on the lands described as Lots 11 to 20 and 25 to 50 inclusive, Plan No. 171 and Parts 1, 2, 3, 4 and 5, Plan 42R-15745, provided that all requirements of the Multiple Residential (R3) zone – apartment use in respect of a free standing apartment dwelling, are met and all requirements of the Highway Commercial (C3) zone in respect of a commercial use, are met. |
| SP26.31 | Despite the provisions of this By-law, the lands described as part of Part 1, Plan RD-80, part of Part 1, Plan 42R-3416, Part 1, Plan 42R-10936, Remainder of Part 1, Plan 42R-5804, part of Lot 26, Concession I, being those lands covered by Instrument No. 91593, may not be used for any purpose other than a Shopping Center with a maximum floor space limit of 19,230 square meters of gross leasable area with the uses therein restricted to a Department Store with a maximum floor space limit of 8,361 square meters of gross leasable area, a Supermarket with a maximum floor space limit of 3,716 square meters gross leasable area, a Home and Auto Supply Store with a maximum floor space limit of 4,645 square meters of gross leasable area, a Home Improvement Establishment with a maximum floor space limit of 2,415 square meters gross leasable area and a Gas Bar/Convenience Store with a maximum floor space limit of 93 square meters gross leasable area and further provided that all other requirements of the District Commercial (C5) zone are met. (Apply holding symbol) |
| SP26.32 | Despite the provisions of this By-law, an open air florist in addition to the uses allowed by the Local Commercial (C2) zone may be permitted on the lands described as Lots A and B, Plan No. 168, known locally as 108A and 108B William Street, subject to a maximum lot coverage for accessory structures of 20% provided that all requirements of the Local Commercial (C2) zone are met. |
| SP26.33 | Despite the provisions of this By-law, railroad museums or clubs, public utility undertakings, schools, clubs supporting the proper functioning of the residential area and postal substations and all uses allowed by the Local Commercial (C2) zone with the exception of convenience stores, may be permitted on the lands described as part of Lot 30, Concession II and part of Lot 5, Plan No. 117, Melvin Street, north side, being more particularly described as Part 1, Plan 42R-14261, provided that all requirements of the Local Commercial (C2) zone are met. |

| Special Provision # | Description |
|---------------------|--|
| SP26.34 | Despite the provisions of this By-law, a 81 unit 7 storey apartment may be permitted on the lands described as parts of Lot 35 and Block L, Plan No. 21, more particularly described as Part 1, Plan 42R-11494, Parts 1,2,5,6,8,9,10,11 and 12, Plan 42R-14216 and parts of Parts 4 and 7, Plan 42R-14216; Part 3 and part of Parts 1 & 2, Plan 42R-17445 and Lot 39 and part of Lot 40, Plan No. 10 subject to a minimum lot frontage of 16 metres and provided all other applicable requirements of the Multiple Residential (R3) zone in respect of an apartment are met. |
| SP26.35 | Despite the provisions of this By-law, an Automobile Sales Establishment and Retail Store may be permitted on the lands described as Lots 10, 11, 12 and part of Lot 13, Plan 10, Bowes Street, north side, known locally as 14, 18 and 20 Bowes Street, subject to a minimum rear yard of 0.9 meters provided all other requirements of the Highway Commercial (C3) zone are met. All other uses in the C3 zone are permitted subject to an "h" symbol and subject to the provisions of the C3 zone. |
| SP26.36 | Despite the provisions of this By-law, a single family dwelling containing one accessory apartment unit may be permitted on lands described as part of Lots 15 and 16, Plan 123, Victoria Avenue, east side, provided all requirements of the Residential First Density (R1) zone in respect of a single detached dwelling are met. |
| SP26.37 | Despite the provisions of this By-law, a 56 bedroom retirement residence may be permitted on the lands described as Lot 53 Registrar's Compiled Plan No. 338 and Lots 24 and 25 Plan M-405, known locally as 29 Tudhope Street subject to a minimum rear yard of 3.5 metres and provided all other applicable requirements of the Multiple Residential (R3) zone in respect of a retirement residence are met. |
| SP26.38 | Despite the provisions of this By-law, a single family dwelling in addition to the uses allowed by the Marine Residential (RM) zone, may be permitted on the lands described as Part 4, Plan 42R-12187, subject to a minimum frontage of 17 meters, provided all requirements of the Marine Residential zone are met. |
| SP26.39 | Despite the provisions of this By-law, a 101 bed long term care facility and a 24 unit Senior Citizen's apartment may be permitted on the lands described as part of the Hotel Grounds, Plan No. 137 and part of Lots 1 and 2, Plan 121, Belvedere Avenue, east side, known locally as 21 Belvedere Avenue, subject to a maximum lot coverage of 32% and the provision of parking for the 24 senior citizen apartment units at a rate of 3 spaces for every 4 dwelling units provided all other requirements of the Residential Second Density (R2) zone in respect of a home for the aged are met. The maximum height regulation set forth in the Residential Second Density (R2) zone shall not apply to penthouses required to house mechanical |

| Special Provision # | Description |
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| | facilities occupying in the aggregate, less than 10.5% of the area of the roof on which they are located. |
| SP26.40 | <p>Despite the provisions of this By-law, the lands described as part of Part 1, Plan 42R-10331, known locally as 176 Louisa Street may be used for:</p> <ul style="list-style-type: none"> -one single family dwelling unit if occupied by the owner, caretaker, watchman or other similar person and his family employed on the lot on which such dwelling unit is located and in accordance with the provisions of Section 4.1 of this By-law; -a building supply outlet; -a parking garage; -a service station; -a farm implement dealer; -a marina; -a business office accessory to a permitted use located on the property; -a business office not accessory to a permitted use on the property subject to a maximum floor space of 160 square meters; -an automotive sales establishment; -a contractor's or tradesman's shop or yard; -a machine or welding shop; -a light manufacturing or light industrial undertaking that is conducted wholly within an enclosed building and which shall emit no obnoxious sound, smell, dust, fumes or smoke and which in general, shall not be detrimental in appearance or in effect to surrounding uses except that an obnoxious use as defined in Section 3 of this By-law shall not be allowed; -a truck, transport or bus storage area; -a warehouse; -a public garage; -a retail use accessory to a permitted use on the property where the retail use comprises no more than 25% of the floor area of the structure devoted to the particular permitted use; <p>provided all requirements of the Restricted Industrial (M1) zone are met.</p> |
| SP26.41 | <p>Despite the provisions of this By-law, a computer sales and service business together with accessory uses may be permitted on the lands described as part of Lot 1, Plan 137, being more particularly described as Part 1, Plan 42R-4404, known locally as 1 Louisa Street, subject to vehicular access being restricted to Louisa Street and the provision of a 6 foot opaque privacy fence abutting the adjacent residential properties, provided all requirements of the Highway Commercial (C3) zone are met.</p> |

| Special Provision # | Description |
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| SP26.42 | Despite the provisions of this By-law, a Home and Auto Supply Store may be permitted on the lands described as part of Part 2 and all of Part 3, Plan 42R-10676, part of Part 1, Plan PSR-2141, part of Parts 2 and 3 and all of Part 4, Plan 42R-15168, part of Part 1 and all of Parts 2, 3, 4 and 5, Plan 42R-14920, Parts 1, 2 and 3, Plan 42R-15065 and Part 2, Plan 42R-15454, known locally as 30 Pine Drive, provided that all requirements of the District Commercial (C5) zone are met. |
| SP26.43 | Despite the provisions of this By-law, a 6 unit apartment dwelling may be permitted on the lands described as part of Lot 10, Plan 105, being more particularly described as Parts 3 and 4, Plan 42R-12989, subject to a lot frontage of 28 meters and a southerly side yard of 1.5 meters, provided all other requirements of the Multiple Residential (R3) zone in respect to an apartment dwelling are met. |
| SP26.44 (Louisa St) | <p>The lands affected are a portion of the lands described Part of Lots 6, 7, 8, 9 and 10 on the west side of Louisa Street on Plan 21, or more particularly described as Part 3 42R9332, Part 2 of 42R9754, and Parts 2 and 8 of 42R10238.</p> <p>Despite Section 8.2 - Zone Requirements of By-law 2004-4653, as amended, for those lands described above, up to 160 Apartment Dwelling Units are permitted on the subject property subject to a maximum height of 17 metres.</p> <p>Despite Section 8.2 - Zone Requirements of By-law 2004-4653, as amended, for those lands described above, the minimum yard requirements shall be in accordance with Schedule II to By-law 2018-687 4, being:</p> <ol style="list-style-type: none"> a) The minimum setback between any Apartment Dwelling and the most westerly portion of any lot line immediately abutting the CN Rail Line shall be 35 metres. This setback shall be maintained as a landscaped area where natural vegetation is retained b) The minimum setback between any Apartment Dwelling and the most southerly interior side yard lot line shall be 25 metres. Within this same yard, a minimum of 15 metres shall be maintained as a landscaped area where natural vegetation is retained. c) The minimum setback between any Apartment Dwelling and the northerly interior side yard lot line shall be 19 metres. Within this same yard, a minimum of 15 metres shall be maintained as a landscaped area where natural vegetation is retained. d) The minimum setback between any Apartment Dwelling, parking area or access and the rear lot line of Parts 3-7 of 42R10238 line shall be generally in accordance with Schedule II to By-law 2018-6874. A minimum of 5 metres shall be maintained as a landscaped area where natural vegetation is retained. Where this setback cannot be satisfied, a 2-metre wooden privacy fence shall be required. (continued) |

| Special Provision # | Description |
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| | <p>The lands have been zoned with a Holding Zone ("h" symbol) that shall not be lifted until the following has been completed:</p> <ul style="list-style-type: none"> a) The execution of a Site Plan Agreement. This agreement shall address onsite and offsite improvements which include but are not limited to municipal water and sewer servicing upgrades, sidewalks, upgrades to Louisa Street, stormwater management, and the recommendations of the Noise and Vibration study and the Traffic Impact Study. b) CN reviews and signs off on the Noise and Vibration Study c) CN reviews and signs off on the stormwater management report d) The Proponent enters into a development agreement and environmental easement for noise in favour of CN. |
| SP26.45 | <p>Despite the provisions of this By-law, all uses allowed by the Residential First Density (R1) zone may be permitted on the lands described as part of Part 43, Plan PSR-1515 and part of the remainder of Parcel 11666 Parry Sound, south section, subject to a prohibition on the development of any structures on the part of Part 43, Plan PSR-1515 covered by this zone provided that all requirements of the Residential First Density (R1) zone are met.</p> |
| SP26.46 | <p>Despite the provisions of this By-law, a three dwelling unit multiple unit dwelling may be permitted on the lands described as Lot 47, Plan 115, Queen Street, east side, known locally as 21 Queen Street subject to a minimum side yard of 1.5 m [4.92 ft.], a minimum front yard of 5 m [1.64 ft.] and provided that all of the other provisions of the Residential Second Density (R2) zone are met.</p> |
| SP26.47 | <p>Despite the provisions of this By-law, the lands described as Lots 1, 2 and 3, Plan 155, may be used for a contractor's yard in addition to the uses allowed by the Tourist Commercial (C4) zone, provided that all operations of the contractor's yard are contained within the exiting boathouse and:</p> <ul style="list-style-type: none"> the minimum lot area is that area which existed March 19, 1991; the minimum lot area is that which existed March 19, 1991; the minimum lot depth is that which existed March 19, 1991; the minimum front yard shall be nil; the minimum rear yard shall be 7 m [22.9 ft.] the minimum side yard shall be nil from the west sidelot line and 3 m [9.28 ft.] from the east side lot line; the maximum building height shall be 8 m [26.2 ft.] the maximum ground floor area shall be 305 m² [3,283.1 ft²]; the minimum number of parking spaces shall be eight (8); all other applicable provisions of the Tourist Commercial (C4) shall be met. |

| Special Provision # | Description |
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| SP26.48 | Despite the provisions of this By-law, accessory residential units in accordance with Section 4.9 may be permitted in addition to the uses permitted in the Tourist Commercial (C4) zone on lands described as Part 4, Plan PSR-1889 and Part RD27, known locally as 17 Bay Street provided that all other applicable provisions of the Tourist Commercial (C4) zone are met. |
| SP26.49 (Winnifred Ave) | <p>The lands affected are described as Lots 21-44, Lots 46-49, and Blocks 51 and 52 of 42M648.</p> <p>i) Despite Section 7.1 - R2 Permitted Uses of By-law 2004-4653, as amended, for those lands described above, Single Detached Dwellings, Semi-Detached Dwellings and three-unit Row or Townhouse or Maisonette Dwellings are permitted.</p> <p>ii) Despite Section 7.2 - R2 Zone Requirements of By-law 2004-4653, as amended, for those lands described above, Single Detached Dwellings are permitted subject to a minimum lot frontage of 12 metres.</p> <p>iii) Despite Section 7.2 - R2 Zone Requirements of By-law 2004-4653, as amended, for those lands described above, Semi-Detached Dwellings are permitted subject to a:</p> <ul style="list-style-type: none"> a) minimum lot area of 240 square metres per unit; b) minimum lot frontage of 7 metres per unit; c) minimum interior side yard setback of 0 metres for the party wall and a minimum interior side yard setback of 1.3 metres for end wall; d) maximum lot coverage of 40%; e) minimum parking space dimension of 2.75 metres x 5.75 metres; and f) maximum of two driveways per semi-detached structure (i.e. one driveway per unit), with a maximum cumulative driveway width at the street line of 7 metres per semi-detached structure (excluding any flare), and a minimum width between driveways of 2.75 metres (excluding any flare). There shall be no minimum setback between driveways on a separate lot. <p>iv) Despite Section 3.D, the definition of Dwelling - Row or Townhouse or Maisonette and Section 7.2- R2 Zone Requirements of By-law 2004-4653, as amended, for the lands described above three-unit Row or Townhouse or Maisonette Dwellings are permitted subject a:</p> <ul style="list-style-type: none"> a) maximum of three principal dwelling units; b) minimum of one private entrance per principal unit; c) minimum lot area of 190 square metres per unit; d) minimum lot frontage of 5.8 metres per unit; e) minimum interior side yard setback of 0 metres for internal units and a minimum |

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| <p>S.P. 26.49 Continued</p> | <p>f) maximum lot coverage of 40%; g) minimum parking space dimension of 2.75 metres x 5.75 metres; and h) maximum cumulative driveway width at the street line of 9 metres (excluding any flare), and a minimum width between driveways of 2.75 metres (excluding any flare) per each Row House complex. There shall be no minimum setbacks between driveways on a separate lot.</p> <p>Except as noted above, all other provisions and accessory uses of the R2 zone and Bylaw 2004-4653, as amended, shall continue to apply for the single detached and semidetached units, and all other provisions and accessory uses of the R3 zone and By-law 2004-4653, as amended, shall continue to apply for the three-unit Townhouse units.</p> |
| <p>SP26.50</p> | <p>The land affected is described as Lot 45 of 42M648.</p> <p>i) Despite Section 7.1 - R2 Permitted Uses of By-law 2004-4653, as amended, for those lands described above, Single Detached Dwellings, Semi-Detached Dwellings and three-unit Row Dwellings are permitted.</p> <p>ii) Despite Section 7.2 - Zone Requirements of By-law 2004-4653, as amended, those lands described above shall be subject to the provisions of the S.P. 26.49 zone, but with a minimum lot frontage of 5 metres. Except as noted above, all other provisions and accessory uses of the R2 zone and By-law 2004-4653, as amended, shall continue to apply for the single detached and semi-detached units, and all other provisions and accessory uses of the R3 zone and By-law 2004-4653, as amended, shall continue to apply for the three-unit Townhouse units.</p> |
| <p>SP26.51</p> | <p>Despite the provisions of this By-law, all uses allowed by the Highway Commercial (C3) zone may be permitted on the lands described as part of Lot 26, Concession 1, being part of Parcel 11666 Parry Sound, south section, part of Lot 25, Concession I, being part of the Remainder of Parcel 11665 Parry Sound, south section and part of the unopened road allowance between Lots 25 and 26, Concession I subject to there being no maximum gross floor area requirement provided that all other requirements of the Highway Commercial (C3) zone are met.</p> |
| <p>SP26.52</p> | <p>Despite the provisions of this By-law, the lands described as Lots 14 to 18, Lots 88 and 89 and part of Lots 19, Registered Plan 135, known locally as 70 Isabella Street, may be used for: institutional uses, all uses allowed in the Residential Second Density zone, government offices, private, public or trade schools, apartments, retirement homes, day nurseries, places of worship, community halls, business offices, professional offices and nursing homes; provided that all such uses take place within the building existing on the property at the time of passing of this By-law; and any apartment use be restricted to a maximum of twenty-one (21) units and that all other applicable requirements of the Residential Second Density (R2) zone are met.</p> |

| Special Provision # | Description |
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| SP26.53 | Despite the provisions of this By-law, the lands described as Lots 2, 3 and 4, Plan 105, Albert Street, west side and part of Lots 9, 10 and 11, Plan 105, Forest Street, east side, may be used for up to a 36 unit residential development complex including apartments, rowhouse dwellings, triplexes or duplexes, provided that all provisions of the Residential third Density (R3) zone are met. |
| SP26.54 | Despite the provisions of this By-law, the lands described as Part 1, Plan 42R-8608, Parts 1 and 2, Plan 42R-16084 and part of Part 2, Plan 42R-5633 may be used for a motor vehicle body shop, a motor vehicle repair garage, a motor vehicle dealership and a wholesale trade provided that all provisions of Highway Commercial (C3) zone are met. |
| SP26.55 | Despite the provisions of this By-law, the lands described as Part pf Lot 26, Concession III, former Township of McDougall now in the Town of Parry Sound, more particularly described as Part 1, Plan 42R-5997, known locally as 9 Isabella Street, may be used for a single detached dwelling containing one accessory apartment subject to the accessory apartment being restricted to the structure in existence at the time of passing of this By-law provided that all applicable provisions of the Residential First Density (R1) zone are met. |
| SP26.56 | Despite the provisions of this By-law, the lands described as Lot 10 and part of Lot 11, Plan No. 172, known locally as 23 Isabella Street, may be used for a single detached dwelling containing one accessory apartment subject to the accessory apartment being restricted to the structure in existence at the time of passing of this By-law provided that all applicable provisions of the Residential First Density (R1) zone are met. |
| SP26.57 | |
| SP26.58 | Despite the provisions of this By-law, the lands described as Lot 8, Plan 10, Bowes Street, north side, known locally as 10 Bowes Street may be used for all uses permitted by the Highway Commercial (C3) zone including one accessory residential dwelling unit located in the basement of the non-residential building provided that all other applicable provisions of the Highway Commercial (C3) zone and all other provisions of Section 4.9 are met. |

| Special Provision # | Description |
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| SP26.59 | <p>Despite the provisions of the By-law, the lands described as part of Lot 26, Concession 1, geographic Township of McDougall now in the Town of Parry Sound more particularly described as part of Part 1, Plan 42R-16633, may be used for all the uses allowed by the District Commercial (C5) zone including Home Improvement Establishment and excluding department stores, warehouse membership clubs, home and auto supply stores, theatres/cinemas, Liquor Control Board of Ontario liquor stores, Brewer's Retail beer stores and banks subject the following restrictions:</p> <ul style="list-style-type: none"> a) a total maximum floor space limit of 11,705 square metres gross leaseable area; b) a maximum floor space limite for a supermarket of 4,645 square metres gross leasable area including mezzanine, storage, office and associated service space; c) a maximum floor space limit for a home improvement establishment of 4,645 square metres gross leasable area including any garden centre, indoor storage and office space; d) a maximum floor space limit for non-department store Department Store Type Merchandise uses of 1,858 square metres gross leasable area; e) a maximum floor space limit for other ancillary service/commercial space uses of 2,415 square metres gross leasable area; f) a minimum unit size for non-department store Department Store Type Merchandise uses of 371 square metres; and g) a minimum parking space width of 2.7 metres provided that all other requirements of the District Commercial (C5) zone are met. |
| SP26.60 | <p>Despite the provisions of this By-law, the lands described as part of Lot 13, Plan 21, Forest Street, west side, more particularly described as Part 5, Plan 42R-9872 may be used for a residential garage accessory to the single detached dwelling located on a lot under common ownership and abutting known as 57 Forest Street provided that all requirements of the Residential Second Density (R2) zone in respect of accessory structures and in a manner treating the two lots as one are met.</p> |
| SP26.61 | <p>Despite the provisions of this By-law, the lands described as part of Lots 12 & 13, Plan 86, Gibson Street, east side may be used for a single detached dwelling or a converted dwelling subject to the front lot line being the easterly lot boundary; a minimum lot frontage of nil; a minimum lot area of 390 square metres; a minimum lot depth of 19 metres; a minimum rear yard of 1.5 metres; a maximum lot coverage of 35% and access by a registered right-of-way to Gibson Street provided that all other requirements of the Residential Second Density (R2) zone are met.</p> |

| Special Provision # | Description |
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| SP26.62 | Despite the provisions of this By-law, the lands described as Lots 12 & 13, Plan 104/105, Albert Street, west side in the Town of Parry Sound may be used for a medical clinic and a pharmacy provided that all requirements of the Highway Commercial (C3) zone are met. |
| SP26.63 | Despite the provisions of this By-law, the lands described as Part Lot 24 Plan 123 Georgian Street, west side, more particularly described as Parts 1 & 2 Plan 42R-5688 in the Town of Parry Sound may be used for a triplex dwelling subject to the front lot line being on Marion Avenue, the rear lot line being the westerly lot line, a minimum front yard of 5 metres and a minimum rear yard of 6.5 metres provided that all other requirements of the “Residential Medium Density (R2) zone for a triplex are met.” |
| SP26.64 | Despite the provisions of this By-law, a converted dwelling containing four dwelling units may be permitted on the lands described as part of Lot 39, Plan 22, Gibson Street, east side known locally as 105 Gibson Street provided all applicable requirements of the Residential Second Density (R2) zone in respect of a converted dwelling are met. |
| SP26.65 | Despite the provisions of this By-law, an auction and storage barn where second hand merchandise is stored indoors and auctioned may be permitted in addition to the uses allowed under the Rural (RU) zone on the lands described as part of Lot 25, Concession 2, being more particularly described as the remainder of those lands covered by Instrument No. 74300 in the Registry Office for the District of Parry Sound, known locally as 156 Louisa Street provided all applicable requirements of the “Rural (RU)” zone are met. |
| SP26.66 | Despite the provisions of this By-law, the lands described as part of Lot 10, Plan 123, Adelaide Street, east side, may be used for a free standing garage in addition to all the uses allowed by the Residential Second Density (R2) zone provided that all other requirements of the Residential Second Density (R2) zone are met. |
| P26.67 | Despite the provisions of this By-law, the lands described as part of Lot 3, Plan 21, Bowes Street, north side, more particularly described as Parts 1 and 2, Plan 42R-11166, known locally as 48 Bowes Street, may be used for a Business or Professional Office and one Accessory Dwelling Unit within the same building, subject to a minimum lot frontage of 17 metres and a maximum of 6 parking spaces, subject to the provisions of the Highway Commercial (C3) zone. |

| Special Provision # | Description |
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| SP26.68 | Despite the provisions of this By-law, the lands described as part 7, plan 42R-10238 on the west side of Louisa Street, may be used for a residential garage accessory to the single detached dwelling located on a lot under common ownership and abutting known as 38 Louisa Street provided that all requirements of the Residential Second Density (R2) zone in respect of accessory structures and in a manner treating the two lots as one are met. |
| SP26.69 | Despite the provisions of this By-law, the lands described as Lot 3, Plan 113, Prospect Street, west side known locally as 9 Prospect Street in the Town of Parry Sound may be used for a single detached dwelling or a duplex dwelling provided that all applicable requirements of the “Residential First Density (R1)” zone for a single detached dwelling are met and all applicable requirements of the “Residential Second Density (R2)” zone for a duplex are met. |
| SP26.70 | Despite the provisions of this By-law, the lands described as Lot 3, Plan 124, Bowes Street, south side more particularly described as Parts 1 & 2, Plan PSR-1826 known locally as 51 Bowes Street in the Town of Parry Sound may be used for all uses allowed in the “Highway Commercial (C3)” zone subject to access to the lot being provided from Beaver Street and the maintenance of an existing vegetative buffer along the south boundary of the lot provided that all applicable requirements of the “Highway Commercial (C3)” zone are met. |
| S.P. 26.71 | Despite the provisions of this By-law, the lands described as part of Park Lot 8, Plan 21, Bowes Street, north side more particularly described as Part 1, Plan 42R-5568 know locally as 70A Bowes Street in the Town of Parry Sound may be used for all uses allowed in the “Highway Commercial (C3)” zone including a place of worship provided that all applicable requirements of the “Highway Commercial (C3)” zone are met. |

| Special Provision # | Description |
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| S.P. 26.72 (Louisa St) | Despite the provisions of this By-Law and Section 4.13, a portion of the lands described as part of Lots 26 and 27, Concession 2 and part of the original shore road allowance in front thereof, geographic Township of McDougall now in the Town of Parry Sound more particularly describe as part of Part 3, Plan 42R-17916 located on the west side of Louisa Street may be used for single detached dwellings, accessed by a right-of-way, and subject to a minimum lot frontage of 58 metres, provided that all other requirements of the "Rural Residential (RR)" zone are met. |
| S.P. 26.73 | Despite the provisions of this By-Law, the lands described as part of Lot 20, Concession A and part of the original road allowance between Concession A and 2, formerly Township of McDougall, now in the Town of Parry Sound, and Part of Parcel J, Registered Plan 137, more particularly described as part of Parts 1,2 and 3, Plan 42R-19106 located on the north side of Salt Dock Road my be used fro apartment dwellings subject to a maximum building height of 16.5 metres and a maximum density of 50 dwelling units per hectare provided that all other requirements of the “Multiple Residential (R3)” zone are met. |
| S.P. 26.74 | Despite the provisions of this By-Law, the lands described as part of Lot 20, Concession A and part of the original road allowance between Concession A and 2, formerly Township of McDougall now the Town of Parry Sound, and Part of Parcel J, registered Plan 137, more particularly described as part of Parts 1 and 3, Plan 42R-19106 located on the north side of Salt Dock Road may be used for uses accessory to the development allowed on the abutting “Special Provision No. 26.73(Sp.26.73)” zoned lands; setback, density, frontage and lot coverage requirements for the development allowed on the abutting “Special Provision No. 26.73(Sp.26.73)” zoned lands and prohibiting any residential uses on the property provided that all other requirements of the “Multiple Residential (R3)” zone are met. |

| Special Provision # | Description |
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| S.P. 26.75 | <p>Despite the provisions of the By-law, the lands described as part of Lot 25, Concession 2, being more particularly described as Parts 2 and 3 Plan 42R-1005 known locally as 150 Louisa Street, may be used for all uses allowed by the Restricted Industrial (M1) zone including:</p> <ul style="list-style-type: none"> - heavy vehicle repair including outside storage of such vehicles, and parts in the westerly side yard and rear yard of the property in an orderly manner and parking of operative vehicles in the front yard; - construction/contractor's yard where any fabrication takes place within a building and where outside storage of building material and equipment is restricted to the westerly side yard and rear yard and must be arranged in an orderly manner; - welding shop where all fabrication takes place inside a building and where storage of raw materials and equipment necessary for the manufacture is permitted in the westerly side yard and rear yard of the property in an orderly manner; - owner operator haulage contractor where outside storage of vehicles is allowed in the westerly side yard and rear yaard and parking of operative vehicles is allowed in the front yard; <p>provided all requirements of the restricted Industrial (M1) zone are met.</p> |
| S.P. 26.76 | <p>Despite the provisions of this By-law, the lands described as Lot 81 and part of Lots 84, 85, 86 and 87, Plan 135, being more particularly described as Part 8 Plan 42R-17302, known locally as surplus land from the former Isabella Street school located on Ansley Street, may be used for all uses allowed by the Residential Second Density (R2) zone including a townhouse development with a maximum density of 14 dwelling units provided all requirements of the Multiple Residential (R3) zone in respect of a townhouse development, are met.</p> |
| S.P. 26.77 | <p>Despite the provisions of this By-law, the lands described as part of Lot 16 Concession A, designated as Part 1, Plan 42R-5633, formerly Township of McDougall now Town of Parry Sound, save and except, Part 1, Plan 42R-16520, known locally as 64 Parry Sound Drive, may be used for a business office, a professional office, a retail store, an automobile sales establishment, and automobile repair garage, and a crisis centre provided all requirements of the Highway Commercial (C3) zone, are met.</p> |

| Special Provision # | Description |
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| S.P. 26.78 | Despite the provisions of this By-law, the lands described as part of Lot 20, Plan 2, northwest side of Bay Street designated as Parts 1, 2, 4 and 6 Plan 42R-3088, Town of Parry Sound, known locally as 24 Bay Street, may be used for an antique shop, a convenience store, a marine retail outlet, a real estate office, a retail store not exceeding 162 square metres, a tourist establishment, a tourism information centre, a travel agent or tourism office provided all requirements of the Tourist Commercial (C4) zone, are met. |
| S.P. 26.79 | Despite the provisions of this By-law, the lands described as part of Lots 9 and 10, Plan 21, Louisa Street west side, Town of Parry Sound, known locally as 81 River Street, may be used for an eight (8) unit apartment consisting of four 3 bedroom units and four 1 bedroom units with a 2.5 metre privacy fence to be located on the side lot lines to the rear of the building face and on the rear lot line provided all requirements of the Multiple Residential (R3) zone in relation to an apartment dwelling are met. |
| S.P. 26.80 | Despite the provisions of this By-law, the lands described as Lot 9, Plan 115 and part Park Lot 3, Plan 21, Bowes Street, north side, Town of Parry Sound, known locally as 46 Bowes Street, may be used for a Business or Professional Office with accessory dwelling units in compliance with section 4.9 where one of the accessory dwelling units may be located below the office use provided all requirements of the Highway Commercial (C3) zone are met. |
| S.P. 26.81 | Despite the provisions of this By-law, the lands described as Lot 42 and part of Lots 43 and 44, Plan M-405 and Lot 83 and part of Lot 41 Registrar's Compiled Plan No. 338 in the Town of Parry Sound, known locally as 21 Beatty Street may be used for a school subject to a minimum parking requirement of one space per staff member plus one space for every 22.3 square metres of floor space in a gymnasium provided all other requirements of the Institutional (I) zone are met. |
| S.P. 26.83 | Despite the provisions of this By-law, the lands described as part of Lot 28, Plan 2, northwest side of Bay Street designated as Part 1, Plan 42R-13297, Town of Parry Sound, known locally as 8A Bay Street, may be used for a semi detached dwelling unit with the ground floor only of such unit containing a retail store provided all requirements of the Residential Second Density (R2) zone, are met. |

| Special Provision # | Description |
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| S.P. 26.84 | <p>Despite the provisions of this By-law, the lands described as part of Lot 24, Plan 123, Marion Avenue, north side and part of the closed section of Waubeek Street more particularly described as Parts 4, 5, 6, 8, 9 and 14, Plan 42R-14320, Town of Parry Sound, known locally as 47 Marion Avenue, may be used for a single detached dwelling including one accessory apartment unit with a maximum lot coverage of 38%, a minimum front yard of 3 metres and a minimum rear yard of 3.6 metres provided all other applicable requirements of the Residential First Density (R1) zone, are met.</p> |
| S.P. 26.85 | <p>Despite the provisions of this By-law, the lands described as part of Lot 25, Concession 2, geographic Township of McDougall now in the Town of Parry Sound more particularly described as part of Part 3, Plan 42R-2747 being part of 139 Louisa Street may be used for:</p> <ul style="list-style-type: none"> - a class I industrial use; - an auto repair garage; - an auto body shop; - a boat repair facility; - a custom workshop; - a mini warehouse and public storage; - a printing and publishing establishment; - a building supply outlet; - a parking garage; - a service station; - a farm implement dealer; - a marina; - a business office accessory to a permitted use located on the property; - a business office not accessory to a permitted use on the property subject to a maximum floor space of 160 square metres; <p><i>Continued....</i></p> |

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| <p>S.P. 26.85 Continued</p> | <ul style="list-style-type: none"> - an automotive sales establishment; - a contractor’s or tradesman’s shop or yard; - a machine or welding shop; - a light manufacturing or light industrial undertaking that is conducted wholly within an enclosed building and which shall emit no obnoxious sound, smell, dust, fumes or smoke and which in general, shall not be detrimental in appearance or in effect to surrounding uses except that an obnoxious use as defined in Section 3 of this By-law shall not be allowed; - a truck, transport or bus storage area; - a warehouse; - a public garage; <p>Accessory Uses:</p> <ul style="list-style-type: none"> - a retail use accessory to a permitted use on the property where the retail use comprises no more than 25% of the floor area of the structure devoted to the particular permitted use; - one accessory dwelling (see section 4.9) occupied by the owner, caretaker or security officer; - an accessory commercial use; <p>subject to vehicular access being restricted to the former Highway 69 portion of Louisa Street and provided all requirements of the Restricted Industrial (M1) zone are met.</p> |
| <p>S.P. 26.86</p> | <p>Despite the provisions of this By-law, the lands described as part of Parcel “L”, Plan No. 137, Town of Parry Sound, District of Parry Sound, more particularly described as part of Part 2, 3 and 4, Plan 42R-8512 being part of William Street Park may be used for single detached dwellings subject to the use of a common use driveway with its entrance at the north edge of the property approximately aligned with the Isabella Street intersection provided all requirements of the “Residential First Density (R1)” zone are met.</p> |
| <p>S.P. 26.87</p> | <p>Despite the provisions of this By-law, the lands described as part of Lot 15, Plan No. 22, Church Street, east side, Town of Parry Sound, District of Parry Sound, known locally as 48 Church Street may be used for a converted dwelling with a maximum of five dwelling units provided all requirements of the “Residential Second Density (R2)” zone in respect of a converted dwelling are met.</p> |

| Special Provision # | Description |
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| <p>S.P. 26.88 (College Dr)</p> | <p>The lands affected are described as part of Part 1, Plan 42R18846, Town of Parry Sound, District of Parry Sound, fronting on Parry Sound Drive.</p> <p>Despite Sections 3.R and 14.1 of By-law 2004-4653, as amended, for those lands described above, one of the following three uses shall be permitted on the subject property, either a 60 unit Retirement Residence, a 60 unit Retirement Residence - Special or a 60 unit Dwelling - Apartment. Specifically, for these lands, a Retirement Residence - Special shall be defined as:</p> <p>"Retirement Residence - Special Means a residence providing accommodation for retired persons or couples where each private bedroom or living unit has a separate private bathroom or shares a separate private bathroom with no more than one other unit and each private bedroom or living unit has a separate entrance from a common hall, but where common facilities for the preparation and consumption of food may be provided and common lounges, recreation rooms, medical care facilities and other personal services for the residents may also be provided."</p> <p>Despite the "Apartment Dwelling, Retirement Residence" provisions of Section 8.2 of By-law 2004-4653, as amended, for those lands described above, a Retirement Residence or a Retirement Residence - Special shall be subject to each unit having a maximum of two bedrooms, a reduced easterly interior side yard of 0.5 metres, and a maximum height of four storeys.</p> <p>Despite Section 4.31 - Parking Requirements of By-law 2004-4653, as amended, for those lands described above, a parking requirement of 1 parking space per Retirement Residence - Special unit applies.</p> <p>Despite Section 4.31 - Parking Requirements of By-law 2004-4653, as amended, for those lands described above a parking requirement of 1.15 parking spaces per Dwelling - Apartment unit applies.</p> <p>Despite Section 4.30 (n), two barrier-free parking spaces shall be provided for every 30 standard parking spaces for any Retirement Residence, Retirement Residence - cont....</p> |

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| S 26.88 Cont. | <p>Special or Dwelling - Apartment on the subject lands.</p> <p>A Retirement Residence - Special, Retirement Residence or a Dwelling – Apartment shall be subject to the "Apartment Dwelling, Retirement Residence" provisions of Section 8.2 of By-law 2004-4653, as amended, in all other regards.</p> <p>Except as noted above, all other uses and provisions of the C3 zone and By-law 2004-4653, as amended, shall continue to apply. Full parking requirements shall apply to any other use other than as described in this Special Provision zone.</p> |
| S.P. 26.89 | <p>Despite the provisions of this By-law, the lands described as part of the easterly part of Part 1, Plan 42R-19887, Town of Parry Sound, District of Parry Sound may be used for a retirement residence with a maximum height of four (4) stories and senior citizen housing in apartment, townhouse and fourplex forms provided these uses comply with the requirements of the “Multiple Residential (R3)” zone and the maximum density of the senior citizen housing does not exceed 50 dwelling units per hectare. This property may also be used for uses accessory to a retirement residence occupying the westerly part of Part 1, Plan 42R-19887.</p> |
| S.P. 26.90 | <p>Despite the provisions of this By-law, the lands described as part of Lots 121 and 122, R.C.P. 338, in the Town of Parry Sound known locally as the former waterworks standpipe property on Isabella Street may be used for a three dwelling unit townhouse dwelling on a lot with 5.5 metres of frontage in addition to the uses allowed by the “Residential Second Density (R2)” zone provided the regulations of the “Residential Second Density (R2)” zone apply and that the regulations of the “Residential Second Density (R2)” zone for a triplex dwelling apply to a three dwelling unit townhouse</p> |
| S.P. 26.91 | <p>Despite the provisions of this By-law, the lands described as part of Lot 25, Concession 1, geographic Township of McDougall now in the Town of Parry Sound more particularly described as part of Parts 1 to 4, Plan 42R-14713, part of Part 4, Plan 42R-15179, part of Part 1, plan 42R-16628 and Parts 1 and 2, Plan 42R-17371, located on the east side of Louisa Street north of 294 Louisa Street may be used for all uses allowed by the “Highway Commercial (C3)” zone with the exception of accessory dwelling units.</p> |

| Special Provision # | Description |
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| S.P. 26.92 | <p>Despite the provisions of this By-law, the lands described as Parts I and 2, Plan 42R-I9534, in the Town of Parry Sound, may be used for a multiple dwelling unit that contains a maximum of three dwelling units in addition to the uses allowed by the “Residential Second Density (R2)” zone provided the regulations of the “Residential Second Density (R2)” zone apply and that the regulations of the “Residential Second Density (R2)” zone for a triplex dwelling apply to a three unit multiple dwelling.</p> |
| S.P. 26.93 | <p>Despite the provisions of this By-law, the lands described as Part of Park Lot 6, North side Bowes Street, Plan 21 as in RO164212, and Part of Park Lot 7, North side Bowes Street, Plan 21 as in RO50488, except RO128784, known locally as 60 and 64 Bowes Street, and as more specifically identified as cross-hatched Schedule “I” to By-law 2014-6422, are permitted a reduced parking space size of 2.7 metres by 6 metres, all uses in the C3 zone and subject to the provisions of the C3 zone.</p> <p>In addition, despite the provisions of this By-law, the lands described as Part of Lot 27, Concession 1 McDougall, Part 2 of 42R4359, Town of Parry Sound, and as identified hatched on Schedule “I” to By-law 2014-6422, are only permitted a parking lot, a reduced parking space size of 2.7 by 6 metres and a Garage – Private, subject to the provisions of the C3 zone. These lands require vegetated and fenced 3 metre interior side yards and a rear yard.</p> |
| S.P. 26.94 | <p>Despite the Sections 4.44 and 24.3 of By-law 2004-4653, a portion of the lands described as (Part of Lot 1 S/S of Hamilton Street Plan 63, Part of Lot 150 Concession A formerly in the Township of Foley now in the Town of Parry Sound, or as more particularly described as Part 5 of Plan 42R12349 and Part 4 of Plan 42R6932) and as identified as cross-hatched on Schedule “I” to By-law 2014-6427 shall be permitted a structure, as existing on the date of the passing of this By-law, which may be used for the purpose of a Veterinary Pharmaceutical Compounding and Distribution Facility.</p> <p>For the purpose of this By-law, a Veterinary Pharmaceutical Compounding and Distribution Facility shall be defined as: Veterinary Pharmaceutical Compounding and Distribution Facility- means a building or part thereof used for the manufacturing, fabrication, compounding and distribution of drugs in pharmaceutical preparations for veterinary use.</p> <p>Except as noted above, all other permitted uses and provisions of the EP zone shall apply.</p> |

| Special Provision # | Description |
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| S.P. 26.95 | Despite the provisions of this By-law, the lands described as part of Lots 11 and 12, Plan 91, Gibson Street, west side, known locally as 105 Isabella Street in the Town of Parry Sound, are permitted a multiple unit dwelling which contains up to a maximum of four dwelling units in a building as existing on the date of this by-law's passage, in addition to all the uses in the Residential Second Density "R2" zone. |
| S.P. 26.96 | <p>Notwithstanding any provisions to the contrary in By-law 2004-4653, as amended, the lands described as Part of Lot 25, Concession 1 formerly in the Township of McDougall, or as more particularly described as Part 2 of Plan 42R16628, and Part 10 of Plan 42R14713, known locally as 2 Oastler Park Drive, shall have the following Temporary Use Provision apply:</p> <p>Permitted Use:</p> <ul style="list-style-type: none"> -the storage and sale of finished dock products and accessory goods until December 31, 2016 subject to the provisions of the Highway Commercial (C3) zone. All other uses of the C3 zone will be subject to an "h" symbol. -The permitted lands uses shall revert to those permitted in a Highway Commercial Holding (C3(h)) zone following December 31, 2016. |
| S.P. 26.97 | Despite the provisions of By-law 2004-4653, as amended, the lands shall be limited to those uses as existing on the date of the passage of this by-law until the Holding Symbol ("h" symbol) is lifted. The "h" symbol cannot be lifted until such a time that access can be provided in accordance the Official Plan. Once the "h" symbol is lifted, all uses and provisions of the Marine Residential (RM) zone shall apply. |
| S.P. 26.98 | Despite the provisions of this By-law, the lands described as Lot 7, Plan 245, known locally as 6 Oak Avenue, in the Town of Parry Sound, may be used for may be used for two Dwelling Units within one building, subject to the provisions of the Residential First Density (R1) zone. |
| S.P. 26.99 (Church St) | <p>The lands affected are described as Parts 2-7 of 42R20638. Despite Section 8.2 of By-law 2004-4653, as amended, for those lands described above, 10 Apartment Dwelling Units are permitted subject to a Minimum Lot Area of 1270 square metres, a reduced Front Yard of 4 metres, a reduced Interior Side Yard of 4.6 metres, and a reduced Exterior Side yard of 4 metres.</p> <p>All other provisions of the R3 zone, and the provisions By-law 2004-4653, as amended, shall continue to apply.</p> |

| Special Provision # | Description |
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| <p>S.P. 26.100 (Removed from 1 Joseph Street – Replaced by S.P. 26.101)</p> | <p>Despite the provisions of this By-law, a portion of the lands described as Part of Lots 1, 2, 21-23 and Lot 24 of Plan 91, west side of Church Street, or as more particularly described as Part 1 of Plan 42R6784, known locally as 100 Church Street or 1 Joseph Street in the Town of Parry Sound, are permitted a Dwelling Apartment which contains no more than 12 units and a four plex, subject to reduced lot area, reduced lot depth and reduced yards in a manner as largely identified on Schedule "I" to By-law 2015-6589. In all other regards, the provisions of the Multiple Residential (R3) zone shall apply.</p> |
| <p>S.P. 26.100</p> | <p>Despite the provisions of this By-law, the lands described as Lot 7, Plan 123, known locally as 13 Georgina Street, in the Town of Parry Sound, is permitted a Dwelling -Accessory within the existing Dwelling – Single Detached, subject to the provisions of the Residential First Density (R1) zone.</p> |
| <p>S.P. 26.101 (1 Joseph)</p> | <p>The lands affected are described as Part 1 of 42R20638. Despite Section 4.31 of By-law 2004-4653, as amended, for those lands described above one parking space per Apartment Dwelling Unit shall be permitted.</p> <p>Despite Section 8.2 of By-law 2004-4653, as amended, for those lands described above 18 Apartment Dwelling Units are permitted subject to a Minimum Lot Area of 2,030 square metres, a reduced Rear Yard of 2.5 metres, and a reduced Interior Side Yard of 1.6 metres. All other uses and provisions of the R3 zone, and the provisions By-law 2004-4653, as amended, shall continue to apply.</p> |
| <p>S.P. 26.102 (82 & 86 Gibson)</p> | <p>Despite the provisions of this By-law, the land described as Part of Lot 27, E/S of Church Street, Plan 22, known locally as 82 Gibson Street, in the Town of Parry Sound, is permitted:</p> <ul style="list-style-type: none"> • A two storey 10 unit Apartment Dwelling; • A 55 unit Apartment Dwelling which also contains in the same structure a Club (Friendship Centre) subject to a maximum GLA of 469 sq m, Business or Professional Offices (One Kid's Place, Boardroom and Early Years) subject to a maximum GLA of 276 sq m, and a Place of Assembly (Gymnasium) subject to a maximum GLA of 355 sq m; and • A reduced Standard Parking Space Dimension of 2.7 metres by 6 metres. <p>Provided such development occurs in a manner as largely identified on Schedule "II" to By-law 2016-6635. Reduced yards and setbacks from the "Proposed Severance Line" as identified on Schedule "II" to By-law 2016-6635 are also permitted. All other provisions of the Multiple Residential (R3) zone shall apply.</p> |

| Special Provision # | Description |
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| S.P. 26.103 | <p>The lands affected are described as Lot 12 on the north side of Addie Street Plan 89, or 24 Addie Street, in the Town of Parry Sound. Despite Section 4.32 of By-law 2004-4653, for those lands described above a maximum 1.5 metre projection into the front yard is permitted for an exterior staircase. Despite Sections 7.1 and 7.2, for those lands described above a Dwelling -Semi-Detached is permitted subject to:</p> <ul style="list-style-type: none"> i. a maximum lot coverage of 35.9% for the main building and accessory uses ii. a minimum lot area of 250 square metres; and iii. a minimum rear yard setback of 5.5 metres. <p>All other uses and provisions of By-law 2004-4653, as amended, shall continue to apply.</p> |
| S.P. 26.104 | <p>The lands affected are a portion of the lands described as Pt reserve PI 86; Pt Waubeek St PI 2; Pt Lt 1 Ashwood Dr south of Waubeek St PI 86 (formerly Church St) closed by PS10294 Pt 1 42R16527, in the Town of Parry Sound, known locally as 60 Seguin Street.</p> <p>Despite Section 7.2 - Zone Requirements of By-law 2004-4653, as amended, for those lands described above, a reduced rear yard of 10.0 metres is permitted.</p> <p>All other provisions of By-law 2004-4653, as amended shall continue to apply.</p> |
| S.P. 26.105 | <p>The lands affected are a portion of the lands described as Pt reserve PI 86; Pt Waubeek St PI 2; Pt Lt 1 Ashwood Dr south of Waubeek sf PI 86 (formerly Church St) closed by PS10294 Pt 1 42R16527, in the Town of Parry Sound, known locally as 60a Seguin Street.</p> <p>Despite Sections 3.L and 7.2 - Zone Requirements of By-law 2004-4653, as amended, for those lands described above, a Dwelling Unit - Single Detached is permitted with a reduced lot depth, a reduced rear yard, and a reduced front yard in a manner largely identified on Schedule II to By-law 2018-6812.</p> <p>Despite Sections 4.13, 4.30 and 4.31 of By-law 2004-4653, as amended, for the lands described above, a Dwelling Unit - Single Detached is permitted with no direct access and frontage onto a year-round maintained municipal roadway, and no on-site parking spaces in a manner largely identified on Schedule II to By-law 20_18- 6812. (continued)</p> |

| Special Provision # | Description |
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| | <p>For the purposes of this By-law for those lands described above, the front lot line shall be considered to be the north/south lot line fronting along the unopened road allowance, the rear lot line as immediately abutting the rail corridor, and the side interior lot line as the lot line running in an east/west manner to the north of the dwelling.</p> <p>All other provisions of By-law 2004-4653, as amended shall continue to apply.</p> |
| S.P. 26.106 | <p>The lands affected are a portion of the lands described as Lot 7 and part of Lot 8 on the westside of Gibson Street on Plan 62, in the Town of Parry Sound, known locally as 128 Gibson Street.</p> <p>Despite Sections 4. 1. 1 (d) and 7. 1 of By-law 2004-4653, as amended, for those lands described above, an Accessory Dwelling Unit is permitted above a detached Garage - Private as an accessory use to the existing Duplex Dwelling.</p> <p>Despite Section 7.2 - R2 Zone Requirements of By-law 2004-4653, as amended, for those lands described above, the Accessory Dwelling Unit located above a detached Garage - Private, is subject to a maximum height of 7.62 metres (25 feet), a minimum Interior Side Yard setback of 1.22 metres (4 feet), and a minimum rear yard setback of 10.5 metres (34.4 feet)</p> <p>All other provisions of By-law 2004-4653, as amended shall continue to apply.</p> |
| S.P. 26.107 (Hanna Rd) | <p>The lands affected are a portion of the lands described as Part 3 of 42R20780, in the Town of Parry Sound.</p> <p>Despite Section 4.44 of By-law 2004-4653, as amended, for those lands described above, a Single Detached Dwelling Unit is permitted with an on-site sewage disposal system. Despite Section 7.2 - R2 Zone Requirements of By-law 2004-4653, as amended, for those land described above, a minimum lot frontage of 13.5 metres is permitted.</p> <p>All other provisions of By-law 2004-4653, as amended shall continue to apply.</p> |

| Special Provision # | Description |
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| S.P. 26.108 (24 Albert) | <p>The lands affected are described as part of Lot 3 on the east side of Albert Street of Plan 104/105, or more particularly described as Part 5 of 42R9595, in the Town of Parry Sound.</p> <p>Despite Section 7.1 of By-law 2004-4653, as amended, for those lands described above, a Dwelling - Fourplex is permitted subject to the Fourplex Dwelling provisions of 8.2 of the By-law.</p> <p>Despite Sections 4.23 (e), 4.30 (a) i), and 4.30 (e) of By-law 2004-4653, as amended, for those lands described above, five parking spaces are permitted in the front yard.</p> <p>All other uses and provisions of the R2 zone, and the provisions By-law 2004-4653, as amended, shall continue to apply.</p> |
| S.P. 26.109 (32 GNR) | <p>The lands affected are described 32 Great North Road, known as part of Lot 8 on Plan 10, or Parts 1-4 of 42R3051 and Part 5 of 42R3807.</p> <p>Despite Section 4.30 (g), the minimum parking space size shall be 2.7 m by 6m. All other provisions and uses of the R3 zone, and the provisions By-law 2004-4653, as amended, shall continue to apply.</p> |
| S.P. 26.110 (21 Miller) | <p>The lands affected are described as Part of Lot 9 east side of Miller Street, Plan 7.</p> <p>Despite Sections 3D and 12.1 of By-law 2004-4653, as amended, for those lands described above, a Dwelling - Converted is permitted which contains four dwelling units.</p> <p>All other uses and provisions of the C1 zone, and the provisions By-law 2004-4653, as amended, shall continue to apply.</p> |
| S.P. 26.111 (2 Pine Drive) | <p>The lands affected are a portion of the lands described Part Lot 26 Concession 1 Designated As Parts 1 & 2 On Pl 42R18868 Subject to an Easement Over Pt 2 42R18868 in Favour of Pt 3 42R18868.</p> <p>Despite Section 14.2 - C3 Zone Requirements of By-law 2004-4653, as amended, for those lands described above, a hotel with a maximum height of 15.1 metres is permitted.</p> <p>Despite Section 4.30 (g) - Dimension of Parking Spaces By-law 2004-4653, as amended, for those lands described above, the minimum standard parking space dimension shall be 5.75 metres by 2.75 metres.</p> <p>The lands have been zoned with a holding Zone ("h" symbol) that shall not be lifted until the following has been completed:</p> |

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| | <p>a) The execution of a Site Plan Agreement. This agreement shall require at the cost of the proponent any onsite and offsite improvements which include but are not limited to municipal water and sewer servicing upgrades, pedestrian pathways and stormwater management.</p> <p>Except as noted above, all other uses and provisions of the C3 zone and By-law 2004-4653, as amended shall continue to apply.</p> |
| S.P. 26.112 32 Riverdale Rd | <p>The lands affected are described as Lot 72 on Plan 172, in the Town of Parry Sound, municipally described as 32 Riverdale Road.</p> <p>Despite Section 6.1 of By-law 2004-4653, as amended, for those lands described above, a Dwelling - Accessory is permitted within the existing Dwelling – Single Detached, subject to the provisions of the Residential Second Density (R2) zone.</p> <p>Despite Section 4.30 (g) - Dimension of Parking Spaces By-law 2004-4653, as amended, for those lands described above, the minimum standard parking space dimension shall be 5.4 metres by 3 metres.</p> <p>Except as noted above, all other uses and provisions of the R2 zone and By-law 2004-4653, as amended shall continue to apply.</p> |
| S.P. 26.113 9 Great N Road | <p>The lands affected are described as part of the Parry Sound Lumber Company property on Plan 137; part of the road reservations on the east & west sides of the Seguin River on Plan 137, south of the bridge on Seguin Street.</p> <p>Despite Section 4.31 - Parking Requirements of By-law 2004-4653, as amended, for those lands described above, a restaurant/brew pub is permitted with a main building area of 355 square metres, a kitchen container in the front yard, a wood patio area of 80 square metres, two shipping containers and a patio area of 150 square metres subject to a parking requirement of 25 spaces.</p> <p>Despite Sections 4.1 (b) and 4.41 of By-law 2004-4653, as amended, for those lands described above, a shipping container is permitted between the building and the roadway. Such shipping container shall be located at the northeastern corner of the building.</p> <p>Except as noted above, all other uses and provisions of the C3 zone and By-law 2004-4653, as amended shall continue to apply.</p> |
| | <p>S.P. 26.114 – By-law drafted for Canadore College Board of Governors and Conseil scolaire public du Nord-Est de l’Ontario – Defeated.</p> |
| S.P. 26.115 (14-16 William) | <p>The lands affected are described as part of lot 34, east side of Gibson Street on Plan 22, part of lot 5, west side of William Street on Plan 2.</p> <p>Despite Sections 3D and 12.1 of By-law 2004-4653, as amended, for those lands described above, a Dwelling - Converted is permitted which contains five dwelling units.</p> <p>Except as noted above, all other uses and provisions of the C1 zone and By-law 2004-4653, as amended shall continue to apply.</p> |

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| <p>S.P. 26.116 (17 Miller)</p> | <p>The lands affected are described as Lot 7 on the east side of Miller Street Plan 7, in the Town of Parry Sound. Despite Sections 4.8 (b) and 4.9 (d) of By-law 2004-4653, as amended, for those lands described above, an Accessory Dwelling is permitted below a commercial use. Except as noted above, all other uses and provisions of the C1 zone and By-law 2004-4653, as amended shall continue to apply.</p> |
| <p>S.P. 26.117 (11 Miller)</p> | <p>The lands affected are described as Lot 4 on the east side of Miller Street Plan 7, Part of Lot 29 Concession 1 formerly in the Township of McDougall but now in the Town of Parry Sound.</p> <p>a) Despite Sections 4.9 (d) and (e), and Section 12.1 of By-law 2004-4653, as amended, for those lands described above, 11 dwelling units shall be permitted within a single structure subject to the R2 "Triplex provisions" of Section 7.2 of By-law 2004-4653, as amended.</p> <p>b) Despite Section 4.13(a) of By-law 2004-4653, as amended, for those lands described above, a minimum of 10 parking spaces shall be required in the rear yard. Access to this parking area transverses over lands described as Part 1 of 42R14856 is not be guaranteed and is at the sole discretion of the owner of Part 1 of 42R14856.</p> <p>c) Despite Sections 7.2 and 8.2 of By-law 2004-4653, as amended, for those lands described above, any new development on the subject property shall be subject to a minimum front yard setback of 6 metres from Miller Street.</p> <p>d) Except as noted above, all other provisions of the C1 zone and By-law 2004-4653, as amended shall continue to apply.</p> |
| <p>S.P. 26.118 (Salt Dock Road, the Light House)</p> | <p>The lands described as Part of Block Q on Plan 123 and part of Part 7 on 42R129, located on the south side of Salt Dock Road, shall be subject to the requirements of Section 8.0, Multiple Residential (R3) Zone and the following site specific provisions shall apply:</p> <ul style="list-style-type: none"> - Despite Section 8.2 of By-law 2004-4653, as amended, the property shall be limited to a maximum of 43 Apartment Dwelling Units - Despite Section 8.2 of By-law 2004-4653, as amended, the maximum height shall be 12.5 metres; - In addition to the maximum height, a structure for an elevator shall be permitted on the roof with a maximum projection of 0.8 metres from the roof and a maximum north-south dimension of 2.8 metres and a maximum east-west dimension of 3.3 metres. - Despite Section 4.23(e) of By-law 2004-4653, as amended, the front yard may be utilized for a combination of parking, snow |

storage and landscaped open space, and that a minimum of 29% of the front yard shall be devoted to the landscaped area.

- Despite Section 4.30(e)(iv) of By-law 2004-4653, as amended, parking spaces in the front yard are permitted.

- Despite Section 4.30(g) of By-law 2004-4653, as amended, each indoor standard parking space shall have a minimum width of 2.7 metres and a minimum length of 6.0 metres.

The lands shall be limited to those uses existing on the date of the passage of this bylaw until the Holding Zone ("h" symbol) is lifted. The "h" symbol shall not be lifted until such time as a Site Plan Agreement has been executed with the Town of Parry Sound.

This agreement shall address onsite and offsite matters including, but not limited to:

- the completion of required upgrades to municipal water and sewer servicing infrastructure, if upgrades are required
- the provision of required stormwater management facilities,

- design related matters such as roof colour,

- restrictions on mechanical equipment on the roof,

- the identification and provision of on-site plantings and vegetation retention;

- the identification of trail connections,

- the identification of offsite parking for trail users,

- blasting plan if blasting is required,

- implementation of any and all recommendations of the February 2019 Endangered and Threatened Species Assessment as prepared by RiverStone Environmental Solutions Inc. and revised in accordance with the peer review undertaken by Fri Ecological Services; and

- implementation of any and all recommendations of the February 26, 2019 Traffic Impact Brief prepared by Tatham Engineering Limited and revised in accordance with the peer review undertaken by Triton Engineering Services Limited.

Except as noted above, all other provisions of By-law 2004-4653, as amended, shall continue to apply."

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| <p>S.P. 26.118 (Parry Sound Mall)</p> <p>Removed and Replaced with S.P.26.123</p> | <p>The lands affected are described as Parts 3 and 5 of 42R3846, 70 Joseph Street.</p> <p>Despite Section 16.1 - Permitted Uses of the District Commercial (C5) Zone of By-law 2004-4653, as amended, for those lands described above, a School shall be permitted.</p> <p>Except as noted above, all other uses and provisions of the C5 zone and By-law 2004-4653, as amended shall continue to apply.</p> |
| <p>S.P. 26.119(h)</p> | <p>The lands affected are described as Lot 5 on the East Side of Church Street on Plan 2, in the Town of Parry Sound.</p> <p>Despite Section 12.2 - C1 Zone Requirements of By-law 2004-4653, as amended, for those lands described above, a structure may be permitted with:</p> <ol style="list-style-type: none"> 1. a maximum height of 16.8 metres; 2. a minimum rear yard of 3 metres to closest point of the rear main wall at or above the structures front lot line grade; 3. no required minimum rear yard setback for the building's foundation or retaining wall; 4. a minimum northerly interior side yard setback of 6 metres to the main wall of the building; 5. a minimum northerly interior side yard setback of 4.5 metres to a vestibule, which shall have a maximum height of 4 metres; 6. a minimum southerly interior side yard setback of 1 metre to the main wall of the building; 7. a minimum setback of 6 metres from the front lot line to the main wall on the fourth storey, measured perpendicularly to the front lot line's upward, vertical projection; and 8. a minimum setback of 9 metres from the front lot line to the main wall on the fifth storey, measured perpendicularly to the front lot line's upward, vertical projection. <p>Despite Section 4.30 (g), 10 underground parking spaces are permitted and shall be reserved for the residential units, and a minimum required parking space size of 2.79 metres by 6 metres shall apply to all non-accessible spaces;</p> <p>Despite Section 4.30 (e) ii), a minimum driveway width of 3.5 metres for a two-way driveway shall be permitted provided</p> |

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| | <p>on-site signalling devices are used for the safe and orderly flow of traffic;</p> <p>Sections 4.9 (e) shall only limit that a minimum of 50% of the front half of the ground floor be maintained as commercial space; and Section 4.25 shall be exempted.</p> <p>The lands have been zoned with a Holding Zone ("h" symbol) that shall not be lifted until the following has been completed:</p> <p>a) The execution of a Site Plan Agreement. This agreement shall require, at the cost of the proponent, any onsite and offsite improvements, which include but are not limited to, any necessary water and sewer servicing upgrades, vegetative buffers, and stormwater management; and</p> <p>b) The payment of Cash-in-Lieu for parking for any deficient parking spaces.</p> <p>Except as noted above, all other uses and provisions of the C1 zone and By-law 2004-4653, as amended shall continue to apply.</p> |
| <p>S.P 26.120 (98 & 100 Louisa)</p> | <p>Despite Section 10.2, one single detached dwelling is permitted on a lot subject to a reduced lot frontage of 34 metres. All other provisions of the Rural Residential Zone and By-law 2004-4653, as amended, shall apply.</p> |
| <p>S.P. 26.121 (h) (George Street)</p> | <p>The lands affected are described as Lots 11 and 12 of Plan 21, or specifically described as Parts 1 and 3 of 42R8176, and Part 1 of 42R9872.</p> <p>Despite Section 8.3 - R3 Zone Requirements of By-law 2004-4653, as amended, for those lands described above, an Apartment Dwelling is permitted subject to:</p> <p>a) A maximum of 36 units;</p> <p>b) A minimum interior side yard setback of 30 metres from the easterly interior side lot line;</p> <p>c) A minimum interior side yard setback of 8 metres from the westerly interior side lot line</p> <p>d) A minimum rear yard of 12 metres;</p> <p>e) A minimum front yard of 24 metres;</p> <p>f) A minimum setback of 11 metres from any Parking Area to the easterly interior side lot line;</p> <p>g) A minimum setback of 4 metres from any Parking Area to the rear lot line;</p> <p>h) A maximum of 12 two-bedroom units and the remainder shall be one-bedroom units;</p> <p>Despite Section 4.30 (g), the minimum standard parking space dimension shall be 5.75 metres by 2.75 metres;</p> <p>The lands have been zoned with a Holding Zone ("h" symbol) that shall not be lifted until the following has been completed:</p> |

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| | <p>a) Consolidation of the lot fabric.</p> <p>b) The execution of a Site Plan Agreement. This agreement shall require at the cost of the proponent any onsite and offsite improvements which include but are not limited to:</p> <ul style="list-style-type: none"> i) municipal water, storm and sewer servicing upgrades, including the capacity and the conveyance of services as necessary; ii) construction of sidewalks to Forest Street; iii) Implementation of the George Street Apartment Traffic Brief by Tatham Engineering Ltd. February 4, 2021, which includes upgrades to George Street, and improvements to the George Street/Forest Street intersection; iv) Implementation of the Noise Impact Feasibility Study by J.E. Coulter Associates Ltd. February 12, 2021; and v) The inclusion of vegetative buffering or a wooden privacy fence. <p>Except as noted above, all provisions of the R3 zone and By-law 2004-4653, as amended shall continue to apply.</p> |
| <p>S.P. 26.122 (William Street)</p> | <p>The lands affected are described as Lot 35 on Plan 22 in the Town of Parry Sound, being Part 1 of 42R10012.</p> <p>Despite Section 12.1 - C1 Zone Permitted uses of By-law 2004-4653, as amended, for those lands described above, a Parking Lot and a Shipping container are a permitted use. All other uses in the C1 zone are subject to a "h" symbol.</p> |
| <p>S.P. 26.123 (70 Joseph Street- Parry Sound Mall)</p> | <p>The lands affected are described as Lots 10, 11, 28, 29, and 30, Registered Plan No. 149, Part of Lots 8, 9 and 31, Registered Plan No. 149 and Part of Lots 18 and 19, Concession A, Geographic Township of McDougall, now in the Town of Parry Sound.</p> <p>Despite sections 8.2 – R3 Zone Requirements and 14.2 – C3 Zone Requirements of By-law 2004-4653, as amended, for those lands described above, commercial, residential and mixed use development are permitted and the following shall apply:</p> <ol style="list-style-type: none"> 1. Commercial development in excess of 3,720m² shall be permitted; 2. Commercial and mixed-use development shall be subject to a minimum lot frontage of 15 metres; 3. Commercial and mixed-use development shall be subject to minimum exterior side yard setbacks of 1.19 metres; 4. A minimum interior side yard setback of 3 metres shall apply; 5. A maximum height of 11.5 metres; 6. Sections 4.9 (d) shall be exempted for commercial and mixed-use development; 7. Section 4.9 (e) shall be exempted for commercial and mixed-use development; 8. Section 4.23 (e) shall be exempted for commercial and mixed-use development; 9. Despite Section 4.25, one loading space shall be required for the northern development, and two shall be required for the southern development, as existing on the date of this by-law's passage; |

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| | <p>10. Despite Section 4.30 (e) iv), parking spaces for any apartment style building or mixed-use development may be permitted in a front yard or exterior side yard;</p> <p>11. Despite Section 4.30 (g), the minimum parking space size shall be 2.75m x 6m;</p> <p>12. Despite Section 4.30 (f) iv), the entirety of this zone shall be considered to be zoned as one lot for planning purposes to satisfy parking requirements of 4.31;</p> <p>13. Despite Section 4.31, a School shall require one parking space per staff member plus three spaces for every 10m² of floor area in a gymnasium, auditorium or assembly area;</p> <p>14. Despite Section 4.31 a General Business or Shopping Centre shall require 4 spaces per 100m² of GLA;</p> <p>15. A Broadcasting Studio, Day Nursery, Department Store, Farmers Market, Fitness Centre, Outdoor Patio, Retail Food Store, School- Private, Restaurant with or without drive-through, and Wholesale Establishment are additional permitted uses.</p> <p>16. Any new and detached development will be subject to site plan control. If applicable, these site plan control applications may require the submission of a traffic impact study, a site servicing report to ensure sufficient capacity, and a noise and vibration study to the satisfaction of the town.</p> <p>Except as noted above, all other uses of the C3, R2 and R3 zone of By-law 2004-4653, as amended, shall be permitted. Any commercial or mixed use development shall be subject to the C3 zone provisions, and any separate/detached residential development shall be subject to the applicable R2 or R3 zone provisions of By-law 200-4653, as amended.</p> |
| <p>S.P.26.124 (106 William St)</p> | <p>Despite Section 7.1 – R2 Zone Requirements, one single detached dwelling is permitted on each of the lots as existing on the date of this By-law’s passage. All other provisions of the R2 zone, accessory uses in the R2 Zone, and By-law 2004-4653, as amended, shall apply.</p> |
| <p>S.P.26.125 (14 & 18 Bowes Street)</p> | <p>Despite Section 14.2 – C3 Zone Requirements of By-law 2004-4653, as amended, for the lands described as Lots 10 and 11 on Plan 10, in the Town of Parry Sound, municipally described as 1 and 18 Bowes Street, a commercial and residential structure may be permitted on each lot, subject to:</p> <ol style="list-style-type: none"> 1. A reduced rear yard setback of 1.2 metres; <ol style="list-style-type: none"> a. Despite Section 4.31 (g), a minimum parking space dimension shall apply of 2.75 x 5.75 metres for 50% of the required spaces, and the other 50% shall be subject to a minimum size of 2.6 x 5.75 metres. This reduction does not apply to AODA parking spaces. b. Despite Section 4.9 (e), development shall only require that 50% of the ground floor area be maintained as commercial and there shall be no cap on the cumulative floor area of the dwelling unit |

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| | <p>in relation to the lot area; Except as noted above, all other uses are provisions of the C3 zone and By-law 2004-4653, as amended shall continue to apply.</p> |
| S.P.26.126(h) | |
| S.P. 26.127 (15 Forest Street) | <p>The lands affected are described as Lots 12-15 on Plan 124. Despite Section 8.3 – R3 Zone Requirements of By-law 2004-4653, as amended, for those lands described above, an Apartment Dwelling is permitted subject to:</p> <ul style="list-style-type: none"> a) A minimum rear yard of 8 metres; and b) A minimum interior side yard of 0 metres. <ul style="list-style-type: none"> 1. Despite Section 4.23 (e), parking in the front yard is permitted as existing on the date of this by-law’s passage. 2. Despite Section 4.30 (a) i), (e), parking in the front yard and exterior side yard is permitted as existing on the date of this by-law’s passage. 3. Despite Section 4.30 (g), the minimum standard parking space dimension shall be 5.75 metres by 2.75 metres. <p>Except as noted above, all provisions of the R3 zone and By-law 2004-4653, as amended shall continue to apply.</p> |
| S.P.26.128 (Bay Street) | <p>The lands affected are described as Parts 2-9, and 12-17 of 42R6113. All new structures shall be subject to site plan control, and foundations shall be designed utilizing steel piles (helical or skin friction) with a rigid steel floor beam structure. Lateral & vertical forces representatives of flood waters or wave action shall be considered, and the underside of the floor system shall be set above geodetic elevation 178.3m.</p> <ul style="list-style-type: none"> A) Development of a restaurant is exempt from Section 4.26 (e) B) Despite Section 4.30 (g), the minimum standard parking space dimension shall be 6 metres by 2.75 metres. <p>Except as noted above, all uses and provisions of Section 15, the C4 zone, and By-law 2004-4653, as amended shall continue to apply.</p> |
| S.P.26.129 (19 Miller Street) | <p>The lands affected are described as Part of Lot 8 and the east side of Miller Street on Plan 7 in the Town of Parry Sound. Despite Section 3D and 12.1 of By-law 2004-4653, as amended, for those lands described above, a Dwelling – Converted is permitted which contains six dwelling units.</p> <ul style="list-style-type: none"> a) Despite Section 4.30 (e) ii), a Tandem Parking space shall be permitted; b) Despite Section 4.40 (e) iii), the maximum width of any driveway and parking spaces along Mary Street shall be 13.5 metres; c) Despite Section 4.30 (h), the minimum parking space dimension shall be 2.75 x 5.33 metres; and d) A Landscaped Area per Section 4.23 shall apply to all areas abutting a public road which are not use for parking spaces per Schedule II to the Zoning By-law Amendment |

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| | Except as noted above, all other uses and provisions of the C1 zone and By-law 2004-4653, as amended shall continue to apply. |
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For current property zoning visit
www.parrysound.ca/zoning
to view the interactive zoning map.